A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD APRIL 19, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA

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

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

UPDATES ON PUBLIC SAFETY RADIO SYSTEM AND WARREN GREEN BUILDING CONSTRUCTION

Anthony I. Hooper, Acting Deputy County Administrator, discussed the status of the Public Safety Radio System tower construction and Warren Green Building renovations.

FAUQUIER YOUTH SPORTS COORDINATION COUNCIL UPDATE

Nan Grambo, representing the Fauquier Youth Sports Coordination Council, provided an update to the Board of Supervisors on current youth sports field needs.

CLOSED MEETING

Mr. Atherton moved to go into a closed meeting pursuant to Virginia Code Sections 2.2-3711(A)(3) and 2.2-3711(A)(7) for discussion or consideration of condition, acquisition or use of real property for public purposes and for consultation with legal counsel pertaining to same. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

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

Upon reconvening from the closed meeting, Mr. Atherton moved to adopt the following certification. Mr. Graham seconded.

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, Section 2.2-3711(A)(3) and Section 2.2-3711(A)(7) 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 April 2004, 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.

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

ADOPTION OF THE AGENDA

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

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

- Add Consent Agenda item "g", A Resolution Authorizing Lease of Fauquier Fairgrounds for Piedmont Food and Farm Show on August 7, 2004.

CITIZENS' TIME

- John Carter, Scott District, expressed his concern regarding the impact of developing the Northern Sports Field Complex, and asked the Board to consider relocating the pool and amphitheater to the Marshall Community Center property.

PROCLAMATIONS AND RECOGNITIONS

There were no recognitions given.

CONSENT AGENDA

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

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

Approval of the Minutes for the March 15, 2004 Regular Meeting and March 18, 22, and 29, 2004 Adjourned Meetings of the Fauquier County Board of Supervisors

A Resolution to Petition the Northern Virginia Criminal Justice Training Academy for Withdrawal from Membership

RESOLUTION

A RESOLUTION TO PETITION THE NORTHERN VIRGINIA CRIMINAL JUSTICE TRAINING ACADEMY FOR WITHDRAWAL FROM MEMBERSHIP

WHEREAS, on January 14, 1997, Fauquier County entered into an Agreement Establishing the Northern Virginia Criminal Justice Training Academy ("the Academy"); and

WHEREAS, Fauquier County has enjoyed an excellent relationship with the other localities participating in the Academy, and has received thorough and effective training for its law enforcement officers at the Academy; and

WHEREAS, an analysis of the current training needs of Fauquier County's law enforcement staff has revealed that participation in the Rappahannock Regional Criminal Justice Academy would provide a more relevant curriculum and result in significant cost savings; and

WHEREAS, pursuant to the Agreement Establishing the Northern Virginia Criminal Justice Training Academy, members are prohibited from withdrawing from membership while there are outstanding bonds; and

WHEREAS, there is currently an outstanding bond with Sun Trust Bank in the amount of $2,895,000, of which Fauquier County is required to, and intends to, pay its proportionate share; and

WHEREAS, the Agreement Establishing the Northern Virginia Criminal Justice Training Academy is subject to amendment upon unanimous written consent of the governing bodies of all participating members; and

WHEREAS, it is the intention of the Board of Supervisors to petition the other member localities to amend the Agreement in order to allow withdrawal by Fauquier County upon payment of its proportionate share of the outstanding bond; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the Fauquier County Administrator be, and is hereby, directed to take all actions necessary to petition for withdrawal from the membership of the Northern Virginia Criminal Justice Training Academy.

A Resolution to Adopt the County of Fauquier Records Management Plan

RESOLUTION

A RESOLUTION TO ADOPT THE COUNTY OF FAUQUIER RECORDS MANAGEMENT PLAN

WHEREAS, the Virginia Public Records Act, Code of Virginia Section 42.1-76 et seq., requires Fauquier County to establish and maintain a program for the economical and efficient management of the records of its offices and departments; and

WHEREAS, the Virginia Public Records Act establishes a single body of law applicable to public officers and employees on the subject of public records management and preservation, and to ensure that the procedures used to manage and preserve public records will be uniform throughout the state; and

WHEREAS, Fauquier County desires to provide for an orderly and efficient system of records management in compliance with the provisions of the Virginia Public Records Act; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the County of Fauquier Records Management Plan be, and is hereby, adopted to provide for a comprehensive, uniform system for management of County records.

COUNTY OF FAUQUIER

RECORDS MANAGEMENT PLAN

The Records Management Plan with its component, the Records Management Manual, is designed to ensure a high level of customer service. The Plan provides a comprehensive, uniform system for the efficient management, access, elimination and storage of County records. The purpose of the Plan is to:

- define a records management policy
- retrieve, store and safeguard records
- archive records for the use of future generations
- destroy outdated records for efficient storage space management

The following paragraphs summarize the components of the Plan.

Records Management Policy

- A Countywide Records Manager appointed by the County Administrator will coordinate the implementation and maintenance of the Records Management Policy.
- Department Records Coordinators appointed by the department heads will implement and maintain departmental records under the direction of the Records Manager.
- The Fauquier County Records Management Manual (RMM) prepared in accord with the Library of Virginia - Virginia Public Records Management Manual will serve as the official policy and technical guide to records management.
- The Department Records Coordinators will be trained by the Records Manager initially and periodically in the use of the RMM.

- A three-member Records Management Advisory Committee appointed by the County Administrator will meet at least once annually with the Records Manager to review, evaluate and update the Records Management Policy and its administration and recommend to the County Administrator any necessary changes, and consider appeals.

Retrieval, Storage and Protection of Records

- As funds are available, all departments will duplicate vital records as defined in the RMM for the purpose of storing duplicate records in a secure off-site location.

- The RMM will be amended periodically by the Records Manager and Records Management Advisory Committee with approval by the County Administrator to reflect advanced storage, retrieval and safety systems for various record types.

- The County will continue to explore the potential of using a Geographic Information System for managing records.

Archival, Retention/Disposition of Records

- Archival records will be retained as regulated by the Library of Virginia under the provisions of Section 42.1-76 et. seq. of the Code of Virginia.

- Destruction of records will be implemented in accordance with the Library of Virginia policies.

- The Records Center of the Library of Virginia may be used for permanent storage of Library of Virginia defined archival/permanent records. All other archival/permanent records will be stored at a County records preservation site specified by the Records Manager.

