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The meeting was called to order at 9:35 a.m. with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

Supervisor McConnell arrived at 10:20 a.m.

Others present were Robert J. O'Neill, Jr., County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Barbara M. Jenkins, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

2. **MOMENT OF SILENCE FOR THE LATE MS. SHERYL CZEPLUCK** (Tape 1)

Supervisor Mendelsohn asked that Board Members remember in their thoughts and prayers the family of Ms. Sheryl Czepluck who was killed in a tragic accident last week.

3. **PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER 1997 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation presented to Thomasina Jordan, Chairman, Virginia Council on Indians, designating the month of November 1997 as "**American Indian Heritage Month**" in Fairfax County. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

4. **RESOLUTION TO RECOGNIZE THE LEAGUE OF WOMEN VOTERS OF THE FAIRFAX AREA ON THE OCCASION OF ITS 50TH ANNIVERSARY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved adoption of the Resolution presented to Anne S. Kanter, President, League of Women Voters of the Fairfax Area, in recognition of the League on the occasion of its 50th anniversary. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Ms. Kanter announced that the League's Voters Guide has been published and is also available on the Internet at www.lwv-fairfax.org.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO DELEGATION FROM THE RUSSIAN CHAMBER OF COMMERCE AND INDUSTRY FOR THE RUSSIAN FEDERATION** (Tape 1)

Supervisor Bulova moved approval of the Certificates of Recognition presented to a delegation from the Russian Chamber of Commerce and Industry for the Russian Federation who are visiting Fairfax County as representatives of the Fairfax Corner in Moscow program. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell not yet having arrived.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO 50+ AND 65+ GOLDEN GIRLS SOFTBALL TEAM** (Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and moved approval of the Certificates of Recognition presented to the 50+ Golden Girls Softball Team in celebration of winning the gold medal at the Senior Olympics in Tucson, Arizona. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell not yet having arrived.

Chairman Hanley moved approval of the Certificates of Recognition presented to the 65+ Golden Girls Softball Team in celebration of winning the silver medal at the Senior Olympics in Tucson, Arizona. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell not yet having arrived.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. PATRICIA GODDARD**
(Tape 1)

Supervisor Gross moved approval of the Certificate of Recognition presented to Ms. Patricia Goddard for her years of service to the Fairfax County Redevelopment and Housing Authority (FCRHA). This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell not yet having arrived.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THOMAS FARLEY, VDOT DISTRICT ADMINISTRATOR** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to the Virginia Department of Transportation (VDOT) and Thomas Farley, VDOT District Administrator, for being honored by the American Association of State Highway and Transportation Officials for VDOT's study on snow removal. This motion was seconded by Supervisor Mendelsohn and carried by unanimous vote.

9. **PROCLAMATION DESIGNATING OCTOBER 19-25, 1997 AS "CHARACTER COUNTS! WEEK" IN FAIRFAX COUNTY** (Tapes 1-2)

Supervisor Gross moved approval of the Proclamation designating October 19-25, 1997 as "Character Counts! Week" in Fairfax County. This motion was seconded by Supervisor Dix and carried by unanimous vote.

10. **DEDICATION OF FAIRFAX HALL AT THE 4-H EDUCATION CENTER IN FRONT ROYAL** (Tape 3)

Supervisor Gross stated that she and Supervisor McConnell recently had the honor and privilege of representing Fairfax County at the dedication of Fairfax Hall at the 4-H Education Center in Front Royal. She noted that this was the culmination of a \$500,000 pledge from the Board in 1989 towards this effort. A plaque which was presented to the County will be on display at the Government Center.

(NOTE: Later in the meeting, there was an official presentation of the plaque commemorating the dedication of Fairfax Hall. See Clerk's Summary Item CL#85.)

11. **CERTIFICATE OF RECOGNITION PRESENTED TO THE VIENNA POLICE DEPARTMENT** (Tape 3)

Supervisor Dix moved approval of the Certificate of Recognition presented to the Vienna Police Department on the occasion of its 50th anniversary. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

CM:cm

12. **10:00 A.M. - 1997 EXCEPTIONAL DESIGN AWARDS CEREMONY** (Tape 3)

James V. Allred, AIA, Chairman, Design Jury, presented the following 1997 Exceptional Design Awards for the projects shown:

Honor Award

Washington Plaza Renovations - Lake Anne Village Center
Landscape Architect: Stephenson and Good, Alexandria, Virginia
Owner/Developer: Fairfax County Department of Housing and Community
Development.
Year Built: 1996

Merit Award

Herndon Fortnightly Community Library
Architect: Hughes Group Architects, Sterling, Virginia
Owner/Developer: Fairfax County Department of Public Works
Year Built: 1995

Merit Award

A Glass Garden: The Callaway Residence
Architect: Susan Woodward Notkins, Architects, PC, McLean, Virginia
Owner/Developer: Kenneth and Sharon Callaway
Year Built: 1993

Honorable Mention

West Centreville Fire Station
Architect: Zivic and Hurdle Architects, Fairfax, Virginia
Owner/Developer: Fairfax County Department of Public Works
Year Built: 1994

13. **ORDERS OF THE DAY** (Tape 3)

Chairman Hanley announced that there would be a change in the Orders of the Day. The Board will proceed next with Information Item I-1 - Fairfax County Police Department's Motorcycle Officers Win at Regional Safety Competition.

14. **I-1 - FAIRFAX COUNTY POLICE DEPARTMENT'S MOTORCYCLE OFFICERS WIN AT REGIONAL SAFETY COMPETITION** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 presenting the results of the Fairfax County Police Department's Motor Section in the Mid-Atlantic Police Motorcycle Safety Competition.

15. **APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 3)

(BACs)

(APPTS)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

(NOTE: The appointment of the At-Large Representative to the Alcohol Safety Action Program Local Policy Board was deferred.)

ATHLETIC COUNCIL

Chairman Hanley moved the appointment of Ms. Jai Elizabeth Cole as the At-Large (Principal) Representative to the Athletic Council. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

Chairman Hanley moved the appointment of Mr. Phuc Truong Dao as the At-Large (Alternate) Representative to the Athletic Council. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Mike Viilo as the Mount Vernon District (Principal) Representative to the Athletic Council. This motion was seconded by Supervisor Dix and carried by unanimous vote.

[NOTE: The appointment of the Mount Vernon District (Alternate) Representative to the Athletic Council was deferred.]

BOARD OF BUILDING CODE APPEALS

[NOTE: The appointments of the At-Large (Superintendent Building/Structural) and the At-Large (Licensed Architect/Alternate) Representatives to the Board of Building Code Appeals were deferred.]

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

[NOTE: The appointment of the At-Large (Citizen) Representative to the Board of Equalization of Real Estate Assessments was deferred.]

COMMUNITY ACTION ADVISORY BOARD

(NOTE: The appointment of the Sully District Representative to the Community Action Advisory Board was deferred.)

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

[NOTE: The appointments of the Lee (Jefferson Manor), Mason (Bailey=s Conservation Area), and the Mount Vernon District Representatives to the Community Development Advisory Committee were deferred.]

COMMUNITY IMPROVEMENT COMMITTEE

[NOTE: The appointment of the Mason (Fairdale Community) Representative to the Community Improvement Committee was deferred.]

CRIMINAL JUSTICE ADVISORY BOARD

(NOTE: The appointment of the Mason District Representative to the Criminal Justice Advisory Board was deferred.)

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Hanley moved the reappointment of Ms. Barbara Jones as the At-Large Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Ms. Martha Glennan as the Dranesville District Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Gross and carried by unanimous vote.

Supervisor Dix moved the reappointment of Mr. James Brooker as the Hunter Mill District Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Gross and carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Gordon Landes as the Lee District Representative to the Fairfax Area Disability Services Board. This motion was seconded by Chairman Hanley and carried by unanimous vote.

Supervisor Hyland informed Board Members that Mr. Arthur Friedberg is unable to continue his service to the Fairfax Area Disability Services Board and asked unanimous consent that the Board direct staff to invite Mr. Friedberg to appear before the Board to receive recognition for his years of service. Without objection, it was so ordered.

Supervisor Connolly moved the appointment of Ms. Barbara Mosgrave as the Providence District Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Frey informed Board Members that Ms. Susan Fitzgerald is unable to continue her service on the Fairfax Area Disability Services Board and asked unanimous consent that the Board direct staff to also invite Ms. Fitzgerald to appear before the Board to receive recognition for her years of service. Without objection, it was so ordered.

(NOTE: The appointments of the Mount Vernon and the Sully District Representatives to the Fairfax Area Disability Services Board were deferred.)

FAIRFAX COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

(NOTE: The appointment of the At-Large Representative to the Fairfax County Industrial Development Authority was deferred.)

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Kauffman moved the appointment of Mr. Ben Pepper as the Lee District Representative to the Fairfax-Falls Church Community Services Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

HISTORY COMMISSION

Supervisor Dix moved the appointment of Mr. Tom Grubisich to fill the unexpired term of Ms. Margaret Peck as an At-Large Representative to the History Commission. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

(NOTE: Later in the meeting, action was taken by the Board to recognize the service of Ms. Peck. See Clerk=s Summary Item CL#56.)

HUMAN SERVICES COUNCIL

(NOTE: The appointments of the Mason and Sully District Representatives to the Human Services Council were deferred.)

MECHANICAL ADVISORY BOARD

[NOTE: The appointments of the two At-Large (Master Mechanic) Representatives to the Mechanical Advisory Board were deferred.]

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZEN ADVISORY COMMITTEE

Supervisor Dix moved the appointment of Mr. Edson L. Tennyson as an At-Large Representative to the Northern Virginia Transportation Coordinating Council Citizen Advisory Committee. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

[NOTE: The appointment of the At-Large (Resident/Owner) Representative to the Route 28 Highway Transportation District Advisory Board was deferred.]

SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION

Supervisor Bulova moved the appointment of Mr. Harold Y. Pyon as the Braddock District Representative to the Small and Minority Business Enterprise Program Advisory Commission. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

UNIFORMED RETIREMENT SYSTEM

CONFIRMATION:

Supervisor Connolly moved that the Board confirm the following appointment to the Uniformed Retirement System:

Sergeant Charles Formeck as the Sheriff=s Office Representative.

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

ADDITIONAL APPOINTMENTS

ANIMAL SHELTER ADVISORY COMMISSION

Supervisor Bulova informed Board Members that Ms. Scottie Mead, Braddock District Representative to the Animal Shelter Advisory Commission, had resigned. She moved the appointment of Ms. Robin Reid to fill her unexpired term. This motion was seconded by Supervisor Frey and carried by unanimous vote.

16. **ADMINISTRATIVE ITEMS** (Tapes 3-4)

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Connolly.

Supervisor Connolly asked to amend the motion to consider Administrative Item 13 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 7.2, Regarding the Exclusion of Gross Receipts Solely Derived from the Design, Development, or Other Creation of Computer Software for Lease, Sale or License separately, and this was accepted.

Supervisor Frey called the Board's attention to Administrative Item 11 - Authorization to Advertise a Public Hearing Regarding the Dedication of a Portion of County-Owned Property Located on Braddock Road (Route 620) to the Virginia Department of Transportation (VDOT) for Road Improvements (Sully District). Following discussion, with input from Fred K. Kramer, Director, Department of General Services, Supervisor Frey asked unanimous consent that the Board direct the County Executive to provide Board Members with an explanation of the Policy on acquiring right-of-way. Without objection, it was so ordered.

