

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
JULY 10, 2008 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

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

A B S E N T Mr. Peter B. Schwartz

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A CLOSED SESSION PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7)
TO CONSULT WITH LEGAL COUNSEL REGARDING SPECIFIC LEGAL MATTERS
WHICH REQUIRE THE ADVICE OF COUNSEL AND THREATENED OR
PROBABLE LITIGATION**

Mr. Stribling 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 specific legal matters related to pending litigation. Upon being seconded, the vote for the motion was 4 – 0 as follows:

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

Upon reconvening from the closed meeting, Mr. Stribling 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 10th day of July 2008, 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.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS

David Cubbage, Residency Administrator of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific road projects within Board members' Magisterial Districts.

A WORK SESSION TO REVIEW THE FISCAL YEAR 2009 PROGRAM PLAN FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING, AND TO CONSIDER A SUPPORTING RESOLUTION

Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA), presented the 2009 Program Plan for Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA) operations, for citizens who are elderly and those with disabilities related to mental illness, mental retardation, and substance abuse problems.

A WORK SESSION TO ADVISE THE BOARD OF SUPERVISORS ON STRATEGIES TO EDUCATE THE PUBLIC ON THE BENEFITS OF A FOOD AND BEVERAGE TAX

Catherine M. Heritage, Deputy County Administrator, advised the Board of Supervisors on possible strategies to educate the public regarding the benefits of implementing a food and beverage tax, which is expected to yield \$2.2 million in potential revenue for the construction, maintenance and renovation of capital projects.

A WORK SESSION TO REVIEW THE PROPOSED DEVELOPMENT OF THE PUBLIC SAFETY TRAINING FACILITY

Anthony I. Hooper, Deputy County Administrator, provided an update on the proposed timing and project implementation of a Public Safety Training Facility, which would be developed in phases with the goal to construct the primary training facilities this fiscal year so that training can be conducted.

BROADBAND PROPOSAL PRESENTED BY VIRGINIA BROADBAND, LLC

Talmage Reeves, Director of the Department of Economic Development, introduced Allen Taliaferro, Vice-President of Network Services, and Warren Manuel, President and CEO of Virginia Broadband, LLC, who discussed the need for expanded broadband service in many areas of Fauquier County, and the proposed plan by Virginia Broadband to provide broadband service to the County.

A WORK SESSION WITH BOARD MEMBERS AND STAFF OF THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY TO DISCUSS THE VINT HILL WASTEWATER TREATMENT PLANT EXPANSION PROJECT

Paul Blackmer, Chairman, Barney Durrett, General Manager, and William Skinker, Chief Financial Officer, representing the Fauquier County Water and Sanitation Authority, provided an update to the Board of Supervisors on the status of the Vint Hill Wastewater Treatment Plant Expansion Project. The Board recommended the creation of a joint liaison committee between the Fauquier County Board of Supervisors and the Fauquier County Water and Sanitation Authority.

A WORK SESSION TO REVIEW THE ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MIXED USE SPECIAL DISTRICT AS SECTION 4-900

Kimberley Johnson, Zoning Administrator, briefed the Board of Supervisors on a proposed text amendment to the Zoning Ordinance that creates a new Mixed Use Special District for use in the County's Service Districts, which is also on the agenda for public hearing.

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

INVOCATION

Mr. Stribling offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Stribling led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Trumbo moved to adopt the agenda with the following changes. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

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

- Add new consent agenda item #6(g), A Resolution to Authorize the County Administrator to Execute a Contract for the Route 605/676 Intersection Signalization and Turn Lane Improvements (Project Number 0605-030-250, C501; UPC Number: 79006).

- Add new regular agenda item #9, A Resolution to Authorize the County Administrator to Submit a Finding of Concurrence for a Temporary Pump and Haul Permit for Brookside Communities, LLC.
- Add a Proclamation Recognizing the Annual Fauquier County Fair and Encouraging the Public to Attend.

