



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS

OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

This does not represent an official transcript of the Board Meeting, and is subject to minor change.

**MONDAY
NOVEMBER 26, 1990**

28-90

AR:AR

The meeting was called to order at 10:00 a.m. with all members being present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

Others present were J. Hamilton Lambert, County Executive; David T. Stitt, County Attorney; William Howland, Assistant to the County Executive; Viki L. Lester, Deputy Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

(NOTE: Theodore Austell, III, Executive Assistant, was absent from the entire meeting.)

Supervisor Alexander arrived at 10:05 a.m.

2. CERTIFICATE OF APPRECIATION COMMENDING
MR. ROBERT LUNDY FOR HIS SERVICE ON
THE HUMAN RIGHTS COMMISSION (TAPE 1)

Supervisor Hyland moved approval of the presentation of the Certificate of Appreciation presented to Mr. Robert Lundy for his years of service on the Human Rights Commission. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander not yet having arrived.

3. WELCOME BACK TO LEE DISTRICT SUPERVISOR
JOSEPH ALEXANDER (TAPE 1)

Chairman Moore welcomed Lee District Supervisor Joseph Alexander back to the Board Room following his recent surgery and recuperation.

Supervisor Alexander expressed his appreciation to everyone for their cards and get well wishes.

4. CERTIFICATES OF APPRECIATION COMMENDING
MCLEAN PROJECT FOR THE ARTS FOR THEIR
CONTRIBUTION TO THE VISUAL ARTS IN FAIRFAX
COUNTY (TAPE 1)

Supervisor Richards moved approval of the presentation of the Certificates of Appreciation presented to Ms. Geraldine Brock, Ms. Nancy Weyl, Ms. Kathryn MacLane, and Ms. Martha Seeley, Representatives, McLean Project for the Arts, for the contribution to the visual arts in Fairfax County. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

5. RESOLUTION COMMENDING THE FAIRFAX COUNTY
STUDENT HEALTH CARE AND EMERGENCY PREPAREDNESS
TASK FORCE FOR CONTRIBUTIONS TO STUDENT HEALTH
CARE SERVICES IN FAIRFAX COUNTY (TAPE 1)

Supervisor Richards moved adoption of the Resolution presented to Ms. Sandy Selander, Dr. Michael Altieri, Captain William Bullock, Ms. Janis Cook, Dr. Beth Reisig, Ms. Doris Rutledge, and Dr. Peter Latkin, Representatives, Fairfax County Student Health Care and Emergency Preparedness Task Force for their contributions to developing the best health care service possible for Fairfax County school children. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

6. 10:00 A.M. - PRESENTATION BY THE CITIZENS TASK
FORCE ON THE FALL 1990 BOND REFERENDUM OF ITS
FINAL REPORT (TAPES 1-2)

(BACs)

Following the presentation by Purvis L. Dawson, Jr., Chairman, Citizens Task Force on the Fall 1990 Bond Referendum, of its final report, Supervisor Hanley moved approval of the presentation of Certificates of Appreciation to all members of the Task Force in recognition of their outstanding service to the government and citizens of Fairfax County on the 1990 Fall Bond Referendum. This motion was seconded by Supervisor Davis and carried by unanimous vote.

7. 10:15 A.M. - PRESENTATION OF SPECIAL ACHIEVEMENT
AWARDS BY THE COMMISSION FOR DISABLED PERSONS
(TAPES 2-3)

Sandra L. Kidd, Chairman, Commission for Disabled Persons, presented the special achievement awards to the following recipients:

- Martha K. Glennan, Founder and President of Project WORD, Incorporated;
- Giant Food, Incorporated, Barry Scher, Vice-President for Public Affairs, accepting the award;

- Central Fairfax Services, Incorporated, Earl Wiley, President, Board of Directors, accepting the award; and
- Anthony Colosi, Disabled Student attending Thomas Jefferson High School for Science and Technology.

Supervisor Richards noted that, later in her Board Matters, she would be asking the Commission for Disabled Persons to address the issue of handicapped accessibility at the polls on Election Day.

BOARD MATTERS

PMH:PMH

8. AIDS AWARENESS WEEK IN FAIRFAX COUNTY
(TAPE 4)

Chairman Moore announced that December 1, 1990 will be the World Health Organization World AIDS Day. She said that Media General Cable is participating in marking this day with a weekend of special programming on Saturday, December 1 and Sunday December 2, 1990. Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board approve the recognition of December 1, 1990 as World AIDS Day in Fairfax County.

This motion was seconded by Supervisor Hanley. Supervisor Hanley asked that the motion be amended to invite representatives from the Fairfax County AIDS Task Force to declare December 1 through December 8, 1990 as AIDS Awareness Week and this was accepted.

The question was called on the motion, and as amended, carried by a vote of eight, Supervisor Davis being out of the room.

9. ADDITIONAL REPRESENTATION ON THE CITIZENS ADVISORY COMMITTEE FOR SOLID WASTE AND DISPOSAL MATTERS
(TAPE 4)

(BACs)

(Appt)

Supervisor Moore stated that she had received a letter from Mr. Russell Heinz, Executive Director, American Lung Association in Northern Virginia, requesting that the Lung Association be included in the list of groups represented on the Citizens Advisory Committee for Solid Waste and Disposal Matters.

Therefore, Supervisor Moore moved:

- The expansion of the Citizens Advisory Committee for Solid Waste and Disposal Matters to include one representative from the American Lung Association of Northern Virginia; and

- The appointment of Mr. Russell Heinz as the representative of the American Lung Association of Northern Virginia.

This motion was seconded by Supervisor Hyland and carried by unanimous vote.

10. MEDIA GENERAL CABLE INITIATES A MILITARY GREETING HOTLINE (TAPE 4)

Supervisor Moore announced that Media General Cable is initiating a Military Greeting Hotline. She said that Media General will arrange to record and send free a 30-50 second video tape message for the holiday season to any military personnel stationed overseas. She said to call 378-3462 for further information.

11. RESOLUTION COMMENDING WALTER A. SCHEIBER, COUNCIL OF GOVERNMENTS (COG) (TAPE 4)

Supervisor Moore read a Resolution commending Walter A. Scheiber, Council of Governments (COG), for his many outstanding accomplishments to regional urban affairs and his dedicated efforts to foster regional cooperation. Supervisor Moore moved that the Board approve the Resolution. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

12. DEATH OF MS. MARY BRADERMAN (TAPE 4)

Supervisor Hyland announced that Ms. Mary Braderman had recently passed away. He said that Ms. Braderman had worked to protect animal rights for many years. Supervisor Hyland moved that a letter be sent to Ms. Braderman's family, on behalf of the Board, expressing its condolences and recognizing her contribution to life in Fairfax County. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Pennino being out of the room.

13. CLEAN AIR ACT FOR 1990 (TAPE 4)

Supervisor Hyland announced that on October 27, 1990, Congress gave its final approval to the comprehensive Clean Air Act. On Thursday, November 15, 1990, President George Bush signed the Clean Air Act of 1990.

Accordingly, Supervisor Hyland moved that the Board direct staff to report to the Board of Supervisors at its meeting scheduled for January 14, 1991 with an overview of the Clean Air Act of 1990, to include the following:

- Implications of the Act and its impact on Fairfax County; and
- How the Act will affect the County's air quality policies, conformity in meeting deadlines and other mandates, implementation plans, transportation, legal and fiscal impacts as well as funding sources.

This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Pennino being out of the room.

14. BUSINESS AND CLEAN AIR ACT FOR 1990 (TAPE 4)

With regard to his previous Board Matter concerning the final approval to the comprehensive Clean Air Act by Congress, Supervisor Hyland announced that a live videoconference will be presented by the Environmental Protection Agency (EPA) and the Public Broadcasting System (PBS) on Wednesday, November 28, 1990. The program will cover important provisions of the Act as it affects small and mid-sized businesses. Congressional lawmakers and EPA Regulators will discuss legislation and answer questions.

Supervisor Hyland urged all interested individuals who would like to participate in the videoconference to contact the following 800 numbers for locations and additional details.

1-800-343-4146

1-800-257-2578

15. GLOBAL RELEAF FUNDS NEEDED (TAPE 4)

Supervisor Hyland stated that at the Board of Supervisors' meeting held on April 30, 1990, action was taken to support the Global ReLeaf Program and request the Department of Forestry, in cooperation with the Tree Commission, to report to the Board with an action agenda on the issue.

Supervisor Hyland stated that the Tree Commission is presently requesting a \$50 funding allocation to become a Global ReLeaf Cooperator with the American Forestry Association in this vital program to implement the County's action agenda. This allocation would allow the Tree Commission to adopt the ReLeaf Logo and take advantage of available funding for tree planting and education.

Supervisor Hyland moved that the Board:

- Direct staff and the Tree Commission to become a participant in this project by providing the \$50 funding allocation; and

- Direct staff to report to the Board with an action agenda for implementing the program.

This motion was seconded by Supervisor Pennino and carried by unanimous vote.