Electronic Records

- Electronic records consist of magnetic tapes and disks, optical disks, compact disks (CD), and any other form of magnetic, electronic, or digital media and their associated software programs, documentation, manuals or instructions.

- The retention and disposition requirements for all records are the same regardless of their format (paper, microfilm, or electronic).

- Electronic records not listed on a retention schedule must be added.

Disaster Plan

- A specific plan for the protection, recovery, and/or salvage of public records involved in a disaster will be developed and included in the County's Emergency Operations Plan at the earliest possible date.

COUNTY OF FAUQUIER

RECORDS MANAGEMENT MANUAL

I. Records Management Plan/Policy, Purpose and Scope

The purpose of the Fauquier County Records Management Plan is to establish a uniform County policy to provide effective controls over the creation, distribution, use, retention, storage, retrieval, protection, preservation and final disposition of the records which are essential to the administration of the County. Pursuant to a resolution adopted by the Board of Supervisors at its April 19, 2004 meeting, the County's program was created to:

A. Provide for the proper and efficient management of the public records of Fauquier County from creation to disposition in the following sequence:

1. Preparation for records storage
2. Creation and maintenance of a records storage system
3. Rapid retrieval
4. Retention and disposition scheduling
5. Microfilm or optical imaging applications
6. Destruction or transfer to archives or permanent storage
7. Disaster planning and recovery

B. Promote efficient administrative practices through the designation of a County Records Manager, Department Records Coordinators and a Records Management Advisory Committee.

C. Minimize overhead expense, reduce need for office space, filing equipment, file maintenance and staff time.

D. Improve responsiveness to information retrieval requests by the public.

II. Authority, Duties and Responsibilities

A. Pursuant to Section 42.1-85 of the Virginia Public Records Act, a Records Manager will be appointed by the County Administrator to administer the Records Management Plan and serve as the County's liaison to the Library of Virginia with the following specific duties:

1. Maintain and annually distribute to Department Records Coordinators the most current edition of the County of Fauquier Records Management Plan and *Records Retention and Disposition Schedules*, which serve, in conjunction with the Library of Virginia – Virginia Public Records Management Manual, as the official policy and technical guides for records management.

2. Assure that records are periodically transferred to the Library of Virginia Records Center in accordance with the Library of Virginia – Virginia

Public Records Management Manual or to the County Records Preservation Site, as appropriate.

3. Provide annual training and ongoing technical assistance and direction to the Department Records Coordinators regarding all policies and procedures of the Records Management Plan.

4. Meet at least once annually with the Records Management Advisory Committee to review and evaluate the County's Records Management Policy and administration, and provide reports concerning appeals that may come before the Committee.

B. The Department Heads have the authority and responsibility to:

1. Appoint Department Records Coordinators to administer the department's Records Management Program.

2. Maintain a departmental Records Retention and Disposition Schedule which accurately lists all department records.

3. Assure that records are periodically transferred to the Library of Virginia Records Center or to the County's Records Preservation Site through the Records Manager.

4. Review the department's *Records Retention and Disposition Schedule* at least once annually to ensure it is complete and accurate.

C. The Department Records Coordinators will be appointed by the appropriate department heads to administer the records management program within their department or division. The Department Records Coordinators will adhere to the records management policies set forth herein with the following specific duties:

1. Prepare and maintain a master records inventory of all file series within the department or division.

2. In accordance with the department or division Records Retention and Disposition Schedule, establish an ongoing, periodic calendar for destroying records or forwarding records to the Library of Virginia Records Center or to the County's Records Preservation Site as directed by the Records Manager.

3. Assist and provide technical guidance and training to involved personnel within the department and provide liaison with the Records Manager.

D. The Records Management Advisory Committee will be appointed by the County Administrator to oversee the administration of the Records Management Plan. The Committee will consist of three members comprising one department head, one division chief and one non-managerial staff member and will undertake the following duties:

1. Establish a system to prevent the multiplicity and fragmentation of records among departments by specifying primary guardianship.

2. Meet with the Records Manager at least once annually to review, evaluate and update the Records Management Plan and its administration. Recommendations regarding necessary changes will be made to the County Administrator and implemented with the Board of Supervisors' approval.

3. Provide guidance for the administration of the Records Management Plan when requested by the Records Manager or the County Administrator.

4. Consider and decide upon written appeals to the administration of the Records Management Plan. Prior to consideration of such appeals, the Records Manager will provide to the Committee a written report which will be considered in making a decision on the appeal.

III. Retrieval, Storage and Protection of Records

A. The Library of Virginia – Virginia Public Records Management Manual will serve as the official policy and technical guide for records retrieval, storage and protection.

B. A master records inventory of all files within each department and division must be prepared, updated on an annual basis and forwarded to the Records Manager on the specified forms.

C. A department *Records Retention and Disposition Schedule*, based on the Library of Virginia *Records Retention and Disposition Schedule*, must be updated annually for submission to the Records Manager. This Schedule may be supplemented to indicate archival/permanent records that do not appear on the Library of Virginia schedule and require storage at the County Records Preservation Site. All department and division schedules and suggested modifications to the Library of Virginia schedule must be routed through the Records Manager to be forwarded for approval by the Library of Virginia Records Analysis Section.

D. All vital records, as defined in the Library of Virginia - Virginia Public Records Management Manual, must be identified and duplicated for storage off-site as directed by the Records Manager.

IV. Archival and Historic Records Retention/Disposition of Records

A. Archival records will be retained as regulated by the provisions of Section 42.1-82 of the Code of Virginia and permanently stored in the Library of Virginia Archives. All historic records not specified as "permanent" or "archival" in a current Library of Virginia *Records Retention and Disposition Schedule* will be stored at the Fauquier County Records Preservation Site.

B. A Records Transfer and Receipt provided by the Records Manager must be prepared and returned to the Records Manager for transmittal of archival or permanent records to the Library of Virginia Records Center.

C. Records scheduled for transfer to the Library of Virginia Records Center must be stored in acid-free boxes approved by the Records Manager.

D. Approval for destruction of records, including permanent records that have been converted to another physical format (such as microfilming), must be requested on forms provided by the Records Manager at least thirty days prior to destruction. Records scheduled for destruction, as defined in the Library of Virginia *Records Retention and Disposition Schedule*, must be clearly marked "Destroy after (date)" if they are stored in the Library of Virginia Records Center. (If an investigation or litigation is pending or ongoing, records cannot be destroyed until the investigation is completed or the litigation resolved.)

