

AT A WORKSESSION OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
HELD DECEMBER 18, 1990 AT 12:30 P.M. IN WARRENTON, VIRGINIA

P R E S E N T            Mr. James R. Green, Jr., Chairman; Mr. Wilbur Burton, Vice  
Chairman; Ms. Georgia Herbert; Mr. Wilbur Heflin; Mr.  
James A. Rankin; Mr. G. Robert Lee, County Administrator;  
Mr. Charles Steele, County Attorney

EXECUTIVE SESSION

Mr. Rankin moved to go into executive session pursuant to Section 2.1-344(A)(7) for discussion with consulting legal counsel regarding actual litigation with the SPR Corporation. Ms. Herbert seconded, and the vote for the motion was unanimous.

Upon reconvening from executive session, Mr. Rankin moved to adopt the following certification. Ms. Herbert seconded.

**CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE

Ayes:            Ms. Georgia Herbert; Mr. Wilbur Burton; Mr. James R. Green, Jr.; Mr.  
Wilbur Heflin; Mr. James Rankin

Nays:

Absent During Vote:

Absent During Meeting:

AT A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF  
SUPERVISORS HELD DECEMBER 18, 1990 AT 4:00 P.M. IN WARRENTON,  
VIRGINIA

P R E S E N T            Mr. James R. Green, Jr., Chairman; Mr. Wilbur Burton,  
Vice Chairman; Ms. Georgia Herbert; Mr. Wilbur Heflin;  
Mr. James A. Rankin; Mr. G. Robert Lee, County  
Administrator; Mr. Charles Steele, County Attorney

ADOPTION OF AGENDA

Ms. Herbert moved to adopt the agenda subject to the addition of (1) Family Transfer Circumvention - Tally Ho Subdivision; (2) Discussion of the lawsuit served at the beginning of the meeting; (3) Discussion of Tax Exemption for the Elderly; and (4) Removal from the consent agenda of Site Plan and Waiver of Dustless Surface requests for 17/66 Ltd. Mr. Burton seconded, and the vote for the motion was unanimous.



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**CONSENT AGENDA**

Mr. Heflin moved to adopt the consent agenda which includes the following items. Mr. Rankin seconded, and the vote for the motion was unanimous.

**Acceptance of Deed - Fletcher Property**

Adoption of the following resolution:

**RESOLUTION AUTHORIZING  
DEPUTY COUNTY ATTORNEY TO ACCEPT DEED**

WHEREAS, the Board of Supervisors has contracted to purchase that certain property known as the Fletcher Tract; and

WHEREAS, Virginia Code Section 15.1-286 provides that no deed shall be valid unless and until it is accepted by the County; and

WHEREAS, Virginia Code Section 15.1-286 authorizes the Board of Supervisors to designate by resolution a person to act on behalf of the County for purposes of accepting the Deed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of December, 1990, that Paul S. McCulla is hereby authorized to accept on behalf of the County that certain deed of conveyance conveying unto the County that certain tract of land commonly known as the Fletcher Tract and more particularly described as Parcels 1, 2, 3B, 4B, 5B, 6B, 11, 12, 14A, 15, 16, 17, and 18, Tax Map 72A-21 also known as 74 Waterloo Street, Warrenton, Virginia.

**Blue Cross and Blue Shield Contract Renewal**

Adoption of the following resolution:

**RESOLUTION**

**A RESOLUTION TO APPROVE THE JANUARY 1, 1991  
CONTRACT RENEWAL WITH BLUE CROSS AND BLUE SHIELD  
OF VIRGINIA, AND TO AUTHORIZE A COMMITTEE TO  
REVIEW ALTERNATIVE HEALTH BENEFIT PROGRAMS AND  
FUNDING ARRANGEMENTS**

WHEREAS, the Fauquier County Employees' Blue Cross and Blue Shield of Virginia health insurance plan contract is up for renewal effective January 1, 1991; and

WHEREAS, the renewal rates represent a 26.8% overall increase; and

WHEREAS, the Board of Supervisors recognizes the need to consider adjustments to the benefits program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this Eighteenth day of December, 1990, That the January 1, 1991 contract be renewed with Blue Cross and Blue Shield of Virginia; and, be it

RESOLVED FINALLY, That a Personnel Policy Work Committee be established to review alternative benefit packages and funding arrangements, with the final proposed recommendations to be included in the July 1991 budget process with an effective date of July 1, 1991.