Supervisor Dix asked to amend the motion to consider the following items separately:

- # Administrative Item 4 - Supplemental Appropriation Resolution (SAR) AS 98036 for the Department of Health's Partners in Prevention Initiative on Nonmarital Childbearing; and

- # Administrative Item 5 - Supplemental Appropriation Resolution (SAR) AS 98038 for the Department of Family Services to Accept Federal/state Family Preservation and Family Support Program Funds;

and this was accepted.

Supervisor Dix called the Board's attention to Administrative Item 7 - Authorization to Advertise a Public Hearing on Proposed 1999 Transportation Enhancement Program Projects (Countywide) and asked unanimous consent that the Board direct staff to provide Board Members with a list of the other transportation projects around the State that were funded by this Program. Without objection, it was so ordered.

The question was called on the motion, as amended, which carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

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

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated October 27, 1997, be recommended into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Great Falls Landing	Dranesville	Northfalls Court
Reston, Section 77, Block 1	Hunter Mill	Bright Pond Lane
Island Creek, Phase 2 Morning View Lane	Lee	Morning View Lane, Route 8424
Crosspointe, Section 11	Mount Vernon	Oak Chase Circle, Route 8512 Oak Brook Lane
Hunterbrooke	Providence	Mystic Meadow Way Hunter Mill Road, Route 674, Additional right-of-way only
Brooks Ridge	Sully	Granite Rock Drive, Route 8124
Poplar Tree Estates, Section 7A	Sully	Bare Island Drive, Route 8832 Edge Rock Drive, Route 8833 Brewerton Court

ADMIN 2 - EXTENSION OF REVIEW PERIOD FOR PUBLIC FACILITY REVIEW APPLICATIONS

Authorized the extension of the review period for the seven Public Facility Review Applications listed in the Memorandum to the Board dated October 27, 1997 until April 27, 1998, to ensure compliance with the 60-day review requirement mandated by Section 15.1-456 of the *Code of Virginia*.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 85-C-116, WATERVIEW L.L.C. (HUNTER MILL DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 85-C-116 until May 5, 1999, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98036 FOR THE DEPARTMENT OF HEALTH'S PARTNERS IN PREVENTION INITIATIVE ON NONMARITAL CHILDBEARING

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk=s Summary Item CL#17.)

ADMIN 5 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98038 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT FEDERAL/STATE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM FUNDS

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk=s Summary Item CL#18.)

ADMIN 6 - ADDITION AND DISCONTINUANCE OF PORTIONS OF WEST OX ROAD (SULLY DISTRICT)

- (R) Adopted a Resolution requesting that the Commonwealth Transportation Board (CTB) add and discontinue portions of West Ox Road (Route 608).

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED 1999 TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS (COUNTYWIDE)

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page nine.)

Authorized the advertisement of a public hearing to be held before the Board on **December 8, 1997 at 4:30 p.m.** to solicit comments and input on proposed 1999 Transportation Enhancement Program Projects.

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE FOUR MILE RUN WATERSHED MANAGEMENT PROGRAM MEMORANDUM OF AGREEMENT (DRANESVILLE AND MASON DISTRICTS)

- (A)(R) Adopted a Resolution authorizing the advertisement of a public hearing to be held before the Board on **December 8, 1997 at 3:30 p.m.** on the specified amendments to the Four Mile Run Watershed Management Program Memorandum of Agreement.

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE); CHAPTER 117 (EXPEDITED LAND DEVELOPMENT REVIEW); AND CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) REGARDING RECODIFICATION OF TITLE 15.1 OF THE CODE OF VIRGINIA TO TITLE 15.2

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on November 19, 1997 and before the Board on **December 8, 1997 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance); Chapter 117 (Expedited Land Development Review); and Chapter 118 (Chesapeake Bay Preservation Ordinance) regarding recodification of Title 15.1 of the *Code of Virginia* to Title 15.2.

ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION), SECTION F-506.1, FIRE PREVENTION CODE, REGARDING TESTING OF FIRE STANDPIPES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 24, 1997 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection), Section F-506.1, Fire Prevention Code, regarding testing of fire standpipes.

ADMIN 11 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE DEDICATION OF A PORTION OF COUNTY-OWNED PROPERTY LOCATED ON BRADDOCK ROAD (ROUTE 620) TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ROAD IMPROVEMENTS (SULLY DISTRICT)

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page nine.)
- # Authorized the advertisement of a public hearing to be held before the Board on **November 17, 1997 at 3:30 p.m.** regarding the dedication of a portion of County-owned property located on Braddock Road (Route 620), Tax Map Numbers 66-2((01)) 4B and 4D, to the Virginia Department of Transportation (VDOT) for road improvements; and
 - # Directed staff to notify adjacent landowners of the public hearing by certified mail.

ADMIN 12 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE EXECUTION OF AN INGRESS/EGRESS EASEMENT ON COUNTY-OWNED PROPERTY ACROSS FORMER UNION MILL ROAD (SPRINGFIELD DISTRICT)

- (A) # Authorized the advertisement of a public hearing to be held before the Board on **November 17, 1997 at 4:30 p.m.** on the execution of an ingress/egress easement on County-owned property across former Union Mill Road; and
- # Directed staff to notify adjacent landowners of the public hearing by certified mail.

ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 7.2, REGARDING THE EXCLUSION OF GROSS RECEIPTS SOLELY DERIVED FROM THE DESIGN, DEVELOPMENT, OR OTHER CREATION OF COMPUTER SOFTWARE FOR LEASE, SALE OR LICENSE

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk=s Summary Items CL#19, CL#20, CL#82 and CL#140.)

17. **ADMIN 4 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98036 FOR THE DEPARTMENT OF HEALTH'S PARTNERS IN PREVENTION INITIATIVE ON NONMARITAL CHILDBEARING** (Tape 3)

(SAR) Following discussion, with input from Rosalyn Foroobar, Assistant Director of Nursing, Department of Health, Supervisor Connolly moved adoption of Supplemental Appropriation Resolution (SAR) AS 98036 in the amount of \$29,332 for the Department of Health's Partners in Prevention Initiative on Nonmarital Childbearing to allow the development and implementation of a multifaceted public-private campaign to educate the community about the relationship between unintended pregnancies and the health of infants and children. This motion was seconded by Supervisor Bulova and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting AAYE.≡

18. **ADMIN 5 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98038 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT FEDERAL/STATE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM FUNDS** (Tape 3)

(SAR) Following discussion, with input from Mary Phelps, Department of Family Services, Supervisor Hyland moved adoption of Supplemental Appropriation Resolution (SAR) AS 98038 in the amount of \$404,306 for the Department of Family Services to accept Federal/State Family Preservation and Family Support Program Funds. Funds are to be used to promote family strength and stability, enhance parental functioning, protect children, and

improve state and local service delivery systems. Approval will necessitate a 10 percent local cash match in the amount of \$40,431 which is available in the Fiscal Year (FY) 1998 Reserve for Anticipated Grant Awards in Subfund 107, Federal/State Grant Fund. This motion was seconded by Supervisor Dix and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting AAYE.≡

19. **ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 7.2, REGARDING THE EXCLUSION OF GROSS RECEIPTS SOLELY DERIVED FROM THE DESIGN, DEVELOPMENT, OR OTHER CREATION OF COMPUTER SOFTWARE FOR LEASE, SALE OR LICENSE** (Tapes 3-4)

Following comments, and on behalf of Supervisor McConnell and himself, Supervisor Connolly moved that the Board allow a 100 percent phase out over a four year period, beginning in Fiscal Year (FY) 1999 (Option Two as contained in the Memorandum to the Board dated October 27, 1997) with the following percentages:

- # Year One - 20 percent exclusion;
- # Year Two - 40 percent exclusion;
- # Year Three - 75 percent exclusion; and
- # Year Four - 100 percent exclusion.

This motion was seconded by Supervisor McConnell.

Following discussion, with input from Robert J. O'Neill, Jr., County Executive; David P. Bobzien, County Attorney; and Michael Long, Assistant County Attorney; Supervisor Bulova suggested that this item be deferred until later in the day. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include consideration of Option Three in the proposed advertisement as contained in the Memorandum to the Board dated October 27, 1997 to allow maximum flexibility. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Dix moved that the Board defer this item until later in the meeting. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk=s Summary Items CL#20, CL#82 and CL#140.)

AM:am

20. **ADDITIONAL ACTION ON ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 7.2, REGARDING THE EXCLUSION OF GROSS RECEIPTS SOLELY DERIVED FROM THE DESIGN, DEVELOPMENT, OR OTHER CREATION OF COMPUTER SOFTWARE FOR LEASE, SALE OR LICENSE** (Tapes 5)

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#19.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and referred to Admin 13 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 7.2, Regarding the Exclusion of Gross Receipts Solely Derived from the Design, Development, or Other Creation of Computer Software for Lease, Sale or License and asked unanimous consent that the Board direct staff to explain in the advertisement the reason why the options in the Memorandum to the Board dated October 27, 1997 are not "operative." Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Items CL #82 and CL#140.)

21. **A-1 - AUTHORIZATION TO SUBMIT COMMENTS TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) IN THE MATTER OF PREEMPTION OF STATE AND LOCAL ZONING AND LAND USE RESTRICTIONS ON THE SITING, PLACEMENT AND CONSTRUCTION OF BROADCAST STATION TRANSMISSION FACILITIES (MM DOCKET NUMBER 97-182) (COUNTYWIDE)** (Tape 5)

Following discussion, Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the submission of comments to the Federal Communications Commission (FCC) contained in the Memorandum to the Board dated October 27, 1997, in the matter of preemption of State and local zoning and land use restrictions on the siting, placement and construction of Broadcast Station Transmission Facilities, MM Docket Number 97-182. This motion was seconded by Supervisor Bulova.

Supervisor Gross asked to amend the motion to request that when the comments are submitted to the FCC, they be signed by the County Executive on behalf of Fairfax County, and this was accepted.

Supervisor Mendelsohn asked to amend the motion to request that the comments include the issue of public safety and the recent example of the tower that fell last week, and this was accepted.

Supervisor Hyland asked to amend the motion to request that copies of the comments be sent to the National Association of Counties (NACo) and to each member of the Northern Virginia Delegation, and this was accepted.

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

22. **A-2 - APPROVAL OF NINE TAXICAB OPERATORS' CERTIFICATES TO BE UTILIZED BY EXISTING LICENSED COMPANIES FOR HANDICAPPED ACCESSIBLE VEHICLES** (Tape 5)

Supervisor Hyland moved that the Board concur in the recommendation of staff and grant approval for the Department of Consumer Affairs to issue nine taxicab operators' certificates to be utilized by existing licensed companies for handicapped accessible vehicles as follows:

- # Murphy Brothers, Incorporated - four certificates;
- # Fairfax Taxi, Incorporated - two certificates;
- # Paul Wallace Management, Incorporated - two certificates; and
- # L and Z Transportation, Incorporated - one certificate.

This motion was seconded by Supervisor Connolly.

Following discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information after six months as to how these taxicabs are being utilized. Without objection, it was so ordered.