16. ADDITIONAL TIME TO ESTABLISH USE FOR SPECIAL EXCEPTION APPLICATION SE 88-V-051 (LONG SIGNATURE HOMES AT WASHINGTON WOODS) (MOUNT VERNON DISTRICT) (TAPE 4)

- (ET) Supervisor Hyland moved that the Board approve the request for eighteen months of additional time to establish the use for Special Exception Application SE 88-V-051, Mount Vernon District, pursuant to the provisions of Section 9-105 of the Zoning Ordinance. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

17. SUPPORT FOR LEGISLATIVE CHANGE PERMITTING DIRECT PATIENT ACCESS TO PHYSICAL THERAPY CARE (TAPE 4)

Supervisor Hyland stated that a letter came to his attention from the Commission for Disabled Persons requesting the Board's support for proposed legislation in the 1991 General Assembly Session. He said that the bill, sponsored by Senator Gartlan, would permit direct patient access to physical therapy care.

Therefore, Supervisor Hyland moved that a letter be sent on behalf of the Board of Supervisors supporting Senator Gartlan's proposed legislation permitting direct patient access to physical therapy care. The second to this motion was inaudible.

Following discussion, Supervisor Hanley moved that the motion be amended to refer the issue to the Board's Legislative Subcommittee and this was accepted.

The question was called on the motion, and as amended, carried by unanimous vote.

18. REQUEST WAIVER OF APPLICATION FEES FOR MOUNT VERNON PARK ASSOCIATION (TAPE 4)

Supervisor Hyland stated that the Mount Vernon Park Association has recently undertaken an effort to remove a badly deteriorated equipment storage shed and construct a new office/storage facility in its place. He said that Special Exception and Special Permit Applications were required which would result in fees of \$3,004.

Supervisor Hyland said that recreational opportunities are provided by the Association to its members at a minimal cost to them while also creating less demand, wear and tear on public facilities in the area.

Therefore, Supervisor Hyland moved that the Board refer to staff the issues of:

- Waiving the fees associated with these applications; and
- Expediting the approval process.

This motion was seconded by Supervisor Davis.

Following discussion, Supervisor Hanley asked unanimous consent that the Board direct staff to send a copy of the proposed Chesapeake Bay Regulations to all recreation associations. Without objection, it was so ordered.

The question was called on the motion which carried by unanimous vote.

Supervisor Davis asked unanimous consent that the Board direct staff to report in December, 1990 with a review of the issue of recreation associations maintaining open space in a low tax status including a review of:

- Changing association Bylaws;
- The County having an option on the property; and
- Tax exempt legislation.

Supervisor McConnell asked unanimous consent that the Board direct staff to report with information regarding:

- The effects on land value; and
- The effect on the budget as far as requiring additional staff for inspections.

Without objection, it was so ordered.

19. EMERGENCY COLD WEATHER SHELTER RESOURCES
AND POLICY (TAPES 4-5)

(P) Supervisor Hyland moved that the Board direct staff to:

- Work with homeless shelter operators to review current procedures for handling homeless singles when the regular shelter beds are full;
- Determine the availability and adequacy of overflow capacity currently on hand;

- Take the necessary steps to ensure that the risk of anyone freezing to death this winter as the weather gets colder is eliminated; and
- Report at the Board of Supervisors meeting scheduled for December 10, 1990, with an overview of Fairfax County's plans for handling this situation in the cold winter months ahead.

This motion was seconded by Supervisor Pennino who offered the use of the Centreville Governmental Center meeting room.

The question was called on the motion which carried by a vote of eight, Chairman Moore being out of the room.

20. PROCLAIM NOVEMBER 26, 1990 AS "YOUTH APPRECIATION WEEK" (TAPE 5)

Supervisor Hyland commended the following outstanding students enrolled in Vocational Programs for participation and achievement:

- Jacqueline Coker, Mount Vernon High School;
- Thomas Duane Tartt, Mount Vernon High School;
- Brandy Basham, Edison High School;
- Robbie Stringham, Edison High School;
- Erica Joseph, West Potomac High School; and
- Dawn Lofton, West Potomac High School.

Supervisor Hyland moved that the Board direct staff to prepare the appropriate proclamation to the Sunrise Optimist Club of Alexandria proclaiming the week of November 26 through November 30, 1990 as "YOUTH APPRECIATION WEEK," in Fairfax County. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Chairman Moore being out of the room.

21. APPOINTMENT TO THE COMMISSION FOR DISABLED PERSONS (TAPE 5)

(Appt)

Supervisor Richards moved the appointment of Ms. Martha K. Glennan as the Dranesville District Representative to the Commission for Disabled Persons to fill the unexpired term of Ms. Cynthia Del Campo. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Richards asked unanimous consent that the Board direct the Commission for Disabled Persons to take up the issue of handicapped access to the polls. Without objection, it was so ordered.

22. COMMENDATION FOR HERNDON HIGH SCHOOL STUDENTS AND THE HERNDON CHAMBER OF COMMERCE (TAPE 5)

Supervisor Richards commended the Herndon High School students and the Herndon Chamber of Commerce for contributing 10 tons of white paper to a recycling container.

23. COMMENDATION FOR JAMES P. ZOOK, DIRECTOR, OFFICE OF COMPREHENSIVE PLANNING (TAPE 5)

Supervisor Richards commended James P. Zook, Director, Office of Comprehensive Planning, for his efforts to shorten staff reports for Rezoning and Special Exception Applications.

24. APPRECIATION TO THE LIBRARY BOARD (TAPE 5)

Supervisor Richards expressed her appreciation to the Library Board which reconsidered its position and has agreed to utilize the historic Herndon Fortnightly name for the new library in Herndon.

25. BOW HUNTING (TAPE 5)

Supervisor Richards pointed out that under State law bow hunting in Fairfax County is permitted on parcels of land as small as two-and-half acres. Supervisor Richards asked unanimous consent that the Board direct staff to refer the issue of minimum area within which bow hunting is permitted to the Legislative Subcommittee for review. Without objection, it was so ordered.

26. CONGRATULATIONS TO JOHN W. DIZEREGA, DIRECTOR, DEPARTMENT OF PUBLIC WORKS (TAPE 5)

Supervisor Richards congratulated John W. diZerega, Director, Department of Public Works, for his contribution to the McLean Project for the Arts.

27. USE AND LOSE LEGISLATION (TAPE 5)

Supervisor Richards stated that the use and lose legislation that was passed is not being enforced in Fairfax County. Therefore, Supervisor Richards asked unanimous consent that the Board direct staff to review this issue and report its findings. Without objection, it was so ordered.

28. ADVOCACY GROUP FOR HOUSING SENT OUT FLYER AFTER BOND REFERENDUM (TAPE 5)

Supervisor Richards stated that the advocacy group for housing sent out a flyer which her office received after the bond referendum election.

She said that the Board needs to work closely with advocacy groups that come before the Board. She added that these groups should be involved with the civic associations.

29. DEFERRAL OF A-2 - REVISED INITIAL CONSTRUCTION LIMITS FOR WIEHLE AVENUE, PROJECT 6495 (DRANESVILLE AND CENTREVILLE DISTRICTS) (TAPE 5)

Supervisor Richards asked unanimous consent that the Board defer Action Item A-2 - Revised Initial Construction Limits For Wiehle Avenue, Project 6495 (Dranesville and Centreville Districts) until December 3, 1990. Without objection, it was so ordered.

30. ACQUISITION OF RIGHTS-OF-WAY ALONG THE FAIRFAX COUNTY PARKWAY FROM THE DULLES ACCESS ROAD TO ROUTE 7 (TAPE 5)

Supervisor Richards stated that an item would be coming before the Board on December 10, 1990 to advertise a public hearing to be held before the Board of Supervisors on January 14, 1991 at 4:00 p.m. regarding the acquisition of rights-of-way along the Fairfax County Parkway from the Dulles Access Road to Route 7.

31. DEFERRAL OF I-6 - HERITAGE RESOURCES BRANCH VOLUNTEER MANAGER (TAPE 5)

Supervisor Richards moved that the Board:

- Defer Information Item I-6 - Heritage Resources Branch Volunteer Manager until after this evening's public comment item; and
- Direct Anthony H. Griffin, Deputy County Executive for Planning and Development, to be present for this item.

This motion was seconded by Supervisor Pennino and carried by a vote eight, Supervisor McConnell being out of the room.

Supervisor Hanley asked unanimous consent that the Board direct staff to:

- Ask the Grantor (TRW) why the grant includes the requirement to continue the position for three years after the grant runs out; and
- Determine if a revision can be made to the grant.

Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken by the Board on this item. See Clerk's Summary Item CL#109.)

32. OUT-OF-TURN PLAN AMENDMENT (TAPE 5)

Supervisor Richards moved that the Board authorize an Out-of-Turn Plan Amendment on the properties east of the CIT and west of the Reflection Homes in Herndon. This motion was seconded by Supervisor Hyland and carried by a vote eight, Supervisor McConnell being out of the room.

33. TRANSPORTATION SUBCOMMITTEE MEETING (TAPE 5)

Supervisor Richards distributed to Board Members a packet of items from the last meeting of the Commonwealth Transportation Board (CTB) for the next scheduled meeting of the Transportation Subcommittee meeting.