V. Disaster Response

A. The department master records inventories, which identify the subject and location of records, will be stored in a secure, off-site location to expedite the removal/retrieval of vital and archival/permanent records in an emergency such as a flood, fire, hurricane or earthquake.

B. In the event of a disaster, the initiation of communications, assessment of record damages and salvage of records will be performed in accord with the County's Emergency Operations Plan.

C. The Records Manager will contact the Library of Virginia immediately for assistance in implementing a record evacuation/salvage procedure.

A Resolution to Request State Funding to Expand the Clarke-Fauquier-Frederick-Winchester (CFFW) Regional Adult Detention Center

RESOLUTION

A RESOLUTION TO REQUEST STATE FUNDING TO EXPAND THE CLARKE-FAUQUIER-FREDERICK WINCHESTER REGIONAL ADULT DETENTION CENTER

WHEREAS, Fauquier County is a member of the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center; and

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center is overcrowded and public safety and efficient operations are impaired because the inmate population exceeds the design capacity; and

WHEREAS, the jurisdictions which are members of the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center are willing, with appropriate State partnership, to expand the facility to address public safety and operational requirements; and

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center has prepared and submitted a Community Based Corrections Plan in accordance with Section 53.1-82.1 of the Code of Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the Board of Supervisors respectfully requests the Commonwealth of Virginia to approve the Community Based Corrections Plan submitted to the Virginia Department of Corrections on March 1, 2004, and to reimburse each member locality its pro rata share up to one-half of the reimbursable capital costs.

A Resolution to Authorize the County Administrator to Provide Certification of Local Approval of Non-Profit Applicants for the SHARE Federal Grant

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PROVIDE CERTIFICATION OF LOCAL APPROVAL OF NON-PROFIT APPLICANTS FOR THE SHARE FEDERAL GRANT

WHEREAS, a local certification of approval is required by Fauquier Family Shelter Services, Inc. to receive grant funding for the emergency shelter program and transitional housing program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the County Administrator be, and is hereby, authorized to execute the Fiscal Year 2005 Certification of Local Approval for Non-Profit Applicants SHARE Federal Shelter Grant.

A Resolution to Authorize the Release of Funding for Design and Bidding Services – Catlett/Calverton Sewer Service

RESOLUTION

A RESOLUTION TO AUTHORIZE THE RELEASE OF FUNDING FOR DESIGN AND BIDDING SERVICES – CATLETT/CALVERTON SEWER SERVICE

WHEREAS, Fauquier County has worked, for a number of years, to address environmental and public health concerns related to failing drainfields and poor soil conditions in the Catlett/Calverton communities; and

WHEREAS, Fauquier County and the Fauquier County Water and Sanitation Authority (WSA) have completed an evaluation of alternative approaches to wastewater disposal systems; and

WHEREAS, WSA has utilized the preliminary engineering reports prepared with Community Development Planning grant funds to solicit engineering proposals for a wastewater treatment and collection system; and

WHEREAS, WSA is prepared to award a contract in the amount of $560,000 to the firm of Rummal, Kepper and Kahl, LLC for design of a waste treatment plant to serve Catlett/Calverton and to award a contract in the amount of $565,000 to the firm of Dewberry and Davis for design of the collection system and pump stations; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the County Administrator be, and is hereby, directed to advise the Fauquier County Water and Sanitation Authority that the County will fund engineering services in the amount of $1,125,000 for the Catlett/Calverton sewer system.

A Resolution Authorizing Lease of Fauquier County Fairgrounds for Piedmont Food and Farm Show on August 7, 2004

RESOLUTION

A RESOLUTION AUTHORIZING LEASE OF FAUQUIER COUNTY FAIRGROUNDS FOR PIEDMONT FOOD AND FARM SHOW ON AUGUST 7, 2004

WHEREAS, the Fauquier County Agricultural Development Office and Fauquier County Cooperative Extension are jointly planning the Piedmont Food and Farm Show to be held August 7, 2004, at the Fauquier County Fairgrounds; and

WHEREAS, the Piedmont Food and Farm Show will showcase local and regional agricultural products and provide the opportunity for local restaurants and caterers to prepare such products for residents to sample; and

WHEREAS, it is necessary to reserve the Fauquier County Fairgrounds for this event through execution of a Facilities/Property Lease Agreement with the Fauquier County Fair, Inc.; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the Facilities/Property Lease Agreement with the Fauquier County Fair, Inc. be, and is hereby, authorized to be executed in order to reserve the Fauquier County Fairgrounds for the Piedmont Food and Farm Show.

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CHAPTER 15 OF THE FAUQUIER COUNTY CODE TO ADD SECTIONS 15-10 THROUGH 15-10.3 RELATING TO TRESPASS

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

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

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING CHAPTER 15 OF THE FAUQUIER COUNTY CODE TO ADD SECTIONS 15-10 THROUGH 15-10.3 RELATING TO TRESPASS

WHEREAS, Virginia Code Section 15.2-1717.1 permits any locality to establish by Ordinance a procedure whereby the owner, lessee, custodian, or person lawfully in charge of the property may designate the local law enforcement agency as a "person lawfully in charge of the property" for the purpose of forbidding another to trespass upon the property; and

WHEREAS, the Public Safety Committee of the Fauquier County Board of Supervisors has recommended that the Board consider the adoption of such an Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance amending Chapter 15 of the Code of Fauquier County to add Section 15-10 through 15.10.3 related to trespass.