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

23. **A-3 - APPROVAL OF SERVICE ADJUSTMENTS TO FAIRFAX CONNECTOR ROUTES 202, 203, 301, AND 311 (LEE DISTRICT)** (Tape 5)

On motion of Supervisor Kauffman, the second to which was inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the changes to FAIRFAX CONNECTOR Routes 202, 203, 301, and 311, as outlined in Table I of the Memorandum to the Board dated October 27, 1997.

24. **A-4 - DULLES CORRIDOR BUS SERVICE PLAN (DRANESVILLE, HUNTER MILL, PROVIDENCE AND SULLY DISTRICTS)** (Tape 5)

Supervisor Connolly moved that the Board concur in the recommendation of staff and:

- # Endorse the Dulles Corridor Express Bus Service Plan as shown in Attachment I of the Memorandum to the Board dated October 27, 1997;
- # Authorize transmittal of this Plan to Secretary Martinez and the Commonwealth Transportation Board (CTB) towards securing an ongoing commitment to fund the Express Bus Service from Dulles Toll Road surplus revenues; and
- # Endorse the Dulles Corridor Bus Service Planning and Fiscal Guidelines included in Table Three of the Memorandum to the Board.

This motion was seconded by Supervisor Frey.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation (OT), the question was called on the motion which carried by a vote of nine, *Supervisor Dix being out of the room.

(NOTE: *Later in the meeting, Supervisor Dix asked to be recorded as voting "AYE" on this item. See Clerk's Summary Item CL#25.)

25. **A-5 - REFUNDING OF METRORAIL PARKING REVENUE BONDS** (Tape 5)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff to:

- # Proceed with the planning and preparation of necessary documents to execute a refunding of Economic Development Authority (EDA) Metrorail Parking Revenue Bonds;
- # Proceed, in coordination with Washington Metropolitan Area Transit Authority (WMATA), to develop a plan for providing additional parking at the Vienna Metrorail Station; and
- # Use the savings in bond payments (after refinancing) as an income stream to generate initial capital for the construction of expanded parking.

This motion was seconded by Supervisor Mendelsohn.

Following discussion, with input from Leonard P. Wales, Assistant Director, Office of Management and Budget (OMB), the question was called on the motion which carried by unanimous vote.

BOARD MATTER**REQUEST TO RECORD A VOTE** (Tape 5)

Supervisor Dix asked unanimous consent to be recorded as voting "AYE" on Action Item A-4 - Dulles Corridor Bus Service Plan. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

26. **A-6 - SALE OF GENERAL OBLIGATION BONDS, SERIES 1997B** (Tape 5)

Bonds

Supervisor Connolly moved that the Board concur in the recommendation of staff and:

- # Adopt the Resolution authorizing the issuance of general obligation bonds in the amount of \$60,000,000, the proceeds of which will be used to fund the Fiscal Year (FY) 1998 construction of capital facilities and infrastructure as previously approved by the Board;
- # Adopt the Resolution providing for the sale of the bonds which also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman to sign the Official Statement; and
- # Adopt the Resolution delegating to the County Executive or the Deputy County Executive for Management and Budget authority to award the bonds to the best bidder. The Bond Counsel has advised that this form of authorization is acceptable and consistent with previous bond sales. The winning bid must offer the lowest true interest cost, and the true interest cost rate must not exceed six and one-half percent per annum.

This motion was seconded by Supervisor Mendelsohn.

Following discussion, Supervisor Dix reminded the Board that during Budget discussion he had requested that staff work with the School System staff to examine the issues related to the McNair Farms Elementary School and determine whether there are options relative to cash flow over the next couple of years that might accomplish the retention of that facility in the School's Capital Improvement Program (CIP) to accommodate the time line that was originally anticipated opening in school year 1999-2000. Therefore, Supervisor Dix asked unanimous consent that the Board direct staff to provide a status report on this request. Without objection, it was so ordered.

(NOTE: The Board did not vote on the pending motion.)

27. **I-1 - FAIRFAX COUNTY POLICE DEPARTMENT=S MOTORCYCLE OFFICERS WIN AT REGIONAL SAFETY COMPETITION** (No Tape)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#14.)

28. **I-2 - PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 456-Y97-8, BELL ATLANTIC NYNEX MOBILE, INCORPORATED (SULLY DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 presenting the Planning Commission's action to approve Public Facilities Application 456-Y97-8.

29. **I-3 - PERMITTED HOURS OF CONSTRUCTION ACTIVITY IN CODE OF THE COUNTY OF FAIRFAX, CHAPTER 108 (NOISE ORDINANCE)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 presenting the staff response to the review of correspondence received from a constituent expressing concern about the hours construction activities are allowed to occur in residential neighborhoods.

Following discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide a more recent comparison with other jurisdictions. Without objection, it was so ordered.

30. **I-4 - AMENDMENT NUMBER FIVE TO THE ARCHITECTURAL CONTRACT WITH THE LUKMIRE PARTNERSHIP FOR THE DESIGN OF THE GREAT FALLS COMMUNITY LIBRARY (DRANESVILLE DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 requesting authorization for staff to award a contract amendment to Lukmire Partnership, Incorporated in the amount of \$130,058 for the Great Falls Community Library, Project 004836, within Subfund 460, Library Construction, consisting of the design and construction of a 13,000 square foot library and related site improvements located at the corner of Bucks Lane and Georgetown Pike.

The staff was directed administratively to proceed as proposed.

31. **I-5 - CONTRACT AWARD - LOWER POTOMAC POLLUTION CONTROL PLANT ATHLETIC COURTS (MOUNT VERNON DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 requesting authorization for staff to award a contract to Jeffrey Stack, Incorporated in the amount of \$124,118 for the Lower Potomac Pollution Control Plant Athletic Courts, in Project N00321, Lower Potomac Expansion Beyond 54 MGD, in Subfund 524, Sewer Bond Renovation and Improvement.

Following discussion of this item, with input from Howard J. Guba, Director, Office of Capital Facilities, Department of Public Works (DPW), staff was directed administratively to proceed as proposed.

32. **I-6 - STATUS OF THE MONUMENT DRIVE HIGH OCCUPANCY VEHICLE (HOV) RAMP (SULLY DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 presenting the status of the Monument Drive High Occupancy Vehicle (HOV) Ramp.

33. **I-7 - REPORT OF THE REGIONAL MOBILITY PANEL (COUNTYWIDE)** (Tapes 5-6)

The Board next considered an item contained in the Memorandum to the Board dated October 27, 1997 presenting the report of the Regional Mobility Panel.

Following discussion, with input from Richard Stevens, Associate Director, Office of Business Plans and Development, Washington Metropolitan Area Transit Authority (WMATA); and Shiva K. Pant, Director, Office of Transportation, Supervisor Hyland stated that staff has identified several issues related to transit allocation and funding. Therefore, Supervisor Hyland moved that the Board concur in the need to resolve those issues and direct staff to:

- # Pursue a resolution as the process of implementing these recommendations move forward between WMATA and the localities; and
- # Inform the Board of the progress.

This motion was seconded by Chairman Hanley.

Following further discussion, the question was called on the motion which **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor Mendelsohn voting "NAY," Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTERS

34. **PROCLAMATION TO DESIGNATE NOVEMBER 15, 1997 AS "NATIONAL AMERICA RECYCLES DAY" IN FAIRFAX COUNTY** (Tape 7)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to:

- # Prepare a Proclamation designating November 15, 1997 as "**National America Recycles Day**" in Fairfax County; and
- # Invite representatives from the Department of Public Works (DPW) to appear before the Board on November 17, 1997 to receive this Proclamation.

Without objection, it was so ordered.

35. **WORLD CONGRESS ON INFORMATION TECHNOLOGY** (Tape 7)

Chairman Hanley stated that the World Congress on Information Technology has requested to use the Board Auditorium and Forum on June 22-24, 1998.

Following discussion, with input Robert J. O'Neill, Jr., County Executive, and Catherine A. Chianese, Assistant to the County Executive; Supervisor Connolly moved that the Board direct staff to:

- # Reschedule the Board meeting of June 22, 1998 to June 29, 1998; and
- # Allow the World Congress on Information Technology to use the Board Auditorium and Forum on June 22-24, 1998.

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

36. **NATIONAL CAPITAL PLANNING COMMISSION** (Tape 7)

Chairman Hanley mentioned that she had received a request from the National Capital Planning Commission regarding the United States (US) Coast Guard Telecommunications facility. She asked unanimous consent that the Board direct staff to provide the requested information. Without objection, it was so ordered.

37. **ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) PUBLIC HEARING** (Tape 7)

Chairman Hanley announced that the Environmental Quality Advisory Council (EQAC) will hold a public hearing on November 13, 1997.

38. **AVIATION COMPETITION ENHANCEMENT ACT OF 1997** (Tape 7)

Chairman Hanley stated that the Aviation Competition Enhancement Act of 1997 contains provisions which affect National Airport. The Act empowers the Secretary of Transportation to create new land slots in "under-served markets" and grant exemptions to the perimeter rule at National Airport creating potentially more noise and flight congestion.

With a notation that, in the past, the Board has taken a position objecting to the relaxing of the perimeter rule, Chairman Hanley asked unanimous consent that the Board refer this issue to the Legislative Committee. Without objection, it was so ordered.

39. **PROPOSED MEMBERSHIP IN ENDZONE** (Tape 7)

Chairman Hanley noted that she had received a letter from ENDZONE, a public-private partnership to promote clean air in the Washington and Baltimore metropolitan regions, requesting Fairfax County to become a member. She asked unanimous consent that the Board refer this issue to staff for review. Without objection, it was so ordered.

40. **WOMEN'S GLOBAL CHALLENGE** (Tape 7)

Chairman Hanley announced that the Greater Washington Region was chosen by the Women's Sports Foundations to host the inaugural Women's Global Challenge in the spring of 1999. She further stated that this is an all women's international sports competition, will highlight the competition of female athletes from around the world and assist women and girls in sports through grant awards.

41. **CHARLOTTE HUGHES, DIRECTOR OF CHILD CARE ASSISTANCE PROGRAM, OFFICE, FOR CHILDREN IS AWARDED THE 1997 NORTHERN VIRGINIA ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN (NVAEYC) AWARD** (Tape 7)

Chairman Hanley announced that the Northern Virginia Association for the Education of Young Children (NVAEYC) honored Charlotte Hughes, Director of Child Care Assistance Program, Office for Children, as a Children's Champion for her work on behalf of all children of Virginia. In awarding Charlotte the 1997 NVAEYC Award for outstanding service to young children, NVAEYC cited Charlotte's work for assuring that child care will be affordable for low income families.

Therefore, Chairman Hanley moved that the Board extend congratulations to Ms. Hughes on receiving the NVAEYC's 1997 Award for Outstanding Service to young children and convey the Board's appreciation for all the work Ms. Hughes has done on behalf of low income families in Fairfax County needing child care. This motion was seconded by Supervisor Gross and carried by a vote of nine, Supervisor McConnell being out of the room.

42. **PROCLAMATION TO DESIGNATE DECEMBER 1, 1997 AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (Tape 7)

Chairman Hanley said that the Department of Health and the Health Care Advisory Board (HCAB) have requested that December 1, 1997 be proclaimed "AIDS Awareness Day" in Fairfax County to coincide with World AIDS Day.

Therefore, Chairman Hanley moved that the Board direct staff to:

- # Prepare a Proclamation designating December 1, 1997 as "**AIDS Awareness Day**" in Fairfax County; and
- # Invite appropriate representatives to appear before the Board to receive this Proclamation.