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Nyhous introduced Barbara Severin, Chair of the Library Board, who presented a Proclamation to Congratulate Ava Koch Lee Upon Her Retirement from the Fauquier County Public Library.
- Mr. Trumbo presented to Wayne Harne, Chair of the Disability Services Board, a Proclamation to Recognize the 17th Anniversary of the Passage of the Americans with Disabilities Act.
- Mr. Stribling presented to Kara Kelsh of the Greater Washington Muscular Dystrophy Association, and representatives of the Fauquier Fire & Rescue Association, a Proclamation Designating the Week of August 3–9, 2008 as Fauquier County Department of Fire & Rescue Appreciation Week.
- Mr. Graham read a Proclamation Recognizing the Annual Fauquier County Fair and Encouraging the Public to Attend, to be presented to the Fauquier Fair Board at a later date.
- Mr. Stribling introduced James McReynolds, County Administrator for York County, who presented to Vivian McGettigan, Finance Director, and members of the Finance Department staff, the 2007 Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

CONSENT AGENDA

Mr. Trumbo moved to adopt the following Consent agenda items. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows:

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

Approval of the Minutes for the June 12, 2008 Regular Meetings of the Fauquier County Board of Supervisors

A Resolution to Authorize the Chairman of the Board of Supervisors to Execute a Mutual Aid Agreement Between the Fauquier County Sheriff's Office and the Town of Remington

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE FAUQUIER COUNTY SHERIFF'S OFFICE AND THE TOWN OF REMINGTON

WHEREAS, the County determined that execution of a Mutual Aid Agreement with the Town of Remington will promote public safety and protect the general welfare of the citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Mutual Aid Agreement, in a form substantially similar to the May 15, 2008 draft, subject to such modifications as are acceptable to the County Attorney.

A Resolution to Extend the Date for Planning Commission Recommendations Regarding the Zoning Ordinance Text Amendment to Create a Marshall Gateway Special District (MG) as Section 4-1000, the Comprehensive Plan Amendment to Chapter 6 to Designate Approximately 26 Acres to Mixed Use on the Marshall Land Use Plan, and to Rezone (REZNO8-MA-006) Approximately 25 Acres from Residential – 4 (R-4) to Marshall Gateway Special District (MG)

RESOLUTION

A RESOLUTION TO EXTEND THE DATE FOR PLANNING COMMISSION RECOMMENDATIONS REGARDING THE ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MARSHALL GATEWAY SPECIAL DISTRICT (MG) AS SECTION 4-1000, THE COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 6 TO DESIGNATE APPROXIMATELY 26 ACRES TO MIXED USE ON THE MARSHALL LAND USE PLAN, AND TO REZONE (REZNO8-MA-006) APPROXIMATELY 25 ACRES FROM RESIDENTIAL – 4 (R-4) TO MARSHALL GATEWAY SPECIAL DISTRICT (MG)

WHEREAS, the Marshall Service District Committee is in the process of preparing recommended refinements to the Marshall Service District Plan; and

WHEREAS, recommendations regarding the entranceways into the unincorporated Town of Marshall are representative of the considered plan changes; and

WHEREAS, the Committee has recommended that the gateway(s) to Marshall should be planned as a walkable mixed use community with appropriate commercial and residential development including residential units above commercial storefronts; and

WHEREAS, on May 8, 2008, the Board of Supervisors initiated the: (1) Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000; (2) the Comprehensive Plan Amendment to Chapter 6 – Service Districts in order to designate approximately 26 acres to Mixed Use on the Marshall Service District’s Land Use Plan, and (3) to rezone (REZNO8-MA-006) approximately 25 acres from R-4 to Marshall Gateway Special District (MG); and

WHEREAS, the Planning Commission conducted the first public hearing on May 29, 2008, and needs additional time to allow for public comment and to prepare its recommendations regarding the three propose amendments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That the deadline for Planning Commission recommendations, regarding the above-referenced text amendments to the Comprehensive Plan and Zoning Ordinance, as well as the rezoning application (REZNO8-MA-006), be, and is hereby, extended to September 25, 2008.

Preliminary Plat #PPLT07-CR-005 and Waiver #WVRP07-CR-025: Paradigm Farm - Cedar Run District

No action was taken.