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Use of GIS Information by the Town of Warrenton

Adoption of the following resolution:

RESOLUTION

TOWN OF WARRENTON TYING INTO COUNTY GIS SYSTEM

WHEREAS, the Town of Warrenton is desirous of tying into the Fauquier County Geographical Information System (GIS); and

WHEREAS, the system proposed imposes minimal impact on computer space and staff time; and

WHEREAS, the mutual exchange of information will result in efficiencies for both the Town of Warrenton and the County of Fauquier; now, therefore, be it

RESOLVED, That the Fauquier County Board of Supervisors does hereby authorize the Town of Warrenton access to the Fauquier County Geographical Information System on this the 18th day of December, 1990.

Resolution - Secondary Roads - Rolling Acres Subdivision

Adoption of the following resolution:

RESOLUTION TO ADD 0.07 MILES OF ROUTE 827  
INTO THE STATE HIGHWAY SECONDARY SYSTEM  
FOR MAINTENANCE

WHEREAS, certain streets shown in red and indicated as Section #2 on the attached sketch titled "Fauquier County Route 827", dated December 5, 1986, a total distance of 0.07 mile, was constructed in accordance with the provisions of the current Fauquier County Subdivision Ordinance and the current Virginia Department of Transportation Policy, and

WHEREAS, the above street was constructed in agreement with the Virginia Department of Transportation, Warrenton, Virginia, for public safety at the entrance to Rolling Acres Subdivision and the above street serves a genuine public need, and

WHEREAS, the Board of Supervisors of Fauquier County discontinued Section #1 shown in yellow on the attached sketch, a total distance of 0.06 mile, as provided in Section 33.1-150 of the Code of Virginia of 1950 as amended (hereinafter referred to as the Code).

NOW, THEREFORE, BE IT RESOLVED: That the Commonwealth Transportation Board be requested to take the necessary action to add Section #2 shown in red on the attached sketch a total of 0.07 mile into the State Highway Secondary System for maintenance, as provided in Section 33.1-229 of the Code.

RESOLVED by the Fauquier County Board of Supervisors this 18th day of December, 1990, that:

1. The Commonwealth Transportation Board be requested to take the necessary action to add Section #2 shown in red on the attached sketch a total of 0.07 mile into the State Highway Secondary System for maintenance, as provided in Section 33.1-229 of the Code.

2. This action shall be subject to the County obtaining from Rolling Acres Subdivision the required right-of-way dedication.

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Extension of Time for Planning Commission to Review the Proposed Ordinance Amendments to Establish Standards for Hydrogeologic Testing

Extend the deadline from December 29, 1990 to February 28, 1991 for the Planning Commission to make recommendations for establishing standards for hydrogeologic testing.  
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Site Plan - Exxon Service Station

Site Plan for Exxon Service Station located on Routes 15/29/211 and Route 1405, Center District, was submitted for information only. No action was taken.

Preliminary Plat - New Baltimore Business Park, Phase III

Preliminary Plat for New Baltimore Business Park, Phase III was submitted for information only. No action was taken.

Bond Release - Brightview Cemetery

Adoption of the following resolution:

RESOLVED, That the Board of Supervisors approves a bond reduction from \$146,000 to \$29,200 for Brightview Cemetery, located at the intersection of Routes 674 and 670, Cedar Run District.

Bond Release - New Baltimore Animal Hospital

Adoption of the following resolution:

RESOLVED, That the Board of Supervisors approves a bond reduction from \$13,400 to \$2,680 for the New Baltimore Animal Hospital located on Routes 15/29/211, Scott District.

SITE PLAN - 17/66 LTD OFFICES

The site plan for 17/66 Ltd. offices located on Route 622, Marshall District, was submitted for information only. No action was taken.

WAIVER OF DUSTLESS SURFACE - 17/66 LTD PARTNERSHIP

Mr. Heflin moved to approve waiver of Article 7-102.9 of the Zoning Ordinance for the dustless surface requirement for 17/66 Ltd. Partnership, located on Route 622, Marshall District, subject to reevaluation after two years. Ms. Herbert withdrew from consideration. Mr. Green seconded, and the vote for the motion was 4 to 0, with Ms. Herbert abstaining.

MINUTES

Mr. Rankin moved to approve the minutes November 20, 1990 meeting and the December 4, 1990 meeting. Ms. Herbert seconded, and the vote for the motion was unanimous.