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

43. **WHITE HOUSE CONFERENCE ON CHILD CARE** (Tape 7)

Chairman Hanley referred to her written Board Matter regarding the viewing of the White House Conference on Child Care via teleconference at Westfields Marriott. She stated that when the Office for Children learned that Virginia would not be participating in the White House Conference on Child Care, they worked with the Northern Virginia child care community to put together an excellent program.

Therefore, Chairman Hanley moved that the Board extend its appreciation to the Office for Children for assuring that Fairfax County and the Northern Virginia area could participate in such an informative conference and for its continuing commitment to finding ways to address child care needs in the County. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being out of the room.

44. **VIRGINIA ABOVE GROUND STORAGE TANK REGULATIONS** (Tape 7)

Chairman Hanley said that the Virginia State Water Control Board is proposing the adoption of a new regulation which will consolidate three existing regulations relating to above ground storage tanks.

Chairman Hanley stated that Fairfax County has had a keen interest in these regulations since they were adopted in the early 1990's. Specifically, the County has been interested in preventing the future occurrence of releases similar to the underground petroleum leak at the Fairfax Bulk Petroleum Terminal which impacted the residents in the Mantua area of the County.

Chairman Hanley said that public comment is being accepted on the proposed consolidated regulations. The comment period is scheduled to close November 17, 1997. To ensure that Fairfax County continues to influence the Above Ground Storage Tank Regulations, Chairman Hanley moved that the Board direct staff to:

- # Prepare draft comments on the consolidated regulations; and
- # Submit them for consideration at the November 3, 1997 Legislative Committee meeting.

45. **FAIRFAX COUNTY WETLANDS BOARD REQUEST** (Tape 7)

(BACs)

Chairman Hanley shared a letter she had received from the Fairfax County Wetlands Board regarding a request to include in the recommendations for the 1998 General Assembly, legislation requiring notification of wetlands permit applications in adjacent jurisdictions. Chairman Hanley asked unanimous consent that the Board refer this request to the Legislative Committee. Without objection, it was so ordered.

46. **TREE CONSERVATION AWARD NOMINATIONS** (Tape 7)

Chairman Hanley shared a letter she had received from the Fairfax County Tree Commission regarding the low number of nominations for Tree Conservation Awards and asked unanimous consent that the Board direct staff to review this letter and suggest ways to encourage more nominations. Without objection, it was so ordered.

47. **FAIRFAX COUNTY TREE COMMISSION'S VIEW ON THE "FALL FOR FAIRFAX" FESTIVAL** (Tape 7)

Chairman Hanley called the Board's attention to a letter she had received from the Fairfax County Tree Commission regarding their view on the "Fall for Fairfax" festival.

48. **PROPOSED REALIGNMENT OF ROUTE 29 THROUGH THE MANASSAS NATIONAL BATTLEFIELD PARK** (Tape 7)

Chairman Hanley shared a letter she had received from the Prince William County Board of Supervisors regarding the proposed realignment of Route 29 through the Manassas National Battlefield Park and asked unanimous consent that the Board direct staff to determine if Fairfax County should take a position on this proposed realignment. Without objection, it was so ordered.

49. **NORTHERN VIRGINIA AGING NETWORK 1998 STATE LEGISLATIVE PLATFORM** (Tape 7)

Chairman Hanley stated that she had received a copy of the Northern Virginia Aging Network 1998 State Legislative Platform. She asked unanimous consent that the Board refer this issue to the Legislative Committee. Without objection, it was so ordered.

50. **REQUEST BY THE EMPLOYEES ADVISORY COUNCIL (EAC) TO GRANT AN ADDITIONAL HOLIDAY ON DECEMBER 26, 1997** (Tape 7)

Chairman Hanley noted she was in receipt of a letter from the Employees Advisory Council (EAC) reminding the Board that Fairfax County employees lost a holiday in January due to Martin Luther King Day and Inauguration Day falling on the same day, and requesting that the Board consider granting December 26, 1997 as a holiday.

Following discussion, with input from Robert J. O'Neill, Jr., County Executive, Chairman Hanley moved that the Board declare December 26, 1997 a holiday. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

51. **ELECTION OF CHAIRMAN HANLEY AS PRESIDENT OF THE VIRGINIA MUNICIPAL LEAGUE (VML)** (Tape 7)

Supervisor Hyland congratulated Chairman Hanley on her election as President of the Virginia Municipal League (VML).

52. **PROCLAMATION TO DESIGNATE THE WEEK OF NOVEMBER 9-15, 1997 AS "YOUTH APPRECIATION WEEK" IN FAIRFAX COUNTY** (Tape 7)

Supervisor Hyland said that the Sunrise Optimists Club of Alexandria has requested that the week of November 9-15, 1997 be proclaimed as "**Youth Appreciation Week**" in Fairfax County. The Sunrise Optimist Club will be honoring outstanding students at the Belle Haven Country Club on Tuesday, November 11, 1997.

Therefore, Supervisor Hyland moved that the Board direct staff to prepare a Proclamation designating the week of November 9-15, 1997 as "**Youth Appreciation Week**" in Fairfax County to be presented to each of the young people at the Optimist Club presentation. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor Gross being out of the room.

53. **TAX FACTS BROCHURE** (Tape 7)

Supervisor Hyland stated that he had received a suggestion from a constituent regarding the Tax Facts brochure. He has suggested that this brochure might be more effective if it were more obvious that when paying the personal property tax bill one is also purchasing the required vehicle decal and include language to explain that the current year's decal is valid until sometime in November.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to examine the current Tax Facts brochure to determine if these issues can be clarified. Without objection, it was so ordered.

PMH:pmh

54. **WASHINGTON METROPOLITAN AREA COUNCIL OF GOVERNMENTS (COG) CONFERENCE** (Tape 8)

Supervisor Dix announced that the Washington Metropolitan Area Council of Governments (COG) sponsored a conference on electric deregulation and restructuring in which the staff participated. He asked unanimous consent that the Board direct staff to provide Board Members with the materials from the conference.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to distribute the materials at the Legislative Committee meeting, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Without objection, the request, as amended, was so ordered.

55. **RESTON COMMUNITY CENTER PREFERENCE POLL RESULTS** (Tape 8)

(APPTS)

Supervisor Dix announced that the annual preference poll for members of the Reston Community Center Board of Governors was held on Saturday, October 18, 1997. Based on the results of that preference poll, Supervisor Dix moved the confirmation of the following individuals to the Reston Community Center Board of Governors:

Adult Members (three year terms from November 1, 1997 to October 31, 2000):

Ms. Ann Barbieri;

Mr. Robert Kleinfeld; and

Ms. Jan Bradshaw.

Adult Member (to fill the unexpired term of Ms. Cicily Lohmar):

Ms. Cathy Vivona;

Youth Members (one year terms from November 1, 1996 to October 31, 1998):

Ms. Rehenuma Asmi; and

Mr. Timothy Kral.

This motion, the second to which was inaudible, carried by unanimous vote.

56. **RESIGNATION FROM THE HISTORY COMMISSION** (Tape 8)

(NOTE: Earlier in the meeting, this resignation was discussed during the Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups. See Clerk's Summary Item CL#15.)

Supervisor Dix announced the resignation of Margaret Peck, Hunter Mill District Representative to the History Commission. He moved that the Board direct staff to invite Mrs. Peck to appear before the Board at its November 17, 1997 meeting to receive a Certificate of Appreciation for her years of public service. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

57. **TREE PRESERVATION TASK FORCE** (Tape 8)

Supervisor Dix referred to one of the recommendations of the Tree Preservation Task Force regarding private utility easements being shown on construction plans. He asked unanimous consent that the Board direct the County Executive, working with staff, to facilitate whatever process is necessary to move this issue forward, with or without the endorsement of the Engineering Standards Review Committee. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to also contact Virginia Power regarding this issue. Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff make sure that the location of easements are being examined at the beginning of the process and that co-location of utilities are being encouraged. Without objection, it was so ordered.

58. **GIRL'S BASKETBALL SCHEDULE** (Tape 8)

Supervisor Dix said that he recently learned that the Virginia High School League Executive Committee is considering moving the Girl's Basketball season from winter to fall. He expressed concern that this would have an adverse impact on high school sports throughout Northern Virginia.

Supervisor Dix moved that the Board authorize with the assistance of Mr. Patrick, the School System and others who are involved in this issue to draft a letter to the Virginia High School League Executive Committee, each of its members, as well as the Virginia High School League, expressing the Board's concern and requesting the winter season be retained in

Northern Virginia for Girl's basketball. This motion was seconded by Supervisor Mendelsohn and carried by unanimous vote.

59. **VOLUNTEERFEST** (Tape 8)

Supervisor Dix noted the success of Volunteerfest this past weekend, despite the bad weather. He asked unanimous consent that the Board direct staff to invite the organizers and the leadership of the Volunteer Center to appear before the Board to be recognized for their hard work. Without objection, it was so ordered.

(NOTE: Later in the meeting, this issue was discussed. See Clerk's Summary Items CL#61 and CL#73.)

60. **EXAMINATION OF DRIVING WHILE INTOXICATED (DWI) LAWS** (Tape 8)

Supervisor Dix said that he and Supervisor Connolly participated in a Candlelight Vigil held in honor of a four-year old that was killed by a drunk driver in Fairfax County.

Supervisor Dix asked unanimous consent that the Board direct staff to facilitate in a timely manner, an examination of County laws regarding Driving While under the Influence (DWI) and Habitual Offenders, as well as the bonding requirements in terms of setting bonds for those who are charged with being involved with accidents that result in fatalities. Without objection, it was so ordered.

61. **VOLUNTEERFEST** (Tape 8)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item CL#59.)

Supervisor Mendelsohn noted that the Dranesville District had a successful day for Volunteerfest.

(NOTE: Later in the meeting, this event was again mentioned. See Clerk's Summary Item CL#73.)

62. **HALLOWEEN PARADE** (Tape 8)

Supervisor Mendelsohn announced that on Friday, October 31, 1997 from 5:30 p.m. until 7:30 p.m., the Great Falls Friends is presenting a Fall Festival Costume Parade. All young and young-at-heart are invited to the parade.

63. **CONSIDERATION OF AN APPEAL OF AN ARCHITECTURAL REVIEW BOARD (ARB) DECISION - COLVIN RUN MILL HISTORIC OVERLAY DISTRICT (DRANESVILLE DISTRICT)** (Tape 8)

Supervisor Mendelsohn announced that the Appeal of the Architectural Review Board (ARB) decision regarding the Colvin Run Mill Historic Overlay District scheduled for 3:00 p.m. has been withdrawn at the request of the appellant.

(NOTE: Later in the meeting, a letter from the appellant requesting this withdrawal was read into the record. See Clerk's Summary Item CL#93.)

64. **EXPEDITIOUS AND CONCURRENT PROCESSING OF THE SITE PLAN AND SPECIAL EXCEPTION APPLICATION FOR DRANESVILLE AUTO SERVICE, INCORPORATED** (Tape 8)

Supervisor Mendelsohn moved that the Board direct the Acting Director of the Department of Environmental Management (DEM) to expedite a Special Exception Application concurrent with the processing of a Site Plan for Dranesville Auto, Incorporated, located at 11800 Leesburg Pike, Tax Map Number 006-4(6))35. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations or adopted standards and does not anticipate support by the Board for the Special Exception Application which will be considered at a later date or for approval of the Site Plan. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Bulova and Supervisor Frey being out of the room.

