A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD APRIL 15, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice Chair; Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. J. Randall Wheeler, Deputy County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the Agenda.

RAPPAHANNOCK RIVER BASIN WATER SUPPLY PLANNING PROJECT

A work session was held with members of the Board of Supervisors to review the Rappahannock River Basin Water Supply Planning Project. Ms. McCamy introduced Eldon James, Coordinator of the Rappahannock River Basin Commission. Mr. James provided an update on the Commission's proposed water supply plans and guidelines.

DROUGHT AWARENESS

A work session was held with members of the Board of Supervisors to review drought and groundwater issues. The County Attorney provided an update on current legislation and conditions in Virginia and the Northeast. The Assistant County Administrator reviewed current State and Federal drought programs.

PROPOSED PLAN TO BROADCAST BOARD OF SUPERVISORS REGULAR MEETINGS OVER THE LOCAL CABLE SYSTEM AND RELATED AUDIO/VISUAL IMPROVEMENTS

A work session was held with members of the Board of Supervisors to discuss the proposed plan to broadcast Board of Supervisors regular meetings over the local cable system, and related audio/visual improvements. The Board directed the Deputy County Administrator to move forward with the project.

UPDATE ON PHASE II OF THE E-GOVERNMENT PROJECT

A work session was held with members of the Board of Supervisors to review Phase II of the e-Government project. The County Administrator gave a brief overview of the e-Government project, and then introduced Technology Consultant, Larry Cornwell. Mel Canon, Laurie Counts and Donna Cason, of the Information Resources Department, provided the Board members with an update on Phase II progress.

MEADE PALMER MEMORIAL

A work session was held with members of the Board of Supervisors to review the Meade Palmer Memorial project. Mr. Winkelmann summarized the proposed Memorandum of Understanding between the Meade Palmer Memorial Committee, Fauquier County and the Town

of Warrenton. The Board directed the County Attorney to amend the Memorandum of Understanding and return the matter to the Board of Supervisors for further consideration.

PROPOSED AMENDMENT TO ARTICLE 8 OF THE FAUQUIR COUNTY ZONING ORDINANCE REGARDING SIGNS IN PLANNED DEVELOPMENT DISTRICTS

A work session was held with members of the Board of Supervisors to discuss proposed amendments to Article 8 of the Fauquier County Zoning Ordinance regarding signs. Carolyn Bowen, of the Community Development Department, was directed to provide further amendments to the ordinance, and to return the proposed ordinance amendment for action by the Board at the next regular meeting.

CLOSED MEETING

Mr. Weeks moved to go into a closed meeting pursuant to Virginia Code § 2.2-3711.A.7 and Virginia Code §11-52 for consultation with the County Attorney and discussion of potential property acquisition regarding public safety radio system matters and County landfill legal matters, not releasable to the public. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***

Upon reconvening from the closed meeting, Mr. Weeks moved to adopt the following certification. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***

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 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 15th day of April 2002, 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.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, subject to the following amendments:

- Add Closed Meeting to discuss legal matters regarding public safety radio system and County landfill, as the final Work Session agenda item.

- Add A Resolution to Authorize the Modification of the Pool Design Contract with Hughes Group Architects, Inc. as Item 10 to the Regular Agenda.

Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***

CITIZENS TIME

- Paul Masaro, Marshall District, spoke in favor of tax exemption for elderly/disabled citizens. Mr. Masaro presented a letter from Paul Comisarow of Center District requesting tax relief for lower income elderly and disabled residents.

- Ann Marie Walsh, Center District, spoke in support of the Main Street Preservation Program.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented a Proclamation to Designate April 14-20, 2002 as Public Safety Telecommunicators Week to Sue Powles, of the Warrenton-Fauquier Joint Communications Center.

- Mr. Graham presented a Proclamation to Designate the Week of April 21-27, 2002 as Crime Victims' Rights Week to Michelle Ball, of the Fauquier County Sheriff's Office.

- Mr. Graham presented a Proclamation to Designate May 2002 as Mental Health Month to Mary Schleigel.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***

Abstention: ***None***
Abstention: ***None***

A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Receive Citizen Comments on a Proposed Ordinance Amending Section 8-37 of the Code of Fauquier County Relating to Fees in Criminal and Traffic Cases

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS ON A PROPOSED ORDINANCE AMENDING SECTION 8-37 OF THE CODE OF FAUQUIER COUNTY RELATING TO FEES IN CRIMINAL AND TRAFFIC CASES

WHERES, Section 8-37 of the Code of Fauquier County imposes a fee on all criminal and traffic cases to provide for courthouse maintenance; and

WHEREAS, Section 53.1-120 of the Code of Virginia mandates that the Sheriff designate deputies to provide security for the courthouse and courtrooms to secure the same against violence and disruption; and

WHEREAS, Section 53.1-120 was amended by the General Assembly effective July 1, 2002, to permit the County of Fauquier to assess a sum not in excess of five dollars ($5.00) as part of costs in each criminal or traffic case, to defray the cost of courthouse or courtroom security personnel; and

WHEREAS, the Board of Supervisors wishes to receive citizen comments on a proposed ordinance amending Section 8-37 of the Code of Fauquier County relating to fees assessed in criminal and traffic cases; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing on a proposed ordinance amending Section 8-37 of the Code of Fauquier County relating to fees assessed in criminal and traffic cases.

A Resolution to Establish Cash Drawers for Lake Brittle Concession Unit, Add a Cash Drawer at Vint Hill Community Center and Increase Current Cash Drawers at C.M. Crockett Park

RESOLUTION

A RESOLUTION TO ESTABLISH CASH DRAWERS FOR LAKE BRITTLE CONCESSION UNIT, ADD A CASH DRAWER AT VINT HILL COMMUNITY CENTER AND INCREASE CURRENT CASH DRAWERS AT C.M. CROCKETT PARK

WHEREAS, cash drawers are an essential element of conducting cash business ; and

WHEREAS, an adequate amount of change is necessary for addressing unusual monetary demands by customers; and

WHEREAS, the Finance Department, the County auditors and the Parks and Recreation Department endorse the use of cash drawers; and

WHEREAS, establishment of these drawers at the Lake Brittle Concession Unit and the Vint Hill Community Center, and the increase of cash drawers at C.M. Crockett Park are needed now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That two cash drawers, in the amount of one hundred dollars ($100) in each drawer, for the Lake Brittle Concession Unit and an additional drawer, in the amount of one hundred dollars ($100), for Vint Hill Community Center and an increase in the two cash drawers at C.M. Crockett Park from fifty dollars ($50) to one hundred dollars ($100) in each drawer be, and are hereby, authorized for the purpose of providing change to the public renting park property, participating in programs and/or purchasing commodities; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

A Resolution Recommending Projects for Inclusion in the Six-Year Improvement Plan for the Virginia Department of Transportation

RESOLUTION

A RESOLUTION RECOMMENDING PROJECTS FOR INCLUSION IN THE SIX-YEAR IMPROVEMENT PLAN FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Virginia Department of Transportation (VDOT) develops annual updates to the Six-Year Improvement Plan for the Virginia Department of Transportation; and

WHEREAS, Fauquier County has pressing primary road improvement projects; and

WHEREAS, the Fauquier County Transportation Committee has reviewed the Virginia Department of Transportation's project recommendations for inclusion in the Six-Year Plan and has determined nine (9) projects which should be the top nine (9) priorities of the County; and

WHEREAS, the Fauquier County Transportation Committee, on March 27, 2002, approved a motion recommending that the nine (9) priorities be forwarded to the Fauquier County Board of Supervisors for its consideration as the transportation priorities to be forwarded to the Virginia Department of Transportation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the following projects be, and are hereby, recommended as priorities for inclusion in the Six-Year Improvement Plan for the Virginia Department of Transportation:

1. Route 15/29/215 and Route 215:

    - Relocation and construction of Route 215 from Route 15/29 to Vint Hill.

