A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD FEBRUARY 19, 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.

INDEPENDENT AUDITORS REPORT

The Director of Finance introduced a representative of Robinson, Farmer, Cox Associates who provided a summary of the auditor's report to the Board of Supervisors.

PLANNING COMMISSION TERMS

A work session was held with members of the Board of Supervisors and the County Attorney to review state and local provisions for terms, composition, duties, and the current structure of the Planning Commission.

TOURISM COMPONENT OF ECONOMIC DEVELOPMENT OFFICE

A work session was held with members of the Board of Supervisors and the Director of Economic Development to discuss the tourism component of the Economic Development Office and the formation of a Tourism Advisory Council.

BROOKSIDE / BROOKSIDE FARM (WATERFIELD) DEVELOPMENT ISSUES

A work session was held with members of the Board of Supervisors and the Director of Community Development to discuss Brookside/Brookside Farm (Waterfield) Development issues regarding transportation, public facilities and phasing.

GIS MAPS AND DATABASES PUBLISHED ON THE INTERNET

Ms. Lori Hertig, GIS Supervisor, gave a demonstration of the proposed GIS maps and databases to be published and made available on the Fauquier County website for public Internet access.

CLOSED MEETING

Mr. Graham moved to go into a closed meeting pursuant to Virginia Code § 2.2-3711.A.7 and 11-52 for consultation with the County Attorney and discussion of property matters not releasable to the public. 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***

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. 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***

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 19th day of February 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.

VOTE:

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***

SCHOOLS / COUNTY JOINT BUDGET WORK SESSION

A work session was held with the Board of Supervisors and the School Board to discuss the proposed FY 2003 budget.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room. Chairman Graham announced that the Executors of the Paul Mellon Estate had expressed an interest in providing affordable recreational facilities for the citizens of northern Fauquier County and had offered a distribution of ten million dollars ($10,000,000) to develop

the Northern Sports Complex. Mr. Graham expressed the Board's deep gratitude and appreciation to the Paul Mellon Estate for this magnanimous and important contribution to the citizens of the County.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, subject to the addition of the following agenda items to the Regular Agenda:

A Resolution Authorizing the Acceptance of a Conditional Distribution from the Paul Mellon Estate for the Northern Sports Complex and Community Park; and

A Resolution Establishing a Policy on the Time for Consideration of Requests from Property Owners for Extension of Public Sewer and Water Service by a Municipality to Properties Located Within the County.

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***

CITIZENS TIME

- Mr. Ed Coleman of Sowego in Cedar Run District, circulated photographs and expressed his concern regarding litter along BrentTown Road and offered several suggestions for clean-up options.

- Mr. Bill Downey of Scott District spoke on behalf of the School Board to express the continued commitment to proceed with construction, design, and bid documents for renovation and expansion of Taylor and Warrenton Middle Schools.

- Mr. George Tolis of Marshall District urged the Board of Supervisors to postpone signing the contract for the 800 MHz public safety radio system and cited various risks and reasons to delay a final decision until additional details are in place.

- Mr. Carl Billingsley of Goldvein in Cedar Run District spoke in favor of the 800MHz public safety radio system and cited numerous reasons based on his experience in radio communications, as well as his fire and paramedic experience.

- Ms. Kathleen King of Scott District protested the use of an electronic timer during the Board of Supervisors meeting stating that it was a distraction.

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 Supporting the Development of the Virginia Birding Trail

RESOLUTION

A RESOLUTION SUPPORTING THE DEVELOPMENT OF THE VIRGINIA BIRDING TRAIL

WHEREAS, Fauquier County has received information that the Virginia Department of Game and Inland Fisheries, hereafter referred to as "VDGIF", has set a goal of obtaining TEA-21 (Transportation Enhancement) funding for the purpose of creating the Virginia Birding Trail; and

WHEREAS, Fauquier County has identified ecotourism as a priority in its tourism development program and it appears that the Virginia Birding Trail would strongly complement ecotourism initiatives and enhance local economic development; and

WHEREAS, bird-watching and nature-tourism are rapidly growing components of the tourism industry, attracting more than two million individuals annually to existing Virginia sites and generating nearly $700 million annually; and

WHEREAS, the Virginia Birding Trail is intended to unify existing and potential wildlife watching sites into a single, cohesive, marketing entity; and

WHEREAS, the proposed Birding Trail will be a driving trail using Virginia's existing highway system to link some of Virginia's best wildlife watching sites, providing recreational opportunities, wildlife habitat awareness, and marketing opportunities; and

WHEREAS, the initial planning process for the project is being funded by VDGIF funds, and subsequently anticipated to be funded in part by TEA-21 enhancement funds for the development of the Birding Trail; and

WHEREAS, site enhancements would generally include signage, gateway wildlife gardens, roadside pull-off, and boardwalks/lookout; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Board supports the efforts of the Virginia Department of Game and Inland Fisheries in its efforts to obtain TEA-21 funding for the Virginia Birding Trail; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors directs staff to submit site nominations to VDGIF for inclusion in the proposed Virginia Birding Trail.

A Resolution to Postpone a Work Session on Zoning Ordinance Text Amendment – Signs, Until Next Regularly Scheduled Board Meeting

RESOLUTION

A RESOLUTION TO POSTPONE A WORK SESSION AND ACTION ON PROPOSED AMENDMENTS TO ARTICLE 8 OF THE FAUQUIER COUNTY ZONING ORDINANCE REGARDING SIGNS IN PLANNED DEVELOPMENT DISTRICTS UNTIL THE MARCH 18, 2002 BOARD OF SUPERVISORS' MEETING

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on January 18, 2002 on proposed text amendments to Article 8 of the Fauquier County Zoning Ordinance; and

WHEREAS, several citizen groups and Board members raised questions regarding the content of the proposed amendments; and

WHEREAS, the staff in the Department of Community Development requests additional time to meet with these individuals to answer questions; and

WHEREAS, staff also will meet with representatives of the Vint Hill Economic Development Authority to prepare any needed refinements to the proposal; and

WHEREAS, postponing the scheduled work session and any action until the March 18, 2002 meeting of the Board of Supervisors should allow staff to resolve any outstanding issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the work session and any action regarding proposed amendments to Article 8 of the Fauquier County Zoning Ordinance for signs located in planned development districts be postponed until the March 18, 2002 meeting of the Fauquier County Board of Supervisors.