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE OF THE BOARD OF SUPERVISORS TO ADVISE THE BOARD ON MATTERS RELATING TO HUMAN RIGHTS

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

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

RESOLUTION

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE OF THE BOARD OF SUPERVISORS TO ADVISE THE BOARD ON MATTERS RELATING TO HUMAN RIGHTS

WHEREAS, the right to live free from discrimination based upon race, color, religion, national origin, sex, age, marital status or disability is one of the most basic rights of man and is a cornerstone to the lives of all citizens of the United States, Commonwealth of Virginia, and Fauquier County; and

WHEREAS, the General Assembly of the Commonwealth of Virginia, by enactment of The Virginia Human Rights Act of 1987, as amended, authorized action by local governments to work against discrimination based upon race, color, religion, national origin, sex, age, marital status or disability; and

WHEREAS, the 2000 Decennial Census reveals that the residents of Fauquier County are an increasingly diverse mixture of races, colors, religions, national origins, sexes, ages, marital status or disabilities; and

WHEREAS, the Board of Supervisors is committed to the proposition that all residents of Fauquier County have the right to live free from discrimination based upon race, color, religion, national origin, sex, age, marital status or disability; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That an Ad Hoc Committee be, and is hereby, established to advise the Board of Supervisors on matters relating to human rights; and, be it

RESOLVED FURTHER, That the Committee shall consist of nine (9) members who shall be residents of the County and broadly representative of the racial, sexual, religious, ethnic, age and disability groups in the County and the Committee and its Chairman shall be appointed in accordance with the appointment process set forth in the Bylaws of the Board of Supervisors; and, be it

RESOLVED FINALLY, That the Committee shall act as a clearinghouse for information on human rights, as conduit for the citizens of the County to the Commonwealth's Council on Human Rights with its enforcement and regulatory authority, and shall also be charged with the duty and responsibility of recommending to the Board of Supervisors human rights issues affecting Fauquier County and worthy of study.

A RESOLUTION TO AUTHORIZE PREPAYMENT OF CAPITAL LEASE AGREEMENT WITH THE FAUQUIER BANK FOR FINANCING OF THE COUNTY-OWNED PROPERTY LOCATED AT 320 HOSPITAL DRIVE, WARRENTON, VIRGINIA

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

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

RESOLUTION

A RESOLUTION TO AUTHORIZE PREPAYMENT OF CAPITAL LEASE AGREEMENT WITH THE FAUQUIER BANK FOR FINANCING OF COUNTY-OWNED PROPERTY LOCATED AT 320 HOSPITAL DRIVE, WARRENTON, VIRGINIA

WHEREAS, Fauquier County is the owner of certain property situate in the Town of Warrenton, Fauquier County, Virginia, containing 5.6951 acres, more or less, designated as PIN #6974-94-8523, further described as the County office building located at 320 Hospital Drive, which was acquired by Deed recorded in Deed Book 771 at page 260 among the Fauquier County land records; and

WHEREAS, Fauquier County entered into certain agreements with The Fauquier Bank as lender (Prime Lease dated February 12, 1997, and recorded in Deed Book 772 at page 414; and Lease Agreement dated February 12, 1997, and recorded in Deed Book 772 at page 420) in order to finance the 320 Hospital Drive property; and

WHEREAS, the Lease Agreement with The Fauquier Bank dated February 12, 1997, provides for a maturity date of February 1, 2007, but permits prepayment on or after February 1, 2002, upon 30 days prior notice to The Fauquier Bank; and

WHEREAS, based upon review of the repayment terms and provisions of the said Lease Agreement with The Fauquier Bank dated February 12, 1997; the County's cash reserve status; and current investment earnings on the County's cash funds, the Fauquier County Finance Director has determined that prepayment of the Lease Agreement with The Fauquier Bank will result in substantial savings to the County and recommends that the Board of Supervisors consider prepayment action; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the County Administrator be, and is hereby, authorized to take all actions necessary, including the use of County fund balance, to prepay to The Fauquier Bank all sums due and owing by the County of Fauquier under that certain Lease Agreement dated February 12, 1997.

A RESOLUTION TO APPROVE THE REQUEST OF PHILIP L. PAYNE, JR. AND CAROLYN PAYNE 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, SCOTT DISTRICT

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

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

RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF PHILIP L. PAYNE, JR. AND CAROLYN PAYNE 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, SCOTT DISTRICT

WHEREAS, on October 25, 2002, the applicants, Philip L. Payne, Jr. and Carolyn Payne, were the recipients of a family transfer parcel; and

WHEREAS, the applicants are anticipating financial difficulties due to a decrease in their income and an increase in their expenses; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the requirement that Philip L. Payne, Jr. and Carolyn Payne hold their family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

A RESOLUTION FINDING THE PROPOSED USE OF THE PROPERTY OF BENJAMIN C. GRAVETT, INDUSTRIAL LTD. PARTNERSHIP, PIN 7819-08-5767-000, FOR A MULCHING BUSINESS TO BE CONSISTENT WITH THE PROFFERS DATED AUGUST 26, 1999

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

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

RESOLUTION

A RESOLUTION FINDING THE PROPOSED USE OF THE PROPERTY OF BENJAMIN C. GRAVETT, INDUSTRIAL LTD. PARTNERSHIP, PIN 7819-08-5767-000, FOR A MULCHING BUSINESS TO BE CONSISTENT WITH THE PROFFERS DATED AUGUST 26, 1999

WHEREAS, on December 6, 1999, the Fauquier County Board of Supervisors rezoned certain property identified as PIN 7819-08-5767-000 to the I-2 zoning district subject to proffers dated August 26, 1999, and the Concept Development Plan attached thereto; and

WHEREAS, Riverside Mulch, Inc., Contract Purchaser, has submitted an application for the issuance of a special permit to locate a mulching business on the aforesaid property; and

WHEREAS, the Zoning Administrator has determined that the proposed use is inconsistent with the Concept Development Plan attached to the aforesaid proffers; and

WHEREAS, the applicant has appealed the decision of the Zoning Administrator's interpretation of the proffers to the Board of Supervisors, in accordance with Fauquier County Zoning Ordinance Section 13-202(2)(D); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the Board of Supervisors does hereby find that the proposed use of the property of Benjamin C. Gravett, Industrial Ltd. Partnership, PIN 7819-08-5767-000, for a mulching business to be consistent with the proffers dated August 26, 1999.

APPOINTMENTS

By unanimous consent, the following appointments were made:

- Disability Services Board – Consumer Representative; Carina Elgin, appointed with a term to expire April 19, 2007.

- Disability Services Board – Consumer Representative; Linda Reid, appointed with a term to expire April 19, 2007.

- Library Board - Cedar Run District; Alice Jane Childs, reappointed with a term to expire June 30, 2007.

SUPERVISORS' TIME

- Mr. Graham announced that Daniel Gulick and Robert Lynn were finalists in the National Merit Scholarship competition. Mr. Graham asked the Board members to consider naming the County property on Hospital Drive after Alice Jane Childs.