A Resolution to Receive the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (RRCSB-AAA) FY 2009 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging Services

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING (RRCSB-AAA) FY 2009 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, in June 2008, the RRCSB-AAA adopted its Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services, and its Area Plan for Aging Services with the Department of Aging; and

WHEREAS, the Fauquier County Board of Supervisors has received a request from the RRCSB-AAA that it endorse the Contract and Plan by either approving both documents or

acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 10th day of July 2008, That the Fauquier Board of Supervisors does hereby receive the FY 2009 RRCSB-AAA with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the 2009 Area Plan for Aging Services, and acknowledges that the Fauquier County Board of Supervisors participated in the review process and has no additional comments regarding the Contract or Plan.

A Resolution Initiating a Zoning Ordinance Text Amendment to Section 8-1401 of the Fauquier County Zoning Ordinance to Allow the Off-Site Location of Subdivision Signs

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 8-1401 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ALLOW THE OFF-SITE LOCATION OF SUBDIVISION SIGNS

WHEREAS, it is appropriate to amend the Zoning Ordinance to regulate subdivision signage; and

WHEREAS, Fauquier County seeks to provide additional flexibility to those subdivisions with unique location circumstances; and

WHEREAS, adoption of the attached amendments to Section 8-1401 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, that amendments to Section 8-1401 related to the off-site location of subdivision signs be, and are hereby, initiated and referred to the Planning Commission for public hearing and its recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

8-1401.4

4. Subdivision Sign: One sign, not exceeding twelve (12) square feet in area, in each subdivision entrance for the purpose of advertising or identifying a housing development or subdivision, when erected or displayed on the property so advertised or identified in conformance with the required building setback line. The total area of all such signs shall not exceed twenty-four (24) square feet. Height not to exceed ten (10) feet.

Notwithstanding any other provision of this section or of this Article, a subdivision sign may be erected on property owned by the County or the Virginia Department of Transportation (VDOT) where:

(A) The property is immediately adjacent to the subdivision and its entrance road.

(B) The property is right-of-way which has been abandoned or discontinued for public use as a road, street or highway in the State Secondary System of Highways.

(C) The subdivision's Homeowners Association or appropriate management agent has executed an agreement with the owner of the right-of-way related to the proper maintenance of the sign and property, and to remove the sign should the owner determine that the property is needed for a road, street or highway or any use connected with such road, street or highway.

(D) The sign is setback a minimum of one (1) foot for every one (1) in height from any sidewalk or the edge of the pavement.

(E) The location of the sign does not violate any line of sight requirements for the road, street or highway, as determined by the Zoning Administrator in consultation with VDOT.

A Resolution to Authorize the County Administrator to Execute a Contract for the Route 605/676 Intersection Signalization and Turn Lane Improvements (Project Number 0605-030-250, C501; UPC Number: 79006)

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE ROUTE 605/676 INTERSECTION SIGNALIZATION AND TURN LANE IMPROVEMENTS
(PROJECT NUMBER 0605-030-250, C501; UPC NUMBER: 79006)

WHEREAS, the Board of Supervisors has obligated itself by revenue share agreement with the Virginia Department of Transportation (VDOT) to administer the planned signalization and lane improvements for Route 605/676 intersection; and

WHEREAS, this project improvement is one of two which will serve the opening of Greenville Elementary School and Kettle Run High School, as well as new local development; and

WHEREAS, the constructions plan is approved and the essential right-of-way and easements acquired; and

WHEREAS, the bid was properly advertised in the Fauquier County Times-Democrat on June 18, 2008 (IFB# 40-08kh) and bids received by the due date of July 8, 2009; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That the Fauquier County Administrator be, and is hereby, authorized to execute a contract for up to \$278,447.50 with General Excavation, Inc. for completion of the Route 605/676 intersection signalization and turn lane improvements, with allowance for negotiated and approved change orders essential for project completion.

PRELIMINARY PLAT #PPLT08-LE-005 & WAIVERS #WVRP08-LE-013 & #WVRP08-LE-014: POLAND PROPERTY – LEE DISTRICT

Mr. Stribling moved to endorse the Planning Commission's approval of the Preliminary Plat/Final Construction Plan (PPLT08-LE-005) and associated Waivers (WVRP08-LE-013 & WVRP08-LE-14), subject to approval of a companion Special Exception (SPEX08-LE-016) that is subsequently scheduled for public hearing. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR BROOKSIDE COMMUNITIES, LLC

Mr. Trumbo moved to approve the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR BROOKSIDE COMMUNITIES, LLC