A Resolution to Endorse the Application to the Virginia Department of Transportation (VDOT) for the Bealeton Station Depot Rehabilitation Project

RESOLUTION

A RESOLUTION TO ENDORSE THE APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE BEALETON STATION DEPOT REHABILITATION PROJECT

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on December 17, 2001 to receive public input regarding an application to the Virginia Department of Transportation for Transportation Enhancement funding for the restoration of the Bealeton Station Depot; and

WHEREAS, the Fauquier County Board of Supervisors wishes to endorse the application for this Transportation Enhancement project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Board of Supervisors does hereby endorse the application to the Virginia Department of Transportation for the Bealeton Station Depot Rehabilitation project; and, be it

RESOLVED FURTHER, That the County of Fauquier hereby agrees to provide a minimum twenty percent (20%) of the total cost for planning, design, and construction of this project, and that, if the County subsequently elects to cancel this project, the County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Virginia Department of Transportation through the date notified of such cancellation.

A Resolution to Create a Fauquier County Farmland Purchase of Development Rights (PDR) Program

RESOLUTION

A RESOLUTION TO CREATE A FAUQUIER COUNTY FARMLAND PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM

WHEREAS, agriculture is the leading industry in Fauquier County and a critical mass of farmland is necessary for the continued vitality of the economic engine of production agriculture; and

WHEREAS, the adopted Fauquier County Vision Statement notes the intention of the County "… to preserve the physical beauty, historical heritage and environmental quality of the County while ensuring that population growth and development is a positive force on the general welfare of the community."; and

WHEREAS, the Old Dominion Electric Cooperative has agreed to provide $1,500,000 to begin a Fauquier County PDR program; and

WHEREAS, both the Commonwealth of Virginia and the United States Government have made matching resources available for local farmland PDR programs and significant expanded State and Federal funding for PDR programs is probable; and

WHEREAS, private, non-profit organizations, including land trusts, may also be willing to provide matching funds for local PDR programs; and

WHEREAS, the adopted Fauquier County Comprehensive Plan provides specific endorsement for a PDR program as part of Chapter 8, Rural Areas Land Use Plan (Amendment to the Comprehensive Plan approved by the Fauquier County Board of Supervisors in meeting assembled on 16 March 1999); and

WHEREAS, the Board of Supervisors' Top Ten Calendar Year 2001 Priorities, adopted on 16 January 2001, include a PDR priority as follows: Prepare and implement a Purchase of Development Rights Program for Fauquier County in order to preserve important areas; and

WHEREAS, the County's Agricultural Advisory Committee created a PDR Subcommittee to work on a proposed farmland PDR program; and

WHEREAS, Subcommittee representatives researched and evaluated Virginia PDR programs in Virginia Beach, Albemarle County, Clarke County, James City County, and Loudoun County; and

WHEREAS, Subcommittee representatives also consulted with private non-profit organizations, including the American Farmland Trust, as well as public officials from Virginia and other Mid-Atlantic states with successful PDR programs, to discuss PDR programs and options; and

WHEREAS, the Subcommittee developed a lucid but simple proposed PDR program that can be implemented without attendant additional governmental bureaucracy; and

WHEREAS, a technically valid poll of Fauquier citizens, conducted by the American Farmland Trust, demonstrated profound local support for farmland preservation; and

WHEREAS, the Agricultural Advisory Committee, in meeting assembled on 31 January 2002, voted unanimously to recommend to the Board of Supervisors that the farmland PDR program proposed by the PDR Subcommittee be adopted and implemented; and

WHEREAS, the Planning Commission, in meeting assembled on 31 January 2002, voted to recommend to the Board of Supervisors that the farmland PDR program proposed by the Agricultural Advisory Committee be adopted and implemented consistent with aforesaid Comprehensive Plan prescription; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Fauquier County Purchase of Development Rights Program, as set forth herein, be, and is hereby, adopted:

FAUQUIER COUNTY FARM LAND PRESERVATION PROGRAM CRITERIA

I. BACKGROUND

Given that it is the desire of the citizens of Fauquier County to preserve and enhance the agricultural industry, the Farmland Preservation Program will focus on retaining the agricultural industry's critical mass, in particular, farm parcels that are economically viable operations. Preservation easements shall be purchased only for parcels meeting ***all*** of the following eligibility criteria:

Eligibility Criteria:

1. Property is an economically viable farming operation.
    - Gross farm income exceeds $25,000
    - At least one family member's principal occupation involves farming this parcel/ forestland
    - Farm has invested in substantial infrastructure improvements such as barns, bins, specialty structures, fencing, drainage ditches, waterway improvements, etc.

2. Parcel is greater than 50 acres, or comprises a combined area of contiguous parcels greater than 50 acres.

3. Parcel is not presently zoned any category other than Rural Agricultural (RA) or Rural Conservation (RC).

4. The parcel is not under conservation easement or pending consideration for conservation easement or otherwise restricted from development.

II. PDR REVIEW COMMITTEE CRITERION

Standards for Ranking (high – medium – low)

Quality of Farmland
- Parcel size
- Quality of farm infrastructure
- Quality of soils

Surrounding Support Quality
- Strategic Location
- Proximity to protected (eased) property

Likelihood of conversion to Non Farm Use and Off Farm Income
- Resident family's gross off-farm income does not exceed $100,000
- Parcel risk of development
- Road frontage

Environmental Qualities
- Water resources

Historic and Scenic Qualities
- Family Farm History
- Historic Value

III. PRICE

Payment for a Development Right - $20,000 per unit based on gross by-right allotment per sliding scale.
- Bargain Sale

Number of development rights to be determined by:
- Zoning department – Lotting potential (Based on gross by-right allotment per RA/ RC Land Subdivision Sliding Scale.)
- "Type I" soils analysis

Landowner to identify remaining development rights (if any).

A Resolution to Approve an Application for Funding Through the Virginia Outdoors Fund for Assistance with the Vint Hill Swimming Pool

RESOLUTION

A RESOLUTION OF SUPPORT FOR AND TO APPROVE AN APPLICATION FOR FUNDING THROUGH THE VIRGINIA OUTDOORS FUND FOR ASSISTANCE WITH THE VINT HILL SWIMMING POOL

WHEREAS, there is an urgent need in Fauquier County for swimming facilities; and

WHEREAS, the Fauquier County Board of Supervisors has adopted a plan to address the shortage of swimming pools in Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors has appropriated funding for the initial pool to be built at Vint Hill; and

WHEREAS, the Department of Conservation and Recreation (DCR) provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, these funds would be invaluable to the realization of this project; and

WHEREAS, the Parks and Recreation Board has recommended an application to pursue these funds; and

WHEREAS, this project has been deemed to be of high development priority by the Fauquier County Board of Supervisors and shall be referred to as the Vint Hill Swimming Pool; and

WHEREAS, in order to obtain funding assistance from DCR, it is necessary that the Fauquier County Board of Supervisors guarantee that a proportionate share of the cost thereof is available; and