    - Design work for the ultimate interchange at Route 215 and Route15/29.

2. Route 28:

- Suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line. The suspension will last until the planning process, which shall re-examine roadway alternatives, is completed for the five (5) service districts through which the major primary highway passes.

3. Route 15/29/17/Opal Interchange

4. Route 15/29/East Shirley Avenue:

    - Initiate design study for a future interchange at south entrance/exit to Warrenton, Virginia.

5. Business Route 15/29:

    - Curb/gutter and widen road in the Town of Remington, Virginia.

6. Route 15/29 and Route 28:

    - Future interchange concept development.

7. Route 15/29:

    - Extend three (3) box culverts between Route 28 and Route 786 southbound lane.

8. Interstate 66:

    - Extend acceleration lane that leads from Route 17 southbound to Interstate 66 eastbound (south of Delaplane, Virginia).

9. Route 15/29:

    - Accelerate the planning process for the eventual six-laning and interchanges from Route 15/29/17 Bypass north of Warrenton, Virginia to the Prince William County line.

A Resolution to Request that the Virginia Department of Transportation Install Signs Advising of the Maximum Penalty or Exceeding the Posted Maximum Speed Limit in the Village of Orlean

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL SIGNS ADVISING OF THE MAXIMUM PENALTY
FOR EXCEEDING THE POSTED MAXIMUM SPEED LIMIT
IN THE VILLAGE OF ORLEAN

WHEREAS, the General Assembly of Virginia, in its 1996 session, determined that the penalty for exceeding the posted maximum speed limit should be increased in certain residential districts, when indicated, by appropriately placed signs displaying the posted speed limit and the penalty for violations; and

WHEREAS, the General Assembly of Virginia, in its 1999 session, determined that the applicability for installation of such signage should include minor arterial roads and streets on the primary system; and

WHEREAS, the Village of Orlean has experienced a history of traffic exceeding the posted speed limit of twenty-five (25 mph) miles per hour along Leeds Manor Road (Route 688); and

WHEREAS, Leeds Manor Road (Route 688) is defined by Fauquier County as a major rural collector and meets Virginia Department of Transportation's policy definition of a Minor Arterial Street, and

WHEREAS, the Village of Orlean is a "residence district" as defined by Section 46.2-100 of the Code of Virginia; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving a request for signage indicating the maximum penalty for exceeding the posted maximum speed limit; and

WHEREAS, at its meeting on March 27, 2002, the Fauquier County Transportation Committee approved a motion recommending approval of the requested signs advising of the maximum penalty for exceeding the posted speed limit; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the Board of Supervisors does hereby authorize the County's request pursuant to Section 46.2-878.2 of the Code of Virginia for the installation and maintenance by VDOT of signs advising of the maximum penalty for exceeding the posted maximum speed limit along Leeds Manor Road (Route 688) in the Village of Orlean.

A Resolution to Transfer and Appropriate FY2002 Funds in the Amount of $287,722

RESOLUTION

A RESOLUTION TO TRANSFER AND APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and 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, the Sheriff's Office requested appropriation of $1,500 for DMV Mini-Grant Target Speed and $266 for Share of Forfeiture Proceeds from Federal funds, and $1,384 for the Forfeited Asset Sharing Program and $4,397 for the TRAID Senior Citizen's Safety Precaution Program from State funds, and $198,000 from Real Estate Tax revenue for nine (9) vehicles; and

WHEREAS, the Library requested appropriation of $10,305 from State funds for Library Services and Technology Act (LSTA) to purchase computer equipment and software; and

WHEREAS, Geographic Information Systems (GIS) requested appropriation of $12,000 for computer equipment and furniture from GIS revenue; and

WHEREAS, Parks and Recreation requested appropriation of $25,000 for Staffing Assistance from Contingency Reserve, $8,527 from donations for the Marshall Community Center lead paint/asbestos removal, $15,502 transfer from CIP Recreational Parks to CIP Vint Hill Site Improvements for locker room renovations and $10,841 from CIP Comprehensive Maintenance to CIP Marshall Community Center Roof; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the sum of $287,722 in additional budget related actions be carried over, transferred, or appropriated as follows;

FROM			TO		
Source	**Code**	**Amount**	**Department**	**Code**	**Amount**
Federal Funds	3-100-331000-0045	$1,500	Sheriff's Office	4-100-031200-6029	$1,500
Federal Funds	3-100-331000-0040	$266	Sheriff's Office	4-100-031230-8201	$266
State Funds	3-100-244100-0150	$183	Sheriff's Office	4-100-031240-8201	$183
State Funds	3-100-244100-0150	$1,201	Sheriff's Office	4-100-031240-8201	$1,201
State Funds	3-100-244100-0041	$4,397	Sheriff's Office	3-100-031265-8201	$4,397
State Funds	3-100-244600-0009	$10,305	Library	4-100-73100-8212 4-100-73100-8207	$2,400 $7,905
Real Estate Tax	3-100-111001-0001	$198,000	Sheriff's Office	4-302-080301-8205	$198,000
GIS Revenue	3-100-167000-0040	$12,000	GIS	4-100-13010-8207 4-100-13010-8202	$11,000 $1,000
Contingency Reserve	4-100-091400-9618	$25,000	Parks & Rec	4-150-900002-1302 4-150-900002-2100 4-150-900002-3161	$5,000 $383 $19,617
Trust Fund	3-734-189300-0040	$8,527	Parks & Rec CIP	4-302-94711-8215	$8,527
CIP	4-302-94715-8215	$15,502	CIP	4-302-94715-8215	$15,502
CIP	4-302-94200-6102	$10,841	CIP	4-302-94711-8215	$10,841
TOTAL		**$287,722**		**TOTAL**	**$287,722**

Approval of Minutes for February 19, 2002 Board of Supervisors Meeting

A RESOLUTION TO TRANSFER AND APPROPRIATE FUNDS IN THE AMOUNT OF $27,248

Mr. Winkelmann moved to refer a request to transfer and appropriate funds in the amount of $27,248 to the Finance Committee and the recommendations of staff and be brought back to

the Board for further consideration. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