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**PERSONNEL POLICY AMENDMENT - MILITARY LEAVE**

Mr. Rankin moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous.

**RESOLUTION**

**A RESOLUTION TO AMEND THE COUNTY LEAVE POLICY TO INCLUDE PROBATIONARY AND NON-PROBATIONARY EMPLOYEES GRANTED AN OFFICIAL LEAVE OF ABSENCE TO SERVE IN THE ARMED FORCES OF THE UNITED STATES**

WHEREAS, the Fauquier County Board of Supervisor is interested in programs that contribute to the welfare of the County workforce; and

WHEREAS, the United States Code, Chapter 43 - Veterans' Reemployment Rights, mandates the rights to reemployment of inducted persons; benefits protected; and

WHEREAS, in this time of national emergency, the Fauquier County Board of Supervisors wishes to amend the current County Leave Policy to include probationary and non-probationary employees; and

WHEREAS, the Fauquier County Board of Supervisors wishes to treat as permanent employees any employees in occupied positions who are called to service in the United States Armed Forces; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of December 1990, That all employees who are called to service in the Armed Forces of the United States will be considered permanent employees; and, be it

RESOLVED FURTHER, That the County will bear the cost of this policy so that all employees who are called to military service be extended all fringe benefits to include the following:

Fauquier County will pay the employer/employee portion of the employees' health care coverage

Fauquier County will submit an application to the Virginia Retirement System for Free Service Credit for military Leave for employees on their return to work at the end of the leave period who have been granted official leave to serve in the Armed Forces of the United States

Fauquier County will submit an application to the Virginia Retirement System for Free Service Credit for military Leave for employees on their return to work at the end of the leave period who have been granted official leave to serve in the Armed Forces of the United States

Fauquier County will pay the employer/employee portion of the Life Insurance premium through the Virginia Retirement system.

**PERSONNEL POLICY AMENDMENT - SICK LEAVE BANK**

Ms. Herbert moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous.

**RESOLUTION**

**A RESOLUTION TO REVISE THE EXISTING FAUQUIER COUNTY EMPLOYEES' SICK LEAVE BANK PROGRAM**

WHEREAS, the Board of Supervisors is interested in policies and programs that contribute to the welfare of the County workforce; and

WHEREAS, the Sick Leave Bank Program is designed to provide an income replacement benefit to those participants who are unable to work due to an illness; and

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WHEREAS, the Sick Leave Bank represents employees helping fellow co-workers' now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this Eighteenth day of December 1990, That the Sick Leave Bank Policy, and revised enrollment form be, and it is hereby, included in the Fauquier County Personnel Policies to benefit the County workforce.

#### ARCHITECTURAL HISTORY PUBLICATION

Ms. Herbert moved to request the Parks and Recreation Board to include fund in their FY 1992 budget to publish the survey of historically significant homes in Fauquier County. Mr. Rankin seconded, and the vote for the motion was unanimous.

#### COOPERATIVE AGREEMENT WITH THE TOWN OF WARRENTON

Mr. Heflin moved to approve in principal the cooperative agreement between the Parks and Recreation Department and the Town of Warrenton and to consider a final agreement at a future meeting. Mr. Rankin seconded, and the vote for the motion was unanimous.

#### COOPERATION AGREEMENT REVISION - SCHOOL SYSTEM AND PARKS AND RECREATION DEPARTMENT

Ms. Herbert moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous.

#### RESOLUTION

#### REVISION TO SCHOOL/PARKS AND RECREATION COOPERATION AGREEMENT

WHEREAS, the Fauquier County School System, Fauquier County Parks and Recreation Department, and the Fauquier County Board of Supervisors entered into a cooperative agreement dated November 1, 1986 and revised on January 11, 1988 (hereinafter referred to as "the agreement"); and

WHEREAS, the working relationship and cooperative efforts have proven extremely successful; and

WHEREAS, improvements and changes being made to schools and facilities on school sites are occurring at a much more rapid pace; and

WHEREAS, all changes must be approved by all three parties to the agreement; and

WHEREAS, such changes could be handled more efficiently and expeditiously in an administrative process; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of December 1990, That the clause "A list by school of outdoor facilities to be included in the agreement is attached (Attachment A)" presently included as a part of item #1 in the agreement be deleted and, be it

RESOLVED FURTHER, That the clause "The facilities that are served by this agreement are to be determined and revised as needed by the School/Parks and Recreation Cooperation Committee" replace the deleted clause.