WHEREAS, an excess amount beyond that proportionate share of this project of One Hundred Twenty-Five Thousand Dollars ($125,000), which is being funded by the Fauquier County Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the application for Virginia Outdoors Fund Grant Program for assistance with the Vint Hill Swimming Pool be, and is hereby, approved for submission to the Virginia Department of Conservation and Recreation; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to cause such information or materials, as may be necessary, to be provided to the Department of Conservation and Recreation (DCR) and to enter into such agreement as may be necessary to permit the formulation, approval, and funding of the Vint Hill Swimming Pool; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to One Million One Hundred Seventy-Four Thousand Seven Hundred Six Dollars ($1,174,706); and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that the General Provisions of the Land and Water Conservation Fund Act (L&WCFA) and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors will operate and maintain the public recreation facility in good condition and will provide permanent project

acknowledgement signs of the participating funding agencies and that this signage will clearly state that said facility is a "public" recreational facility; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors shall dedicate the metes and bounds of the Vint Hill Swimming Pool property, in perpetuity, for public outdoors, recreational purposes in accordance with the Land and Water Conservation Fund Act (L&WCFA); and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be complied with in the administration, development, and subsequent operation of this Swimming Pool; and, be it

RESOLVED FINALLY, That the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Vint Hill Swimming Pool in order to enhance the standard of public recreational enjoyment for all Fauquier County citizens.

A Resolution to Approve an Application for Funding Through the Virginia Outdoors Fund for Infrastructure and Recreational Amenities at the Northern Fauquier Sports Complex and Community Park

RESOLUTION

A RESOLUTION OF SUPPORT FOR AND TO APPROVE AN APPLICATION FOR FUNDING THROUGH THE VIRGINIA OUTDOORS FUND FOR INFRASTRUCTURE AND RECREATIONAL AMENITIES AT THE NORTHERN FAUQUIER SPORTS COMPLEX AND COMMUNITY PARK

WHEREAS, the Fauquier County Board of Supervisors has adopted a public/private partnership concept for the acquisition and development of three County sports complexes; and

WHEREAS, the Board of Supervisors has appropriated funding for the infrastructure for the sports facilities of those complexes; and

WHEREAS, the Department of Conservation and Recreation (DCR) provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, these funds would be invaluable to the realization of this project; and

WHEREAS, the Parks and Recreation Board has recommended an application to pursue these funds; and

WHEREAS, this project has been deemed to be of high development priority by the Board of Supervisors of Fauquier County and shall be referred to as the Northern Sports Complex and Community Park; and

WHEREAS, in order to obtain funding assistance from DCR, it is necessary that the Fauquier County Board of Supervisors guarantee that a proportionate share of the cost thereof is available; and

WHEREAS, an excess amount beyond that proportionate share of this project is One Hundred Twenty-Five Thousand Dollars ($125,000) and is being funded by the Fauquier County Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the application for Virginia Outdoors Fund Grant Program for recreational facilities at the Northern Sports Complex and Community Park be, and is hereby, approved for submission to the Virginia Department of Conservation and Recreation; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to cause such information or materials, as may be necessary, to be provided to the Department of Conservation and Recreation (DCR) and to enter into such agreement as may be necessary to permit the formulation, approval, and funding of the Northern Sports Complex and Community Park; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to Five Hundred Twenty Thousand Dollars ($520,000); and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that the General Provisions of the Land and Water Conservation Fund Act (L&WCFA) and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors will operate and maintain the public recreation facility in good condition and will provide permanent project acknowledgement signs of the participating funding agencies and that this signage will clearly state that said facility is a "public" recreational facility; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors shall dedicate the metes and bounds of the Northern Sports Complex and Community Park property, in perpetuity, for public outdoors, recreational purposes in accordance with the Land and Water Conservation Fund Act (L&WCFA); and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be complied with in the administration, development, and subsequent operation of this Sports Complex and Community Park; and, be it

RESOLVED FINALLY, That the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Northern Sports Complex and Community Park in order to enhance the standard of public recreational enjoyment for all Fauquier County citizens.

<u>A Resolution to Approve Acceptance of the Fauquier County Board of Supervisors Street Acceptance Resolution for Lord Fairfax Road / Turkey Run Drive Realignment into the Secondary System of Highways</u>

RESOLUTION

A RESOLUTION TO APPROVE ACCEPTANCE OF

LORD FAIRFAX ROAD / TURKEY RUN DRIVE REALIGNMENT INTO THE STATE SECONDARY SYSTEM OF HIGHWAYS
CEDAR RUN MAGISTERIAL DISTRICT

WHEREAS, the Virginia Department of Transportation has constructed portions of Lord Fairfax Road, Route 880, and Turkey Run Drive on a new alignment under Project 0880-030-306, N502; and

WHEREAS, the project sketch defines adjustments required in the secondary system of state highways as a result of that construction; and

WHEREAS, the portion of the old road identified to be discontinued is deemed by the Virginia Department of Transportation to no longer provide a public convenience sufficient to warrant maintenance at public expense as part of the secondary system of state highways; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Virginia Department of Transportation add Sections 3, 4, 5, and 7 to the secondary system of state highways, pursuant to 33.1-229 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors concurs with the Commonwealth Transportation Board's discontinuance of Sections 1 and 2 as part of the secondary system of state highways, pursuant to 33.1-150 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors requests that Turkey Run Drive, Section 6 be renumbered as part of the secondary system of state highways; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution to Increase FY 2002 County Support to the County Visitors Center Budget

RESOLUTION

A RESOLUTION TO INCREASE FY 2002 COUNTY SUPPORT TO THE COUNTY VISITORS CENTER BUDGET

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 Fauquier Visitors Center has requested additional funding to support increased operational requirements; and

WHEREAS, the Finance Committee had reviewed this issue and forwarded the request to the Board of Supervisors for its consideration; and

WHEREAS, the Board of Supervisors evaluated providing additional funding for the Visitors Center at its January meeting and tabled action until its February meeting; and

WHEREAS, the Board of Supervisors has indicated an interest in providing eight thousand dollars ($8,000) in additional FY 2002 appropriations for Visitors Center operations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the sum of eight thousand dollars ($8,000) from the Contingency Reserve be approved to increase the FY 2002 budget support for the Fauquier County Visitors Center from fifty thousand dollars ($50,000) to fifty-eight thousand dollars ($58,000) as follows:

	FROM			TO	
Source	**Code**	***Amount***	**Department**	**Code**	***Amount***
Contingency Reserve	4-100-091400-9618	$8,000	Economic Development. Visitors Center	4-100-081500-5675	$8,000
TOTAL		$8,000	TOTAL		$8,000