VLL:VLL

34. INTENT TO DEFER PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 82-V-081 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 82-V-081 (HUNTINGTON GATEWAY ASSOCIATES, LIMITED PARTNERSHIP) (MOUNT VERNON DISTRICT) (TAPE 6)

Supervisor Hyland announced his intent, at the appropriate time later in the meeting, to defer the public hearing on Proffered Condition Amendment Application PCA 82-V-081 and Final Development Plan Amendment FDPA 82-V-081 until December 3, 1990 at 5:00 p.m.

(NOTE: This item was later deferred. See Clerk's Summary Item CL#100.)

35. SIMULTANEOUS PROCESSING REQUESTED FOR REZONING APPLICATION RZ 90-L-055 (LEVIN CONSTRUCTION CORPORATION) (LEE DISTRICT) (TAPE 6)

Supervisor Alexander moved that the Board direct staff to simultaneously process the Rezoning and Site Plan for the Levin Construction Corporation, Rezoning Application RZ 90-L-055, located on Beulah Street at its intersection with Grovedale Drive. For the record, he stated that the applicant understands that this action neither provides him with a vested right in the Plan approval or relieves him from the responsibility of any Plan modifications as a result of the staff and Board review. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

36. FAIRFAX COUNTY BOARD OF SUPERVISORS MEMBERS RECEIVE RECOGNITION AT THE VIRGINIA ASSOCIATION OF COUNTIES' (VACO) ANNUAL MEETING (TAPE 6)

Supervisor Hanley stated that at the Virginia Association of Counties' (VACO) annual meeting held on November 18 through November 21, 1990 at

the Homestead in Hot Springs, Virginia, supervisors who have had long and distinguished careers had been recognized. She announced that the following Board Members from Fairfax County had been recognized for their many years of service: Supervisor Alexander, Supervisor Davis, Supervisor Pennino, and Chairman Moore.

Supervisor Hanley announced that Supervisor Pennino had been further recognized as the longest serving female supervisor in the State of Virginia.

37. INTENT TO DEFER THE PH AND REFER TO THE PLANNING COMMISSION FOR REHEARING SPECIAL EXCEPTION APPLICATION SE 89-P-079 (ORVAL E. GOODSEL) (PROVIDENCE DISTRICT) (TAPE 6)

Supervisor Hanley announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Special Exception Application SE 89-P-079 and refer the application to the Planning Commission for rehearing. She announced that the applicant has submitted a revised Generalized Development Plan (GDP).

(NOTE: Later in the meeting, this item was remanded back to the Planning Commission for a public hearing. See Clerk's Summary Item CL#94.)

38. INTENT TO DEFER THE PH ON REZONING APPLICATION RZ 89-P-017 (PRISM DEVELOPMENT GROUP, LIMITED AND PC LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPE 6)

Supervisor Hanley announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Rezoning Application RZ 89-P-017 until January 28, 1991 at 4:00 p.m. because of unsigned proffers.

(NOTE: Later in the meeting, this item was deferred. See Clerk's Summary Item CL#99.)

39. LEGISLATIVE SUBCOMMITTEE "CLEAN-UP" MEETING SCHEDULED (TAPE 6)

Supervisor Hanley announced that a Legislative Subcommittee "clean-up" meeting has been scheduled for Friday, November 30, 1990 at 4:30 p.m. in the Board Conference Room.

40. ENDORSEMENT OF RECOMMENDED LEE HIGHWAY/GALLOWES ROAD INTERCHANGE CONCEPT (PROVIDENCE DISTRICT) (TAPE 6)

(Verbatim)

Supervisor Hanley stated that at the Board of Supervisors' meeting held on October 29, 1990, action was taken to defer action on the Lee Highway/Gallows Road Interchange concept resulting from the conceptual design study to allow additional time to review the citizens'

recommendations and cost factors. She stated that the staff recommendation to assign \$1.34 million to construction reserve raises several policy questions.

Following discussion, with input from John diZerega, Director, Department of Public Works, Supervisor Hanley moved that the Board direct staff to:

- Analyze the authorized but unsold bonds and report to the Board with an accounting of what the specific projects are that are yet to have bonds sold and a status report on those projects;
- Identify what the Board's options are and how, if the Board so chooses, bonds can be taken off the authorized but unsold list that were authorized for projects that can now not be done and clarify if the questions on the ballot would or would not allow a similar project to be authorized by the Board;
- Identify any projects for which the bonds have been sold but for some reason the project will not be done or only a small portion of the money was expended for this specific project; and
- Identify those bonds (unsold) that have been already committed to specific projects.

This motion was seconded by Supervisor Bulova.

Following discussion, the question was called on the motion which carried by unanimous vote.

41. SCHOOL BOARD REQUESTED TO PROVIDE
PROJECTED FACILITIES COSTS (TAPE 6)

Supervisor Hanley called to the Board's attention the fact that a proposal is being discussed that concerns changing Fairfax County intermediate schools to middle schools. She stated that given the current configuration, intermediate schools hold two grades, seventh and eighth. If the school system intends to place sixth graders in the intermediate schools to make them physically middle schools, she stated that there is going to be an enormous expense.

Supervisor Hanley moved that the Board request the School Board to share the projected facilities costs of physically implementing a middle school configuration Countywide, in every intermediate school, based on the most recent planning projections. This motion was seconded Supervisor Pennino.

Following discussion, the question was called on the motion which carried by a vote of eight, Supervisor Davis being out of the room.

42. STAFF TO REPORT WITH ADDITIONAL INFORMATION REGARDING THE ASSESSMENT OF BOTH NEW AND USED VEHICLES AND THE CURRENT APPEAL PROCESS (TAPE 6)

Supervisor Bulova stated that she had recently been contacted by a constituent who had received a personal property tax bill on a new vehicle for which she had paid considerably less than the assessed value.

Because Board Members receive a great many complaints about this issue every year, Supervisor Bulova moved that the Board direct staff to report with an explanation to include the following information:

- What is and what is not mandated by the State with regard to assessing both new and used vehicles; and
- What is the available appeal process.

This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Davis being out of the room.

43. DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S (DEM) CARE OF PREMISES OFFICE (TAPE 6)

Supervisor Bulova stated that at a recent civic association meeting, it had been called to her attention that the citizens were unaware of the County's Care of Premises Office. Supervisor Bulova stated that several years ago, the Board had considered enacting a care of premises ordinance; however, while such an ordinance was not adopted, a Care of Premises Office was established for the purpose of bringing together all of the agencies that may be involved when a "problem property" is reported. The Care of Premises Office, which is under the Department of Environmental Management (DEM), Code Enforcement/Complaints Division, is to coordinate and follow-up on action to ensure that the "problem property" is safe and not a health hazard.

Supervisor Bulova asked unanimous consent that the Board direct staff to:

- Provide to civic and homeowners associations additional information, i.e., fact sheet, regarding the County's Care of Premises Office and its services; and
- Include in the next edition of the Citizens Handbook, a reference to the service in the index.

Without objection, it was so ordered.

(NOTE: Later in the meeting, there was additional discussion on this issue. See Clerk Summary Item CL#45.)

44. FAIRFAX COUNTY'S FASTRAN SERVICE (TAPE 6)

Supervisor Bulova stated that she is frequently questioned by constituents regarding the FASTRAN service provided by Fairfax County. She asked unanimous consent that the Board direct staff to explore and report with recommendations on the following issues:

- Because the buses transport so few individuals, whether smaller vehicles could be used; and
- Whether FASTRAN buses could be put to peak hour use, i.e., use of FASTRAN buses for feeder service to the Commuter Rail stations.

Without objection, it was so ordered.

45. ADDITIONAL DISCUSSION REGARDING THE CARE OF PREMISES ORDINANCE (TAPE 6A)

(NOTE: Earlier in the meeting, there was additional discussion regarding the Care of Premises Office and ordinance. See Clerk's Summary Item CL#43.)

Supervisor Hanley referred to the Board's earlier discussion regarding the County's Care of Premises Office. She questioned whether the issue of enacting an ordinance should be referred to the Board's Legislative Subcommittee for its review.

Chairman Moore stated that State legislation was not needed to enact a Care of Premises Ordinance.

David I. Stitt, County Attorney, stated that his office is currently drafting an alternative to the ordinance.

AR:AR

46. ESCROW OF FUNDS FOR LEFT TURN LANE IN SPECIAL EXCEPTION APPLICATION SE 88-S-057 (TAPE 7)

Supervisor McConnell stated that Special Exception Application SE 88-S-057 was granted for a Mobil Service Station to be located at the intersection of Hoes Road and Gambrill Road. She noted that this station is to take the place of one located across the street that was closed due to land acquisition for the Fairfax County Parkway. The

development conditions imposed with the approval of the Special Exception require the provision of a left turn lane into the site from Gambrill Road. This turn lane requires the acquisition of off site right-of-way which the applicant has been unable to acquire.

Supervisor McConnell further noted that the Board has previously directed staff not to accept a cash escrow in lieu of proffered road improvements unless construction of those improvements was imminently forthcoming by others. However, due to the community need for this service station to be operating as soon as possible, Supervisor McConnell asked unanimous consent that the Board direct staff to review this situation and return as expeditiously as possible with its recommendation to the Board. Without objection, it was so ordered.