WHEREAS, Brookside Communities, LLC has requested that the Fauquier County Board of Supervisors issue its concurrence to the issuance by the Health Department of a

temporary pump and haul permit for up to 36 single family residential detached homes while public sewer is being constructed to the property; and

WHEREAS, the 4,000 feet of sanitary sewer lines to connect these 36 homes to the existing sanitary sewer lines will be constructed as part of Phase 9 of the Brookside development; and

WHEREAS, the Fauquier County Water & Sanitation Authority, by letter dated June 16, 2008, from Barney E. Durrett, General Manager, indicates that it has no objection to a temporary pump and haul system for a maximum of 36 homes in Phase 8 of Brookside until the proposed connecting sewer mains are completed and approved; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That the Fauquier County Board of Supervisors concurs with the request from Brookside Communities, LLC to use a temporary pump and haul permit for up to 36 single family detached homes while constructing the permanent wastewater sewage treatment mains; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors' concurrence shall not extend beyond one year of the Health Department's permit date for the temporary pump and haul permit; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to sign the Health Department's application indicating the Board's concurrence and to transmit this resolution to the Fauquier County Health Department.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board – Scott District: Julie Broaddus was appointed to fill an unexpired four-year term that ends August 20, 2009.
- Board of Assessors - Center District: William T. Miller was appointed with a term that ends December 31, 2009.
- Board of Assessors - Lee District: Taliaferro T. Copper was appointed with a term that ends December 31, 2009.
- Board of Assessors - Marshall District: David de Give was appointed with a term that ends December 31, 2009.
- Board of Assessors - Cedar Run District: Lurty Houff was appointed with a term that ends December 31, 2009.
- Library Board – Lee District: Lawrie S. Parker was reappointed to a four-year term that ends July 11, 2012.

- Rappahannock Emergency Medical Services Council Board of Directors: Kaye Horst was reappointed for a three-year term that ends June 30, 2011.

SUPERVISORS' TIME

- Mr. Graham expressed condolences to the family of the late Lewis Fitzhugh Lee of Catlett, who was 85 years old. Mr. Graham stated that Mr. Lee was a renowned individual in the Cedar Run Magisterial District and will be greatly missed by the community.

ANNOUNCEMENTS

- Mr. McCulla announced that applications for the County's 250th anniversary commemorative license plates are available on the table near the door to the meeting room; they are available on the County web site; and they are available by calling the County Administration office at (540) 347-8680. Applications will also be available during the Blue Ribbon Dinner at the Fauquier County Fair on Saturday, July 12, 2008.
- Mr. McCulla expressed appreciation to Renée Andersen, Deputy Clerk to the Board of Supervisors, for a job well done in preparing the proposed additions to the Board's agenda package.
- Mr. McCulla announced the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on August 14, 2008, in the Warren Green Building meeting room located at 10 Hotel Street in Warrenton, Virginia.

A RESOLUTION TO AMEND THE FY 2008 ADOPTED BUDGET IN THE AMOUNT OF \$3,295,113 AND AMEND THE FY 2009 ADOPTED BUDGET IN THE AMOUNT OF \$405,670

A public hearing was held to consider various budget related issues in the amount of \$2,980,113 in appropriations and \$315,000 in transfers for FY 2008, and \$405,670 in appropriations for FY 2009. Paul S. McCulla, County Administrator, summarized the proposed budget amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Resolution. Mr. Trumbo seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

RESOLUTION

A RESOLUTION TO AMEND THE FY 2008 ADOPTED BUDGET IN THE AMOUNT OF \$3,295,113 AND TO AMEND THE FY 2009 ADOPTED BUDGET IN THE AMOUNT OF \$405,670

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

WHEREAS, on March 29, 2007, the Board of Supervisors adopted the Fauquier County FY 2008 Budget and, on April 2, 2008, adopted the Fauquier County FY 2009 Budget; and

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

WHEREAS, at its meeting on June 5, 2008, the Finance Committee recommended for FY 2008 budget adjustments of \$3,295,113 and for FY 2009 budget adjustments of \$405,670 for the purposes set forth below; and