A RESOLUTION ESTABLISHING THE TAX RATE FOR CALENDAR YEAR 2002 FOR REAL PROPERTY LOCATED IN THE MARSHALL ELECTRIC POWER AND LIGHT SERVICE DISTRICT

Mr. Atherton moved to adopt the following resolution establishing the tax rate for Calendar Year 2002 for real property located in the Marshall Electric Power and Light Service District. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows:

Ayes:	***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***Ms. Sharon McCamy***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION ESTABLISHING THE TAX RATE FOR CALENDAR YEAR 2002 FOR REAL PROPERTY LOCATED IN THE MARSHALL ELECTRIC POWER AND LIGHT SERVICE DISTRICT

WHEREAS, the Marshall Community League has contracted with Dominion Virginia Power for the provision of operation and maintenance of street lights in the unincorporated town of Marshall (herein "Marshall"); and

WHEREAS, the Marshall Community League has funded the cost of the operation and maintenance of the street lights in Marshall though bingo and other fundraising efforts; and

WHEREAS, the Marshall Community League is no longer willing or able to support the cost of the maintenance and operation of street lights in Marshall through bingo and other fundraising efforts; and

WHEREAS, the Marshall Townhouse Association has requested that the street lights located within the townhouse development also be included in any service district established herein; and

WHEREAS, on March 18, 2002, the Board of Supervisors, by ordinance, established the Marshall Electric Power and Lights Service District for the purpose of providing street lights within the service district; and

WHEREAS, Section 8-52.1 of the Fauquier County Code permits the Board of Supervisors to annually levy a tax on the assessed value of real property located in the Marshall Electric Power and Light Service District to pay for the provision of street light services within the district; and

WHEREAS, after due notice and public hearing, the Board of Supervisors held a public hearing to receive citizen comment on a proposed resolution establishing the annual tax rate for calendar year 2002 for the Marshall Electric Power and Light Service District at 2¢ per $100 assessed value for all real property located in the District; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the Board of Supervisors hereby establishes an annual tax rate for calendar year 2002 for the Marshall Electric Power and Light Service District at 2¢ per $100 assessed value for all real property located in the District; and, be it

RESOLVED FURTHER, That the Board of Supervisors states its intent: (1) that any partial payments of taxes by taxpayers within the service district be, to the extent permitted by law, first allocated to the payment of general real estate, personal property and fire and rescue levies; and (2) that staff, in consultation with the treasurer, be directed to determine a method to implement this intent along with any estimated cost therefore; and (3) that the method to implement along with cost estimates and the recommendations of staff and constitutional officers be brought back to the Board for further consideration and action.

A RESOLUTION TO COMMIT LAND USE ROLL BACK TAX COLLECTIONS FOR SUPPORT OF A FAUQUIER COUNTY PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR FUTURE AGRICULTURAL USE

Mr. Graham moved to adopt the following resolution to commit land use roll back tax collections for support of a Fauquier County Purchase of Development Rights (PDR) Program for future agricultural use. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION TO COMMIT LAND USE ROLL BACK TAX COLLECTIONS FOR SUPPORT OF A FAUQUIER COUNTY PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM FOR FUTURE AGRICULTURAL USE

WHEREAS, the Fauquier County Board of Supervisors, in a meeting assembled February 19, 2002, adopted a Resolution that endorsed a Purchase of Development Rights (PDR) Program to assure future generations of agricultural land reserves consistent with the heritage and vision of this bucolic County; and

WHEREAS, there is a rational nexus that suggests that roll back taxes should be used to purchase development rights when agricultural and other open lands are converted from qualifying uses under the Virginia Use-Value Taxation Program; and

WHEREAS, the adopted Fauquier County Fiscal Year (FY) 2003 Budget validates the commitment of the Board of Supervisors to programs to maintain a critical mass of land for production agriculture and to retain the exceptional visual character for which Fauquier County is widely revered; and

WHEREAS, Federal and State Purchase of Development Rights Programs require that a local cash match exist and are expanding; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That all funds collected as roll back taxes and penalties in FY 2002 be, and are hereby, committed for creation of a Purchase of Development Rights Program; and, be it

RESOLVED FURTHER, That the aforesaid funds and all future roll back taxes and penalties be deposited into a PDR Capital Account in the Capital Fund; and, be it

RESOLVED FINALLY, That final approval for purchase of development rights on specific properties shall be vested with the Fauquier County Board of Supervisors on recommendation of the County's Agricultural Advisory Committee.

A RESOLUTION APPROVING A PLAN OF LEASE FINANCING WITH THE VIRGINIA RESOURCES AUTHORITY FOR THE CONSTRUCTION OF A PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE DISTRIBUTION, EXECUTION AND DELIVERY OF THE SAME

Mr. Graham moved to adopt the following resolution approving a plan of lease financing with the Virginia Resources Authority for the construction of a public safety radio communications system, approving the form of certain documents prepared in connection therewith and authorizing the distribution, execution and delivery of same. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION APPROVING A PLAN OF LEASE FINANCING WITH THE VIRGINIA RESOURCES AUTHORITY FOR THE CONSTRUCTION OF A PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM, APPROVING THE FORM OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH AND AUTHORIZING THE DISTRIBUTION, EXECUTION AND DELIVERY OF THE SAME

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), has determined to acquire, construct and equip improvements to its public safety radio communications system (the "Project");

WHEREAS, there has been presented to the Board a plan for lease financing the Project through the Virginia Resources Authority ("VRA"), which would not create a debt of the County for purposes of the Virginia Constitution;

WHEREAS, there have been presented to this meeting drafts of the following documents, which the Board proposes to execute or approve to carry out the purposes of the Project:

(a) the most recent draft of a Lease between the Board, on behalf of the County, and VRA (the "Lease"), conveying to VRA a leasehold interest in the Project;
(b) the most recent draft of a Financing Lease between VRA and the Board, on behalf of the County (the "Financing Lease"), conveying to the County a leasehold interest in the Project;
(c) the most recent draft of a Local Lease Acquisition Agreement between VRA and the County (the "Local Lease Acquisition Agreement"), setting forth the terms and conditions upon which VRA and the County will enter into the Financing Lease; and
(d) the most recent draft of a Nonarbitrage Certificate and Tax Compliance Agreement between VRA and the County (the "Tax Compliance Agreement"); now, therefore, be it
RESOLVED, by the Fauquier County Board of Supervisors this 15th day of April, 2002, That:

1. Essentiality of Project. The Board determines that the Project is essential to the efficient operation of the County, and the County anticipates that the Project will continue to be essential to the operations of the County during the term of the Financing Lease.

2. Authorization of Lease and Financing Lease. The forms of the Lease and the Financing Lease submitted to this meeting are approved. The Chairman and Vice-Chairman of the Board and the County Administrator, any of whom may act, are authorized to execute the Lease and the Financing Lease in substantially such forms, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman or Vice-Chairman of the Board or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery thereof. All capitalized terms used but not otherwise defined herein shall have the same meaning as set forth in the Financing Lease.