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### APPOINTMENTS

Mr. Rankin moved to appoint Eloise Trainum to the Rappahannock-Rapidan Community Services Board for a three year term which will expire December 31, 1993. Mr. Burton seconded, and the vote for the motion was unanimous.

Mr. Burton moved to table appointments to the C.I.P. Committee until the January 2, 1991 meeting. Ms. Herbert seconded, and the vote for the motion was unanimous.

Mr. Green moved to appoint Ms. Herbert and Mr. Burton to the School Board Budget Committee. Mr. Heflin seconded, and the vote for the motion was unanimous.

### SUPERVISORS TIME

The Supervisors asked the County Administrator to schedule a future worksession for discussion and consideration of a seven member board of supervisors.

The Supervisors agreed to develop budget guidelines for County departments to follow when preparing FY 1992 budgets.

### BEEF CHECK OFF FUNDS

Mr. Burton moved to write to the Governor opposing use of beef check off funds to balance the State budget. Mr. Green seconded, and the vote for the motion was unanimous.

### ZONING ORDINANCE AMENDMENT - ARTICLE 13

A public hearing was held at the November 20, 1990 meeting to consider amending Article 13 of the Zoning Ordinance. Ms. Herbert moved to adopt the following amendment. Mr. Burton seconded, and the vote for the motion was unanimous.

Add to 13-202 2.D.11 to read:

K. In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the Board, which eliminate, or materially restrict, reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property, shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety or welfare.

Nothing in the Section shall preclude the Board from accepting proffered conditions which make the zoning conditional upon the substantial implementation of the proffers, including provisions which safeguard the Board's ability to rezone the property if the proffers are not implemented.

### WAIVER - LOT LENGTH-WIDTH RATIOS - FAUQUIER 904, INC.

Mr. Burton moved to grant a waiver of Section 4-18 of the Subdivision Ordinance to allow lot length-width ratios to exceed 2.5:1 in order to subdivide 904 acres for lake front property located between Routes 639 and 612, Cedar Run District. Mr. Rankin seconded, and the vote for the motion was 3 to 2, with Mr. Green and Ms. Herbert voting against.

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**SPECIAL EXCEPTION - RICHARD F. LEWIS, JR., INC.**

Mr. Green moved to table, until the January 15, 1991 meeting, a request for special exception approval for Richard F. Lewis, Jr., Inc. to construct a radio tower located off of Route 638, Marshall District. Mr. Burton seconded, and the vote for the motion was unanimous.

**WAIVER - ROADWAY WIDTH REQUIREMENT - TIMBER RIDGE**

Mr. Heflin moved to grant a waiver of Section 4-27 of the Subdivision Ordinance to allow an 18 foot paved roadway width for Timber Ridge Subdivision located off Route 674, Lee District. Mr. Burton seconded, and the vote for the motion was unanimous.

**WAIVER - CUL-DE-SAC LENGTH - BROOKFIELD SUBDIVISION**

Mr. Heflin moved to grant a waiver of Section 5-8 of the Subdivision Ordinance to allow two streets to exceed the maximum length requirements for cul-de-sac streets in Brookfield Subdivision, Phase II, located on Routes 15, 17, & 29, Lee District. Mr. Rankin seconded, and the vote for the motion was unanimous.

**WAIVER - MINIMUM PAVEMENT WIDTH - BROOKFIELD SUBDIVISION**

Mr. Heflin moved to deny a request to waive Section 6-2 of the Subdivision Ordinance to allow minimum pavement width for Phase III of Brookfield Subdivision located on Routes 15, 17, & 29, Lee District. Ms. Herbert seconded, and the vote for the motion was unanimous.

**SPECIAL EXCEPTION EXTENSION - GOLD CUP PROPERTY**

Mr. Green moved to grant a one year extension to Special Exception #28591 for the Gold Cup Property located on Bear Wallow Road, Marshall District. Mr. Burton seconded, and the vote for the motion was unanimous.

**FEE SCHEDULE REVISION**

Mr. Burton moved to adopt the following resolution. Ms. Herbert seconded, and the vote for the motion was unanimous.