- Mr. Stribling expressed his appreciation to the color guard and members of Boy Scout Troop 1187 for leading the Pledge of Allegiance.

- Mr. Robison announced that Citizens for Fauquier County had organized a county-wide litter pickup program which is scheduled for April 24 and April 25, 2004, and encouraged the community to be involved in the event.

ANNOUNCEMENTS

- Mr. Lee introduced Larry Land, Director of Policy Development for the Virginia Association of Counties (VACo), who discussed the VACo services and upcoming educational programs.

COMPREHENSIVE PLAN AMENDMENT #CPA03-S-09 AND REZONING #RZ03-S-17 – GAINES TRUST, W. ROBERT GAINES TRUSTEE, OWNER, AND ANGLER DEVELOPMENT LLC, APPLICANT – BISHOP'S RUN

A public hearing was reconvened, having been continued from March 15, 2004, to consider an application for a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood and Mixed Use Neighborhood Up to 3 Dwellings Per Acre to a new land use designation of Low Density Residential up to 3 Dwellings Per Acre (single family attached permitted). The applicant also wishes to rezone ± 53.75 acres from Residential–1 (R-1) and Commercial Neighborhood (C-1) to Residential–4 (R-4) Conventional and Cluster for the purpose of developing 123 residential units with ±46 single family lots and ±77 single family attached units and to rezone 9.14 acres from Commercial Neighborhood (C-1) to Commercial Neighborhood (C-1) with proffers permitting 55,000 square feet of commercial/retail/office space, including a day care facility and ±20 second story apartments. The property is located on the east and west sides of Riley Road (Route 676), north of Broad Run Church Road (Route 600), in Scott District, further identified as PIN # 7916-22-4949-000 and PIN # 7916-12-8941-000. Elizabeth A. Cook, of the Department of Community Development, provided a staff report and summarized the application. No one spoke. Mr. Downey moved to continue the public hearing in order to cure a Notice defect, and to postpone a decision until the next regular meeting on May 17, 2004. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

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

AMENDMENT TO SECTION 7-2 OF THE COUNTY CODE RELATING TO POLLING PLACE LOCATIONS

A public hearing was held to consider a proposed Ordinance amending Chapter 7 of the Code of Fauquier County to change polling place locations for the Courthouse, Lois and Marshall Precincts in order to better serve the public. Alexander A. Ables, Registrar, summarized the proposed amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

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

ORDINANCE

AN ORDINANCE AMENDING SECTION 7-2 OF THE COUNTY CODE FOR THE COUNTY OF FAUQUIER RELATING TO POLLING PLACE LOCATIONS

WHEREAS, on July 16, 2001, the Fauquier County Board of Supervisors adopted an Ordinance establishing Magisterial districts, precincts and polling places; and

WHEREAS, the Ordinance adopted on July 16, 2001 amended and readopted Section 7-2 of the County Code for Fauquier County, for the purpose of establishing a voting place for each precinct; and

WHEREAS, the location of the Lois Precinct within a building that also serves as a voting location for another precinct has created confusion among voters; and

WHEREAS, the location for the Marshall Precinct has been logistically difficult for voters, officers of election, and facility staff to adequately conduct elections at this location; and

WHEREAS, the location for the Courthouse Precinct has been difficult for voters to find adequate parking and maximum occupancy limits for the location has required voters to stand outside the precinct voting facility at certain periods of the day; and

WHEREAS, the Board of Supervisors has determined that polling locations should offer better accessibility for voters and resources for officers of election to better administer the election process and to generally foster a more positive voting experience to enhance voter turnout; and

WHEREAS, the Board of Supervisors desires to change the locations for the above-referenced precincts by amending Section 7-2 of the County Code, as amended herein; and

WHEREAS, on April 19, 2004, the Board of Supervisors held a public hearing, upon advertisement and notice, properly and duly given; and

WHEREAS, the Board of Supervisors desires to adopt this Ordinance and change three polling places for Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the Fauquier County voting precinct locations be, and are hereby, realigned and reestablished, as amended herein; and, be it

ORDAINED FURTHER, That the County Attorney be, and is hereby, authorized and directed to forward copies of the Ordinance to the Fauquier County Electoral Board, the Secretary of the Commonwealth, the State Board of Elections, and the Division of Legislative Services, and to make application to the United States Department of Justice for pre-clearance of this Ordinance, pursuant to Section 5 of the United States Rights Act; and, be it

ORDAINED FINALLY, That Section 7-2 of the County Code be, and is hereby, amended and readopted as follows:

Section 7-2 – Same Enumerated.
The precincts for each magisterial district and the polling places for each precinct shall be as set forth below:

(1) Cedar Run Magisterial District:
    a. Opal precinct, Liberty High School
    b. Casanova precinct, Dominion Virginia Power Building
    c. Catlett precinct, Catlett Fire Hall
    d. Kettle Run precinct, St. Stephen's Church
    e. Lois precinct, ~~Mary Walter Elementary School,~~ Mt. Carmel Baptist Church
(2) Center Magisterial District:
    a. Airlie precinct, C. M. Bradley Elementary School
    b. Baldwin Ridge precinct, P. B. Smith Elementary School
    c. Courthouse precinct, ~~Warren Green Building,~~ Warrenton Presbyterian Church
    d. Warrenton precinct, Old Central Elementary School
(3) Lee Magisterial District:
    a. Morrisville precinct, Mary Walter Elementary School
    b. Bealeton precinct, Cedar Lee Middle School
    c. Remington precinct, M. M. Pierce Elementary School
(4) Marshall Magisterial District:
    a. Leeds precinct, Emmanuel Episcopal Church
    b. Marshall precinct, Marshall ~~Community Center & Annex,~~ Ruritan Club
    c. Waterloo precinct, Fauquier High School
(5) Scott Magisterial District:
    a. Broad Run precinct, Lutheran Church (at Route 605)
    b. New Baltimore precinct, C. Hunter Ritchie Elementary School
    c. The Plains precinct, Grace Episcopal Church.