3. Terms of Financing Lease. The following plan for financing the Project is approved. VRA will loan a portion of the proceeds of its VRA's Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2002A (the "VRA Bonds"), to the County to construct the Project. The County will lease the Project to VRA pursuant to the terms of the Lease. VRA will be requested to lease the Project back to the County pursuant to the terms of the Financing Lease under which the County will make Rental Payments to VRA in amounts sufficient to pay principal and interest on the portion of the VRA Bonds attributable to the Project. The final pricing terms of the Financing Lease shall be satisfactory to the County Administrator; provided, however, that (a) the aggregate total of principal components of Rental Payments shall not exceed $7,400,000, (b) the term of the Financing Lease shall expire no later than December 31, 2017, (c) the interest component of Rental Payments shall have a "true" interest cost not to exceed 7.00% per year (exclusive of "supplemental interest" as provided in the Financing Lease), (d) the total amount of proceeds made available to the County under the Financing Lease for the Project shall not be less than $6,900,000, and (e) the principal components of Rental Payments shall be subject to prepayment as set forth in the Financing Lease. Subject to the preceding terms, the Board further authorizes the County Administrator to (a) determine the aggregate total of principal components of Rental Payments and (b) establish the Schedule of

Rental Payments including the dates and amounts in such manner as the County Administrator shall determine to be in the best interest of the County.

Following the pricing of the corresponding VRA Bonds, the County Administrator shall evidence his approval of the final pricing terms of the Financing Lease by executing and delivering to VRA the Local Lease Acquisition Agreement, which shall be in substantially the form presented to this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator. The actions of the County Administrator in determining the final pricing terms of the Financing Lease shall be conclusive, and no further action shall be necessary on the part of the Board.

As set forth in the Financing Lease, the County agrees to pay such "supplemental interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the Capital Reserve Fund. Rental Payments due under the Financing Lease shall be payable in lawful money of the United States of America.

4. Payment and Prepayment Provisions. Rental Payments due under the Financing Lease shall be made as set forth in the Financing Lease. The County may, at its option, prepay the principal components of Rental Payments upon the terms set forth in the Financing Lease.

5. Subject to Appropriation. The obligations of the County under the Financing Lease shall be limited obligations payable solely from funds to be appropriated by the Board for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Financing Lease shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

6. Annual Budget. The Board believes that funds sufficient to make payment of all amounts payable under the Financing Lease can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County's Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay all amounts coming due under the Financing Lease during such fiscal year. As soon as practicable after the submission of the County's annual budget to the Board, the County Administrator is authorized and directed to deliver to VRA evidence that a request for an amount sufficient to make the payment of all amounts payable under the Financing Lease has been made. Throughout the term of the Financing Lease, the County Administrator shall deliver to VRA within 30 days after the adoption of the budget for each fiscal year, but not later than July 1, a certificate stating whether an amount equal to the Rental Payments and any other amounts due under the Financing Lease which will be due during the next fiscal year has been appropriated by the Board in such budget. If at any time during any fiscal year of the County, through the fiscal year ending June 30, 2018, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the amounts payable under the Financing Lease, the Board directs the Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

7. Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the interest attributable to the Rental Payments under the Financing Lease to be "arbitrage bonds," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to the Bond

(the "Code"), or otherwise cause the interest components of the Rental Payments due under the Financing Lease to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the funds received under the Financing Lease, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent the interest components of Rental Payments due under the Financing Lease from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

8. Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute the Tax Compliance Agreement, which is hereby approved, with such completions, omissions, inserts and changes not inconsistent with this Resolution as may be approved by the officers of the County executing such document, whose approval shall be evidenced by the execution and delivery thereof.

9. Private Activity Covenants. The County covenants that it shall not permit the proceeds derived from the Financing Lease to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being financed with such proceeds being used in any trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being financed being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141 (b)(4) of the Code, or (c) 5% or more of such proceeds or facilities being financed with such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any such covenant is not required to prevent the interest components of Rental Payments from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenant.

10. Official Statement. The Board authorizes and consents to the inclusion of information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds.

11. Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the undertaking of the Project are ratified, approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and other instruments and to take all actions considered necessary or desirable in connection with the execution and delivery of the Lease and the Financing Lease and the undertaking of the Project. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

12. Effective Date. This Resolution shall become effective immediately. The County Attorney is hereby authorized and directed to file a certified copy of this Resolution with the Clerk of the Circuit Court of Fauquier County, Virginia.

A RESOLUTION ESTABLISHING AN ENVIRONMENTAL CLEAN-UP PROGRAM

Mr. Graham moved to adopt the following resolution establishing an environmental clean-up program. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***
Abstention: ***None***

RESOLUTION

A RESOLUTION ESTABLISHING AN ENVIRONMENTAL CLEAN-UP PROGRAM

WHEREAS, Fauquier County citizens and members of the Fauquier County Board of Supervisors have expressed concerns about the increasing amount of litter and debris along our countryside; and

WHEREAS, Fauquier County's vision statement includes the goals of maintaining the physical beauty and environmental quality of Fauquier County; and

WHEREAS, the Department of Environmental Services has the experience and funding to undertake an initiative to clean-up the County; and

WHEREAS, civic and volunteer groups have expressed a desire to work with the County to remove litter and debris from roadways; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this the 15th day of April 2002, That the Board of Supervisors does hereby authorize the establishment of a sustained County Clean-Up Program within the Department of Environmental Services and does hereby authorize the transfer of funds in the amount of $129,600 from within the Landfill Fund to purchase the necessary equipment and to provide three (3) staff positions to initiate this program.

A RESOLUTION ADOPTING THE CATLETT, CALVERTON AND MIDLAND VILLAGE SERVICE DISTRICT TEXT AMENDMENTS TO THE FAUQUIER COUNTY COMPREHENSIVE PLAN

Mr. Graham moved to table a decision regarding consideration of a resolution adopting the Catlett, Calverton and Midland Village Service District text amendments to the Fauquier County Comprehensive Plan until the May 20, 2002 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***
Abstention: ***None***

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE 128.8918 ACRES OF LAND OWNED BY J. PAUL WAMPLER, BRIDGEWATER COLLEGE, PRISCILLA W. WAMPLER, AND MABEL LOU WEISS

BY PURCHASE OR CONDEMNATION UPON THE TERMS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION

Mr. Graham moved to indefinitely table a decision regarding a resolution authorizing the County Administrator and the County Attorney to execute all documents necessary to acquire 128.8918 acres of land owned by J. Paul Wampler, Bridgewater College, Priscilla W. Wampler, and Mabel Lou Weiss by purchase or condemnation. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLE II CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO REVISE SECTION 8-3 (EXEMPTION FOR ELDERLY AND DISABLED) TO PROVIDE FOR INCREASED FINANCIAL LIMITATIONS FOR QUALIFICATION FOR RELIEF FROM REAL PROPERTY TAX