65. **MCLEAN COMMUNITY BUSINESS CENTER - A SPECIAL STUDY AREA** (Tape 8)

Supervisor Mendelsohn said that for the past eight months, the Revitalization Subcommittee of the McLean Planning Committee and a consultant under the direction of the Revitalization Division of the Department of Housing and Community Development (HCD) have been working on a new concept plan that redefines the community's vision for McLean. The Revitalization Subcommittee of the McLean Planning Committee has identified specific changes to the County's Comprehensive Plan that would be needed to implement the Concept Plan.

Supervisor Mendelsohn moved that the Board:

- # Designate the McLean Community Business Center as a Special Study area for the purpose of considering changes to the Plan that would support community revitalization efforts; and

- # As part of the Area Plan Review (APR) process, consider any APR nominations submitted for the McLean Community Business Center as part of the Special Study so that the Planning Commission and the Board can consider a comprehensive package of amendments for this area.

This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Kauffman being out of the room.

66. **REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT FOR THE SEGMENT OF BEVERLY ROAD BETWEEN INGLESIDE AVENUE AND OLD DOMINION DRIVE** (Tape 8)

Supervisor Mendelsohn said that there is an opportunity to revitalize the McLean Giant Shopping Center in a manner that is supportive of the community's revitalization efforts provided that a short segment of Beverly Road between Ingleside Avenue and Old Dominion Drive, which is now designated on the Plan as a four lane facility, can be shown in the Plan as an improved facility within its existing right-of-way.

Supervisor Mendelsohn moved that the Board:

- # Authorize an Out-of-Turn Plan Amendment for the segment of Beverly Road between Ingleside Avenue and Old Dominion Drive; and
- # Direct staff to bring forward the proposed amendment for consideration prior to March 1, 1998.

This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Kauffman being out of the room.

67. **DEER POPULATION** (Tape 8)

Supervisor Mendelsohn referred to the unfortunate death last Monday, October 20, 1997, of a Dranesville District resident caused by a deer darting from the woods into traffic on Old Dominion Road in McLean.

Supervisor Mendelsohn referred to his written Board Matter and moved that the Board direct staff to review previous proposals and to develop a deer management plan for Fairfax County, to be piloted in Dranesville District, to be presented to the Board within the next 30 days, utilizing outside consultants, if necessary. This motion was seconded by Chairman Hanley.

Supervisor Frey asked to amend the motion to direct staff to provide information on the following:

- # Where a hunt would take place;
- # Which parks will be closed;
- # When a hunt would take place;
- # How the perimeter will be secured; and
- # Define who are the expert marksmen;

and this was accepted.

Supervisor Hyland asked to amend the motion to direct staff to determine if the hunts in the Mason Neck area have been successful and effectively reduced the number of deer in that area, and this was accepted.

Following discussion, with input from Michael A. Long, Assistant County Attorney, the question was called on the motion, as amended, which carried by unanimous vote.

68. **LITTLE RIVER GLEN** (Tape 8)

Supervisor Bulova said that she has been meeting with the current residents of Little River Glen for the past three years and neighbors close to the Senior Citizen facility. The rezoning and special exception needed to expand the facility will soon be coming to the Planning Commission and to the Board.

To address some technical issues associated with the expansion and to proceed, Supervisor Bulova moved that the Board authorize the:

- # Inclusion of the .3992 acre portion of Long Place previously dedicated to the Board in connection with the rezoning and development of Little River Glen Senior Center and elderly housing development within the land area of the pending series of zoning applications for the expansion of these facilities. This motion does not relieve the applicant from complying with any applicable ordinances, regulations or adopted standards and does not prejudice the consideration of these applications in any way; and
- # Scheduling of a public hearing before the Board as expeditiously as possible following the Planning Commission public hearing.

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

69. **WAPLES MILL ROAD AND ROUTE 50 INTERSECTION** (Tape 8)

Supervisor Connolly referred to a meeting on January 24, 1997 with representatives from BTG, Incorporated, the Erving Group, the National Rifle Association (NRA), and the Virginia Department of Transportation (VDOT). As a result of this meeting, VDOT was charged with developing options to ameliorate the traffic situation at Waples Mill Road and Route 50 during the a.m. peak.

Supervisor Connolly moved that the Board direct the County Executive to:

- # Convene a working group made up of himself, County staff, and VDOT to find a solution to this problem; and
- # Report with options and timelines for implementation.

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

70. **W.T. WOODSON HIGH SCHOOL GOLF TEAM** (Tape 8)

Supervisor Connolly said that Steve Marino, a resident of the Providence District and a senior at W.T. Woodson High School, last week became the first Northern Region golfer in five years to win the AAA State Golf Championship.

Supervisor Connolly moved that the Board invite Mr. Marino, Mike Trone, Coach, and the entire Golf Team to appear before the Board at its next available meeting to receive Certificates of Honor and be recognized for a superb season of accomplishments. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Hyland being out of the room.

71. **MODIFIED PROCESSING - SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (SAIC)** (Tape 8)

Supervisor Connolly said that the Science Applications International Corporation (SAIC) obtained approval to build three office buildings as depicted on the Special Exception Plat approved with Special Exception Application SE 89-D-042. Two of the buildings have been constructed and SAIC is in the process of submitting the necessary Site Plans for the third building.

Supervisor Connolly noted that the proposed office building will consist of approximately 198,962 square feet with a connection to Towers I and II. SAIC has requested modified processing of these Site Plans.

Therefore, Supervisor Connolly moved that the Board direct staff to accept the plans for the SAIC Tower III building for modified processing. This motion does not relieve the applicant from complying with all regulations, ordinances or adopted standards, and does not prejudice the consideration of this application in any way. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

72. **CONCURRENT PROCESSING - SHENANDOAH BUILDING** (Tape 8)

Supervisor Connolly said that the applicant, West*Group Properties LLC has filed a Special Exception Application for additional height on property located at the intersection of Westpark Drive and Jones Branch Drive.

Supervisor Connolly moved that the Board direct staff to concurrently process the necessary plans associated with the Special Exception Application for property identified as Tax Map Reference 29-4((7))4. This motion does not relieve the applicant from complying with all regulations, ordinances or adopted standards, and does not prejudice the consideration of this application in any way. This motion was seconded by Supervisor Hyland and carried by a unanimous vote.

73. **VOLUNTEERFEST** (Tape 8)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk Summary Items CL#59 and CL#61.)

Supervisor Connolly noted that the Providence District had a successful day for Volunteerfest.

NV:nv

74. **CONCURRENT PROCESSING OF THE PLANS ASSOCIATED WITH REZONING APPLICATION RZ 1997-SU-012** (Tape 9)

Supervisor Frey stated that the public hearing for Rezoning Application RZ 1997-SU-012 is scheduled to be held before the Planning Commission on October 29, 1997. The applicant, Toll Brothers, has requested concurrent processing of the Plans associated with this rezoning request.

Accordingly, Supervisor Frey moved that the Board direct the staff of the Department of Environmental Management (DEM) to accept and process Subdivision Plans, Site Plans, and other engineering documents for property identified as Tax Map 55-1((1)) and 55-1((3))8, 10, 12, and 22 concurrently with pending Rezoning Application RZ 1997-SU-012. Supervisor Frey noted that it is understood that this motion does not assure approval of the rezoning application and the applicant is responsible for any changes that might result from consideration of the rezoning application. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

75. **RECONSIDERATION AND ADOPTION OF AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 24 (BINGO GAMES AND RAFFLES)**

AND CHAPTER 112 (ZONING ORDINANCE) (Tape 9)

- (O) Supervisor Frey reminded the Board that on October 6, 1997 it adopted an amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and an amendment to the Code of the County of Fairfax, Chapter 24 (Bingo Games and Raffles). The amendment to Chapter 24 and the amendment to the Zoning Ordinance deleted all regulations concerning bingo games and raffles. Unfortunately, due to a clerical error, the amendment to the Zoning Ordinance inadvertently reduced the application fees for Group 8 Special Permit uses to the level that was effective prior to the adoption of Zoning Ordinance Amendment 96-285 on July 8, 1996 which was not the intent of the Board.

Noting that he had consulted with staff and the County Attorney's Office on this matter, Supervisor Frey moved that the Board reconsider the adoption of amendments to Chapter 24 and the Zoning Ordinance on October 6, 1997. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

Supervisor Frey moved that the Board delete Chapter 24 of the Code of the County of Fairfax, Bingo Games and Raffles, in its entirety, and adopt the additions and deletions to the Zoning Ordinance as set forth in the document entitled "A Proposed Zoning Ordinance Amendment, October 27, 1997" as distributed to the Board, to become effective upon adoption. This motion was seconded by Supervisor McConnell and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting AAYE.

76. **INTENT TO DEFER THE PUBLIC HEARING ON PROPOSED LEASING OF COUNTY-OWNED PROPERTY AT THE JEFFERSON FIRE STATION TO WASHINGTON DC SMSA LIMITED PARTNERSHIP (MASON DISTRICT)**
(Tape 9)

Supervisor Gross announced her intent to defer indefinitely the public hearing on the proposed leasing of County-owned property at the Jefferson Fire Station to Washington DC SMSA Limited Partnership, which was scheduled for 4:30 p.m. today. She noted that the lease terms have not yet been finalized.

(NOTE: Later in the meeting, this public hearing was formally deferred indefinitely. See Clerk's Summary Item CL#105.)

77. **PHILIP BIGLER NAMED 1998 VIRGINIA TEACHER OF THE YEAR** (Tape 9)

Supervisor Gross announced that a County teacher, Philip Bigler of the Thomas Jefferson High School for Science and Technology, has been named 1998 Virginia Teacher of the Year. She noted that Mr. Bigler was selected from candidates representing all public and non-public schools in the state, and this award follows his recognition as Fairfax County teacher of the year, and *The Washington Post* Outstanding Teacher. In the spring he will represent Virginia in the national teacher of the year competition.

Accordingly, Supervisor Gross moved that the Board direct staff to invite Mr. Bigler to appear before the Board to be honored for his achievements at a date to be determined. This motion was seconded by Supervisor Dix and carried by unanimous vote.

78. **CAMELOT COMMUNITY PATROL JUDGED VIRGINIA=S BEST NEIGHBORHOOD WATCH IN 1997** (Tape 9)

Supervisor Gross stated that the Camelot Community Patrol is believed to be the oldest continuously active Neighborhood Watch program in Virginia, and, perhaps, in the entire country. Earlier this month, the Virginia Crime Prevention Association judged the Camelot Community Patrol as the Best Neighborhood Watch in 1997. Supervisor Gross expressed her appreciation to this group for its tradition of service to the community.

Accordingly, Supervisor Gross moved that the Board direct staff to send a Certificate of Recognition to the Camelot Community Patrol in honor of its distinction as Virginia=s Best Neighborhood Watch in 1997. This motion, the second to which was indistinguishable, carried by unanimous vote.

79. **ADDITIONAL TIME FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-L-127-2 FOR FRANCONIA VOLUNTEER FIRE DEPARTMENT** (Tape 9)

Supervisor Kauffman stated that Special Exception Amendment Application SEA 80-L-127-2, which was concurrent with Rezoning Application RZ 95-L-017, was approved at the August 7, 1995 meeting of the Board for the Franconia Volunteer Fire Department and expires in February 1998. The Fire Department will be unable to commence construction by February 1998.