WHEREAS, on July 10, 2008, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That the FY 2008 Budget be, and is hereby, amended in the amount of \$3,295,113 and the FY 2009 Budget be, and is hereby, amended in the amount of \$405,670 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<u>FY 2008</u>					
State Funds	3-205-242000-0068	\$4,819	School Division	4-205-061310-1620-200-100	\$4,819
Insurance Reimbursement	3-100-411000-0010	\$1,479	Parks & Recreation	4-100-071130-3311	\$1,479
Federal Funds	3-100-335000-0010	\$13,725	Social Services	4-100-053162-5722 4-100-053125-5711	\$8,000 \$5,725
Escrow Funds	3-741-185000-0001	\$30,000	Community Development	4-741-073100-9405	\$30,000
Real Estate Revenue	3-100-111001-0001	\$2,500,000	Finance for Capital Fund	3-302-414000-0010	\$2,500,000
State Funds	3-100-241000-0060	\$372,000	CSA	4-100-053505-5740 4-100-053505-5741 4-100-053505-5754	\$170,000 \$190,000 \$12,000
Local Fees	3-100-160200-0002	\$58,090	County Attorney	4-100-012210-3150	\$58,090
General Fund (Transfer)	4-100-091400-3160 4-100-091400-9620	\$24,000 \$41,000	CSA	4-100-053505-5742 4-100-053505-5745	\$86,079 \$25,000

	4-100-091400-9627	\$250,000		4-100-053505-5750	\$92,000
				4-100-053505-5751	\$56,000
				4-100-053505-5752	\$3,000
				4-100-053505-5753	\$2,221
				4-100-053505-5755	\$700
				4-100-053505-5756	\$50,000
<u>FY 2009</u>					
F&RA Carryover	3-270-419000-0010	\$103,479	Emergency Services	4-100-032421-5600	\$103,479
Federal Funds	3-100-331500-0020	\$302,191		4-100-032421-8201	\$302,191
TOTAL		\$3,700,783			\$3,700,783

A PUBLIC HEARING TO AUTHORIZE THE ACQUISITION OF A PORTION OF THE PROPERTY OF SOUTHCOATE VILLAGE HOMEOWNERS ASSOCIATION THROUGH CONDEMNATION OR OTHER MEANS

A public hearing was continued from June 12, 2008, to consider the acquisition of a fee-simple interest to extend the existing 50' wide right-of-way of Callie Jo Court over a portion of the open space of Southcoate Village owned by the Southcoate Village Homeowners Association to its border with the property of Melvin C. Bender. The proposed acquisition is to complete an interparcel connection from Callie Jo Court to the adjoining property of Melvin C. Bender for public transportation purposes. Kevin J. Burke, County Attorney, summarized the proposed property acquisition. No one else spoke. The public hearing was closed. Mr. Stribling moved to postpone a decision on the matter until the next regular meeting on August 14, 2008. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *Mr. Peter B. Schwartz*

Abstention: *None*

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN – SECTION 6-302.1.D

A public hearing was continued from June 12, 2008, to consider a Zoning Ordinance text amendment to Section 6-302.1.D to allow a trailer in conjunction with a minor home occupation. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. Bob Rankin, Scott District, expressed concern regarding the height restrictions imposed for trailers. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 6-302.1.D AND 5-201.2 TO ALLOW OUTSIDE STORAGE OF A TRAILER IN CONJUNCTION WITH A HOME OCCUPATION

WHEREAS, on February 28, 2008, the Planning Commission initiated this text amendment; and

WHEREAS, on March 27, 2008, the Planning Commission held a public hearing on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on May 8, 2008 and June 12, 2008, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 6-302.1.D and 5-201.2 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of July 2008, That Sections 6-302.1.D and 5-201.2 be, and are hereby, amended as follows:

6-302 Minor Home Occupations Allowed by Administrative Permit

1. An administrative permit authorizing a home occupation may be issued by the Zoning Administrator for any home occupation meeting the following limitations:
 - A. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. In no case, shall more than 25% of the gross floor area of the dwelling be utilized for a home occupation. Alternatively, the use may occupy up to 500 square feet of an accessory structure.
 - B. Other than family members living on the premises, no more than one employee who comes to the premises shall be employed in the home occupation.
 - C. All public contact related to such a use shall be limited to the period between 7:00 a.m. and 8:00 p.m.