(Ord. No. 87-1, 2-17-87; Ord. No. 87-5, 7-21-87; Ord. No. 88-1, 3-15-88; Ord. No. 90-5, 7-17-90; Ord. No. 91-6, 7-16-91; Ord. No. 92-2, 3-17-92; Ord. No. 92-4, 8-18-92; Ord. No. 94-2, 5-3-94; Ord. No. 96-2, 3-19-96; Ord. No. 01-05, 7-16-01; Ord. No. 02-08, 11-18-02)

AMENDMENT TO THE FISCAL YEAR 2004 ADOPTED BUDGET IN THE AMOUNT OF $6,255,542

A public hearing was held to consider proposed amendments to the Fiscal Year 2004 Budget. Various budget related issues in the amount of $5,096,199 in appropriations, and $1,159,343 in transfers for FY 2004, totaling $6,255,542, have been identified by the Finance Committee for consideration. Bryan Tippie, Budget Director, summarized the proposed budget amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

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

RESOLUTION

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET
IN THE AMOUNT OF $6,255,542

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

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

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

WHEREAS, the Finance Committee has recommended FY 2004 budget adjustments of $6,255,542 for the purposes set forth below; and

WHEREAS, on April 19, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of $5,096,199 in appropriations and $1,159,343 in transfers, totaling $6,255,542, as follows:

	FROM			TO	
Source	**Code**	**Amount**	**Department**	**Code**	**Amount**
FY 2004					
Donation	3-302-189903-0001	$33,852	Library	4-302-080702-8231	$33,852
Federal Funds	3-205-332000-0029	$16,043	School Division	4-205-061108-6013-200-190	$16,043
Donation	3-205-189903-0001	$500	School Division	4-205-061100-6013-200-100	$500

Federal Funds	3-100-331500-0010	$708	Social Services	4-100-053110-1201	$708
Federal Funds	3-100-331500-0010	$8,959	Fire & Emergency Services	4-270-032420-6014 4-270-032420-1201	$128 $8,831
Federal Funds	3-100-331500-0010	$645	Fire & Emergency Services	4-270-32420-5130 4-270-32420-6002	$480 $165
Federal Funds	3-100-331500-0010	$4,066	Fire & Emergency Services	4-270-032420-1201	$4,066
Federal Funds	3-100-331500-0010	$900	Joint Communications	4-220-031410-1201	$900
Federal Funds	3-100-331500-0010	$14,450	Sheriff's Office	4-100-031200-1102 4-100-031200-1201 4-100-031200-6007 4-302-80301-8205	$2,325 $5,526 $2,320 $4,279
Federal Funds	3-100-331000-0200	$12,353	Sheriff's Office	4-100-031262-1201	$12,353
Insurance Recovery	3-100-411000-0010	$9,075	Sheriff's Office	4-302-80301-8205	$9,075
Insurance Recovery	3-100-411000-0010	$7,725	Sheriff's Office	4-302-80301-8205	$7,725
Insurance Recovery	3-100-411000-0010	$12,641	Sheriff's Office	4-100-031200-3311	$12,641
Insurance Recovery	3-100-411000-0010	$10,335	Sheriff's Office	4-100-031200-3311	$10,335
State Funds	3-100-244005-0015	$2,489	SPCA	4-100-091400-5670	$2,489
Insurance Recovery	3-100-411000-0010	$2,838	General Services	4-100-043412-3310	$2,838
Capital Fund	4-302-94130-9999	$5,000	Economic Opportunity – Flying Circus	4-100-081600-5701	$5,000
Local Revenues Contingency Reserve (Transfer)	3-100-167000-0040 3-100-133000-0043 4-100-091400-9999	$2,000 $10,000 $4,500	GIS	4-100-013010-6050	$16,500
Federal Funds State Funds Local Funds	3-504-338000-0020 3-504-244700-0020 3-504-419000-0020	$4,163,400 $370,080 $92,520	Airport	4-504-92300-3161	$4,626,000
Contingency Reserve (Transfer) Federal Funds	4-100-091400-9999 3-270-331000-0061	$165,300 $315,620	County Administration – Public Safety Radio System	4-302-94301-8205 4-302-94301-8203	$140,000 $340,920
Capital Fund (Transfer)	4-302-094603-8201	$52,839	Food Nutrition – School Division	4-207-065100-8101	$52,839
Capital Fund (Transfer)	4-302-85601-8213	$85,978	Minor Systems – School Division	4-205-064220-6047-900-000	$85,978
Capital Fund (Transfer)	4-302-94200-6101	$687,079	Comprehensive Maintenance – School Division	4-205-064210-3310-900-000	$687,079

Contingency Reserve (Transfer)	4-100-091400-9999	$13,647	GIS	4-100-01310-1101 4-100-01310-2100 4-100-01310-2210 4-100-01310-2310 4-100-01310-2400 4-100-01310-6050 4-100-01310-6047	$8,314 $636 $757 $1,367 $73 $1,500 $1,000
Contingency Reserve (Transfer)	4-100-091400-9999	$150,000	Community Development	4-100-081200-3160	$150,000
TOTAL		$6,255,542			$6,255,542

AMENDMENT TO THE FISCAL YEAR 2004 ADOPTED BUDGET IN THE AMOUNT OF $648,815

A public hearing was held to consider proposed amendments to the Fiscal Year 2004 Budget. Various budget related issues in the amount of $621,813 in appropriations, and $27,002 in transfers for FY 2004, totaling $648,815, have been identified for consideration by the Finance Committee. Bryan Tippie, Budget Director, provided a summary of the proposed budget amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

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

RESOLUTION

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET
IN THE AMOUNT OF $648,815

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

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

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

WHEREAS, the Finance Committee has recommended FY 2004 budget adjustments of $648,815 for the purposes set forth below; and

WHEREAS, on April 19, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of $621,813 in appropriations and $27,002 in transfers, totaling $648,815, as follows:

	FROM			TO	
Source	**Code**	**Amount**	**Department**	**Code**	**Amount**
FY 2004					
Federal Funds	3-100-332000-0001	$12,866	Juvenile Probation for Piedmont Dispute Resolution Center	4-100-033400-5642	$12,866
Joint Communications Fund	4-220-031410-1101	$47,329	Joint Communications	4-100-031400-1101	$47,329
	4-220-031410-2100	$3,621		4-100-031400-2100	$3,621
	4-220-031410-2210	$4,307		4-100-031400-2210	$4,307
	4-220-031410-2310	$3,564		4-100-031400-2310	$3,564
	4-220-031410-2720	$416		4-100-031400-2720	$416
Insurance Recovery Fund Balance	3-302-411000-0010	$134,785	School Division	4-302-94680-3310	$188,643
	3-205-411000-0010	$105,970		4-302-85601-8210	$68,817
	3-100-419000-0010	$24,991		4-302-94650-8215	$8,286
Local Revenue	3-100-133000-0008	$4,963	Community Development	4-100-081200-1302	$4,963
Capital Funds	4-271-32000-8450	$51,601	Fire & Rescue Volunteers	4-302-TBD	$51,601
Fund Balance	3-100-419000-0010	$200,000	Budget Office – Culpeper St. Bldgs	4-302-TBD	$200,000
State Funds	3-270-244100-0085	$2,400	Fire & Emergency Services	4-270-032420-8205	$2,400
Capital Funds	4-302-94130-9999	$25,000	Economic Opportunity – Flying Circus	4-100-081600-5701	$25,000
Hospital Hill (Transfer)	4-100-091600-1101	$19,283	General Services – Operations	4-100-043413-1101	$19,283
	4-100-091600-2100	$1,475		4-100-043413-2100	$1,475
	4-100-091600-2210	$1,755		4-100-043413-2210	$1,755
Contingency Reserve (Transfer)	4-100-091400-9999	$4,489	Registrar	4-100-013200-1101	$4,489
TOTAL		$648,815			$648,815

AMENDMENT TO CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE XIX ENTITLED "TRANSIENT OCCUPANCY TAX"

A public hearing was held to consider the adoption of an Ordinance amending Chapter 8 of the Code of Fauquier County to add Article XIX entitled "Transient Occupancy Tax" imposing a transient occupancy tax within the boundaries of Fauquier County. The proposed Ordinance would impose a two percent (2%) transient occupancy tax on the total amount of room rentals by transient occupants at hotels, motels and other establishments renting rooms for 30 days or less. The Ordinance would include not just the major hotels and motels but also bed and breakfasts and other smaller boarding houses. The Ordinance will not be effective in any

incorporated Town which has a similar Ordinance. Anthony I. Hooper, Acting Deputy County Administrator, provided a summary of the proposed Ordinance. Howard Foehr, representing Poplar Springs, Cedar Run District; Richard McDonwell, Virginia Association of Hospitality and Travel; Ray Knott, Chairman of the Fauquier County Chamber of Commerce; Linda Robinson; Kevin Carter, General Manager of Airlie Conference Center, Center District; Leslie Van Sant, Executive Director for Great Meadow Foundation and Chair of the Tourism Advisory Committee; John Hardy, of Gray Horse Inn; Philip Mulford, Marshall District; Stephanie Rivers, Sales Director of Airlie Conference Center, Center District; Gail Gilbert, Sales Manager of Airlie Conference Center, Scott District; Woody Walls, Food and Beverage Manager of Airlie Conference Center, Lee District; Ray Hyde, Marshall District; Carl Faller, Lee District; and Lynn Parozolli, owner of Black Horse Inn, spoke in opposition to the proposed Transient Occupancy Tax Ordinance. No one else spoke. The public hearing was closed. Mr. Downey moved that a Study Commission be appointed to study the proposed Ordinance in greater detail and to return to the Board with a recommendation; Mr. Downey further moved to postpone a decision on the matter until the next regular meeting on May 17, 2004. Mr. Robison seconded, and the vote for the motion was unanimous as follows. By unanimous consent, Mr. Atherton appointed Mr. Downey and Mr. Robison to lead the Study Commission that would return with a recommendation at the next regular Board meeting:

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

SPECIAL EXCEPTION #SPEX04-CR-015 – RICHARD L. (SR.) & PATRICE M. GRANDY, OWNERS, AND SCOTT & MARY ANN ROBERTSON, APPLICANTS – LIBERTY HILL PET RESORT

A public hearing was held to consider an application to obtain Special Exception approval under Category 13, which would allow for a kennel offering boarding to pets, grooming, indoor obedience training and doggy daycare. The property is located at 10104 Green Road (Route 674) near the intersection of Old Marsh Road (Route 837), in Cedar Run District, further identified as PIN #6990-14-0393-000. Elizabeth Cook, of the Department of Community Development, presented a staff report and summarized the application. Mary Ann Robertson, Applicant, requested favorable consideration of the application. Jim Van Luven, Lee District, Pastor Tracy Baer, of Liberty United Methodist Church, Lee District, and Larry D. Shannon, Lee District, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was 4 to 1 as follows:

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

RESOLUTION

A RESOLUTION TO APPROVE SPEX04-CR-015: A CATEGORY 13 SPECIAL EXCEPTION TO ALLOW FOR A KENNEL OFFERING BOARDING TO PETS, GROOMING, INDOOR OBEDIENCE TRAINING AND DOGGY DAYCARE

WHEREAS, the owners of the property located at 10104 Green Road (Route 674) near the intersection of Old Marsh Road (Route 837) within the Village of Liberty, further identified by PIN #6990-14-0393-000, have requested a Category 13 Special Exception to allow for a kennel offering boarding to pets, grooming, indoor obedience training and doggy daycare in a Rural Agricultural (RA) zone, which is part of the Southern Fauquier Agricultural and Forestal District; and

WHEREAS, the requested Special Exception will allow the applicants to operate a limited capacity dog grooming and kennel boarding service on the same property; and

WHEREAS, at its meeting on March 25, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-CR-015 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 19th day of April 2004, That Special Exception SPEX04-CR-015, Mary Ann and Scott Robertson, applicants, be, and is hereby, approved, subject to the following conditions:

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.

2. The subject parcel under this Special Exception shall not be subdivided without amendment to the Special Exception in accordance with the provisions of Article 5 of the Zoning Ordinance.

3. The term of this Special Exception shall be limited to five (5) years from the date of site plan approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for five (5) annual extensions, a total of ten (10) years. Thereafter, the Special Exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance.

4. The dog grooming use shall be limited to no more than 24 grooming clients per week with no grooming clients permitted on Sundays. However, this condition does not limit the grooming of boarded dogs.

5. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to noon Saturday, and 1:00 p.m. to 8:00 p.m. Sunday.

6. The dog boarding use shall be limited to boarding of no more than 75 dogs per day. And, the proposed training classes shall be limited to ten (10) dogs per class for four (4) classes per year. The cat boarding shall be limited to no more than 20 cats per day.

7. The dog daycare portion of the operation shall be limited to ten (10) clients per day, with no daycare permitted on Sundays.