A Resolution of Support for the Goose Creek Model for Watershed Planning

RESOLUTION

A RESOLUTION OF SUPPORT FOR THE RAPID WATERSHED PLANNING GRANT FOR GOOSE CREEK

WHEREAS, the Fauquier County Board of Supervisors supports technical and programmed study of surface water resources; and

WHEREAS, one of the key Comprehensive Plan goals is to protect critical environmental resources and to maintain renewable natural resources so that they are not degraded but remain viable for future generations; and

WHEREAS, Goose Creek is a state designated Scenic River, and provides drinking water to both Loudoun and Fairfax County residents; and

WHEREAS, the proposed program products would include a watershed vulnerability analysis, a survey of current county programs available for aid in watershed protection efforts, a comprehensive survey of stream conditions, three detailed sub-watershed management plans, and a set of maps which utilize Geographic Information Systems (GIS) to detail a variety of data layers and information needed for conservation in the Goose Creek Watershed; and

WHEREAS, the products will benefit Fauquier County in upgrading storm water management and land development regulations for its watersheds; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Fauquier County Board of Supervisors supports the Rapid Watershed Planning grant application for Goose Creek being submitted by the Goose Creek Association to the National Fish and Wildlife Foundation.

A RESOLUTION TO APPROVE THE REQUEST OF ROLAND OWENS AND ROXANNE OWENS TO REDUCE THE TIME REQUIREMENT OF SECTION 2-39.3.A.3 OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO ALLOW THEM TO TRANSFER A FAMILY TRANSFER LOT TO A NON-IMMEDIATE FAMILY MEMBER

At the request of the Applicant, Mr. Weeks moved to indefinitely postpone consideration of a request of Roland Owens and Roxanne Owens to reduce the time requirement of Section 2-39.3.A.3 of the Fauquier County Subdivision Ordinance to allow them to transfer a family transfer lot to a non-immediate family member. 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***

A RESOLUTION TO REQUEST A PUBLIC HEARING FOR THE CONSIDERATION OF EXEMPTION FROM LOCAL PROPERTY TAXATION FOR THE PROPERTY OF FAUQUIER HERITAGE & PRESERVATION FOUNDATION, INC.

Mr. Atherton 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***

RESOLUTION

A RESOLUTION TO REQUEST A PUBLIC HEARING FOR CONSIDERATION
OF EXEMPTION FROM LOCAL PROPERTY TAXATION FOR THE
PROPERTY OF FAUQUIER HERITAGE & PRESERVATION FOUNDATION, INC.

WHEREAS, Section 30-19.04 of the Code of Virginia establishes the procedure for legislative designation of organizations whose property is to be exempted from taxation pursuant to Article X, Section 6, of the Constitution of Virginia; and

WHEREAS, Section 30-19.04 requires that the local governing body of the jurisdiction in which the property is situated consider a resolution supporting or refusing to support the property tax exemption; and

WHEREAS, Fauquier Heritage & Preservation Foundation, Inc., is a non-stock, not-for-profit corporation, established in 1993, which was recognized under Section 501(c)(3) of the Internal Revenue Code as a tax exempt corporation; and

WHEREAS, Fauquier Heritage & Preservation Foundation, Inc., seeks to foster the historical heritage of Fauquier County, Virginia, through education, research, restoration and preservation; and

WHEREAS, through volunteer labor, careful management, and donations of money, equipment, books and materials, Fauquier Heritage & Preservation Foundation, Inc., provides to the public a place to research and view historical materials and references related to Fauquier County; and

WHEREAS, Fauquier Heritage & Preservation Foundation, Inc., fosters, plans and develops programs for the purpose of exhibiting the arts, crafts and other memorabilia of the historical and cultural past of Fauquier County; and

WHEREAS, Fauquier Heritage & Preservation Foundation, Inc., seeks to preserve the historic and/or architectural character of the community through the acquisition and restoration of all or a part of historically or architecturally significant properties; and

WHEREAS, Fauquier Heritage & Preservation Foundation, Inc., is applying to the Board of Supervisors for an exemption from taxation as provided by Section 30-19.04 of the Code of Virginia so that any property acquired by Fauquier Heritage & Preservation Foundation, Inc., now or in the future, will be exempt from real and personal property tax and any other local property taxation; and

WHEREAS, based upon examination and consideration of the aforementioned Code Section and the information provided by Fauquier Heritage & Preservation Foundation, Inc., and various other criteria, facts and circumstances, it appears that:

1. Fauquier Heritage & Preservation Foundation, Inc., is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954; and

2. Fauquier Heritage & Preservation Foundation, Inc., does not hold an alcoholic beverage license; and

3. No director or officer of the said organization is paid compensation in excess of the reasonable allowance for salaries or other compensation for personal services which such director or officer actually rendered; and

4. No part of the net earnings of said organization inures to the benefit of any individual. A portion of the services provided by Fauquier Heritage & Preservation Foundation, Inc., may be generated by funds received from donations, research, restoration and preservation; and

5. Fauquier Heritage & Preservation Foundation, Inc., provides a service to the public fostering the historical heritage of Fauquier County through education, research, restoration and preservation; and

6. Fauquier Heritage & Preservation Foundation, Inc., does not involve carrying on propaganda or otherwise attempting to influence legislation by any political campaign on behalf of any candidate for public office; and

7. No rule, regulation, policy or practice of the said organization discriminates on the basis of religious conviction, race, color, sex or national origin; and

WHEREAS, the Board of Supervisors deems this a worthy request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That a public hearing be held to solicit comments from the citizens of Fauquier County regarding this request; and, be it

RESOLVED FURTHER, That the County Administrator is directed to place the necessary advertisements to set the public hearing at the next available time.

SPECIAL EXCEPTION (#SE01-CR-10) SMITH-MIDLAND CORPORATION, OWNER, APPLICANT

A public hearing was held on September 17, 2001 to consider a request for special exception approval for Smith-Midland Corporation, Owner/Applicant, to allow existing fill material to remain within the floodplain. The fill area is currently used as parking for Smith-Midland employees and it is estimate that approximately 0.29 acres of the parking area is located in the floodplain. The property is part of a twelve-acre parcel located on the West Side of Licking Run in the Midland Service District, PIN 7900-75-6202-000, Cedar Run District. Mr. Graham 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***

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE01-CR-10
RODNEY SMITH FLOODPLAIN FILL APPLICATION
PIN 7900-75-6202-000

WHEREAS, Rodney Smith, owner/applicant, has filed an application to allow for existing fill to remain in a floodplain under the provisions of Articles 5-2300 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on May 31, 2001 and made a recommendation on July 26, 2001; and

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

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-006 and the additional standards for floodplain uses at Section 5-2300 of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the application by Rodney Smith to allow for fill to remain in a floodplain on Parcel Identification Number 7900-75-6202-000 be, and is hereby, approved subject to the following conditions:

1. Within thirty (30) days of the approval date, the applicant shall meet with the County Engineer to develop an interim plan involving the removal of sediment deposits from the creek bottom and removal of obstructions from the southwest creek bank.