Accordingly, Supervisor Kauffman moved that the Board approve additional time for Special Exception Amendment Application SEA 80-L-127-2 for one year to allow the Franconia Fire Department the necessary time to commence construction under this Special Exception. This motion was seconded by Supervisor McConnell.

Following a query to David P. Bobzien, County Attorney, Chairman Hanley stated that the Board would defer action on this item until later in the meeting.

(NOTE: There was no further action regarding this item.)

80. **CONCURRENT AND SIMULTANEOUS PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-032, FOR MCDONALD=S**

CORPORATION (Tape 9)

Supervisor Kauffman stated that the McDonald=s Corporation will be filing Special Exception Amendment Application SEA 91-L-032 on property referenced among Tax Map Records as 80-4((1))9F and located at 6220 Backlick Road. The McDonald=s Corporation requests approval to rebuild the existing fast food restaurant with a drive-through service window.

Accordingly, Supervisor Kauffman moved that the Board direct the Director of the Department of Environmental Management (DEM) to accept the necessary plans with concurrent and simultaneous processing. This motion was seconded by Supervisor McConnell.

Chairman Hanley noted that this motion for simultaneous processing does not guarantee its approval or the support of the Supervisors in any way.

The question was called on the motion which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

81. **SCHEDULING OF PUBLIC HEARING FOR REZONING APPLICATION/FINAL DEVELOPMENT PLAN RZ/FDP 1997-LE-031, PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-16, AND FINAL DEVELOPMENT PLAN APPLICATION C-448-31, PUBLIC COUNTRY CLUBS, INCORPORATED AND TIMOTHY KAMPA** (Tape 9)

Supervisor Kauffman stated that Rezoning/Final Development Plan Application RZ/FDP 1997-LE-031, Proffered Condition Amendment Application PCA C-448-16, and Final Development Plan Application C-448-31, Public Country Clubs, Incorporated, and Timothy Kampa has a Planning Commission public hearing scheduled for November 20, 1997. Accordingly, Supervisor Kauffman asked unanimous consent that the Board direct staff to schedule the public hearing for these applications to be held before the Board on January 12, 1998. Without objection, it was so ordered.

82. **ACTIONS OF THE ECONOMIC ADVISORY COMMISSION (EAC)** (Tape 9)

[NOTE: Earlier in the meeting, the Board discussed the issue of exempting gross receipts attributable to software development from the Business, Professional, and Occupational License (BPOL) tax. See Clerk's Summary Items CL#19 and CL#20.]

Supervisor McConnell briefed the Board on actions from the October 21, 1997 meeting of the Economic Advisory Commission (EAC). She noted that the EAC=s membership made a motion to recommend the Board=s support for phasing of the BPOL Software Exemption.

Supervisor McConnell stated that a second motion passed by the EAC was a request to the Board to establish a tax summit represented by all appropriate County agencies, businesses, and community groups and organizations to discuss this and other tax proposals and their fiscal ramifications.

Supervisor McConnell stated that after discussing the Stormwater Utility Fee, the EAC passed a motion recommending that the Board structure this as a flat fee to be administered as part of the real estate tax assessment. The EAC suggested a flat fee of \$36/year.

83. **CONFIRMATION OF APPOINTMENTS TO THE ECONOMIC ADVISORY COMMISSION (EAC)** (Tape 9)

(APPTS)

Supervisor McConnell stated that at the October 21, 1997 meeting of the Economic Advisory Commission (EAC), a motion was made to include the following individuals on the EAC:

- # Mr. Todd Rowley, Vice President, Signet Bank;
- # Mr. Ryan Phillips, Chief Executive Officer (CEO), Journal Newspapers; and
- # Mr. Douglas Ingram, CEO, LCT, Incorporated.

On behalf of the EAC, Supervisor McConnell moved that the Board confirm the appointments of the above named individuals as new members to this Commission. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

84. **PARTNERSHIP BETWEEN CLIFTON ELEMENTARY SCHOOL AND THE NATIONAL GEOGRAPHIC SOCIETY (NGS)** (Tape 9)

Supervisor McConnell announced that on September 23, 1997 Clifton Elementary School and the National Geographic Society (NGS), the world's largest scientific and educational institution, formed a partnership to provide students and teachers the opportunity to learn geography, use the latest geography-related, educational products, and make the study of geography come alive for everyone. She detailed the benefits of the partnership.

85. **PRESENTATION OF PLAQUE FROM THE NORTHERN VIRGINIA 4-H EDUCATIONAL CENTER** (Tape 9)

(NOTE: Earlier in the meeting, this plaque was discussed. See Clerk's Summary Item CL#10.)

Supervisor McConnell presented to Chairman Hanley a plaque to the Board of Supervisors from the Northern Virginia 4-H Educational Center in Front Royal in honor of the Fairfax Hall dedication held at the Center on October 14, 1997.

86. **RECESS/EXECUTIVE SESSION** (Tape 9)

At 2:25 p.m., Supervisor Connolly moved that the Board recess and go into Executive Session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting and in addition:

- # *The Washington Post Company versus Board of Supervisors*, At Law Number 129013 (Fairfax County Circuit Court);
- # Authorization to Petition the General District Court for a Subpoena on Behalf of the Human Rights Commission in *Smith versus Clayborne Decorators, Incorporated*, HRC Number 95334E, EEOC Number 10D960024;
- # *Virginia Code* Section 36-49.1:1; Spot Blight Abatement;
- # Request for Proposal (RFP) 80020021 for the Recovery, Storage and Impoundment of Motor Vehicles;
- # Board of Zoning Appeals (BZA) Application A96-P-049, Clifton Paul Craven and Nancy Craven; and
- # Discussion of matters set forth in *Virginia Code* Section 2.1-344(21).

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

Following a query to David P. Bobzien, County Attorney, Chairman Hanley announced that the Board would proceed immediately into Executive Session following the purchase of lunch.

AR:ar

At 4:20 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, and with Chairman Hanley presiding.

ACTIONS FROM EXECUTIVE SESSION

87. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 10)

Supervisor Bulova moved that the Board certify that, to the best of its 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 Connolly and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting AAYE.≡

88. **AUTHORIZATION FOR PURCHASE OF PROPERTY IN CLOSE PROXIMITY TO THE PROPOSED TYSONS/WEST PARK TRANSIT STATION** (Tape 10)

Supervisor Connolly moved that the Board:

- # Approve the purchase of property located in close proximity to the proposed Tysons/West Park Transit Station necessary to comply with stormwater quality requirements;
- # Authorize the Deputy County Executive for Planning and Development to execute the contract of sale; and
- # Authorize the County Executive or the Deputy County Executive for Planning and Development to execute all additional documents necessary for the conveyance of the said property to the Board of Supervisors as well as the subsequent dedication of the 0.0800 acre southern residue to public street purposes. The property is located within the Dranesville and Providence Districts along the north and south sides of the Dulles Toll Road east of Spring Hill Road and is identified as Tax Map Number 029-2-001-0012.

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

89. **AUTHORIZATION TO PETITION THE GENERAL DISTRICT COURT ON BEHALF OF THE HUMAN RIGHTS COMMISSION IN SMITH VERSUS CLAYBORNE DECORATORS, INCORPORATED, HRC NUMBER 95334E, EEOC NUMBER 10D960024** (Tape 10)

Supervisor Hyland moved that the Board authorize the County Attorney to petition the General District Court on behalf of the Human Rights Commission in *Smith versus Clayborne Decorators, Incorporated*, HRC Number 95334E, EEOC Number 10D960024. This motion was seconded by Supervisor Bulova and **CARRIED** by a recorded vote of seven, Supervisor Dix, Supervisor Kauffman, and Supervisor Mendelsohn voting "NAY."

90. **AUTHORIZATION TO PURCHASE PROPERTY LOCATED ADJACENT TO THE LOWER POTOMAC POLLUTION CONTROL PLANT** (Tape 10)

Supervisor Hyland moved that the Board:

- # Approve the purchase and authorize the Deputy County Executive for Planning and Development to execute the contract of sale for property located adjacent to the Lower Potomac Pollution Control Plant; and
- # Authorize the County Executive or the Deputy County Executive for Planning and Development to execute all additional documents necessary for the conveyance of said property, located at 9509 Richmond Highway within the Mount Vernon District and identified as Tax Map Number 107-4-01-0030, to the Board of Supervisors.

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

91. **AUTHORIZATION TO APPROVE AN AGREEMENT SETTTLING ANY APPEAL OF THE WASHINGTON POST COMPANY VERSUS BOARD OF SUPERVISORS, AT LAW NUMBER 129013** (Tape 10)

Supervisor Bulova moved that the Board approve an agreement effectively settling any appeal of *The Washington Post Company versus Board of Supervisors, At Law Number 129013*, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Frey and carried by unanimous vote.

(NOTE: Later in the meeting, there was an additional action from Executive Session. See Clerk's Summary Item CL#108.)

ADDITIONAL BOARD MATTER

92. **RECOGNITION OF JANE C. KELSEY, BRANCH CHIEF, SPECIAL PERMIT AND VARIANCE APPLICATIONS EVALUATION BRANCH, ZONING EVALUATION DIVISION, OFFICE OF COMPREHENSIVE PLANNING (OCP), UPON HER RETIREMENT** (Tape 10)

With a notation that Jane C. Kelsey, Branch Chief, Special Permit and Variance Applications Evaluation Branch, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), is retiring, Supervisor Hyland moved that the Board direct staff to invite Ms. Kelsey to appear before the Board for recognition of her many years of service. This motion was seconded by Supervisor Dix and carried by unanimous vote.

AGENDA ITEMS

93. **3:00 P.M. - CONSIDERATION OF AN APPEAL OF AN ARCHITECTURAL REVIEW BOARD (ARB) DECISION - COLVIN RUN MILL HISTORIC OVERLAY DISTRICT (DRANESVILLE DISTRICT)** (Tape 10)

Supervisor Mendelsohn read into the record a brief letter from the appellant requesting withdrawal of the appeal of the Architectural Review Board (ARB) decision regarding Preliminary Subdivision Plan Number 9515-P-01-1, Colvin Meadow Estates, Colvin Run Mill Historic Overlay District, Dranesville District.

94. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-D-093-11 (WORLDGATE PROPERTIES, L.L.C.) (DRANESVILLE DISTRICT)** (Tape 10)

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 parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

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

Supervisor Mendelsohn moved approval of Proffered Condition Application PCA 86-D-093-11 subject to the executed proffers dated October 21, 1997. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

95. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 82-S-036 AND PCA 81-S-124 (CENTEX REAL ESTATE CORPORATION) (SULLY DISTRICT)** (Tape 10)

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

In excess of \$200 from Charles Johnson and Associates.

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

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

Supervisor Frey moved approval of Proffered Condition Amendment Applications PCA 82-S-036 and PCA 81-S-124 subject to the executed proffers dated October 1, 1997. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix and Supervisor Mendelsohn being out of the room.

96. **3:30 P.M. - PH ON REZONING APPLICATION RZ 1997-MV-008 (CURRY DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 10)

(O) Mr. Carson Lee Fifer, Jr., reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed the following campaign contributions which he had received:

- # In the amount of \$100 from Curry Development, Incorporated, in 1995; and
- # In the amount of \$100 from Curry Development, Incorporated, in 1996.

