

following discussion, the vote for the motion was unanimous as follows:

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

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING INCONJUNCTION WITH THE BUDGET PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO SECTION 12-13 OF THE CODE OF FAUQUIER COUNTY TO REVISE CERTAIN BUSINESS, PROFESSIONAL AND OCCUPATION LICENSE FEES AND TO ESTABLISH A SEPARATE CLASSIFICATION OF PERSONAL PROPERTY WITHIN SECTION 8-29.2 OF THE CODE FOR MOTOR VEHICLE CARRIERS WITH A SEATING CAPACITY OF NOT LESS THAN 30 PERSONS, INCLUDING THE DRIVER

WHEREAS, Virginia Code §58.1-3700 provides that a county may require that a Business, Professional and Occupation License be obtained; and

WHEREAS, Section 12-13(a) of the Code of Fauquier County provides for the rate of tax on those businesses with annual gross receipts of less than \$100,000; and

WHEREAS, at the current session the General Assembly authorized localities to create a separate category of personal property applicable to motor vehicle carriers with a seating capacity of not less than 30 persons, including the driver; and

WHEREAS, when there are proposed changes to tax rates and tax classifications, the Board of Supervisors shall hold a public hearing to solicit the views of County citizens on the issue; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2008, That the County Administrator be, and is hereby, directed to schedule a public hearing in conjunction with the Budget Public Hearing to create a separate category of personal property within Section 8-29.2 of the County Code applicable to motor vehicles with a seating capacity of not less than 30 persons, including the driver and to consider adjustments to the Business, Professional and Occupation License fees of Fauquier County Code fees as follows:

Sec. 12-13. License Fees and Tax.

~~(a) For businesses whose gross receipts are less than one hundred thousand dollars (\$100,000.00) there shall be no license tax for the issuance of such license.~~

- (a) For businesses whose gross receipts are less than fifty thousand dollars (\$50,000.00) there shall be a license tax of \$25.00; for businesses whose gross receipts are fifty thousand dollars (\$50,000.00) or greater, but less than one hundred thousand dollars (\$100,000.00), there shall be a license tax of \$50.00; except for the Contractor classification whose gross receipts are less than twenty five thousand dollars

(\$25,000.00) there shall be a license tax of \$20.00 for the issuance of such licenses. These fees shall be nonrefundable.

A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) TO DISCUSS LEGAL MATTERS RELATING TO WHETHER OR NOT TO ENTER INTO A CONTRACT WITH THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY AND THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY THAT REQUIRES THE ADVICE OF LEGAL COUNSEL

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding whether or not to enter into a contract with the Vint Hill Economic Development Authority and the Fauquier County Water and Sanitation Authority. Merle Fallon, Esquire noted his objection. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

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

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

CERTIFICATION OF CLOSED MEETING

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

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

RESOLVED this 24th day of February 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A RESOLUTION GUARANTEEING PAYMENT TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY IN THE AMOUNT OF UP TO \$6,062,130 TO FUND THE COST TO EXPAND THE VINT HILL SEWAGE TREATMENT PLANT TO 950,000 GALLONS PER DAY CAPACITY

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

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

RESOLUTION

A RESOLUTION GUARANTEEING PAYMENT TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY IN THE AMOUNT OF UP TO \$6,062,130 TO FUND THE COST TO EXPAND THE VINT HILL SEWAGE TREATMENT PLANT TO 950,000 GALLONS PER DAY CAPACITY

WHEREAS, Virginia Department of Environmental Quality regulations require the Fauquier County Water and Sanitation Authority to upgrade the Vint Hill sewage treatment plant; and

WHEREAS, the Fauquier County Board of Supervisors and the Vint Hill Economic Development Authority have funded the necessary engineering and design work to expand the sewage treatment plant's capacity from its present level to 950,000 gallons per day; and

WHEREAS, the cost of expanding the plant is estimated to be \$6,062,130; and

WHEREAS, the Vint Hill Economic Development Authority has previously stated that it would fund 43% of the expansion project; and

WHEREAS, should the Vint Hill Economic Development Authority exercise its option to purchase the capacity and fund its 43% of the cost of the project, the County's 57% share of the project would be \$3,455,414.10; and

WHEREAS, at this time, the Vint Hill Economic Development Authority has not exercised its option to purchase capacity in the expanded plant and has not guaranteed its payment to the Fauquier County Water and Sanitation Authority; and

WHEREAS, the Fauquier County Water and Sanitation Authority has stated that the notice to proceed on the plant expansion project must be issued not later than March 31, 2009, and funds guaranteed to it by either or both the County and the Vint Hill Economic Development Authority; and

WHEREAS, the Fauquier County Board of Supervisors has, by adoption of this resolution, determined that it is in the best interest of the citizens of the County to fund up to 100% of the cost for the expansion; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2009, That the County of Fauquier does hereby guarantee payment to the Fauquier County Water and Sanitation Authority in the amount of \$3,455,414.10 to fund Fauquier County's 57% share of the cost to expand the Vint Hill sewage treatment plant to 950,000 gallons per day capacity; and, be it

RESOLVED FURTHER, That should the Vint Hill Economic Development Authority fail to exercise its option in full or in part and the Fauquier County Water and Sanitation Authority issue a determination that the option has not been exercised in full or in part and to the extent not exercised is null and void, the Fauquier County Board of Supervisors does hereby guarantee up to 100% of the \$6,062,130, said amount to be determined based upon the amount, if any, funded by the Vint Hill Economic Development Authority; and, be it

RESOLVED FURTHER, That the County of Fauquier guarantees that such funding shall be in place on or before the Fauquier County Water and Sanitation Authority issues the notice to proceed for the construction of the expansion; and, be it

RESOLVED FURTHER, That the County of Fauquier's funding of this expansion shall be on substantially the same terms and conditions as set forth in the proposed Financing Agreement, a copy of which is attached to and made a part of the resolution; and, be it

RESOLVED FINALLY, That this resolution shall supersede the resolution of the Fauquier County Board of Supervisors previously adopted on October 9, 2008, which resolution shall no longer have any effect.

With no further business, the meeting was adjourned at 8:15 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on February 24, 2009.

Paul S. McCulla
Clerk to the Board of Supervisors