- D. All activities related to the home occupation shall occur indoors. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including display of goods, or storage of equipment or materials outside of a fully enclosed structure. Notwithstanding the prior sentence, trailers consistent with the limitations of Section 6-102.12 may be utilized in the Home Occupation further provided the area of such trailer is counted toward the area limits of 6-302.1.A and such trailer displays no commercial signage or logo. Goods, equipment, and materials related to the Home Occupation may be stored in such trailer provided the trailer is completely enclosed.
- E. No retail or wholesale sales shall occur unless:
- i. No clients or customers come to the site in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; or
 - ii. The business is a "Direct Sales" type business, where customers are on the premises only by prior, individual invitation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Deliveries shall be limited to normal daily deliveries by public and private mail carriers.
- G. Academic or other instructions may not be given to more than four persons at the same time.
- H. The applicant shall demonstrate that adequate parking area is available to serve the use. No such parking shall be located in a required front yard except within an existing driveway.
- I. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
- J. No commercial vehicles related to the home occupation beyond those authorized by Section 6-102 (11) shall be parked or regularly brought to the premises, nor shall any such vehicles be parked on any public or private street within ¼ mile of the premises.
- K. Signage shall be limited to that authorized by 8-1401 (1).
- L. Such uses shall not be listed in Section 6-304 or be similar thereto, as determined by the Zoning Administrator.

Standards for Major Home Occupations

1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.
2. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including outside display of goods, or storage of equipment or materials in other than a fully enclosed structure. Trailers may be stored outside in conjunction with the home occupation provided such trailer meets all limitations of Section 6-102.12 and any such trailers are specifically authorized as part of the special permit approval.
3. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot.
4. Retail goods may be authorized for display, storage or sale on the premises provided the goods are:
 - a) hand-crafted items that have been produced on the premises,
 - b) items that have been substantially repaired on site, adding at least 100% of the value; or
 - c) items accessory to the main business and sold only to clients or customers utilizing the main business.
5. No more than two employees other than members of the household residing on premises, may be authorized on parcels less than five acres in size. No more than five such employees may be authorized for homes located on parcels at least five acres in size.
6. Off-street parking for the use shall be provided in the amount deemed necessary by the Board of Zoning Appeals. Parking shall not be located in any required front yard, except within an existing driveway.
7. All public contact related to such use shall be limited to a period between 7:00 a.m. and 8:00 p.m., unless specifically authorized otherwise by the BZA.
8. Signage shall be limited to that authorized by 8-1401(1).

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN – SECTION 4-900

A public hearing was held to consider a Zoning Ordinance text amendment to create a mixed use Special District as Section 4-900. Kimberley Johnson, Zoning Administrator, summarized the proposed text amendment. Amy Trotto, Scott District, and Chuck Medvitz, Scott District, spoke in opposition to the text amendment as presented and recommended further refinements to the proposed language. No one else spoke. Mr. Graham moved to continue the public hearing and table this matter for up to 90 days. Mr. Nyhous seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

SPECIAL EXCEPTION #SPEX08-CR-014 & SPECIAL EXCEPTION AMENDMENT #SEAM08-CR-003 - C.L. RITCHIE TRUST, OWNER AND SYNAGRO CENTRAL, LLC, APPLICANT – C.L. RITCHIE TRUST FARM – BIOSOLIDS STORAGE FACILITY

A public hearing was held to consider an application to renew and amend a Category 18 Special Exception for a biosolids storage facility. The applicant is also requesting approval of a Category 23 Special Exception to continue an existing use located within the floodplain. The property is located on the south side of Ritchie Road (Route 644), east of its intersection with Marsh Road (Route 17), Cedar Run District, further described as PIN 7808-52-3089-000. Holly Meade, Senior Planner, summarized the Special Exception application. Merle Fallon, Esquire, spoke on behalf of the applicant to request favorable consideration of the Special Exception application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

RESOLUTION

A RESOLUTION TO APPROVE SEAM08-CR-003 AND SPEX08-CR-014 – C.L. RITCHIE TRUST, OWNER AND SYNAGRO CENTRAL, LLC, APPLICANT – C.L. RITCHIE TRUST FARM, BIOSOLIDS STORAGE FACILITY – CEDAR RUN DISTRICT