47. MOMENT OF SILENT MEDITATION FOR SLAIN
PRINCE WILLIAM COUNTY POLICE OFFICER
(TAPE 7)

Supervisor McConnell asked unanimous consent that the Board of Supervisors observe a moment of silent meditation at 1 p.m. today in honor of the recently slain Prince William County Police Officer. Without objection, it was so ordered.

(NOTE: Later in the meeting, this silent meditation was observed. See Clerk's Summary Item CL#65.)

48. CONSIDERATION OF INCLUSION OF THE TOWNS OF HERNDON
AND VIENNA IN MID-YEAR BUDGET REVIEW STUDY FOR
FUNDING FOR TRASH REMOVAL (TAPE 7)

Supervisor Pennino asked unanimous consent that the Board direct staff to return to the Board with a Consideration Item in the Mid-Year Budget Review that will cover the costs of the study, approximately \$18,000 per jurisdiction, involving trash removal in the Towns of Herndon and Vienna. Without objection, it was so ordered.

49. CANCELLATION OF TRIP (TAPE 7)

Supervisor Pennino stated that, contrary to her earlier announcement, she would be present at the December 3, 1990 Board Meeting. She noted that her scheduled trip out of town had been cancelled.

50. APPOINTMENTS SCHEDULED FOR DECEMBER 3, 1990
(TAPE 7)

(BACs)

With reference to her intent to be present on December 3, 1990, Supervisor Pennino stated that appointments could be scheduled for that date.

51. REELECTION OF CHAIRMAN MOORE TO BOARD OF DIRECTORS OF THE VIRGINIA ASSOCIATION OF COUNTIES (TAPE 7)

Supervisor Pennino announced that Chairman Moore had been reelected to serve on the Board of Directors of the Virginia Association of Counties (VACo) at its recent convention.

52. REVIEW OF OWNERSHIP OF LAKE ANNE PLAZA (TAPE 7)

Supervisor Pennino noted that Lake Anne Plaza is privately owned by a condominium association, but it is used by the general public. She asked unanimous consent that the Board direct staff to review the ownership of Lake Anne Plaza to determine its eligibility under the Use Value Taxation. Without objection, it was so ordered.

53. APPOINTMENT TO RESTON COMMUNITY CENTER BOARD OF GOVERNORS (TAPE 7)

(Appt)

Supervisor Pennino moved the appointment of Ms. Brenda Irons-LeCesne to the Board of Governors of the Reston Community Center for a period of one year. This motion was jointly seconded by Supervisor Hanley and Supervisor Hyland and carried by vote of eight, Supervisor Alexander being out of the room.

54. LETTER OF APPRECIATION TO SAFEWAY FOR ITS PARTICIPATION IN RECYCLING PROGRAM (TAPE 7)

Supervisor Pennino asked unanimous consent that the Board direct staff to prepare a letter, for the Chairman's signature, to the Safeway Store management expressing the Board's appreciation for Safeway's participation in a plastic bag recycling program. Without objection, it was so ordered.

55. DISPOSAL OF SILT DREDGED FROM FAIRFAX COUNTY LAKES (TAPE 7)

Supervisor Pennino moved that the Board direct staff to return as expeditiously as possible with the development of a policy for the disposal of silt dredged from the lakes at Reston, as well as other lakes throughout the County. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

56. ADVERTISEMENT OF ROLLS ROYCE HEADQUARTERS IN FAIRFAX COUNTY (TAPE 7)

Supervisor Pennino called the Board's attention to a recent advertisement in the international publications, Aviation Week and Space Technology, announcing the location of Rolls Royce's headquarters in Fairfax County, Virginia.

57. COMPLAINTS CONCERNING OPERATION OF OFF-ROAD VEHICLES (TAPE 7)

Supervisor Pennino stated that her office is in receipt of several complaints concerning off-road vehicles (dirt bikes) on private property and parkland throughout Fairfax County. She noted that private property owners can post their property so that operators of these vehicles know they are trespassing and can be cited.

Noting that it was her understanding that the Code of Virginia does not permit local jurisdictions to implement restrictive ordinances towards control of dirt bikes, Supervisor Pennino moved that the Board refer this issue to the Park Authority to determine what action is necessary to accommodate the use of these vehicles by those persons who want to use them for recreational purposes. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Alexander and Chairman Moore being out of the room.

58. REVIEW OF ISSUE REGARDING DISCHARGE OF FIREARMS IN FAIRFAX COUNTY (TAPE 7)

Supervisor Pennino asked unanimous consent that the Board direct staff to review the issue of the discharge of firearms in Fairfax County and determine the feasibility of prohibiting the discharge of firearms within the County except for authorized rifle ranges. Without objection, it was so ordered.

59. STAFFING OF ADVANCED LIFE SUPPORT UNITS (TAPE 7)

Supervisor Pennino called the Board's attention to her previous request concerning the staffing of the County's advanced life support units. She asked unanimous consent that the Board direct staff to provide the requested information as expeditiously as possible. Without objection, it was so ordered.

60. COMPLAINTS FROM CITIZENS REGARDING VEHICLES GARAGED, BUT NOT REGISTERED, IN FAIRFAX COUNTY (TAPE 7)

Supervisor Pennino stated that her office continues to receive complaints from citizens regarding the number of vehicles garaged in Fairfax County which have not been registered in the State of Virginia or the County of Fairfax. Therefore, she moved that the Board direct staff to draft an ordinance, for Board consideration, which would

deputize retired citizens to travel around the County to shopping and recreational areas, placing a notice on windshields advising the vehicle owner of the State and County registration requirements.

Supervisor Davis seconded the motion and acknowledged his concern about the large number of vehicles which are not registered in this area. He asked that the motion be amended to direct staff to return to the Board, for consideration, several alternatives which would reduce the number of illegal, unregistered, vehicles in Fairfax County, and this was accepted.

Following discussion, with input from Richard A. King, Deputy County Executive for Public Safety, the question was called on the motion, as amended, which carried by unanimous vote.

PMH:PMH

61. COMMENDATION OF MR. BILL THOMAS (TAPE 7)

Supervisor Davis announced that Mr. Bill Thomas of the Virginia Department of Transportation (VDOT) was driving on Interstate I-66 in Vienna when he saw a purse in the road. Mr. Thomas stopped to pick up the purse and identify the owner. He then drove to the owner's home to return the purse. The owner explained that she was leaving on an extended trip and that the purse contained a large sum of money.

On behalf of the Board, Supervisor Davis asked unanimous consent that the Board commend Mr. Thomas for his responsiveness to the requests of the Board. Without objection, it was so ordered.

62. REQUEST FOR REMOVAL FROM THE SANITATION DISTRICT INCLUDING LEAF AND TRASH COLLECTION (TAPE 7)

Supervisor Davis stated that the residents of the Yacht Club at Sequoia have requested that they be considered for removal from the County Sanitation District including leaf and trash collection. Therefore, Supervisor Davis asked unanimous consent that the Board refer the request to staff for its review. Without objection, it was so ordered.

63. INSPECTION FEE FOR CHURCHES (TAPE 7)

Supervisor Davis referred to a memorandum from Warren E. Isman, Chief, Fire and Rescue Department, which indicates that the State will be requiring the County on an annual basis to inspect assembly premises with the churches to be charged an inspection fee.

Supervisor Davis asked unanimous consent that the Board direct staff to review the waiving of this fee and report with a consideration item regarding this item. Without objection, it was so ordered.

Supervisor Richards expressed concern about waiving the fee when County personnel will have to perform the inspection.

JLD:JLD

64. ADMINISTRATIVE ITEMS (TAPE 8)

Supervisor Pennino moved approval of the Administrative Items. This motion was seconded by Supervisor Davis.

Discussion ensued among Board Members, with staff input from Anthony H. Griffin, Deputy County Executive for Planning and Development, and James P. Zook, Director, Office of Comprehensive Planning (OCP), regarding Administrative Item Five - Authorization to Advertise a Public Hearing on a Proposed Amendment to the Code of the County of Fairfax, to Create a New Chapter 118 (Chesapeake Bay Preservation Ordinance).

Supervisor Hanley called to the Board's attention Section 118-6-4 (Appeals). She questioned whether the following requirement would require the Board to hear an appeal within 10 days:

- "(b) Any applicant who is aggrieved by the decision of the County Executive or his designee may, within 10 days of such decision, appeal to and have a determination made by the Board of Supervisors....."

Following further discussion, Mr. Zook stated that staff would make the necessary modifications to the language to require the applicant to appeal within 10 days; however, require the Board the flexibility to hear the appeal within 30 days, and this was accepted as an amendment to the motion.

Supervisor Hyland asked that the motion be amended to include that the Board direct staff to report with a definition of the term "aggrieved person," and this was accepted.

The question was called on the motion, as amended, which carried by unanimous vote.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM
(CENTREVILLE, DRANESVILLE, LEE, MOUNT VERNON
AND PROVIDENCE DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated November 26, 1990 be recommended for acceptance into the State Secondary System, Centreville, Dranesville, Lee, Mount Vernon, and Providence Districts.