Mr. Weeks moved to adopt the following resolution authorizing the scheduling of a public hearing on a proposed ordinance amending Article II, Chapter 8 of the Code of Fauquier County to revise Section 8-3 (Exemption for Elderly and Disabled) to provide for increased financial limitations for qualification for relief from real property tax. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLE II CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO REVISE SECTION 8-3 (EXEMPTION FOR ELDERLY AND DISABLED) TO PROVIDE FOR INCREASED FINANCIAL LIMITATIONS FOR QUALIFICATION FOR RELIEF FROM REAL PROPERTY TAX

WHEREAS, the Fauquier County Board of Supervisors adopted an ordinance establishing certain income and combined net worth limitations for application for real estate tax relief for the elderly and disabled; and

WHEREAS, Article II, Chapter 8 of the Code of Fauquier County regulates requirements for the program; and

WHEREAS, Title 58.1-3211 Code of Virginia establishes the maximum limitations and the County of Fauquier is among those localities that may by ordinance establish higher income and financial worth limitations for the real estate exemption program for the elderly and disabled.

WHEREAS, the local governing body may adopt a local ordinance to accommodate the enabling legislation; and

WHEREAS, these changes are for the benefit of the citizens of Fauquier County; and

WHEREAS, a public hearing is required to be held prior to an amendment of the local ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on the attached proposed ordinance amending Article II Chapter 8 of the Code of Fauquier County to revise Section 8-3 to provide for an increase in the income and combined net worth limitations in the relief for the elderly and disabled program.

A RESOLUTION TO AUTHORIZE THE MODIFICATION OF THE POOL DESIGN CONTRACT WITH HUGHES GROUP ARCHITECTS, INC.

Mr. Graham moved to adopt the following resolution to authorize the modification of the pool design contract with Hughes Group Architects, Inc. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION TO AUTHORIZE THE MODIFICATION OF THE POOL DESIGN CONTRACT WITH HUGHES GROUP ARCHITECTS, INC.

WHEREAS, Fauquier County has entered into a contract with Hughes Group Architects, Inc. for engineering, design, and related services for the Eastern Regional Pool; and

WHEREAS, the construction bids received in August of 2001 were substantially in excess of the current budget appropriation of $1,300,000 for the project; and

WHEREAS, the Ad Hoc Pool Committee recommended that certain reductions and changes be made to the original pool design to bring the project within budget, which required a modification to the contract with Hughes Group Architects, Inc. in the amount of $55,500 for redesign services, which was approved by the Fauquier County Board of Supervisors on January 22, 2002; and

WHEREAS, the Ad Hoc Pool Committee recommends that the County further amend the contract to include the provision of third party cost estimating services in the amount of $4,360 to help ensure that the revised project design can be completed within available funds prior to beginning the bid process; and

WHEREAS, this service was included in the revised project plan and is included in the existing budget allocation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the Board of Supervisors does hereby authorize the modification of the contract with Hughes Group Architects, Inc. (#HGA26-93je/PO #1052) for third party cost estimation services relating to the Eastern Regional Pool in the amount of $4,360.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Joan Fries, Northern Fauquier Youth Sports Complex and Community Park Oversight Committee, Marshall Business and Residents Association Representative.

- Langhorne Bond, Northern Fauquier Youth Sports Complex and Community Park Oversight Committee Citizen Representative.

- David Graham, Jr., Northern Fauquier Youth Sports Complex and Community Park Oversight Committee Parks and Recreation Representative.

- Amy Totten, Executive Board, Virginia Alcohol Safety Action Program.

SUPERVISORS' TIME

- Mr. Winkelmann expressed his disappointment that students are denied access to certain schools if they are not enrolled in that school as a full-time student.

- Ms. McCamy concurred and stated that the educational community must work for more flexibility. Ms. McCamy also stated that she had received comments from certain citizens about a delay in accessibility to Board materials on the County website.

- Mr. Graham commended County staff for their hard work, and stated there is no requirement for Board materials to be available on the County website, and that printed materials are available at the Board of Supervisors office for public viewing. Mr. Graham also stated that every child deserves access to public funds for education, even if only for one subject. Mr. Graham also stated that the week of April 22-27, 2002, was designated as Fauquier Clean-Up Week, and invited public participation.

ANNOUNCEMENTS

Mr. Lee had no announcements.

BROOKSIDE/BROOKSIDE FARMS RESIDENTIAL SUBDIVISION - SPECIAL EXCEPTION APPLICATIONS #SE01-S-14, #SE01-S-15 AND #SE01-S-16 and BROOKSIDE FARM (WATERFIELD) PROFFER STATEMENT REVISION, INCLUDING REQUESTED MODIFICATIONS, #PR01-S-02 and BROOKSIDE/BROOKSIDE FARMS RESIDENTIAL SUBDIVISION – COMPREHENSIVE PLAN AMENDMENT #CPA 00-S-05

A public hearing was held to consider a request for special exception applications #SE01-S-14, #SE01-S-15 and #SE01-S-16 for Brookside/Brookside Farms Residential Subdivision; and, to consider a request for proffer revision #PR01-S-02, for Brookside Communities, LLC, and Brookside Development, LLC, owner/applicant; and, to consider a request for proffer revision #PR01-S-02, for Brookside Communities, LLC, and Brookside Development, LLC, owner/applicant. The applicant is proposing to develop a 975-lot residential subdivision in the New Baltimore Service District on approximately 900 acres of land in Scott Magisterial District. The applicant has requested that these combined applications be tracked concurrently through the public hearing process. A public hearing on these cases was opened on March 18, 2002, and left open to allow for additional revisions to be made by the applicant and for additional public review and comment. Mr. Graham stated that citizen comments on all three applications would be grouped into one public hearing. Mr. Weeks explained that he would be holding two one-hour meetings on this subject next week and invited the public to attend, and further stated that these public hearings had been continued from March 18th until April 15th only for the purpose of receiving new information not previously received at the past public hearings on these matters. Merle Fallon, representing the applicant, requested that this matter be tabled for one month to the May 20, 2002 Board of Supervisors meeting for final action, and that the public hearing on proffer revision #PR01-S-02 remain open to allow the applicant flexibility to make additional proffer changes. Anita Tortorella, Scott District, requested that no change be made to Lake Drive, and presented a petition to the Board from residents of Lake Drive, Mallard Court, Wintergreen Court and Lakewood, expressing concern for the impact that the Brookside development would have on the safety and tranquility of the community. Stephanie Simpson, Scott District, expressed her frustration over not being able to speak at the public hearing on this subject. Larry Ayers, Scott District, stated he was not opposed to the development, but did express concern about traffic on Lake Drive. Mr. Lynn, New Baltimore Volunteer Fire Department, Scott District, stated that the applicant had not addressed a proffer for fire and rescue services. No one else spoke. The public hearing was closed. Mr. Weeks moved that public hearing agenda items #a, #b, and #c be postponed for further action, and that public hearing agenda item #b relating to proffer revision #PR01-S-02 be rescheduled for additional citizen comment, until the May 20, 2002 Board meeting in accordance with the applicant's request. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