2. Within ninety (90) days of the approval date, the applicant shall complete the work outlined in the plan developed as a result of condition #1 above in accordance with all applicable federal, state and county requirements.

3. Within eighteen (18) months of the approval date, the applicant shall remove the existing "low water crossing" and replace it with a bridge structure that spans Licking Run. The span shall be built in accordance with all applicable federal, state and local regulations to specifications approved by the County Engineer. In the event that it cannot be hydraulically proven that the bridge structure will lower the floodplain elevations to Zoning Ordinance specifications, then the applicant shall complete the remediation efforts outlined in the January 23, 2002 memorandum from Jennifer Kilanski, P.E., of the County Engineer's office.

4. The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) within six (6) months of the approval date. The applicant shall request a Letter of Map Revision (LOMR) within ninety (90) days of completion of the channel improvements, including the bridge. Bonding will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.

ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-406.3 – OPEN SPACE

A public hearing was held on January 22, 2002 to consider a text amendment to Section 2-406.3 of the Zoning Ordinance to specify the time limit for recordation of a deed of non-common open space for subdivisions in the Rural Agriculture (RA) and Rural Conservation (RC) Zoning Districts that are subject to the eight-five percent open space requirement. Mr. Atherton moved to adopt the following ordinance. 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***

ORDINANCE

AN ORDINANCE AMENDING SECTION 2-406.3 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO SPECIFY THE TIME LINE FOR EXECUTION OF A DEED OF NON-COMMON OPEN SPACE FOR SUBDIVISION OF LOTS IN THE RURAL AGRICULTURE (RA) AND RURAL CONSERVATION (RC) ZONING DISTRICTS SUBJECT TO THE EIGHTY-FIVE PERCENT (85%) OPEN SPACE REQUIREMENT

WHEREAS, The Fauquier County Zoning Ordinance requires subdivisions of parcels of thirty (30) acres or greater in the RA and RC zoning districts to place eighty-five percent (85%) of the gross site area into non-common open space; and

WHEREAS, the Zoning Ordinance does not specify the exact timeline for the execution of a deed of non-common open space; and

WHEREAS, the amendment would delineate the required timing for the execution of the deed to provide earlier identification of the required open space; and

WHEREAS, the earlier identification would allow more efficient long-range planning for parcels possessing subdivision potential; and

WHEREAS, on November 29, 2001, the Fauquier County Planning Commission held a public hearing and voted to forward this amendment to the Board of Supervisors with a recommendation for approval; and

WHEREAS, on January 22, 2002, the Board of Supervisors held a public hearing and believes the proposed amendment would assist in the identification of prime agricultural areas and promote the spirit of the open space requirement; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of February 2002, That Section 2-406.3 be, and is hereby, amended to read as follows:

Section 2-406 Open Space Requirement

(3) In the RA and RC Zoning Districts, 85% of the gross site area shall be in non-common open space unless a special exception satisfying the standards of Section 5-2601 is approved. The non-common open space shall be in one parcel and shall meet the requirements of Section 2-705 of the Zoning Ordinance. The deed of non-common open space shall be recorded as follows:

A. Administrative and family transfer divisions:

A deed of non-common open space meeting the requirements of Section 2-705 must be recorded when either:

i. there is insufficient land available for future subdivision after deduction for the 85 percent open space area; or

ii. no additional sliding scale density is available.

B. Subdivisions other than administrative and family transfer divisions which exhaust all density under the sliding scale:

A deed of non-common open space physically designating the open space shall be recorded with the plat of subdivision.

C. Subdivisions other than administrative and family transfer divisions, which do not exhaust all density under the sliding scale:

A Deed of Non-Common Open Space shall be recorded at the time of the first plat of subdivision. The Deed of Non-Common Open Space shall either physically designate the 85% open space or reserve the additional development rights by providing agreement language for the deed and plat that upon completion of subdivision at least 85% of the parcel will remain in undivided non-common open space. The Director or subdivision agent may, in his discretion, impose platting requirements at the time of subdivision sufficient to ensure that at least 85% open space will be provided upon completion of the development.

SPECIAL EXCEPTION – LEARNING TREE FARMS, LLC

A public hearing was held on January 22, 2002 to consider a special exception request from Learning Tree Farm, LLC, Applicant, to operate a technical school with indoor and outdoor components on a 550-acre farm parcel located on Carrington Road (Route 729), just west of its intersection with Moreland Road (Route 724), PIN 6939-47-9679-000 in Marshall Magisterial District. The operation would be primarily targeted to Fauquier County Public Schools and would provide students with enhanced learning experiences in environmental, archaeological, historical, and other matters in a "hands on" environment and to also apply that knowledge in a technical format through the use of computers. At the request of the Applicant, Mr. Atherton moved to table consideration until the March 18, 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***

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE FAUQUIER CHAMBER OF COMMERCE FOR THE OPERATION OF THE VISITOR INFORMATION CENTER

Ms. McCamy moved to adopt the following resolution. 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***

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE FAUQUIER CHAMBER OF COMMERCE FOR THE OPERATION OF THE VISITOR INFORMATION CENTER

WHEREAS, the Fauquier County Board of Supervisors supports Tourism and the Visitor Information Center; and

WHEREAS, the Fauquier County Chamber of Commerce operates the Visitor Information Center; and

WHEREAS, Fauquier County provides substantial financial support for the operation of the Visitor Information Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Board of Supervisors does hereby authorize the County Administrator to execute, on behalf of Fauquier County, a Memorandum of Understanding between Fauquier County and the Fauquier Chamber of Commerce for the operation of the Visitor Information Center; and, be it

RESOLVED FURTHER, That all terms of the Memorandum of Understanding take effect upon signature by all parties involved, the initial term of which shall run from the date of signature through June 30, 2003; and, be it

RESOLVED FINALLY, That the Board of Supervisors does hereby authorize the County Administrator to sign future annual memoranda of understanding in consultation with the Board of Supervisors in a form consistent with the approved budgetary allocation for the subject year.