8. Any expansion of the boarding, daycare, grooming, or training uses shall require amendment to this Special Exception approval.

9. The applicants shall maintain the farm building appearance of any remodeled or reconstructed buildings used for the kennel/day care operation.

10. The applicant shall file a site plan within one year of approval of this Special Exception.

AMENDMENT TO CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY ADDING ARTICLE XVII ENTITLED "CONSERVATION EASEMENT SERVICE DISTRICT" PROVIDING FOR THE CREATION OF A SPECIAL SERVICE DISTRICT TO PURCHASE CONSERVATION EASEMENTS FOR THE PURPOSE OF PROTECTING AGRICULTURE, PROVIDING OF OPEN SPACE AND AMELIORATING THE IMPACT OF DEVELOPMENT ON THE COUNTY

A public hearing was held to consider a proposed Ordinance that designates the whole County as a service district for the purpose of obtaining conservation easements. The Ordinance permits the annual imposition of a tax on real property and/or personal property to fund the purchase of the conservation easements. G. Robert Lee, County Administrator, summarized the proposed Ordinance. Larry Weeks, Scott District, and Frank Payne, Marshall District, spoke in opposition to the proposed Ordinance. John Chide, Cedar Run District; Jim Van Luven, Lee District, Hope Porter, Marshall District; Yak Lubowsky, Center District; Larry Kovalik, Center District; Doug Larson, President of Piedmont Environmental Council, Center District; and Jolly DeGive, Marshall District, spoke in favor of the proposed Ordinance. No one else spoke. The public hearing was closed. Mr. Downey moved to postpone action on the matter until the next regular Board meeting on May 17, 2004. Mr. Stribling seconded, and the vote for the motion was 2 to 3 as follows:

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

Mr. Atherton then moved to adopt the following Ordinance. Mr. Robison seconded, and the vote for the motion was 4 to 1 as follows:

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

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY ADDING ARTICLE XVII, ENTITLED "CONSERVATION EASEMENT SERVICE DISTRICT" PROVIDING FOR THE CREATION OF A SPECIAL SERVICE DISTRICT TO PURCHASE CONSERVATION EASEMENTS FOR THE PURPOSE OF PROTECTING AGRICULTURE, PROVIDING OF OPEN SPACE AND AMELIORATING THE IMPACT OF DEVELOPMENT ON THE COUNTY

WHEREAS, the Board of Supervisors has established a Purchase of Development Rights Program to acquire conservation easements for the purpose of protecting agriculture, providing open space and ameliorating the impact of development on the County; and

WHEREAS, Virginia Code Section 10.1-1701 authorizes Counties to acquire open space conservation easements for the purpose of retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical or architectural aspects of real property; and

WHEREAS, Virginia Code Section 10.1-1703 authorizes Counties to acquire conservation easements for the purpose of conserving lands for farming; and

WHEREAS, Virginia Code Sections 15.2-2400 through 15.2-2413 provide for the creation of service districts that will provide for the preservation or provision of open-space land as provided for in the Open Space Land Act (§10.1-1700 et seq); and

WHEREAS, Virginia Code Section 15.2-2403.6 provides for the levy and collection of a tax on any property located in the service district to pay, either in whole or in part, for the provision of the service provided for under the service district; and

WHEREAS, after due notice and public hearing as provided for by law, the Board of Supervisors has, by the adoption of this Ordinance, determined that it is in the interest of the health, safety and welfare of the citizens of Fauquier County to create a service district for the purpose of protecting agriculture, provision of open space and ameliorating the impact of development on the County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 19th day of April 2004, That Chapter 8 of the Code of Fauquier County be, and is hereby, amended to add Article XVII, entitled the Conservation Easement Service District, providing for the creation of a special service district to purchase conservation easements for the purpose of protecting agriculture, provision of open space and ameliorating the impact of development on the County, said Article to read as follows:

ARTICLE XVII. CONSERVATION EASEMENT SERVICE DISTRICT

Sec. 8-_____. Creation, Purpose and Description of Conservation Easement Service District.

(a) There is hereby created a Fauquier County Easement Service District with boundaries that follow the boundaries of Fauquier County, and which district includes all real and personal property located within the boundaries of

Fauquier County, a political subdivision of the Commonwealth of Virginia. No parcels or areas located within the boundaries of the district are excluded.

(b) The purpose of the district is to acquire open space conservation easements for the purpose of retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical or architectural aspects of real property, and also to acquire conservation easements for the purpose of conserving lands for farming and to provide open space to ameliorate the impact of development on the County.

(c) The proposed plan for acquiring the above-described conservation easements is for the County to acquire the easements by purchase, gift, proffer, donation of other authorized conveyance. When purchased, the cost of acquiring the easement may be financed by any or all of the following methods: the imposition of a service district tax, grants and donations of monies, and the expenditure of general tax funds.

(d) The benefits which can be expected from the acquisition of the conservation easements are the retention and protection of natural or open space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, the protection of natural resources, maintenance or enhancement of air and/or water quality, the preservation of the historical or architectural aspects of real property, the conservation of lands for farming, and the provision of open space to ameliorate the impact of development on the County.

Sec. 8-_____. Conservation Easement Service District – Levy.

(a) The Board of Supervisors may annually levy a tax on assessed value of all real property within the Conservation Easement Service District, which tax shall be extended and collected in the same manner as real property taxes.

(b) The Board of Supervisors may annually levy a tax on assessed value of all personal property within the Conservation Easement Service District, which tax shall be extended and collected in the same manner as personal property taxes.

Sec. 8-_____. Same-Use of Levy.

The County Treasurer shall keep all amounts realized from any levy made pursuant to this Article in a fund separate from all other monies of the County and all funds raised by this levy shall be applied and used for no other purpose than those set forth in this Article.

; and, be it

ORDAINED FURTHER, That no levy under this Chapter shall be assessed for calendar year 2004; and, be it

ORDAINED FINALLY, That the Board of Supervisors does hereby appropriate from the County's general fund for Fiscal Year 2004-05 the amount of $1,338,000, which monies shall be transferred to the Conservation Easement Service District Fund, and which monies shall be used solely for the purposes set forth in this Article.

With no further business, the meeting was adjourned at 9:25 p.m.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 19, 2004.

_____

G. Robert Lee
Clerk to the Board of Supervisors