ADMIN 2 - CONNECTION TO THE UPPER OCCOQUAN SEWAGE
AUTHORITY SYSTEM (UOSA) (SPRINGFIELD DISTRICT)

- (R) Approved the recommendation to request the Upper Occoquan Sewage Authority (UOSA) Board to permit the following connection, which is within the County's approved limits of sewer service, to be made to the UOSA System, Springfield District:

CENTREVILLE INDUSTRIAL

One (1) eight (8) inch connection
to the Rocky Run Interceptor at
existing Manhole #37-6.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 88-V-034
(EDWARD C. MORONEY AND LORRAINE MORONEY) (MOUNT
VERNON DISTRICT)

- (ET) Approved the request for six months of additional time to commence construction for Special Exception Application SE 88-V-034, Mount Vernon District, until May 1, 1991, pursuant to the provisions of Section 9-105 of the Zoning Ordinance.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PROPOSED
PROHIBITION OF THROUGH TRUCK TRAFFIC ON PORTIONS
OF BLAIR ROAD, BEACHWAY DRIVE, PATRICK HENRY
DRIVE, AND GLEN CARLYN DRIVE (MASON DISTRICT)

- (A) Authorized the advertisement and posting of the notice of a public hearing to be held before the Board of Supervisors on January 14, 1991 at 4:00 p.m. on the proposed prohibition of through truck traffic on portions of Blair Road (Route 902), Beachway Drive (Route 1886), Patrick Henry Drive (Route 2327), and Glen Carlyn Drive (Routes 981 and 1078), Mason District.

ADMIN 5 - AUTHORIZATION TO ADVERTISE PROPOSED
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX
TO CREATE A NEW CHAPTER 118 (CHESAPEAKE BAY
PRESERVATION ORDINANCE)

[NOTE: Refer to the Board's discussion during the approval of the Administrative Items regarding modifications to Section 118-6-4 (Appeals).]

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on December 12, 1990 and before the Board of Supervisors on January 28, 1991 at 7:30 p.m. on a proposed amendment to the Code of the County of Fairfax, creating a new Chapter 118 (Chesapeake Bay Preservation Ordinance), to implement the provisions of Title 10.1, Chapter 21, Section 10.1-100 et. seq. of the Code of Virginia, the Chesapeake Bay Preservation Act.

The amendment proposes the designation of certain areas of the County to be Resource Protection Areas and the remainder of the County to be designated as Resource Management Areas. The amendment also proposes the establishment of performance criteria for development in Resource Protection Areas and Resource Management Areas. However, the amendment which may ultimately be adopted following public hearings may vary from the proposed text set forth in the Staff Report.

ADDITIONAL BOARD MATTER

65. MOMENT OF SILENT MEDITATION REQUESTED FOR OFFICER PHILIP "MIKE" PENNINGTON, PRINCE WILLIAM COUNTY POLICE (TAPE 8)

At the request of Supervisor McConnell, Chairman Moore asked all individuals present in the Board Room to acknowledge a moment of silent meditation to remember Officer Philip "Mike" Pennington, Prince William County Police, who gave his life Thanksgiving morning in the line of duty.

66. A-1 - I-95 LANDFILL EXPANSION - ENVIRONMENTAL IMPACT STATEMENT (EIS) (MOUNT VERNON DISTRICT) (TAPES 8-10)

Supervisor Alexander asked unanimous consent that the Board allow John W. diZerega, Director, Department of Public Works, to make a brief staff presentation on the I-95 Landfill Expansion - Environmental Impact Statement (EIS) process and scope prior to Board action on the issue. Without objection, it was so ordered.

Supervisor Alexander moved that the Board concur in the recommendation of staff and approve the I-95 Landfill Expansion - Environmental Impact Statement (EIS) process and scope, and recommended consultant, as follows:

- That the Metropolitan Council of Governments (COG) administer the process;
- That the site investigated in the study be limited to the 253 acres of Area C, but that the first phase of the landfill be restricted to 147 acres, which are confined within the 253 acres;

- That the firm of Post, Buckley, Shuh and Jernigan be authorized to proceed with the permitting process for the first phase of 147 acres, with the understanding that a new firm will be selected, through the normal selection process, to provide engineering services related to the EIS; and
- That the 456 process be initiated now and a decision made so that the State permit application process could be initiated concurrently with the environmental study.

This motion was seconded by Supervisor Pennino.

Discussion ensued which included a question-and-answer period among Board Members; J. Hamilton Lambert, County Executive; Anthony Griffin, Deputy County Executive for Planning and Development; and Mr. diZerega.

Supervisor Hyland moved to amend the main motion to include the following:

- The oversight of the Environmental Impact Statement (EIS) process be conducted by the Environmental Division of the Metropolitan Council of Governments (COG) to include input from and participation by at least one member of both the Citizens Advisory Committee (CAC) on Solid Waste Disposal Matters and the Environmental Quality Advisory Council (EQAC).

The motion was seconded by Supervisor Davis, and accepted as part of the main motion by Supervisor Alexander.

Supervisor Hyland further moved that the Environmental Impact Statement (EIS) be competitively bid and that the firm of Post, Buckley, Shuh and Jernigan not be accepted as a contractor to perform the EIS.

Following discussion among Board Members, which included clarification of the motion by Mr. Lambert and Mr. diZerega, this motion was withdrawn.

Supervisor Hyland further moved an amendment to the main motion to request that the scope of the Environmental Impact Statement (EIS) concerning the proposed expansion at the I-95 Landfill include:

- Consideration of alternative sites other than I-95 for landfilling; and
- Consideration in the EIS of alternative technologies to landfilling solid waste.

This amendment to the main motion was seconded by Supervisor Davis.

Following discussion among the Board Members, this motion to amend the main motion FAILED by a recorded vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore voting "AYE."

Supervisor Hyland further moved an amendment to the motion on the floor, to include that staff begin immediately to develop an emergency contingency plan to accommodate the following circumstances:

- If the requested variance from the State is denied; and
- If the Environmental Impact Study (EIS) of the I-95 Landfill finds that the landfill cannot be expanded in an environmentally safe manner, this contingency plan come back to the Board no later than the end of January, 1991.

Following discussion among the Board Members, with input from Mr. Lambert and Mr. diZerega, Supervisor Hyland revised his motion to change the date for the report back from staff from the end of January, 1991, to April 15, 1991. This amendment was accepted as part of the main motion.

As a point of clarification, Supervisor Hyland then restated his motion as follows:

- Prepare a contingency plan for the two contingencies stated above to include consideration of alternatives in terms of disposal of solid waste on a regional-wide basis.

Following further discussion, Supervisor Pennino moved to call the question. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

The question was then called on the main motion and, as amended, CARRIED by a recorded vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore voting "NAY."

Supervisor Hyland moved that the Board direct staff to commence work and negotiations with other jurisdictions to determine if solid waste can be handled on a regional basis by locating a facility in which all

jurisdictions can participate as an alternative to Fairfax County's landfilling requirements. This motion was seconded by Supervisor Davis and carried by unanimous vote.

Supervisor McConnell moved that the Board direct staff to prepare correspondence, for the Chairman's signature, to the new incoming Mayor of the District of Columbia, Sharon Pratt Dixon, requesting her cooperation in increasing the District's recycling program and expanding use of the District's incinerator.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the motion be amended to also include preparation of correspondence directed to Mr. Wilson, City Council Chairman-Elect of the District of Columbia, and this was accepted.

The motion was seconded by Supervisor Moore and, as amended, carried by unanimous vote.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

67. A-2 - REVISED INITIAL CONSTRUCTION LIMITS FOR WIEHLE AVENUE, PROJECT 6495 (DRANESVILLE AND CENTREVILLE DISTRICTS) (TAPE 10)

(NOTE: Earlier in the meeting, action was taken to defer action on this item until December 3, 1990. See Clerk's Summary Item CL#29.)

68. A-3 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR ROUTE 7 IMPROVEMENTS FROM SEVEN CORNERS TO BAILEY'S CROSSROADS (MASON DISTRICT) (TAPE 10)

Supervisor Davis asked unanimous consent that the Board direct staff to defer action on the Virginia Department of Transportation (VDOT) plans for the widening of Route 7 between Bailey's Crossroads and Seven Corners, as presented at the October 23, 1990 public hearing, until December 10, 1990. Without objection, it was so ordered.

69. A-4 - PROPERTY OWNER NOTIFICATION FOR PHASE II OF THE PLANNING HORIZONS PROCESS (COUNTYWIDE) (TAPE 10)

With reference to property owner notification for Phase II of the Planning Horizons Process (Countywide), Supervisor Hanley moved that every household in the County be sent a notification and schedule of the actual planning process as it applies to the Area Plan update. This format would be similar to that used by the Weekly Agenda. The motion was seconded by Supervisor McConnell.

Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, Supervisor Hanley withdrew her motion and asked unanimous consent that the Board direct staff to return on December 3, 1990 with its recommendations on how this notification process should be addressed. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to consider the utilization of a newspaper advertisement as a means of notifying citizens of the status of the planning process. Without objection, it was so ordered.

70. A-5 - SUPPLEMENTAL APPROPRIATION RESOLUTION
AS 91016 FOR ACCEPTANCE OF UNITED STATES (U.S.)
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
GRANT AWARD FOUR FOR THE DEPARTMENT OF HUMAN
DEVELOPMENT TRANSITIONAL HOUSING PROGRAM
(TAPE 10)

- (SAR) Supervisor Davis moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution AS 91016 in the amount of \$974,556 from the United States (U.S.) Department of Housing and Urban Development (HUD) to expand the Transitional Housing Program for homeless families, in particular, to female-headed households in which the primary caretaker has a history of substance abuse. This motion was seconded by Supervisor Hanley.