SPECIAL EXCEPTION AMENDMENT #SEA02-CR-04 – FAUQUIER COUNTY (WARRENTON-FAUQUIER AIRPORT), OWNER, AND CARL V. HUNT, APPLICANT

A public hearing was held to consider a special exception amendment for modification of hours to non-spectator and spectator events at the Warrenton-Fauquier Airport located in Midland, within the Cedar Run Magisterial District. Under the applicant's proposal, non-spectator events could operate from 8:00 a.m. to 8:00 p.m. on Sundays, with the exception of one hour from 11:00 a.m. to 12:00 p.m., so as not to interfere with Sunday worship services. There are no other requested changes to the original conditions of approval. Carl Hunt, applicant, spoke in favor of the request for special exception amendment, and stated that May 3-5 and June 11 are the acrobatic competition dates to which this special exception amendment request applied. Mr. Graham read a letter he had received from Ebenezer Baptist Church providing a calendar of church activities for the Board to consider prior to making a decision regarding the proposed special exception amendment. Mr. Graham directed the Assistant County Administrator to coordinate this church schedule with the airport activity schedules. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION
AMENDMENT #SEA02-CR-04
COUNTY OF FAUQUIER, OWNER AND CARL HUNT, APPLICANT

WHEREAS, the County of Fauquier, owner, and Carl Hunt, applicant, have filed an application to amend the hours of operation for a previously approved special exception for non-spectator and spectator events; and

WHEREAS, on March 28, 2002, the Planning Commission held a public hearing on this application and has forwarded the application to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing for this application on April 15, 2002; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the application is in substantial accordance with the Fauquier County Comprehensive Plan, and, in that it meets the following conditions, is hereby, approved.

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. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the special exception plat dated March 14, 2001, and these conditions.

4. This special exception shall be granted for a period of three years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.

5. There shall be no more than three spectator events held on the subject property within any calendar year period.

6. No spectator event shall occur before 9:00 a.m. and all events must conclude no later than 8:00 p.m. Non-spectator events shall be limited to the hours of 8:00 a.m. to 8:00 p.m., with the exception that no event shall occur between the hours of 11:00 a.m. and 12:00 p.m. on Sundays, so as not to interfere with local church activities.

7. There shall be no more than two hundred attendees on site at any one time, and no event shall last more than three consecutive days.

8. No structure associated with the use shall be closer than one hundred feet to any adjacent lot line.

9. All parking must be provided on site, and shall be no closer than one hundred feet from any adjacent property.

10. The Airport Committee shall provide adequate security, emergency traffic control, sanitation and refreshment services. At least thirty days prior to the event, the Airport Committee shall provide written proof to the Zoning Administrator that the following agencies have been consulted: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Office of Emergency Services and the Fauquier County Health Department.

11. Any retail use associated with this use shall be either accessory to the use or conducted by and for the benefit of a non-profit, tax exempt organization. The applicant shall provide the name, address and contact person for each entity conducting retail sales at the event to the Zoning Administrator at least thirty days prior to the event.

12. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.

COMPREHENSIVE PLAN AMENDMENT (NEW BALTIMORE SERVICE DISTRICT) FOR A STREET INTERCONNECTION WITH OLD ALEXANDRIA TURNPIKE (ROUTE 693)

A public hearing was held to consider a comprehensive plan amendment in the New Baltimore Service District for a street interconnection with Old Alexandria Turnpike (Route 693), located within the Scott Magisterial District. The Virginia Department of Transportation has proposed a comprehensive plan amendment to identify a collector road that would be designed to collect traffic generated by an industrial park, and channel traffic movement to the east and west along Route 29, by means of intersections equipped with a light and left turn lanes, and anticipates that the periodic traffic flow induced by the light should assist the safe passage of nearby subdivisions onto Route 29. David Cubbage, of the Virginia Department of Transportation, representing the applicant, made himself available to answer questions. Robert Tillner, Scott District, resident of Snow Hill, asked the Board to consider sound barriers to eliminate noise along the highway. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN
#CPA02-S-07 AT OLD ALEXANDRIA PIKE AND ROUTE 29

WHEREAS, the Virginia Department of Transportation (VDOT) has proposed that Fauquier County add a collector road to the County Comprehensive plan; and

WHEREAS, the Planning Commission held a public hearing on this application on January 31, 2002 and forwarded the proposal to the Board of Supervisors with a recommendation to adopt; and

WHEREAS, the Planning Commission has noted a bottleneck on Route 693, Old Alexandria Pike, cause by a one-lane bridge across South Run; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information about the proposal and conducted a public hearing for this application on April 15, 2002; and

WHEREAS, the Board of Supervisors has determined that the proposal would advance County goals of the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the VDOT proposal be adopted by the County for inclusion in the Comprehensive Plan by means of an alteration of Figure 10.5.1 to show the general alignment of this new collector road; and be it

RESOLVED FURTHER, that the Comprehensive Plan be, and is hereby, amended to add the reconfiguration of the bridge on Old Alexandria Pike to two lane to the Fauquier County Six-Year Transportation Plan.

COMPREHENSIVE PLAN TEXT AMENDMENT TO CHAPTER 10 OF THE BEALETON SERVICE DISTRICT TRANSPORTATION PLAN

A public hearing was held to consider a comprehensive plan text amendment to Chapter 10 of the Bealeton Service District Transportation Plan. On December 17, 2001, the Board of Supervisors directed, by resolution, that the Planning Commission conduct a public hearing and provide recommendations to the Board of Supervisors regarding the removal of the Route 28/17 Interchange from the Bealeton Service District Transportation Plan, as contained in Chapter 10 of the Comprehensive Plan. The Route 28/17 interchange for the marked rural principal arterial and the interchange on Route17 south of the rail line (extension of Route 805) shown on the existing plan map are both recommended for removal from the plan. Kellerco provided an assessment for the Route 28/17 intersection within Bealeton. The basic finding in the Kellerco assessment is that an interchange is not warranted over the next 20 years. Intersection improvements and the addition of lanes through time would meet the peak hour traffic demands. Ms. McCamy pointed out a Scribner's error on route numbers and asked the County Attorney to make the correction by re-advertising the public hearing relating to Route 805. Billy Magnum, Lee District, spoke in opposition to the proposed changes and supported four-laning Route 28. Robert Niles, Lee District, spoke in favor of an intersection. Paul Arnoled Faller, Lee District, asked that the Board not remove Route 17/28 intersection from the comprehensive plan. Chester Stillman, Lee District, requested that the Board leave the existing comprehensive plan in place. Dell Ennis, Cedar Run District, spoke in favor of the existing comprehensive plan stating the Route 17/28 intersection is a public safety project. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution relating Route 17/28 portion of the comprehensive plan amendment to Chapter 10, and moved to postpone the public hearing on the portion relating to Route 805/17 intersection pending proper advertisement. Mr. Graham seconded, and the motion was adopted unanimously as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION ADOPTING THE COMPREHENSIVE PLAN TEXT AMENDMENT ELIMINATING THE ROUTE 28/17 AND ROUTE 805/17 INTERCHANGES FROM MAP 10.3 OF THE BEALETON SERVICE DISTRICT TRANSPORTATION PLAN