**RESOLUTION**

**FEE POLICY**

WHEREAS, it is desired to modify the previously adopted policy concerning persons/organizations exempted from zoning and building permit fees; and

WHEREAS, it is desired to exempt low income property owners; and

WHEREAS, it is desired that all other persons/ organizations be subject to the fees with a contribution in the amount of the fee to be considered by the Board upon request by an eligible organization; now, therefore, be it

RESOLVED, That the Fauquier County Board of Supervisors does this 18th day of December 1990 intend to adopt the following policy:

1. There will be no fees associated with the Health, Community Development and Zoning, or Building Inspections Departments for activities/projects requested on property owners, the owner(s) of which qualify as low income according to HUD guidelines. Low income status is to be verified by the Department of Social Services.

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2. The Board will consider, upon request, a donation in the amount of the fee(s) charged for organizations that are eligible under Virginia law to receive funds from a public body.

RESOLVED FURTHER, That this policy be advertised for a public hearing at its January 15, 1991 meeting.

#### RESOLUTION - SALE OF FLETCHER HOUSE

Mr. Rankin moved to adopt the following resolution. Mr. Heflin seconded, and the vote for the motion was unanimous.

##### RESOLUTION

##### SALE OF FLETCHER HOUSE

WHEREAS, the Fletcher house is not needed for public use; and

WHEREAS, the Fauquier County Board of Supervisors desires to sell the Fletcher House, located on the corner of Waterloo and Pelham Streets; now, therefore, be it

RESOLVED That the County Administrator is authorized to take actions necessary to sell the Fletcher house using the sealed bid process, subject to approval of the sale price by the Fauquier County Board of Supervisors.

#### CIRCUMVENTION OF FAMILY TRANSFER PROVISION - TALLY HO SUBDIVISION

Ms. Herbert moved to authorize the staff to attend the auction of the family transfer lot from Tally Ho Subdivision and make a statement that it is not a buildable lot and to proceed with initiation of vacation of the plat. Mr. Green seconded, and the vote for the motion was unanimous.

#### SIX-YEAR SECONDARY ROADS IMPROVEMENTS PLAN REVISION (1991-1996)

A public hearing was held to consider amendments to the Six Year Secondary Roads Improvements Plan for 1991-1996. James Brumfield, representing the Fauquier County School System, and Betty Griffith spoke in favor of giving top priority to railroad crossings at Route 709; Kitty Smith spoke in favor of railroad crossings at all intersections; Dorothy Cromwell spoke in favor of road improvements to Route 789; and Bob Sowder spoke in favor of railroad crossings and Improvements to Route 605 from Route 603 to Route 28. Ms. Herbert offered petitions that were presented for Route 709 priority. No one else spoke. The public hearing was closed. Mr. Rankin moved to table the decision until the January 2, 1991 meeting. Mr. Burton seconded, and the vote for the motion was unanimous.

#### COUNTY CODE AMENDMENT - SECTION 17-11(g) - SEWERS AND SEWAGE DISPOSAL

A public hearing was held to consider amending Section 17-11(g) of the County Code dealing with Sewers and Sewage Disposal. Don Smith, Earl Frazier, Sid Jacobson, Ben Jones and Bob Sowder spoke in opposition to the amendments. No one else spoke. The public hearing was closed. Mr. Heflin moved to table the decision until the February 19, 1991 meeting. Mr. Rankin seconded, and the vote for the motion was unanimous.

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**SPECIAL EXCEPTION - BELL ATLANTIC MOBILE SYSTEMS, INC.**

A public hearing was held to consider a request for special exception approval for Bell Atlantic Mobile Systems, Inc. to construct and operate a cellular telecommunications tower facility located at the intersection of Routes 615 and 632, Tax Map No. 126, Parcel 28A, Lee District. James Downey, representing Bell Atlantic Mobile Systems, Inc., and Robert Niles, owner of the property, spoke in favor of the request. Jim Flanagan and Bruce Forbes, spoke in opposition. Richard Enright, representing Bell Atlantic Mobile Systems, Inc., answered questions regarding placement of the tower. No one else spoke. The public hearing was closed. Mr. Heflin moved to table the decision until the January 2, 1991 meeting. Mr. Rankin seconded, and the vote for the motion was unanimous.

**SPECIAL EXCEPTION - DETTRA BROADCASTING**

A public hearing was held to consider a request for special exception approval for Dettra Broadcasting to lease tower space on an existing tower as a telecommunication facility located on Routes 15, 29, 17 and Route 744, Tax Map No. 82, Parcel 41, Marshall District. John Dettra, owner/operator of WQRA, and Bob Sowder spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Green moved to table the decision until the January 2, 1991 meeting. Mr. Burton seconded, and the vote for the motion was unanimous.