WHEREAS, Synagro Central, LLC (Applicant) is seeking Category 18 Special Exception to renew and amend an existing Special Exception for a biosolids storage facility; and

WHEREAS, Synagro Central, LLC (Applicant) is seeking Category 23 Special Exception to continue an existing use located within the floodplain; and

WHEREAS, Staff has worked closely with the Department of Environmental Quality on concerns related to location of the facility in the floodplain; and

WHEREAS, on June 20, 2008, the Department of Environmental Quality produced a letter outlining their findings; and

WHEREAS, on June 26, 2008, the Planning Commission held its final public hearing on the Special Exception requests; and

WHEREAS, on July 10, 2008, the Board of Supervisors conducted a public hearing and considered oral and written testimony; and

WHEREAS, on July 10, 2008, the Fauquier County Board of Supervisors determined that the applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-1801, 5-1807, 5-2301; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That SEAM08-CR-003 and SPEX08-CR-014 be, and are hereby, approved, subject to the following conditions prepared by the Planning Commission:

1. Within six months of Board of Supervisors approval, the applicant shall hire a licensed professional engineer or geologist to determine if the facility is negatively affecting ground or surface water. This may include, but is not limited to, the installation and monitoring of additional ground and surface water monitoring locations and/or conducting a dye-test on the lagoon facility. Results of all studies shall be forwarded to the Zoning Administrator.
2. Synagro Central, LLC shall comply with all Federal, State and Local laws and regulations. Any violation of such Federal, State and Local laws and regulations shall be deemed a violation of the Special Exception permit.
3. Annually, a maximum of 5,000 wet tons of sludge from the lagoon shall be allowed to be spread on land not located in Fauquier County. A record of these applications shall be provided annually to the Zoning Administrator.
4. Access and egress of trucks shall be allowed only during daylight hours, Monday through Saturday, and on National Holidays and Sundays only in case of emergencies.
5. Queuing of vehicles will be on site and not within 400 feet of a dwelling unless adjoining owner consents. On-site roads shall be maintained in a dust-free manner.
6. Capacity not to exceed approved Department of Environmental Quality limits.
7. Insurance to protect the public from damage or injury resulting from the hauling, storing or application of sludge in the amount of at least \$1,000,000.

8. Fauquier County shall be allowed to sample contents of lagoon for chemical and biological content of sludge at its expense, splitting any sample with the permittee.
9. "Trucks Entering Highway" signs will be provided on Ritchie Road while facility is in use.
10. Lagoon is to be used for temporary storage only when application directly to land is not possible.
11. The permit is limited to permittee.
12. This permit is valid for five (5) years and to be administratively renewed in accordance with Section 5-012 of the Zoning Ordinance or so long as land application of sludge is a permitted use in Fauquier County, whichever is shorter.
13. Periodic removal and monitoring of burrowing animals shall be required by Synagro, LLC. The County shall be allowed to inspect the premises for the same. If a problem is noted, the County will contact Synagro for remediation.
14. BMP's shall be installed in Synagro's Operations Manual for the cleaning of vehicles leaving the site which includes scraping of mud flaps, tailgates, and tires. Any wash water from vehicles shall be drained into the facility.
15. Supernatant water shall be sampled for Nitrogen, Phosphorus, heavy metals, and e. coli bacteria and provided to the County on a monthly basis for one year.

SPECIAL EXCEPTION #SPEX08-LE-016 – FRANK C. & CLARA C. POLAND, OWNERS AND APPLICANTS – POLAND PROPERTY

A public hearing was held to consider an application to obtain a Category 29 Special Exception Waiver of the public street requirements pursuant to Section 5-2900 of the Zoning Ordinance to allow the subdivision of two existing residential structures. The property is located on the south side of Wotton Road east of James Madison Highway (Route 15/29), Lee District, further described as PIN 6889-37-3301-000. Melissa Dargis, Assistant Chief of Planning, summarized the Special Exception application. Chuck Floyd, of Carson-Ashley Engineers, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Chester W. Stribling; Mr. R. Holder Trumbo

Nays: None

Absent During Vote: Mr. Peter B. Schwartz

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A CATEGORY 29 SPECIAL EXCEPTION (SPEX08-LE-016) TO WAIVE THE PUBLIC STREET REQUIREMENTS: POLAND PROPERTY – LEE DISTRICT