A RESOLUTION TO AUTHORIZE ACQUISITION OF THE DESIGNATED PORTION OF THE WAMPLER TRACT FOR THE SOUTHERN SPORTS COMPLEX

Mr. Graham moved to table until March 18, 2002 consideration of a resolution to authorize acquisition of the designated portion of the Wampler tract for the Southern Sports Complex. 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***

A RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA RESOURCES AUTHORITY FOR A LOAN IN AN APPROXIMATE PRINCIPAL AMOUNT OF $6,900,000 FOR THE PUBLIC SAFETY RADIO SYSTEM

Mr. Weeks moved to adopt the following resolution. 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***

RESOLUTION

RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE VIRGINIA RESOURCES AUTHORITY FOR A LOAN IN AN APPROXIMATE PRINCIPAL AMOUNT OF $6,900,000

WHEREAS, the Board of Supervisors (the "Board") of Fauquier County, Virginia (the "County"), has determined that it is necessary and desirable for the County to finance certain capital improvements, including the acquisition and installation of a public safety radio system (the "Project");

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Board hereby approves the filing of an application with the Virginia Resources Authority for a loan to the County in an approximate principal amount of $6,900,000 to finance the Project. The County Administrator, in collaboration with the other officers of the County, is hereby authorized and directed to complete an application and deliver it to the Virginia Resources Authority.

2. This resolution shall take effect immediately.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT ON AN ORDINANCE ESTABLISHING A SERVICE DISTRICT FOR THE PROVISION OF ELECTRIC POWER AND LIGHTS IN THE UNINCORPORATED TOWN OF MARSHALL

Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows, with Ms. McCamy voting against:

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

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENT ON AN ORDINANCE ESTABLISHING A SERVICE DISTRICT FOR THE PROVISION OF ELECTRIC POWER AND LIGHTS IN THE UNINCORPORATED TOWN OF MARSHALL

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 (hereinafter "Marshall"); and

WHEREAS, the Marshall Community League has funded the cost of the operation and maintenance of the street lights in Marshall through 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, the citizens of Marshall wish to establish a service district pursuant to Virginia Code Section 15.2-2400, et seq. for the provision of and funding for the cost of the construction, maintenance and operation of electric power and street lights within the service district as hereinafter described; and

WHEREAS, the Board of Supervision wishes to hold a public hearing to receive citizen comment on the proposed service district; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing on a proposed ordinance establishing a service district for the provision of electric power and lights in the unincorporated Town of Marshall.

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A CONSENT TO THE ASSIGNMENT OF PEOPLE HELPING PEOPLE OF FAUQUIER COUNTY, INC.'S INTEREST IN ITS LEASE AGREEMENTS TO THE FAUQUIER HABITAT FOR HUMANITY, INC.

Mr. Graham 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***

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A CONSENT TO THE ASSIGNMENT OF PEOPLE HELPING PEOPLE OF FAUQUIER COUNTY, INC.'S INTEREST IN ITS LEASE AGREEMENTS TO FAUQUIER HABITAT FOR HUMANITY, INC.

WHEREAS, the County of Fauquier and People Helping People of Fauquier, Inc. entered into lease agreements dated March 13, 1997 and July 14, 1997; and

WHEREAS, People Helping People of Fauquier, Inc. wishes to assign its interest in those leases to Fauquier Habitat for Humanity, Inc.; and

WHEREAS, the pertinent provisions of the lease agreements permit the Lessee to assign its interest in the lease only upon the express written consent of the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute its consent to People Helping People's assignment of its interest in the Lease Agreements between the County of Fauquier and People Helping People of Fauquier, Inc., to Fauquier Habitat for Humanity, Inc.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONDITIONAL DISTRIBUTION FROM THE PAUL MELLON ESTATE FOR THE NORTHERN SPORTS COMPLEX AND COMMUNITY PARK

Mr. Weeks moved to adopt the following resolution. 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***

RESOLUTION

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CONDITIONAL DISTRIBUTION FROM THE PAUL MELLON ESTATE FOR THE NORTHERN SPORTS COMPLEX AND COMMUNITY PARK

WHEREAS, the County has been working on the acquisition and development of three sports complexes to address the shortage of recreational facilities in Fauquier County; and

WHEREAS, an 88.6725 acre site has been acquired and planning begun for a site in the northern region; said site being more particularly described as 7500 John Marshall Highway, PIN #6070-40-3474-000; and

WHEREAS, Paul Mellon was a devoted citizen of the County and concerned about the community in which he lived; and

WHEREAS, the Executors of the Paul Mellon Estate have expressed an interest in supporting this concern of Mr. Mellon by providing affordable recreational facilities for citizens of all ages of northern Fauquier County; and

WHEREAS, to fulfill this objective, the Executors of the Paul Mellon Estate have offered a distribution of Ten Million Dollars ($10,000,000) to develop this sports complex and community park; and

WHEREAS, in responding to the conditions proposed by the Executors, Fauquier County agrees to the following conditions:

1. Within two (2) years of the date of the County's receipt of the distribution, the Board will develop the Northern Sports Field Complex and Community Park in substantial conformance with its approved Master Plan, a copy of which is filed in the Office of the Director of Parks and Recreation Department, provided; however, the development and installation of the aquatic facility may exceed the two (2) year completion date, but should be completed within one (1) year thereafter.
2. The Northern Sports Field Complex and Community Park will be adequately maintained in perpetuity.
3. The Northern Sports Field Complex and Community Park will include an aquatic facility to be funded by a contribution from the County in an amount adequate to build a pool similar to the currently proposed Vint Hill pool (approximately $1,500,000.00) as shown as Scheme "C" of the approved Master Plan, and the community will be responsible for fundraising to generate the additional funding to upgrade the facility to the original aquatic complex designed for Vint Hill Scheme "A" on Attachment B, provided; however, should the community not achieve its fundraising goal, its failure shall not be seen as a default of this agreement on the part of the County.
4. That, upon completion of the construction of the Northern Sports Field Complex and Community Park any funds remaining from the donation shall be retained for the care, maintenance, operation and perfection of the Northern Sports Field Complex and Community Park, provided, however, that the remaining funds may be used for such other purposes as are approved in writing by the Executors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the distribution from the Paul Mellon Estate be, and is hereby, accepted subject to the aforementioned conditions; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to execute any documents as may be necessary to effect the distribution; and, be it

RESOLVED FINALLY, That the Board of Supervisors of Fauquier County hereby expresses its deep gratitude and appreciation to the Paul Mellon Estate for this magnanimous and important contribution to the citizens of Fauquier County.