**SPECIAL EXCEPTION - STERLING HOMES**

A public hearing was held to consider a request for special exception approval for Sterling Homes for a major residential development located on Business Route 29 north of Remington, Tax Map No. 107, Parcel 106, Lee District. R.D. Robinson, President of Sterling Homes, spoke in favor of the request. Kitty Smith, representing Citizens for Fauquier, spoke in opposition. No one else spoke. The public hearing was closed. Mr. Heflin moved to table the decision until the January 2, 1991 meeting. Mr. Rankin seconded, and the vote for the motion was unanimous.

**SPECIAL EXCEPTION - LONNIE L. AND ETHEL M. FINLEY**

A public hearing was held to consider a request for special exception approval for Lonnie L. and Ethel M. Finley for a private sanitary discharge permit for a package treatment system to serve an asphalt plant located off of Route 610, Tax Map No. 101, Parcel 42, Lee District. Jack Hawkins, representing Mr. and Mrs. Finley, spoke in favor of the request. Katherine Hayes, representing Citizens for Fauquier, spoke in opposition. No one else spoke. The public hearing was closed. Mr. Heflin moved to table the decision until the January 15, 1991 meeting. Mr. Burton seconded, and the vote for the motion was unanimous.

**EXECUTIVE SESSION**

Ms. Herbert moved to go into executive session pursuant to Section 2.1-344(A)(7) for discussion or consideration of actual litigation pertaining to SPR Corporation and the lawsuit delivered earlier in the meeting. Mr. Burton seconded, and the vote for the motion was unanimous.

Upon reconvening from executive session, Ms. Herbert moved to adopt the following certification. Mr. Burton seconded.

**CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened an executive 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 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law;

December 18, 1990

NOW, THEREFORE, BE IT RESOLVED 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 executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

**VOTE**

**Ayes:** Ms. Georgia Herbert; Mr. Wilbur Burton; Mr. James R. Green, Jr.; Mr. Wilbur Heflin; Mr. James Rankin

**Nays:**

**Absent During Vote:**

**Absent During Meeting:**

**SPR CORPORATION CLAIMS**

On advice of legal counsel under Section 15.1-550, Ms. Herbert moved to deny claims as presented by SPR Corporation for September through November rent payments and damages claim presented October 16, 1990. Mr. Burton seconded, and the vote for the motion was unanimous.

**SPR CORPORATION RESOLUTION**

Mr. Rankin moved to adopt the following resolution. Mr. Heflin seconded, and the vote for the motion was unanimous.

**RESOLUTION**

WHEREAS, the Board of Supervisors of Fauquier County has sought to acquire new office space for County and State employees serving the citizens of the County; and

WHEREAS, the SPR Corporation has constructed an office building on Hospital Hill; and

WHEREAS, the Board of Supervisors believes that this office building could provide adequate space for the needed offices;

WHEREAS, it appears that the SPR Corporation and the Rescue Squad have resolved their differences regarding easements for access to the office building, the use of Rescue Squad property for parking by the SPR Corporation, and other matters; and

WHEREAS, this office building is currently the subject of claims made and litigation brought by the SPR Corporation against the County; and

WHEREAS, this Resolution arises separately and apart from the litigation and is not to be considered an admission of responsibility or liability on the part of the County with regard to any matter which is the subject of this litigation; Now therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 18th day of December, 1990, That the County Administrator and legal counsel be, and hereby are, authorized to enter into negotiations with the SPR Corporation for the purchase of its office building on Hospital Hill and to report back to the Board at its next regularly scheduled meeting; and, be it further

RESOLVED, That the County Administrator and legal counsel are authorized to utilize the services of a real estate appraiser, as appropriate, to establish the fair market value of the building in its present condition, for purposes of the purchase; and,

PROVIDED, further, that any proposed contract shall be in settlement of all claims and litigation presently pending between the County of Fauquier and the SPR Corporation; and

PROVIDED, further, that any contract resulting from such negotiations is without effect until approved and ratified by the Board of Supervisors.

With no further business, the meeting was adjourned subject to the call of the Chairman.

\_\_\_\_\_  
James R. Green, Jr., Chairman

Attest:

\_\_\_\_\_  
G. Robert Lee  
County Administrator