Following discussion, with input from Verdina L. Haywood, Deputy County Executive for Human Services, and Suzanne C. Manzo, Director, Department of Human Development, the question was called on the motion, which CARRIED by a recorded vote of six, Supervisor Bulova voting "NAY," Supervisor Alexander and Supervisor Pennino being out of the room.

71. A-6 - APPROVAL OF A RESOLUTION IN ORDER TO OBTAIN
PERMANENT FINANCING FOR THE NORTHERN VIRGINIA
HEALTH CENTER COMMISSION'S NURSING HOME
(TAPE 10)

- (R) On motion of Supervisor Davis, seconded by Supervisor Hanley, and carried by a vote of seven, Supervisor Alexander and Supervisor Pennino being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the execution of the service agreement and lease agreement between the Northern Virginia Health Center Commission (NVHCC) and its participating localities in order for the Health Center Commission to obtain permanent financing for its nursing home.

72. A-7 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT
PROGRAM (CIP) ASSESSMENTS FOR TREMONT GARDENS,
HILLWOOD AND WYNFIELD (PROVIDENCE AND MASON
DISTRICTS) (TAPE 10)

- (Rs) On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of seven, Supervisor Alexander and Supervisor Pennino being out of the room, the Board concurred in the recommendation of staff and adopted Resolutions establishing the final amount to be assessed against each landowner in the Tremont Gardens, Hillwood, and Wynfield Community Program projects, Providence and Mason Districts.

73. A-8 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC PURPOSES (FULLERTON ROAD WEST OF BACKLICK ROAD) (LEE DISTRICT) (TAPE 10)

(DC)

(R)

On motion of Supervisor Alexander, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Pennino being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution approving density credit for the portion of the following lots or parcels that are to be dedicated for public use and for public street purposes in accordance with the deed of dedication which is to be recorded (Fullerton Road West of Backlick Road, Lee District). Based on the information available at this time, the following approximate amounts of land are to be dedicated from the following Tax Map Parcels:

| <u>Tax Map Reference</u> | <u>Density Credit</u> |
|--------------------------|---------------------------------------|
| 99-1 ((5)) 1A | 5,593 square feet |
| 99-1 ((5)) 2B | 4,110 square feet |
| 99-1 ((5)) 3 | 4,110 square feet |
| 99-1 ((5)) 4 | 3,483 square feet |
| | <hr/> |
| TOTAL | 17,296 square feet or 0.3970 acres |

74. A-9 - OPEN SPACE EASEMENT AGREEMENT OFFERED BY DR. LILY RUCKSTUHL (PROVIDENCE DISTRICT) (TAPE 10)

Supervisor Hanley asked unanimous consent that the Board defer action on the Action Item A-9 - Open Space Easement Agreement Offered by Dr. Lily Ruckstuhl (Providence District) for Parcel 40-2 ((1)) 0059, in the Jefferson North Community Planning Sector (J-10), Jefferson Planning District (Area II), Providence District, until after Executive Session. Without objection, it was so ordered.

(NOTE: There was no Board action on this item later in the meeting.)

75. A-10 - DEPARTMENT OF COMMUNITY ACTION (DCA) REQUEST TO ACCEPT THE HARVARD UNIVERSITY, FORD FOUNDATION \$100,000 INNOVATIONS AWARD FOR DCA'S MEDICAL CARE FOR CHILDREN PROJECT (MCCP) (TAPE 10)

On motion of Supervisor Davis, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Pennino being out of the room, the Board concurred in the recommendation of staff to:

- Approve acceptance of the \$100,000 Harvard University/Ford Foundation to the Department of Community Action for the Medical Care for Children Project (MCCP); and
- Hold the grant in addition to \$35,598 already collected in reserve for the MCCP.

76. C-1 - DECEMBER 24, 1990 HOLIDAY (TAPE 10)

The Board next considered an Item contained in the Memorandum to the Board dated November 26, 1990 requesting allowance for County employees a full day off on Monday, December 24, 1990 instead of the planned one-half holiday. Traditionally, there is a minimal work force where holidays fall near a weekend, as many County employees use leave. This year, allowing a full day off instead of a half day, would produce a period of four consecutive days where major buildings could be closed and energy conservation realized. The energy savings would result from reducing thermostat settings for the four days, and eliminating the need for most employees to travel to and from work. A full day off was granted on December 24, 1984, the last time Christmas Eve fell on a Monday.

Supervisor Davis moved that the Board concur in the recommendation of staff and grant County employees a full day off on Monday, December 24, 1990. The seconder to this motion was inaudible. This motion carried by a vote of eight, Supervisor Pennino being out of the room.

77. C-2 - NATIONAL LEAGUE OF CITIES' ANNUAL MEETING (TAPE 10)

The Board next considered an Item contained in the Memorandum to the Board dated November 26, 1990 requesting Board designation of a voting and alternate voting delegate to represent Fairfax County at the National League of Cities' (NLC) Annual Congress of Cities meeting to be held in Houston, Texas, on December 1 through December 5, 1990.

Chairman Moore relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the designation of a delegate to attend this meeting be considered at a later date. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Moore.

78. I-1 - STAFF SUMMARIES OF OCTOBER, 1990 TRANSPORTATION ADVISORY COMMISSION MEETINGS (COUNTYWIDE) (TAPE 10)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 presenting the staff summaries of the October, 1990 Transportation Advisory Commission Meetings.

79. I-2 - RIGHT-OF-WAY REQUIREMENTS FOR DEVELOPMENT APPLICATIONS (TAPE 10)

- (P) The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 requesting authorization for staff to pursue Option Three described in the Memorandum for identifying right-of-way requirements during the interim period pending adoption of a revised Plan in 1991.

Following discussion, with input from J. Hamilton Lambert, County Executive, Supervisor Bulova moved adoption of Option Three, with the understanding that staff will return to the Board on December 10, 1990 with the language to be included to cover hardship cases. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Davis and Supervisor Pennino being out of the room.

80. I-3 - SCHOOL HEALTH CARE ISSUES (TAPE 10)

(NOTE: Earlier in the meeting, the Board adopted a Resolution commending the Fairfax County Student Health Care and Emergency Preparedness Task Force for their contributions to student health care services. See Clerk's Summary Item CL#5.)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 presenting school health care issues.

81. I-4 - PERSONAL PROPERTY TAXES ON MOTOR VEHICLES OWNED BY A NON-PROFIT ORGANIZATION AND USED TO DELIVER MEALS TO HOME BOUND PERSONS OR PROVIDE TRANSPORTATION TO SENIOR OR HANDICAPPED CITIZENS IN THE COMMUNITY TO CARRY OUT THE PURPOSES OF THE NON-PROFIT ORGANIZATION (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 requesting authorization for staff to proceed to develop and implement the necessary procedures to accommodate a lower personal property tax rate on the motor vehicles owned by non-profit organizations used to deliver meals to home bound persons or provide transportation to senior or handicapped citizens in the community in accord with the purposes of the non-profit organization.

The staff was directed administratively to proceed as proposed.

82. I-5 - SPECIAL ACHIEVEMENT AWARD FROM THE NORTHERN VIRGINIA COMMUNITY APPEARANCE ALLIANCE (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 announcing that on October 24, 1990, the Department of Housing and Community Development (HCD) along with the Department of Public Works (DPW) and the Community Improvement Advisory Committee received an award and recognition from

the Northern Virginia Community Appearance Alliance (NVCAA). The NVCAA recognized HCD, DPW and the Community Improvement Program Advisory Committee for "creative contribution to the planning process for improving livability and the visual quality in the outdoor environment."

83. I-6 - HERITAGE RESOURCES BRANCH VOLUNTEER MANAGER
(NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer consideration of this item until after the public hearing to receive citizen comment. See Clerk's Summary Item CL#31.)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 requesting authorization for staff to contact TRW and inform them that while the County appreciates their offer to fund a portion of the Volunteer Manager Program, given current fiscal conditions, the Volunteer Manager position cannot be authorized, and return their first year grant in the amount of \$28,229.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#109.)

84. I-7 - REQUESTS FOR INTERNATIONAL ASSISTANCE
(TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 presenting a listing of requests from governments of other countries for specific assistance, to tour County government facilities, or meet with County officials on a wide range of subjects.

85. I-8 - CONTRACT MODIFICATION - AERIAL SURVEY AND MAPPING SERVICES, GEOGRAPHIC INFORMATION SYSTEM (GIS) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990 requesting authorization for staff to amend the contract with Analytical Survey, Incorporated to perform additional work.

86. RECESS/EXECUTIVE SESSION (TAPE 10)

At 3:10 p.m., Supervisor Davis moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel concerning:

- Fairfax County Redevelopment and Housing Authority Versus W.M. Schlosser Company, Incorporated - CA#90-0854; and
- Baum Versus Allen, At Law Number 88586.

This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Pennino being out of the room.