A RESOLUTION ESTABLISHING A POLICY ON THE TIME FOR CONSIDERATION OF REQUESTS FROM PROPERTY OWNERS FOR EXTENSION OF PUBLIC SEWER AND WATER SERVICE BY A MUNICIPALITY TO PROPERTIES LOCATED WITHIN THE COUNTY

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***

RESOLUTION

A RESOLUTION ESTABLISHING A POLICY ON THE TIME FOR CONSIDERATION OF REQUESTS FROM PROPERTY OWNERS FOR EXTENSION OF PUBLIC SEWER AND WATER SERVICE BY A MUNICIPALITY TO PROPERTIES LOCATED WITHIN THE COUNTY

WHEREAS, the consent of the Board of Supervisors is required for the extension of public sewer and water services by a municipality to properties located in the County; and

WHEREAS, the consent of the municipality to provide the sewer and water service is also required; and

WHEREAS, concerns have been raised regarding the process by which these consents must be obtained; and

WHEREAS, the Board of Supervisors wishes to establish, with certainty and clarity, its process for considering requests from property owners or their agents for extension of sewer and water service by a municipality to properties located within the designated County service districts; and

WHEREAS, the Board of Supervisors wishes to ensure that it has an appropriate and well-measured process for considering requests; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That it is the policy of the Board of Supervisors that:

(1) The Board shall consider from property owners or their agent's requests for extension of water and sewer services to properties within a designated service district of the Comprehensive Plan, by a municipality. That request and Board action shall be made prior to the filing of any application for approval of a site plan or preliminary subdivision plat on the property for which the extension for request has been made; and

(2) Such requests for the extension of water and sewer service by a municipality to properties located within designated service districts will not be considered while an application for approval of a site plan or preliminary subdivision plat has been filed.

APPOINTMENTS

The following appointments were approved by unanimous consent:

- James VanLuven was re-appointed to serve as Chairman of the Airport Committee with term expiring on December 31, 2004.

- Harvey Pearson was re-appointed to serve as Chairman of the Armory Board with term expiring on December 31, 2003.
- Lynda McPherson was re-appointed to serve as Chairman of the Disability Services Board with term expiring on February 19, 2005.
- Tom W. Reese, Jr. was re-appointed to serve as Vice-Chairman of the Disability Services Board with term expiring on February 19, 2005.
- Alonzo White was re-appointed to serve on the Disability Services Board with term expiring February 19, 2005.

SUPERVISORS TIME

- Mr. Weeks stated he enjoyed meeting with members of the School Board earlier this evening and that discussions were moving forward comfortably.

- Ms. McCamy acknowledged that litter is a serious problem that needs to be addressed. She also announced that on September 21, 2002 there will be a Bealeton/Opal/Remington community services meeting at Cedar Lee Middle School and invited public participation.

- Mr. Graham agreed that litter is an issue; he appreciated earlier citizen comments bringing the subject to the Board's attention, and that cleanup solutions will be explored. Mr. Graham also offered a tribute to the late Captain Fred Pfeiff of the Fauquier County Sheriff's Office.

ANNOUNCEMENTS

Mr. Wheeler announced the following schedule of upcoming meetings:

- Joint Session with Vint Hill Economic Development Authority - February 23, 2002, 6:30 p.m., The Inn at Vint Hill
- Board Budget Work Sessions - March 4, 13, 18, and 25, 2002, 4:00 p.m., County Administration Offices 4th Floor Conference Room
- Next Regular Board of Supervisor Meeting – March 18, 2002, 6:30 p.m., Warren Green Building Meeting Room

Mr. Wheeler announced that John Tuohy, Director of Finance, had accepted another position and would be leaving this week. Mr. Wheeler thanked Mr. Tuohy for his service to the County.

SPECIAL EXCEPTION – WAYNE AND VICKI HOUSTON, OWNERS, AND SBA PROPERTIES, INC., APPLICANT

A public hearing was held to consider a request for special exception approval for Wayne and Vicki Houston, owners, and SBA Inc., applicant, to construct a one hundred twenty (120) foot silo stealth telecommunications tower under the provisions of Articles 5 and 11 of Fauquier County Zoning Ordinance on property located on the five (5) acre wooded parcel on the north side of Grove Lane (State Route F-185), between Marshall and Delaplane and parallel to Interstate 66in the Marshall Magisterial District, PIN 6050-35-8796-000, RA (Agricultural) Zoning District. Mark Berghoff, Esquire, representing the applicant, stated the design and height of the proposed communication tower had been revised and he then distributed photographs of similar designs to the Board of Supervisors for review. Mr. Edmonds, a designer for Sprint PCS, stated that one hundred feet (100') is the lowest height that a communication tower can be built without losing connectivity. No one else spoke. The public hearing was closed. Mr. Atherton

moved that the request for special exception be remanded back to the Planning Commission for additional review and that a decision be postponed indefinitely pending that review. 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***

REZONING REQUEST – MLD ASSOCIATES, LLC, OWNER/APPLICANT

A public hearing was held to consider a rezoning request from MLD Associates, LLC, owner/applicant, seeking to rezone a 3.11-acre parcel in the Settlement of Pilgrims Rest from Rural Agriculture (RA) to Residential-1 (R-1). The property is located on the West Side of Route 600 (Beverleys Mill Road) near its intersection with Pilgrims Rest Road (Route 821), PIN 7907-72-0122-000, Scott Magisterial District. Mike Downs, applicant, of Scott District spoke in favor of the rezoning request. Kathleen King of Scott District spoke in opposition to the rezoning request. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. 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***

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ02-S-04
MLD ASSOCIATES, LLC – PILGRIMS REST SETTLEMENT
PARCEL I.D. #7907-72-0122-000

WHEREAS, MLD Associates, LLC, owner/applicant, has initiated a request to rezone a 3.11 acre parcel (PIN 7907-72-0122-000) from Rural Agricultural (RA) to Residential-1 (R-1); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, on November 29, 2001, the Fauquier County Planning Commission held a public hearing on the rezoning request of MLD Associates LLC; and

WHEREAS, at its meeting on November 29, 2001, the Fauquier County Planning Commission adopted a motion recommending approval of the requested rezoning subject to the rezoning plat dated October 18, 2001; and

WHEREAS, the Board of Supervisors held public hearings on this rezoning request on January 22, 2002 and February 19, 2002; and

WHEREAS, the Board of Supervisors has considered this request in light of the applicant's voluntary proffer to make a financial contribution to the County for school capital facilities; and

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

ORDAINED by the Fauquier County Board of Supervisors this 19th day of February 2002, That Rezoning Request #RZ02-S-04 to change the zoning designation of a 3.11 acre parcel on Beverleys Mill Road (Route 600), identified as PIN 7907-72-0122-000, from Rural Agricultural (RA) to Residential-1 (R-1) be, and is hereby, approved, subject to the applicant's proffer statement dated February 7, 2002.