WHEREAS, the Fauquier County Board of Supervisors by resolution transmitted its recommended 6-Year Improvement Program to VDOT in July of 2001; and

WHEREAS, Route 28 was ranked as its second ranked recommendation; and

WHEREAS, the recommendation requested that VDOT suspend critical implementation along Route 28, with the exception of spot/safety improvements from Routes 15/29 to the Prince William County line. The suspension will last until the planning process, which shall re-examine roadway alternatives, is completed for the five (5) service districts through which the major primary highway passes; and

WHEREAS, it has not been demonstrated that the referenced Route 28/17 interchange is needed at that location; and

WHEREAS, the County has technical transportation information demonstrating such an interchange is premature and not required up to 2020; and

WHEREAS, the Planning Commission conducted a public hearing on January 31, 2002 and recommended both proposed interchanges to be removed from the Bealeton Service District's Transportation Plan; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 15th day of April 2002, That it adopts the Comprehensive Plan text amendment eliminating the Route 28/17 interchange and the Route 805/17 corridor interchange as identified and attached herein as Map 10.3 of Chapter Ten for the Bealeton Service District Transportation Plan.

REZONING #RZ09-CR-13 – CALVIN L. RITCHIE, OWNER/APPLICANT

A public hearing was held to consider a rezoning request #RZ09-CR-13, Calvin L. Ritchie, owner/applicant, located within the Cedar Run Magisterial District. The applicant is seeking approval to rezone approximately two acres of a 96-acre parcel from Industrial Park (I-1) to General Industrial (I-2) for the purpose of locating a slaughterhouse. The subject two (2) acres is located on the south side of Ritchie Road (Route 644), just east of its intersection with Marsh Road (U.S. Route 17). Rick Carr, Director of Community Development, presented a letter to the Board from the applicant requesting postponement of the public hearing to a later date. Wanda Edwards, Cedar Run District, a neighbor, spoke in opposition to the rezoning request. Mr. Edward, Cedar Run District, an adjacent property owner, spoke in opposition to the request to rezone. Dell Ennis, Cedar Run District, spoke on behalf of Loretta Craig, an adjoining landowner, and requested a map or sketch illustrating the layout and proposed plans of the applicants project. No one else spoke. The public hearing was closed. Mr. Graham moved to continued the public hearing until the May 20, 2002 Board meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

CAPITAL IMPROVEMENTS PLAN FY2003-2007

A public hearing was held to consider the proposed Capital Improvement Program (CIP) for fiscal year 2003-2007. The Citizen CIP Committee, after months of deliberation, forwarded its five year recommendations for capital projects to the Planning Commission for its consideration. After further review and public hearings, the Commission has now forwarded its recommendations to the Board of Supervisors for action. In addtion to the CIP and Planning Commission recommendations, the Budget Office has provided a modified document based on Board of Supervisors action during the FY 2003 budget process. No one spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on the capital improvement plan until the May 20, 2002 Board Meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

AMENDMENT TO FY2002 BUDGET IN THE AMOUNT OF $2,428,620

A public hearing was held to consider a proposed amendment to the fiscal year 2002 budget in the amount of $2,428,620. The Board of Supervisors has approved resolutions that established construction reserves for both the School Division and the General County Government from the prior year fund balances. The amount of $2,428,620 has been identified for these reserves from fiscal year 2001. The Code of Virginia requires a public hearing when amendments to the budget exceed the lesser of $500,000 or 1% of the total budget. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION TO AMEND THE
FY 2002 ADOPTED BUDGET IN THE AMOUNT OF $2,428,620

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and 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, in September of 2000, the Board of Supervisors approved the establishment of Construction Reserves for both the General County Government and the School Division with funding from the prior year fund balances; and

WHEREAS, the Finance Committee has reviewed this issue and recommended appropriation of $2,428,620 from FY 2001 fund balances in accordance with the original resolutions; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of $500,000 or 1% to the total budget, which is scheduled to be held April 15, 2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the County Administrator be, and is hereby, directed to consider amending the Fauquier County FY 2002 Budget in the amount of $2,428,620.

Source	FROM Code	Amount	Department	TO Code	Amount
Fund Balance/ Carryover	3-100-419000-0010	$863,929	School Division	4-302-091400-0205	$863,929
Fund Balance/ Carryover	3-100-419000-0010	$1,564,691	General County Government	4-302-091400-0100	$1,564,691
TOTAL		$2,428,620		TOTAL	$2,428,620

AN ORDINANCE APPROVING A PROPOSED CONTRACT FOR ELECTRICAL SERVICE TO THE COUNTY

A public hearing was held to consider an ordinance approving a proposed contract for electrical service to the County. Prior to energy deregulation, Virginia Power was the sole source provider of electric power to a large portion of Fauquier County. The County contracted with Virginia Power for the provision of that power on a sole source basis. As a result of the deregulation of the power industry, Virginia Power is no longer the sole source for electric power and to procure power services competitive procurement is now required. VML/VACo has established a steering committee to accomplish this competitive procurement under the Joint Powers Act which allows localities to exercise their powers jointly. As a result of the VML/VACo competitive procurement process, Virginia Power has been chosen as the provider of electric services. The agreement with Virginia Power is for seven years. While the VML/VACo has taken this action on the part of all localities, it is not required that localities participate in this joint procurement. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

ORDINANCE

AN ORDINANCE APPROVING JOINT POWERS ASSOCIATION AGREEMENT
FOR THE PURCHASE OF ELECTRIC POWER FROM VIRGINIA
ELECTRIC AND POWER COMPANY
D/B/A DOMINION VIRGINIA POWER

WHEREAS, the VML/VACo Virginia Power Steering Committee (the "Committee"), composed of representatives of local governments and political subdivisions of the Commonwealth, has, for over several decades, negotiated on behalf of such governmental units, a standard form contract for purchase of electricity supply and delivery service from Virginia Electric and Power Company, d/b/a Dominion Virginia Power ("Virginia Power") as a sole source provider; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized, under Virginia law, to exercise joint powers, that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, *et seq.*, of the Virginia Code (the "Joint Powers Act"); and

WHEREAS, the Virginia Electric Utility Restructuring Act (the "Restructuring Act"), further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the "Procurement Act"), exempts from its competitive sealed bidding and competitive negotiation requirements (the "Requirements"), the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services ("Energy Services") be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made a part of this Ordinance, (the "Joint Powers Agreement"), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services ("Steering Committee Services)"; and

WHEREAS, it appearing to the Fauquier County Board of Supervisors that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of April 2002, that:

(1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond quickly to changing market conditions in which energy prices can fluctuate considerably in a daily or even hourly basis.