WHEREAS, Frank C. Poland & Clara C. Poland, owners and applicants, are seeking a Category 29 Special Exception to waive the public street requirements for a proposed two (2) lot subdivision (one new lot) in the Residential-1 (R-1) zoning district on PIN 6889-37-3301-000; and

WHEREAS, on May 29, 2008, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the application, subject to conditions; and

WHEREAS, on July 10, 2008, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2900; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That SPEX08-LE-016 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 titled "Category 29 Special Exception Preliminary Plan/Final Construction Plan – Poland Property" dated March 28, 2008, approved with the application, as qualified by these development conditions.
3. This Special Exception allows new ingress/egress to the private streets known as Wotton Road and Pinewood Lane for one new lot.
4. Lot 1 shall be deed restricted from all but one future subdivision right.
5. Lot 2 shall be deed restricted from future subdivision.
6. All culverts shall be required to pass the 10 year storm and velocities will have to be non erosive for the 2 year storm.
7. The applicants shall design the entrance to the street in accordance with VDOT private Subdivision/Street Entrance standards, and shall meet minimum sight distance requirements.

8. A road maintenance agreement for Wotton Road and Pinewood Lane shall be submitted with the Final Plat for review by the Chief of Planning and the County Attorney; upon approval it shall be recorded.
9. The use shall comply with all appropriate local, State and Federal permits and regulations.

SPECIAL EXCEPTION #SPEX08-SC-022 – DAVID L. HAZEL, OWNER AND APPLICANT – DAVID L. HAZEL – POND

A public hearing was held to consider an application to obtain a Category 23 Special Exception to allow for an agricultural pond within the floodplain. The property is located on McRaes Road (Route 695) north of its intersection with Blantyre Road (Route 628), Scott District, further described as PIN 6987-75-1075-000. Melissa Dargis, Assistant Chief of Planning, summarized the Special Exception application. David Hazel, Applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following Resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

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

RESOLUTION

A CATEGORY 23 SPECIAL EXCEPTION (SPEX08-SC-022) TO ALLOW FOR AN AGRICULTURAL POND IN THE FEMA 100-YEAR FLOODPLAIN: HAZEL POND, SCOTT DISTRICT

WHEREAS, David L. Hazel, owner and applicant, is seeking a Category 23 Special Exception in order to construct an agricultural pond within FEMA 100-year floodplain on his 107 acre parcel known as PIN 6987-75-1075-000; and

WHEREAS, on May 24, 2008, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception; and

WHEREAS, on June 26, 2008, the Fauquier County Planning Commission recommended approval of the application, subject to conditions; and

WHEREAS, on July 10, 2008, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of July 2008, That SPEX08-SC-022 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land, PIN 6987-75-1075-000, 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 titled "David L. Hazel Pond - Pond Plan", dated May 21, 2008, approved with this application, as qualified by these development conditions.
3. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facilities or system which would increase flood heights and/or velocities, on adjacent properties.
4. There is to be no storage of materials in the floodplain that cannot be readily moved or firmly anchored to prevent floatation or movement.
5. Silt fence will still need to be installed down slope from any disturbance to control sediment flow.
6. A drainage study and final pond plan shall be submitted with the Zoning Permit application to demonstrate that the construction within the floodplain will not adversely affect the capacity of the channels of any water course, which would increase flood heights and/or velocities on adjacent or downstream properties.
7. The final pond plan shall be in general conformance with the Special Exception Plat with respect to the dam location and overall grading limits. Final engineering design may require minor alterations to the pond footprint to better conform to the existing topography.
8. A VDOT land disturbance permit will be required prior to the start of any construction activities located within VDOT right-of-way.
9. Prior to issuance of a Zoning Permit, the applicant shall assure that all applicable environmental permits have been acquired. This includes the USACOE/DEQ permits for disturbance of wetlands or other regulated waters.
10. For agricultural Best Management Practices (BMP) and to preserve water quality, the pond shall be fenced such that livestock do not have direct access to it.

With no further business, the meeting was adjourned at 7:32 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 10, 2008.

*Paul S. McCulla
Clerk to the Board of Supervisors*