SPECIAL EXCEPTION RENEWAL #SER02-L-03 SHADY GROVE KENNEL AND HUNTING PRESERVE

A public hearing was held to consider a request for special exception renewal #SER02-L-03 for Shady Grove Kennel and Hunting Preserve, located on Lucky Hill Road (Route 655) adjacent to the Remington Service District, Parcel I.D. #6888-83-5891-000 and 6898-21-1913-000, Lee Magisterial District, to continue the operation of a kennel, hunting preserve and trapshooting facility on approximately five hundred (500) acres of land that are leased from Dominion Virginia Power. Neil Selby, owner/applicant, of Remington, spoke in favor of the special exception renewal. No one else spoke. The public hearing was closed. Ms. McCamy 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***

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION RENEWAL #SER02-L-03

SHADY GROVE KENNEL AND HUNTING PRESERVE

WHEREAS, Dominion Virginia Power, owner and R. Neil Selby, applicant, have filed an application to allow for the continuation of a kennel, hunting preserve and trapshooting facility in accordance with Article 5 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on January 31, 2002 and voted to recommend approval to the Board of Supervisors; and

WHEREAS, on February 19, 2002, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-006 of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the application by Dominion Virginia Power and R. Neil Selby for the continuation of a kennel, hunting preserve and trapshooting facility be, and is hereby, approved, subject to the following conditions:

1. The hunting preserve is to be managed by the applicant, Neil Selby of the Shady Grove Kennel and Hunting Preserve, who is the property lessee. This special exception does not transfer with any change in management, nor does it convey with the applicant to other properties.

2. This special exception shall be granted for a five-year period, with review and renewal subject to Section 5-012 of the Zoning Ordinance.

3. The number of employees on-site at any time shall not exceed twelve.

4. All dogs housed on site and used for this operation shall be kept in kennel facilities, which are maintained in accordance with all applicable state and local regulations governing such use.

5. There shall be on-site caretakers at all times as long as the dogs are kept on the property.

6. The use shall be in general conformance with the proposed schematic plan submitted and on file with the Department of Community Development.

7. All on-site facilities and operations shall be in accordance with all applicable state and local regulations at all time.

8. Appropriate outward facing signage shall be maintained on all property boundaries indicating the use.

9. The hunting preserve shall be limited to bird hunting and the use of shotguns with birdshot only.

10. The hours of operation for the hunting preserve shall be limited from 8:00 a.m. to 5:00 p.m. from September 1 through April 30 of each year.

11. The sporting clay facility is limited to one course with hours of operation from 8:00 a.m. to 8:00 p.m. year round.

12. A one hundred-yard buffer zone for safety shall be provided and maintained around all perimeters of the designated hunting preserve area. All hunting activities shall be limited to the designated hunting area and prohibited from the buffer area, with the exception that preserve staff may enter the buffer area without shotguns to retrieve downed birds that fall within the buffer area.

13. To properly secure the hunting preserve, the applicant shall place posts every fifty yards along the entire interior perimeter of the buffer area. Each post shall contain a brightly colored sign indicating the presence of the buffer zone and that no hunting is permitted beyond that point.

14. All lighting shall be back-shielded and downward directed to minimize off-site impacts in accordance with the provisions of the Zoning Ordinance.

SPECIAL EXCEPTION #SE02-CR-12 HERBERT LUNCEFORD,OWNER, SCOTT AND LISA GODFREY, APPLICANTS

A public hearing was held to consider a request for special exception approval #SE02-CR-12 for Herbert Lunceford, owner, and Scott and Lisa Godfrey, applicants, to waive public street requirement in the Rural Agricultural (RA) zoning district to divide 1.7 acres from a 122.6 acre parcel for property located on the south side of Old Auburn Road (State Route 670), just East of intersection with Lunsford Road (State Route 674) on the boundary line of the Center and Cedar Run Magisterial Districts, Parcel I.D. #6993-76-4201-000. Scott Godfrey, applicant, spoke in favor of the special exception and distributed a letter of support to the Board of Supervisors. A neighboring property owner (unidentified) raised questions about the future by-rights and Mr. Graham referred her to the Director of Community Development for detailed explanation. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution with the added condition that the owner limit further subdivision to only the ten- (10) acres previously allotted for a future cemetery. Ms. McCamy seconded. After much discussion, Mr. Winkelmann reconsidered the motion and withdrew it from the table.

Mr. Graham then moved to adopt the following resolution to approve the special exception. 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***

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-CR-12
HERBERT LUNCEFORD, OWNER
SCOTT AND LISA GODFREY, APPLICANTS

WHEREAS, Herbert W. Lunceford, owner, and Scott and Lisa Godfrey, applicants, have filed an application to obtain a special exception for a waiver of the public street requirement in the rural agricultural district, under the provisions of Article 5-2900 of the Fauquier County Zoning Ordinance; and

WHEREAS, the applicants propose to create one new 1.7 acre lot from a 122.6 acre parcel; and

WHEREAS, on January 31, 2002, the Planning Commission held a public hearing and has made a recommendation of approval to the Board of Supervisors; and

WHEREAS, on February 19, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-2900 of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of February 2002, That the application by Scott and Lisa Godfrey for special exception approval to waive the public street requirement in the rural agricultural district for Parcel Identification Number 6993-76-4201-000 be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, as qualified by these development conditions.

3. This special exception is subject to the provisions of the Fauquier County Subdivision Ordinance, as may be determined by the Fauquier County Department of Community Development. Any plat submitted pursuant to this special exception shall be in substantial conformance with the special exception plat dated December 20, 2001, and these conditions.

4. The private street shall be constructed to a minimum width of twelve feet with grass shoulders. The private street shall have a paved thirty-foot wide section for the first fifty feet of the entrance. The entire length of the right-of-way shall be no less than fifty feet and the access to Old Auburn Road, Route 670 shall be as indicated on the special exception plat and approved by the Virginia Department of Transportation.

5. Appropriately sized ditches, as determined by the County Engineer, shall be constructed along the private street.

6. The private street shall serve no more than the one new lot and the residue lot indicated on the special exception plat.

7. The applicant shall obtain the proper land disturbing permits from the County if the area to be disturbed is in excess of 10,000 square feet and/or is disturbed prior to obtaining a building permit for either of the two lots.

8. Prior to subdividing the property, a road maintenance agreement applicable to all users of the private street will be executed. The subdivision plat and deed shall include the private street notation referenced in Section 7-306 of the Zoning Ordinance.

9. The slope of the private road shall not exceed twelve percent.

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 February 19, 2002.

_____

G. Robert Lee
Clerk