CM:CM

At 4:00 p.m., the Board reconvened in the Board Room with all Members being present, and with Chairman Moore presiding.

87. ACTIONS FROM EXECUTIVE SESSION (TAPE 11)

A. CERTIFICATION BY BOARD MEMBERS
REGARDING ITEMS DISCUSSED IN
EXECUTIVE SESSION

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed or considered by the Board during the Executive Session. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Hyland and Supervisor Pennino abstaining.

B. FAIRFAX COUNTY REDEVELOPMENT AND HOUSING
AUTHORITY (FCRHA) VERSUS W.M. SCHLOSSER
COMPANY, INCORPORATED - CA#90-0854

Supervisor Alexander moved that the Board recommend that the Fairfax County Redevelopment and Housing Authority (FCRHA) appeal the decision in FCRHA versus W.M. Schlosser Company, Incorporated, CA#90-0854 as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

C. ENDORSEMENT ON THE CONTRACT OF SALE
RELATING TO THE DWELLINGS OWNED BY
JAMES GARDNER ROGERS

Supervisor Alexander moved that the Board authorize and confirm the County Executive's endorsement on the contract of sale relating to the dwellings owned by James Gardner Rogers, the Executor of the estate of Margaret "Maggie" Rogers located in Lee Magisterial District at 5938 South Van Dorn Street and known as Tax Map Parcel 081-4((001))-0028. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

D. ENDORSEMENT ON THE CONTRACT OF SALE
RELATING TO THE DWELLINGS OWNED BY
DELAIR R. WOLFERD AND MAIMI I. WOLFERD

Supervisor Alexander moved that the Board authorize and confirm the County Executive's endorsement on the contract of sale relating to the dwellings owned by Delair R. Wolferd and Maimi I. Wolferd located in Lee Magisterial District at 5932 South Van Dorn Street and known as Tax Map Parcel 081-4((001))-0029. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

E. APPEAL IN MILLER AND SMITH, INCORPORATED,
ET AL. VERSUS BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, IN CHANCERY NUMBER 107963

Supervisor Richards moved that the Board authorize an appeal in Miller and Smith, Incorporated, et al. Versus Board of Supervisors of Fairfax County, In Chancery Number 107963, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

F. AUTHORIZATION OF APPLICATION FOR A
SUBPOENA DUCES TECUM TO BE SERVED ON
QUESTECH, INCORPORATED

Supervisor Richards moved that the Board authorize application for a subpoena duces tecum to be served on Questech, Incorporated, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

G. CLAIM OF MARTIN AND GASS, INCORPORATED

Supervisor Hanley moved that the Board reject the claim of Martin and Gass, Incorporated, as recommended by the County Attorney in Executive Session, because a final administrative appeals decision on the claim has been made by the County Executive's designee and Martin and Gass may appeal that decision only to the Fairfax County Circuit Court, not to the Board of Supervisors. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

H. SETTLEMENT OF BAUM VERSUS ALLEN, AT
LAW NUMBER 88586

Supervisor Hanley moved that the Board authorize the settlement of Baum versus Allen, At Law Number 88586, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Davis and carried by unanimous vote.

88. 3:30 P.M. - PH ON PROPOSED OPEN SEASON ENROLLMENT -
PLAN A TO PLAN B, UNIFORMED RETIREMENT SYSTEM
(TAPE 12)

- (UO) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Following the public hearing, Supervisor Pennino moved that the Board approve the proposed open season enrollment between Plan A and Plan B of the Uniformed Retirement System. This proposal will allow current Plan A members a one-time opportunity to transfer to Plan B. Members electing to transfer to Plan B would pay 3.08 percent (the difference between the employee contributions between Plan A and Plan B) of their creditable compensation multiplied by their current salaries, then multiplied by the period of time after December 31, 1981. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

89. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 84 (PUBLIC
TRANSPORTATION), ARTICLE 6 (RATES, FARES AND
CHARGES), SECTION 3(E) REGARDING TAXICABS
(TAPE 12)

- (O) (NOTE: On October 15, 1990, the Board of Supervisors adopted this amendment on an emergency basis.)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 2 and November 9, 1990.

Following the public hearing, Supervisor Pennino moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 84 (Public Transportation), Article 6 (Rates, Fares and Charges), Section 3(e), to permit taxicab companies operating in Fairfax County to petition for emergency rate increases resulting from dire financial needs resulting from circumstances beyond their control. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor Davis being out of the room.

90. 3:30 P.M. - PH ON THE ACQUISITION OF DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF ENGLSIDE PHASE I, NEIGHBORHOOD IMPROVEMENT PROJECT (LEE DISTRICT) (TAPE 12)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Following the public hearing, Supervisor Hyland, on behalf of Supervisor Alexander, moved adoption of a Resolution authorizing the acquisition of certain land rights necessary for construction of Project C00076, Engleside Phase I, Neighborhood Improvements, Lee District. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor Davis being out of the room.

91. 3:30 P.M. - BOARD DECISION ON THE ADOPTION OF THE COMMUNITY PLAN FOR THE ELLISON HEIGHTS COMMUNITY (DRANESVILLE DISTRICT) (TAPE 12)

- (R) (NOTE: On October 15, 1990, the Board of Supervisors held a public hearing on this item and deferred decision until November 5, 1990. On November 5, 1990, Board Decision was deferred until November 26, 1990.)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of September 28, 1990 and October 5, 1990.

Supervisor Richards moved adoption of a Resolution authorizing the community plan for the Ellison Heights Community Improvement Program Project. The plan calls for improvements such as curbs and gutters, sidewalk, storm drainage, and new roads in the community, Dranesville District. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Supervisor Pennino being out of the room.

92. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 90-A-014 (AMERICAN CAR WASH CORPORATION) (ANNANDALE DISTRICT) (TAPE 12)

Mr. Richard J. Stohl reaffirmed the validity of the affidavit for the record.

(NOTE: Following the public hearing, Supervisor McConnell disclosed a campaign contribution that she had received.)

Mr. Stohl had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide information on the benefits to be gained from requiring oil/grit separators and what could be changed to improve it. Without objections it was so ordered.

Supervisor McConnell disclosed the following campaign contribution that she had received:

- In the amount of \$99.00 from Mr. Robert L. Sproles, Huntley, Nyce and Associates in 1987.

Following the public hearing, which included testimony by one speaker, Lorrie Kirst, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved to defer Board decision on Special Exception Application SE 90-A-014 until December 3, 1990 at 5:00 p.m. This motion was seconded by Chairman Moore.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to review the Design Tips for Enhancing Pollutant Removal on Page 8.5 of the handout entitled "Controlling Urban Runoff," to determine if the job is being done cost effectively or if there is a need for modification. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

The question was called on the motion which carried by a vote of seven, Supervisor Alexander and Supervisor Richards being out of the room.

93. 4:00 P.M. - PH ON THE ACQUISITION OF A DEDICATION AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF LINCOLNIA HEIGHTS PHASE I, NEIGHBORHOOD IMPROVEMENT PROJECT (MASON DISTRICT)
(TAPE 12)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Following the public hearing, which included testimony by one speaker, Supervisor Davis moved to defer Board decision until December 3, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Richards being out of the room.

94. 4:00 P.M. - SPECIAL EXCEPTION APPLICATION
SE 89-P-079 (ORVAL E. GOODSEL) (PROVIDENCE
DISTRICT) (TAPE 12)

Supervisor Hanley moved that the Board remand Special Exception Application SE 89-P-079 back to the Planning Commission for another public hearing. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Richards being out of the room.

95. 4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN
LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF
THE ROUTE 29/FORUM DRIVE INTERSECTION
IMPROVEMENTS (SPRINGFIELD DISTRICT)
(TAPE 12)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Following the public hearing, Supervisor McConnell moved adoption of a Resolution authorizing the acquisition of certain land rights necessary for the construction of the Route 29/Forum Drive Intersection Improvements, Springfield District. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room.

96. 4:30 P.M. - PH ON REZONING APPLICATION
RZ 89-L-022 (BILLY W. BARNES) (LEE
DISTRICT) (TAPES 12-13)

Mr. Langhorne Keith reaffirmed the validity of the affidavit for the record.

Mr. Keith had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Hyland, on behalf of Supervisor Alexander, moved to defer the public hearing on Rezoning Application RZ 89-L-022 until December 3, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino.

Following discussion, Supervisor Hyland withdrew his motion.

Following the public hearing, which included testimony by one speaker, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Pennino, on behalf of Supervisor Alexander, moved to defer Board decision on Rezoning Application RZ 89-L-022 until December 3, 1990 at 5:00 p.m. This motion was seconded by Supervisor Richards and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Chairman Moore being out of the room.