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

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Acting-Chairman McConnell and carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Hyland moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1997-MV-008 be amended from the R-2, C-8 and Highway Corridor Overlay Districts to the PDH-12 and Highway Corridor Overlay Districts subject to the executed proffers dated October 17, 1997, and the Conceptual Development Plan/Final Development Plan (CDP/FDP) development conditions endorsed by the Planning Commission dated October 9, 1997. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Acting-Chairman McConnell voting "AYE," Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Hyland moved that the Board:

- # Waive the service drive requirement along Richmond Highway and Mount Vernon Highway;
- # Waive the maximum length of 600 feet for a private street; and
- # Direct the Director of the Department of Environmental Management (DEM) to expedite and concurrently process all of the necessary Site and Subdivision Plans associated with this applications.

This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

97. **3:30 P.M. - PH ON REZONING APPLICATION RZ 1997-BR-017 (ROBERT J. BATAL, TRUSTEE) (BRADDOCK DISTRICT)** (Tape 10)

Supervisor Bulova moved to defer the public hearing on Rezoning Application RZ 1997-BR-017 until **November 17, 1997 at 4:30 p.m.** This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

98. **3:30 P.M. - PH FOR THE DE-CREATION/RE-CREATION OF SMALL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (MASON AND PROVIDENCE DISTRICTS)** (Tape 10)

- (Rs) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved adoption of the Resolution regarding the proposed petitions within Providence District, **effective retroactively on January 1, 1997**, in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District One within Providence District 7604 Maydan Lane and 2239, 2240, and 2247 Providence Street	De-Create/ Re-Create	Refuse and Leaf	Approve

This motion was seconded by Chairman Hanley and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Dix, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

Supervisor Gross moved adoption of the Resolution regarding the proposed petition within Mason District in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District One within Mason District (Hechinger)	De-Create/ Re-Create	Leaf	Approve

This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Dix, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

SBE:sbe

99. **4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-W-023 AND FINAL DEVELOPMENT PLAN APPLICATIONS FDP 91-W-023-3 AND FDP 91-W-023-1-1 (FAIRFAX COUNTY BOARD OF SUPERVISORS) (PROVIDENCE DISTRICT) (Tape 11)**

Ms. Ellen VanHully-Bronson reaffirmed the validity of the affidavit for the record.

Ms. VanHully-Bronson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by three speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Following discussion, with input from Ms. VanHully-Bronson, Project Manager, Fairfax County Department of Public Works; Anthony H. Griffin, Deputy County Executive for Planning and Development; and Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), Supervisor Connolly moved:

- # Approval of Proffered Condition Application PCA 91-W-023;
- # Approval of Final Development Plan Application FDP 91-W-023-3;
- # Approval of Final Development Plan Application FDP 91-W-023-1-1 subject to the proffers contained in Appendix One of the staff report

dated October 16, 1997; and

- # That the previously approved transitional screening and barrier requirements modification be reaffirmed in favor of that shown on the Conceptual Development Plan (CDP).

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

100. **4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING SANITARY SEWER STANDARDS (COUNTYWIDE)** (Tape 11)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing which included testimony by one speaker and discussion, with input from Jimmie D. Jenkins, Director, System Engineering and Monitoring Division, Department of Public Works, Supervisor Bulova moved:

- # Adoption of the proposed amendments to the Public Facilities Manual (PFM) regarding sanitary sewer standards **to become effective on January 1, 1998 at 12:01 a.m. and the following types of plans shall be grandfathered:**
 - II Subdivision Plans (excluding Preliminary Plats); and
 - II Site Plans and Public Improvement Plans submitted prior to 12:01 a.m., January 1, 1998, provided that such plans are approved not later than July 1, 1998.
- # Deferral of Board decision on the proposed Amendment Two which states:

- II "10-0102.5A(3) Sanitary sewer pipe and manholes may be located within the paved portion of privately owned and maintained pipestem driveways only when it has been demonstrated that such location will result in a saving of areas containing significant trees. The determination of what constitutes areas of significant trees shall be made by the Director with consideration given to the species, location, age, stand, density, health and condition and stage of succession of the trees shown to be preserved. This provision does not preclude the crossing of pipestem driveways at generally 90 degrees with a sanitary sewer pipe";

until November 17, 1997 to receive input from some of the other stakeholders.

This motion was seconded by Supervisor Mendelsohn and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being out of the room.

101. **4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE FAIRHAVEN PHASE VII PROJECT (MOUNT VERNON DISTRICT)** (Tape 11)

- (R) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 003848 - Fairhaven Phase VII. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross being out of the room.

102. **4:30 P.M. - PH ON REZONING APPLICATION RZ 1997-PR-013 (BATAL BUILDERS, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 11)

- (O) Mr. H. Kendrick Sanders reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, David Hunter, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- # That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1997-PR-013 be amended from the R-1 District to the R-12 District subject to the execution of the proffers dated September 25, 1997;
- # Waiver of the minimum district size requirement; and
- # Modification of the transitional screening requirement along the western lot line as shown on the Generalized Development Plan (GDP).

This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross being out of the room.

103. **4:30 P.M. - PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF FRANKLIN DRIVE (MOUNT VERNON DISTRICT)** (Tape 11)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of an Ordinance vacating and abandoning a portion of Franklin Drive and including the easement that has been requested by the Park Authority for a trail to connect these communities at sometime in the future. This motion, the second to which was inaudible, carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

104. **4:30 P.M. - PH ON A PROPOSAL TO ABANDON SQUIRREL HILL ROAD (HUNTER MILL DISTRICT)** (Tapes 11-12)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved adoption of the Order of Abandonment of Squirrel Hill Road (Route 820). This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

105. **4:30 P.M. - PH ON PROPOSED LEASING OF COUNTY-OWNED PROPERTY AT THE JEFFERSON FIRE STATION TO WASHINGTON DC SMSA LIMITED PARTNERSHIP (MASON DISTRICT)** (Tape 12)

Supervisor Hyland moved to defer the public hearing on the proposed leasing of County-owned property at the Jefferson Fire Station to Washington, DC SMSA Limited Partnership indefinitely. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

106. **4:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S95-CW-2CP: LOWER POTOMAC LAND USE CITIZENS ADVISORY COMMITTEE'S RECOMMENDATIONS FOR LAUREL HILL COMMUNITY PLANNING SECTOR (LP1) CURRENTLY KNOWN AS THE DISTRICT OF COLUMBIA (DC) CORRECTIONAL FACILITY COMMUNITY PLANNING SECTOR (LP1) (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#110.)

107. **ORDERS OF THE DAY** (Tape 12)

Supervisor Hyland asked unanimous consent that the Board defer the public hearing on Proposed Out-Of Turn Plan Amendment S95-CW-2CP: Lower Potomac Land Use Citizens Advisory Committee's Recommendation for Laurel Hill Community Planning Sector (LP1) Currently Known as the District of Columbia (DC) Correctional Facility Community Planning Sector (LP1) until later in the meeting to allow one of the Co-Chairmen of the Task Force time to arrive. Without objection, it was so ordered.

ADDITIONAL ACTION FROM EXECUTIVE SESSION

108. **REQUEST TO RECONSIDER THE BOARD OF ZONING APPEAL'S (BZA) DECISION IN APPEAL APPLICATION A96-P-049, CLIFTON PAUL CRAVEN AND NANCY CRAVEN** (Tape 12)

(NOTE: Earlier in the meeting, there were additional actions from Executive Session. See Clerk's Summary Items CL#87, CL#88, CL#89, CL#90 and CL#91.)

Supervisor Connolly stated that a letter, for the Chairman's signature, has been circulated to the Board in regard to the Board of Zoning Appeal's (BZA) decision in Appeal A96-P-049, Clifton Paul Craven and Nancy Craven, and moved that the Board direct the Chairman to sign the letter. The motion was seconded jointly by Supervisor Gross and Supervisor Hyland and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

109. **5:00 P.M. - PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 12)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Citizens and Businesses 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), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony from the following speakers:

- # Mr. William Watkins regarding the presentation of an award;
- # Ms. Charlotte Paris regarding the deer population;
- # Ms. Samantha Kearney regarding the Fairfax County records system;
and
- # Ms. Faith Moore regarding the deer population.

Mr. William Watkins, Speaker One, President of Canterbury Woods Civic Association, presented a Plaque of Recognition to Chairman Hanley and Supervisor Bulova as honorary members of the Canterbury Woods Civic Association Board of Advisors.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the legal options concerning Ms. Samantha Kearney, Speaker Three, who spoke on the Fairfax County records system. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

110. 4:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S95-CW-2CP: LOWER POTOMAC LAND USE CITIZENS ADVISORY COMMITTEE=S RECOMMENDATIONS FOR LAUREL HILL COMMUNITY PLANNING SECTOR (LP1) CURRENTLY KNOWN AS THE DISTRICT OF COLUMBIA (DC) CORRECTIONAL FACILITY COMMUNITY PLANNING SECTOR (LP1) (MOUNT VERNON DISTRICT) (Tapes 12-16)
- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following discussion, with input from David P. Bobzien, County Attorney, a presentation was given by Kenneth C. Doggett, Planner III, Planning Division (PD), Office of Comprehensive Planning (OCP); and Neal McBride and Tim Sargeant, Co-Chairmen of the Laurel Hill Community Planning Sector Citizens Advisory Committee (CAC).

Following the public hearing, which included testimony by seven speakers, with input from Sterling R. Wheeler, Chief, Policy and Plan Development Branch, PD, OCP, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S95-CW-2CP as recommended by the Planning Commission with the following modifications:

- # Adding an option with a public ownership emphasis;
- # Changing text concerning the location of a future fire station; and
- # Adding guidance for the provision of access to the Vulcan Quarry property as reclamation occurs.

These changes modify text on pages 4, 5, 6, 18, 29, 30 and 34 of the Task Force Recommendations Report.

This motion was seconded by Supervisor Kauffman.

Supervisor Connolly moved a substitute motion pursuant to the *Code of Virginia* that recommits this Out-of-Turn Plan Amendment to the Planning Commission. The Planning Commission has 60 days in which to reconsider the plan and resubmit it to the Board with any changes it deems fit. This motion was seconded by Supervisor Frey.

Supervisor Dix disclosed, for the record, that he is also employed by the United States (US) House of Representatives, presently assigned to the House Committee on the District of Columbia (DC) as a subcommittee of the Committee of Government Reform and Oversight.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the substitute motion which **CARRIED** by a recorded vote of six, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell voting "NAY."

The question was then called on the main motion, as substituted, which **CARRIED** by a recorded vote of eight, Supervisor Hyland and Supervisor Kauffman voting "NAY."

111. **5:00 P.M. - PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#109.)

112. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-11ED, AN EDITORIAL ITEM FOR THE ANNANDALE PLANNING DISTRICT (BRADDOCK AND MASON DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Bulova moved approval of Area Plans Review (APR) Item 97-CW-11ED as recommended by the Planning Commission to make editorial changes to pages 129 and 130 of the Braddock District Staff Reports book. This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

113. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-7ED, AN EDITORIAL ITEM FOR THE MCLEAN PLANNING DISTRICT (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Mendelsohn moved approval of Area Plans Review (APR) Item 97-CW-7ED as recommended by the Planning Commission to make editorial changes to pages 91 through 105, with modifications to pages 87 and 88 of the Dranesville District Staff Reports book as shown in Attachment I of the Memorandum to the Board with additional modifications as shown in Attachment III. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Bulova and Supervisor Hyland being out of the room.

114. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-2ED, AN EDITORIAL ITEM FOR UPPER POTOMAC PLANNING DISTRICT (HUNTER MILL AND DRANESVILLE DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Dix moved approval of Area Plans Review (APR)

Item 97-CW-2ED as recommended by the Planning Commission to make editorial changes to page 81 of the Hunter Mill District Staff Reports book Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Mendelsohn and carried by a vote of eight, Supervisor Bulova and Supervisor Hyland being out of the room.

115. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-8ED, AN EDITORIAL ITEM FOR THE SPRINGFIELD PLANNING DISTRICT (LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Kauffman moved approval of Area Plans Review (APR) Item 97-CW-8ED as recommended by the Planning Commission to make editorial changes to pages 291 to 296 with modifications to page 288 of the Lee District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Bulova and Supervisor Hyland being out of the room.

116. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-13ED, AN EDITORIAL ITEM FOR THE FRANCONIA-SPRINGFIELD AREA (LEE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Kauffman moved approval of Area Plans Review (APR) Item 97-CW-13ED as recommended by the Planning Commission to make editorial changes to pages 305 to 309 with modifications to page 298 through 301 of the Lee District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Hyland being out of the room.

117. **7:30 PM - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-14ED, AN EDITORIAL ITEM FOR ROSE HILL PLANNING DISTRICT (LEE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Kauffman moved approval of Area Plans Review (APR) Item 97-CW-14ED as recommended by the Planning Commission to make editorial changes to pages 317 through 321 with modifications to pages 313 and 314 of the Lee District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor Hyland being out of the room.

118. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-15ED, AN EDITORIAL ITEM FOR LINCOLNIA PLANNING DISTRICT (MASON DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Gross moved approval of Area Plans Review (APR) Item 97-CW-15ED as recommended by the Planning Commission to make editorial changes to page 231 of the Mason District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor Hyland being out of the room.

119. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-16ED, AN EDITORIAL ITEM FOR THE BAILEYS PLANNING DISTRICT (MASON DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Gross moved approval of Area Plans Review (APR) Item 97-CW-16ED as recommended by the Planning Commission to make editorial changes to pages 239 through 241, with modifications found on page 235 of the Mason District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor Hyland being out of the room.

120. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-10ED, AN EDITORIAL ITEM FOR MOUNT VERNON PLANNING DISTRICT (MOUNT VERNON AND LEE DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Kauffman moved approval of Area Plans Review (APR) Item 97-CW-10ED as recommended by the Planning Commission to make editorial changes to pages 417 through 424 in the Mount Vernon District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Bulova, Supervisor Dix, and Supervisor Frey being out of the room.

121. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-1ED, AN EDITORIAL ITEM FOR TYSONS CORNER URBAN CENTER (PROVIDENCE AND HUNTER MILL DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-CW-1ED as recommended by the Planning Commission to make editorial changes to pages 271 through 276, with modifications as shown on pages 267 and 268 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board and further modified as shown in Attachment III. This motion was seconded by Supervisor Gross and **CARRIED** by a recorded vote of five, Supervisor Mendelsohn and Chairman Hanley voting "NAY," Supervisor Bulova, Supervisor Dix, and Supervisor Frey being out of the room.

122. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-9ED, AN EDITORIAL ITEM FOR FAIRFAX PLANNING DISTRICT (PROVIDENCE, BRADDOCK, MASON, AND SULLY DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-CW-9ED as recommended by the Planning Commission to make editorial changes to pages 283 through 285 with modifications to page 279 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board with further modifications as shown in Attachment III. This motion, the second to which was inaudible, carried by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor Hyland being out of the room.

123. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-12ED, AN EDITORIAL ITEM FOR JEFFERSON PLANNING DISTRICT (PROVIDENCE AND MASON DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-CW-12ED as recommended by the Planning Commission to make editorial changes to pages 295 through 310 with modifications to pages 289 through 292 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board with modifications as shown in Attachment III with the exception of the second paragraph of recommendation number 6. This motion was seconded by Supervisor Gross and carried by a vote of seven, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

124. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-II-9F, LOCATED IN THE NORTHEAST QUADRANT OF I-66/ROUTE 123 INTERCHANGE (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, the Board took no action on Area Plans Review (APR) Item 97-II-9F.

125. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-I-4J, LOCATED ON THE SOUTH SIDE OF ROUTE 29 AT GOODWIN COURT BETWEEN ROSEMARY LANE AND WOODLAWN AVENUE (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-I-4J as recommended by the Planning Commission to specify the parcels planned for neighborhood-serving retail and/or neighborhood-serving office use as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

126. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-I-5J, LOCATED BETWEEN MARTHA=S LANE AND KING DAVID MEMORIAL GARDEN CEMETERY (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Hyland moved approval of Area Plans Review (APR) Item 97-I-5J as recommended by the Planning Commission to delete Recommendation Two as shown on page 101 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Dix, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

127. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-I-6J, LOCATED ON THE NORTH SIDE OF ROUTE 29 BETWEEN HOLLYWOOD ROAD AND EMMA LEE STREET (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-I-6J as recommended by the Planning Commission to correct the location description and update parcel numbers as shown on page 112 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix, Supervisor McConnell, and Supervisor Mendelsohn being out of the room

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to review this item closely to ensure it achieved the intended goal. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

128. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-I-8J, LOCATED NORTH OF ROUTE 29 BETWEEN GALLOWS ROAD AND HARTLAND ROAD (PROVIDENCE DISTRICT)** (Tape 12)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, the Board took no action on Area Plans Review (APR)

Item 97-I-8J.

129. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-II-4M, BOUNDED BY DULLES AIRPORT ACCESS ROAD, OLD SPRINGHOUSE ROAD, AND SCOTTS RUN (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, the Board took no action on Area Plans Review (APR) Item 97-II-4M.

130. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-II-15V, LOCATED IN THE SOUTHWEST QUADRANT OF THE I-66/NUTLEY STREET INTERCHANGE (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-II-15V as recommended by the Planning Commission as shown on pages 230 and 231 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion, the second to which was inaudible, carried by a vote of of nine, Supervisor McConnell being out of the room.

131. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-II-16V, LOCATED ON THE SOUTH SIDE OF ROUTE 29 AT THE PAN AM SHOPPING CENTER (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Connolly moved approval of Area Plans Review (APR) Item 97-II-16V as recommended by the Planning Commission to correct the location description of the shopping center as shown on page 242 of the Providence District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded jointly by Supervisor Gross and Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being out of the room.

132. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-II-17V, BOUNDED BY KIDWELL DRIVE, GALLOWS BRANCH ROAD, AND GALLOWS ROAD (PROVIDENCE DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, the Board took no action on Area Plans Review (APR) Item 97-II-17V.

133. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-3ED, AN EDITORIAL ITEM FOR THE POHICK PLANNING DISTRICT (SPRINGFIELD, BRADDOCK, AND MOUNT VERNON DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Hyland moved approval of Area Plans Review (APR) Item 97-CW-3ED to make editorial changes to pages 37 through 41 and a modification on page 33 of the Springfield District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

134. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-4ED, AN EDITORIAL ITEM FOR THE FAIRFAX CENTER AREA (SULLY, PROVIDENCE, AND BRADDOCK DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Frey moved approval of Area Plans Review (APR) Item 97-CW-4ED as recommended by the Planning Commission to make editorial changes on pages 203 through 206 with modifications as shown on page 199 of the Sully District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Connolly and **CARRIED** by a recorded vote of eight, Chairman Hanley abstaining, Supervisor McConnell being out of the room.

135. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-5ED, AN EDITORIAL ITEM FOR DULLES SUBURBAN CENTER (SULLY AND HUNTER MILL DISTRICTS)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Frey moved approval of Area Plans Review (APR) Item 97-CW-5ED as recommended by the Planning Commission to make editorial changes to pages 213 through 225 of the Sully District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being out of the room.

136. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-III-7BR, IN THE VICINITY OF THE INTERSECTION OF WESTFIELDS AND STONECROFT BOULEVARDS (SULLY DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Frey moved approval of Area Plans Review (APR) Item 97-II-7BR as recommended by the Planning Commission to reflect existing development for an area in the vicinity of the Intersection of Westfields and Stonecroft Boulevards, BR3 Flatlick Community Planning Section as found on page 74 of the Sully District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being out of the room.

137. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-III-8BR, AN EDITORIAL ITEM FOR THE BULL RUN PLANNING DISTRICT (SULLY DISTRICT)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Supervisor Frey moved approval of Area Plans Review (APR) Item 97-III-8BR as recommended by the Planning Commission to make editorial changes to pages 83 through 93 of the Sully District Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being out of the room.

138. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-2CP REGARDING GLOSSARY DEFINITIONS (COUNTYWIDE)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of Area Plans Review (APR) Item 97-CW-2CP as recommended by the Planning Commission to make editorial changes to the glossary definitions as found on page two of the Areawide Staff Reports book as shown in Attachment I of the Memorandum to the Board. This motion was seconded by Supervisor Mendelsohn and carried by a vote of nine, Supervisor McConnell being out of the room.

139. **7:30 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 97-CW-2HO, AN EDITORIAL ITEM FOR SPECIFIC CONSERVATION AND REDEVELOPMENT AREAS (COUNTYWIDE)** (Tape 15)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 9 and October 16, 1997.

Following the public hearing, Chairman Hanley moved approval of Area Plans Review (APR) Item 97-CW-2HO to make editorial changes to pages 17 through 19 of the Areawide Staff Reports book. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being out the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

140. **ADDITIONAL ACTION ON ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN AMENDMENT TO THE COUNTY CODE RELATING TO THE EXCLUSION OF GROSS RECEIPTS SOLELY DERIVED FROM THE DESIGN, DEVELOPMENT, OR OTHER CREATION OF COMPUTER SOFTWARE FOR LEASE, SALE OR LICENSE** (Tapes 15-16)

(A) (NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Items CL#19, CL#20, and CL#82.)

Supervisor Dix stated that it was his understanding that Supervisor Connolly deferred his motion earlier this morning on this item in view of further explanation from David P. Bobzien, County Attorney.

Supervisor Dix moved that the Board authorize a public hearing to be held before the Board on November 24, 1997 to consider the adoption of a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) that would exempt all receipts solely derived from the design, development and other creation of computer software from the Business, Professional and Occupational License (BPOL) tax effective January 1, 1999. This motion was seconded by Supervisor Connolly.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion that the Board also direct staff to advertise and consider the adoption of a new Section to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) Section 4-7.2-37 that would establish a separate classification and tax rate at or below \$0.19 percent per \$100 for gross receipts solely derived from the design, development or other creation of computer software from the BPOL tax to become effective on January 1, 1999, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly stated that, in light of the County Attorney's response, he would withdraw his motion which was as follows:

- # That the Board allow a 100 percent phase out over a four year period, beginning in Fiscal Year (FY) 1999 (Option Two as contained in the Memorandum to the Board dated October 27, 1997) with the following percentages:
 - II Year One - 20 percent exclusion;
 - II Year Two - 40 percent exclusion;
 - II Year Three - 75 percent exclusion; and
 - II Year Four - 100 percent exclusion.

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

141. **BOARD ADJOURNMENT** (Tape 16)

At 9:15 p.m., the Board adjourned.