(2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.

(3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.

(4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of the County of Fauquier are hereby authorized and approved.

(5) The County Administrator is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the County of Fauquier in substantially the form presented to this meeting.

(6) The payment obligations of the County of Fauquier pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds, therefore, by the Board of Supervisors of Fauquier County.

(7) This Ordinance shall take effect immediately upon its adoption or passage.

COMMONWEALTH GREEN ENERGY PROPOSAL AND LEASE

A public hearing was held to consider a proposal and lease submitted by Commonwealth Green Energy to Convert Gas to Energy at the Fauquier County Landfill. For some period of time, the County has been looking for opportunities to develop a pilot project to convert the landfill gas to energy. Recently, Commonwealth Green Energy approached the County with a proposal to install a landfill gas collection system and equipment to convert the gas to energy. A proposed lease is under review by staff. The lease will provide the rights to extract gas and house facilities to convert the gas to energy. The general terms and benefits of the agreement, as envisioned by the contractor, are attached. In order to formally consider the program and lease, a public hearing is required. Chuck Foster, representing Commonwealth Green Energy, made himself available to answer any questions. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to postpone a decision on the proposal for thirty days. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

FAUQUIER COUNTY PROPOSAL OUTLINE

- $10,000 annual royalty to County

- CGE installs complete system including:
  - Gas collection system
  - Compressor / filter
  - Generator
  - Electrical interconnection

- CGE handles all licenses/permits
  - Fauquier County permits
  - Exempt Wholesale Generator Status from Federal Energy Regulatory Commission
  - Public utility status from Virginia State Corporation Commission
  - Stationary Source generating permits from Virginia Department of Environmental Quality

- CGE operates and maintains system

- No expenditure of county funds

- Benefits to the County
  - Active gas management system at no cost to county (cost in excess of $350,000 to install)
    - Helps control unpleasant odors
    - Reduces threats of explosion and fire
    - Reduces groundwater contamination
      - Could be part of county's environmental remediation strategy
  - Economic Development Impacts
    - Income to county ($10,000/yr)
    - Reduces current county expenses associated with maintenance of existing flare by $6,000/yr
    - Reduces groundwater contamination remediation costs to county
    - Boost to local economy
      - Job creation through project development
      - Assist growth of a local company
      - Local lender
  - Exemplary Environmental Stewardship
    - Reduces pollution from coal/nuclear produced power
    - Reduces greenhouse gases
    - State/National recognition

CODE OF FAUQUIER COUNTY ORDINANCE AMENDMENT OF SUBSECTION 16-6(24)

A public hearing was held to consider an ordinance amendment to subsection 16-6(24) of the Code of Fauquier County. Nan Clark (unidentified magisterial district), owner of a carriage company, spoke in favor of the amendment. No one else spoke. The public hearing was closed.

Mr. Winkelmann moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

ORDINANCE

AN ORDINANCE AMENDING SUBSECTION 16-6(24) OF THE CODE OF FAUQUIER COUNTY TO AUTHORIZE THE PARKS AND RECREATION BOARD TO GRANT EXCEPTIONS TO THE PROHIBITION AGAINST BRINGING ANIMALS, WILDLIFE OR BIRDS INTO A PUBLIC PARK

WHEREAS, Section 16-6(24) of the Code of Fauquier County prohibits the bringing of any animal, wildlife, reptile or bird other than dogs or domesticated household cats onto the lands or inland waters of any public park; and

WHEREAS, the Fauquier County Parks and Recreation Board has requested an amendment to the Code of Fauquier County to permit it to grant exceptions to this prohibition; and

WHEREAS, after due notice and public hearing the Board of Supervisors has determined that it is in the best interest of the citizens of Fauquier County to amend Subsection 16-6(24) to permit the Fauquier County Parks and Recreation Board to grant exceptions to the prohibition against the bringing of any animal, wildlife, reptile or bird other than dogs or domesticated household cats onto the lands or inland waters of any public park; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of April, 2002, That Section 16-6(24) of the Code of Fauquier County be and is hereby amended to read as follows:

Fauquier County Code Section 16-6(24)

Dogs and other pets. Bring onto the lands or inland waters of the park any animal, wildlife, reptile or bird other than dogs or domesticated household cats, <u>except as specifically authorized by the Fauquier County Parks and Recreation Board</u>. Where a dog or cat is brought onto the lands or inland waters of the park, such dog or cat shall at all times be kept on a leash of not more than six (6) feet. The conduct of dogs or cats shall be controlled at all times so as to protect the health, safety and welfare of any person using the park. Any person having a dog or cat in the park shall deposit all animal excrement in a proper trash receptacle.

<u>PROPOSED LEASE OF PARCELS OF LAND TO THE BIRMINGHAM GREEN ADULT CARE RESIDENCE</u>

A public hearing was held to consider a resolution authorizing the Chairman of the Board of Supervisors to execute a lease agreement with the Birmingham Green Adult Care Residence, a public facility which is owned by five jurisdictions: the Counties of Fauquier, Fairfax, Prince William and Loudoun, and the City of Alexandria. Their respective departments of Social Services make referrals to Birmingham Green. Currently, Fauquier County has several citizens in residence at Birmingham Green. Nancy Reeve, Department of Social Services, spoke in favor of the Birmingham Green facility. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes:	***Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks***
Nays:	***None***
Absent During Vote:	***None***
Abstention:	***None***
Abstention:	***None***

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A LEASE AGREEMENT WITH THE BIRMINGHAM GREEN ADULT CARE RESIDENCE

WHEREAS, Fauquier County has received information that Birmingham Green Adult Care Residence, hereinafter referred to as Birmingham Green, has set a goal of obtaining HUD 202 and HUD 811 funding for the purpose of building a new and expanded facility for current and future residents; and

WHEREAS, Birmingham Green, originally built in 1927, has become an overcrowded and outdated facility, and the modernization required to improve accessibility and accommodations for its residents cannot be provided by renovation; and

WHEREAS, federal funding through HUD 202 and 811 programs to build a new, expanded facility would require no matching state or local funds; and

WHEREAS, Fauquier County is one of five owner jurisdictions of Birmingham Green, with citizens currently residing at Birmingham Green; and

WHEREAS, the localities are authorized, in accordance with Section 15.2-1800B of the Code of Virginia, to lease the Land for any public use; and

WHEREAS, as required by law, the Board of Supervisors held a public hearing on the proposed property lease; and

WHEREAS, by adoption of this resolution, the Board of Supervisors has determined it to be in the best interest of the citizens of the County to enter into the lease with Birmingham Green Adult Care Residence; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of April 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute on behalf of the County a lease to Birmingham Green Adult Care Residence.

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 15, 2002.

_____

G. Robert Lee
Clerk