97. DEFERRAL OF BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 89-S-075 (MOBIL OIL CORPORATION) (SPRINGFIELD DISTRICT) (TAPE 13)

Supervisor McConnell moved to defer Board decision on Special Exception Application SE 89-S-075 until December 10, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

98. 4:30 P.M. - PH ON REZONING APPLICATION RZ 90-P-040 AND SPECIAL EXCEPTION APPLICATION SE 90-P-020 (FAIRFAX RIDGE ASSOCIATES) (PROVIDENCE DISTRICT) (TAPE 13)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 90-P-040 and Special Exception Application SE 90-P-020 until December 10, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

99. DEFERRAL OF PH ON REZONING APPLICATION RZ 89-P-017 (PRISM DEVELOPMENT GROUP, LIMITED AND PC LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPE 13)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 89-P-017 until January 28, 1991 at 4:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

100. DEFERRAL OF PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 82-V-081 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 82-V-081 (HUNTINGTON GATEWAY ASSOCIATES, LIMITED PARTNERSHIP) (MOUNT VERNON DISTRICT) (TAPE 13)

Supervisor Hyland moved to defer the public hearing on Proffered Condition Amendment Application PCA 82-V-081 and Final Development Plan Amendment FDPA 82-V-081 until December 3, 1990 at 5:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

101. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-P-063
(STRINGFELLOW ROAD INVESTMENT PARTNERSHIP)
(PROVIDENCE DISTRICT) (TAPE 13)

Mr. William E. Donnelly III reaffirmed the validity of the affidavit for the record.

Mr. Donnelly had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Theresa Hooper, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ/CDP 89-P-063 be amended from the R-1 and Water Supply Protection Overlay District to the PDH-3 and Water Supply Protection Overlay District subject to the execution of the revised proffers dated November 26, 1990. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of four, Supervisor Hyland and Chairman Moore voting "NAY," Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Hanley further moved that the Department of Environmental Management (DEM) be directed to waive the Public Facilities Manual requirement for a 600-foot maximum length for private streets, and waiver of the privacy yard for the affordable dwelling units. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of four, Supervisor Hyland voting "NAY," Supervisor Richards abstaining, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Hanley further moved modification of the transitional screening requirement and waiver of the barrier requirement pursuant to Paragraph 1, Section 13-111 of the Zoning Ordinance along the northern property boundary of the church parking lot and along both the eastern and southern boundaries of the day care center parking lot. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of four, Supervisor Richards and Chairman Moore abstaining, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Hanley further moved modification of the transitional screening requirement along the subject property's Stringfellow Road frontage, south of Fair Lakes Parkway, pursuant to Paragraph 3, Section 13-111 of the Zoning Ordinance and waiver of the barrier requirement in the same location, pursuant to Paragraph 13, Section 13-111. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of four, Supervisor Richards and Chairman Moore abstaining, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Hanley further moved waiver of the transitional screening and barrier requirement along the frontage of the proposed Fair Lakes Boulevard, pursuant to Paragraph 6, Section 13-111 of the Zoning Ordinance. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of four, Supervisor Richards and Chairman Moore abstaining, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

102. 4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6 (RELATING TO ADOPTION BY REFERENCE) AND REPEAL SECTIONS 82-4-17, 82-4-18, 82-4-19, 82-4-20, 82-4-21, 82-4-22 AND 82-4-22.1 (RELATING TO DRIVING WHILE INTOXICATED) (TAPE 13)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Following the public hearing, Supervisor Pennino moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 1, Sections 6, 17, 18, 19, 20, 21, 22, and 22.1. This proposed amendment will adopt by reference the Code of Virginia Sections 18.2-266, 18.2-267, 18.2-268, 18.2-269, 18.2-270, 18.2-271, 18.2-271.1 into Chapter 82, Article 1, Section 6 of the Code of the County of Fairfax and will repeal, in their entirety, Sections 82-4-17, 82-4-18, 82-4-19, 82-4-20, 82-4-21, 82-4-22, and 82-4-22.1 of the Code of the County of Fairfax. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hyland, and Supervisor McConnell being out of the room.

SBE:SBE

103. 5:00 P.M. - PH ON THE RECODIFICATION AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109 (SOLID WASTE) (COUNTYWIDE) (TAPES 14-15)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Prior to the public hearing, Supervisor Bulova moved that the enactment clause of the proposed recodification and amendment to the Code of the County of Fairfax, Chapter 109 (Solid Waste) be amended as follows:

- Insert the words: "except as hereinafter provided" after the word "that" in the enactment clause at the end of the proposed amendments and recodification to Chapter 109; and add a new sentence at the end of the enactment clause to read: "The requirements in § 109-2-4 concerning the procurement of recycled products shall become effective on January 1, 1991."

This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Alexander, Supervisor Hyland, and Supervisor McConnell being out of the room.

Following the public hearing, which included testimony by seven speakers, Supervisor Hyland moved the adoption of the proposed recodification and amendment to the Code of the County of Fairfax, Chapter 109 (Solid Waste) to more adequately administer and enforce the collection, recycling and disposal of solid waste in the County of Fairfax, subject to the further amending of Sections 109-2-2 (Annual report required) and 109-2-1 (Source separation for recycling) to replace, in the first sentence of each section, the word "may" with the word "shall."

Chapter 109 is proposed to be recodified into 10 articles to clarify specific subject areas of solid waste administration, waste reduction and recycling, solid waste collection and disposal permit authorization and permit requirements, expansion of the Waste Reduction Program through the addition of sections which implement legislations approved by the 1990 General Assembly and the strengthening of enforcement procedures so as to prohibit disposal of unacceptable waste at the I-66 Transfer Station, I-95 Sanitary Landfill and the I-95 Energy/Resource Recovery Facility.

Supervisor Hyland amended the motion on the adoption of the proposed recodification and amendment to the Code of the County of Fairfax, Chapter 109 (Solid Waste) to:

- Include a delay of the effective date of these amendments, as applied to the implementation of the mandatory recycling for businesses, until April 1, 1991;
- Direct staff to report to the Board, at that time, on a proposed implementation schedule for businesses, having included input from the business community and the Task Force; and

- Recommend proposals for the implementation of these provisions.

The motion was seconded by Supervisor Pennino.

Following discussion, Supervisor Davis moved that the motion be further amended to delay the effective date of Section 109-2-7 (Penalty - waste reduction and recycling) until April 1, 1991, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Hyland asked unanimous consent that the Board direct staff to consider establishing a process for future changes proposed to the mandatory recycling program which would ensure fairness and compliance for businesses and to include this in the report that is returned to the Board. Without objection, it was so ordered.

104. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-V-081 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 82-V-081 (HUNTINGTON GATEWAY ASSOCIATES, LIMITED PARTNERSHIP (MOUNT VERNON DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 82-V-081 and Final Development Plan Amendment Application FDPA 82-V-081 until December 3, 1990 at 5:00 p.m.) See Clerk's Summary Item CL#100.)

105. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-D-093-3 (WORLDGATE RETAIL ASSOCIATES LIMITED PARTNERSHIP AND WORLDGATE HOTEL ONE ASSOCIATES LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT) (TAPE 15)

Mr. Martin D. Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh had filed the necessary notices showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Supervisor Richards moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded jointly by Supervisor Davis and Supervisor Pennino and carried by a vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Richards moved approval of Proffered Condition Amendment Application PCA 86-D-093-3 subject to the execution of draft proffers contained in Appendix One of the Staff Report dated August 30, 1990.

This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hyland and Supervisor McConnell being out of the room.

106. 5:00 P.M. - PH ON REZONING APPLICATION
RZ 89-P-017 (PRISM DEVELOPMENT GROUP,
LIMITED AND PC LIMITED PARTNERSHIP)
(PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-P-017 until January 1, 1991 at 4:00 p.m. See Clerk's Summary Item CL#99.)

107. 5:00 P.M. - BOARD DECISION ON SPECIAL
EXCEPTION APPLICATION SE 89-S-075
(MOBIL OIL CORPORATION) (SPRINGFIELD
DISTRICT) (NO TAPE)

(NOTE: On November 5, 1990, the Board held a public hearing on Special Exception Application SE 89-S-075; however, deferred its decision until November 26, 1990.)

(Earlier in the meeting, action was taken to defer Board Decision on Special Exception Application SE 89-S-075 until December 10, 1990 at 5:00 p.m. See Clerk's Summary Item CL#97.)

108. 7:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON
ISSUES OF CONCERN (TAPES 15-16)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of November 9 and November 16, 1990.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Clerk to the Board to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held and included testimony by 7 speakers.

109. I-6 - HERITAGE RESOURCES BRANCH VOLUNTEER MANAGER
(TAPES 15-16)

Following the testimony presented by Ray Arebaugh (Speaker #3) and Sarah Braun (Speaker #4), the Board next considered an Information Item contained in the Memorandum to the Board dated November 26, 1990,

requesting authorization for staff to contact TRW and inform them that while the County appreciates their offer to fund a portion of the Volunteer Manager Program, given current fiscal conditions, the Volunteer Manager position cannot be authorized, and return their first year grant in the amount of \$28,229.

Discussion ensued among Board Members, with staff input from Anthony Griffin, Deputy County Executive for Planning and Development, and James Zook, Director, Office of Comprehensive Planning.

Supervisor Hanley moved that the Board direct staff to discuss with TRW the possibility of renegotiating the terms and conditions of the grant in order to allow greater flexibility for Fairfax County's future role in the program. This motion was seconded by Supervisor Bulova and CARRIED by a recorded vote of six, Supervisor Hyland voting "NAY," Supervisor Alexander and Supervisor Davis being out of the room.

110. BOARD ADJOURNMENT (TAPE 16)

At 8:40 p.m., the Board adjourned.