



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS

OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

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

MONDAY

January 8, 1990

1-90

AR:ar

Board Package

The meeting was called to order at 9:50 a.m. with all members being present, and with Chairman Moore presiding.

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

2. HAPPY NEW YEAR 1990 (Tape 1)

Chairman Moore welcomed all individuals to the Board Room following the holiday recess and wished everyone a Happy New Year 1990.

3. HAPPY BIRTHDAY TO SUPERVISOR JOSEPH ALEXANDER, SUPERVISOR THOMAS DAVIS, III, AND CHAIRMAN AUDREY MOORE (Tape 1)

Supervisor Hanley noted that Supervisor Alexander, Supervisor Davis, and Chairman Moore had celebrated birthdays since the last meeting held in December 1989 and, on behalf of the entire Board, extended Birthday wishes.

4. HAPPY BIRTHDAY TO MR. SAM MOORE (Tape 1)

Supervisor Pennino announced that today is Mr. Sam Moore's birthday, Chairman Moore's husband, and she asked unanimous consent that the Board request the Office of Public Affairs to prepare a Resolution congratulating Mr. Moore on his 70th Birthday, wishing him many years of happiness, good health, and joy, and many, many years to come. Without objection, it was so ordered.

5. RESOLUTION PRESENTED TO THE PARENTS OF MR. DAVID A. HIPPLER (Tape 1)

Supervisor Hyland moved adoption of the Resolution, presented to the parents of Mr. David A. Hippler, expressing the Board of Supervisors' deep sorrow at the loss of their son and expressing its heartfelt sympathy to the family and friends of David Hippler with the knowledge that the memory of his deed in attempting to save the life of a young woman will live on for many years to come. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

Ms. Patty Schneider, Fairfax County Alliance for the Mentally Ill, presented a Certificate of Appreciation to Ms. Naomi Yamamoto in recognition of her dedicated outreach work with David Hippler and his family, and others who are mentally ill, homeless, and in need of assistance.

6. CERTIFICATE OF APPRECIATION PRESENTED TO
MS. CAROLE VELLENOWETH (TAPE 1)

Supervisor Hanley moved approval of the Certificate of Appreciation, presented to Ms. Carole Vellenoweth, for her dedicated service to the citizens and government of Fairfax County and for her outstanding efforts to the "Project Homes" program. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being out of the room.

7. 10:00 A.M. - PH ON THE COUNTY AND SCHOOLS
FISCAL YEAR (FY) 1990 MIDYEAR REVIEW TO
AMEND THE APPROPRIATION LEVEL IN THE
FY 1990 REVISED BUDGET PLAN (TAPE 1)

(SARs)

(FPRs)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of December 15 and December 22, 1989.

A brief question-and-answer period ensued between Board Members and the staff of the Office of Management and Budget.

Following the public hearing, Supervisor Pennino moved approval of the FY 1990 Midyear Review as presented by staff and advertised.

As a point of clarification of the Board's motions, Supervisor Bulova moved the following:

- Approval of Supplemental Appropriation Resolution AS 89032 and Amendment to the Fiscal Planning Resolution AS 89907 to account for adjustments resulting from the FY 1989 audit;
- Approval of Supplemental Appropriation Resolution AS 90027 and Amendment to the Fiscal Planning Resolution AS 90902 which includes the revenue, expenditure, transfer and audit adjustments contained in the County and School's Midyear Review which results in an available Combined General Fund balance of \$0, and an increase of \$26,629,686 in appropriated Other Funds expenditures.;

- Appropriation of Federal/State grant awards and adjustments reflected in Attachment V; and
- Approval of adjusting the Managed reserve to maintain the reserve at two percent of total disbursements based on the action taken by the Board as part of the Midyear Review.

This motion was seconded by Supervisor Pennino.

Supervisor Richards moved that the motion be amended to include \$20,000 from Contingency Fund 2120 for completion of the design for the Lewinsville/Spring Hill Trail. This motion was seconded by Supervisor Alexander.

Supervisor Hanley moved that Supervisor Richards' amendment to the motion be amended to include funding for completion of two Metro access trails, the Shreve Road Trail to the West Falls Church Metro Station, and the Dunn Loring Village Trail to the Dunn Loring Metro Station, and this was accepted.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide an estimate on the cost for construction of the Leewood Trail. Without objection, it was so ordered.

Supervisor Hyland asked that the motion be amended to include \$18,000 for funding of the Pohick Trail, and this was accepted.

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

Supervisor McConnell moved that the Hunter Village Trail, Daventry area, be included for consideration in the FY 1990 Third Quarter Review. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

8. 10:15 A.M. - BOARD ORGANIZATION AND APPOINTMENTS
OF BOARD MEMBERS TO VARIOUS REGIONAL AGENCIES,
COMMITTEES AND SUBCOMMITTEES (TAPE 1)

(BACs)

(APPT)

Supervisor Alexander moved the reappointment of Supervisor Martha V. Pennino as the Vice-Chairman of the Fairfax County Board of Supervisors. This motion was seconded by Supervisor Davis and carried by unanimous vote.

Supervisor Hyland moved approval of the Board organization and appointments to various regional agencies, committees, and subcommittees, as distributed to Board Members and dated January 8, 1990

as modified. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Following is a listing of the Board organization and appointments to various regional agencies, committees, and subcommittees as modified by the Board:

APPOINTMENTS TO VARIOUS REGIONAL AGENCIES, COMMITTEES,
AND SUBCOMMITTEES FOR CALENDAR YEAR 1990

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerry Hyland, Chairman
Joseph Alexander
Thomas M. Davis, III

FALLS CHURCH

Katherine K. Hanley, Chairman
Thomas M. Davis, III
Lilla Richards

ARLINGTON

Thomas M. Davis, III, Chairman
Lilla Richards
Elaine McConnell

FORT BELVOIR

Joseph Alexander, Chairman
Gerry Hyland

DISTRICT OF COLUMBIA

Audrey Moore, Chairman
Joseph Alexander
Gerry Hyland
Martha V. Pennino

HERNDON

Lilla Richards, Chairman
Audrey Moore
Martha V. Pennino

FAIRFAX CITY

Sharon Bulova, Chairman
Katherine K. Hanley
Elaine McConnell

LOUDOUN COUNTY

Lilla Richards, Chairman
Audrey Moore
Martha V. Pennino

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

Audrey Moore, Chairman
Sharon Bulova
Gerry Hyland
Elaine McConnell

INTERGOVERNMENTAL BOARDS AND COMMITTEES
(including Federal and State)

COUNCIL OF GOVERNMENTS

Martha V. Pennino - Principal
Gerry Hyland - Principal
Sharon Bulova - Alternate
Lilla Richards - Alternate

C.O.G. AIRPORT NOISE ABATEMENT

Lilla Richards - Alternate
Gerry Hyland - Alternate

C.O.G. ENVIRONMENTAL POLICY COMMITTEE

Audrey Moore - Principal
Gerry Hyland - Principal
Richard Gozikowski & James Jenkins - Alternates

C.O.G. HUMAN SERVICES POLICY COMMITTEE

Katherine K. Hanley - Principal
Thomas M. Davis - Alternate

C.O.G. METROPOLITAN DEVELOPMENT POLICY COMMITTEE

Audrey Moore - Principal
Elaine McConnell - Alternate

C.O.G. PUBLIC SAFETY COMMITTEE

Gerry Hyland - Principal
Audrey Moore - Alternate

C.O.G. TRANSPORTATION PLANNING BOARD

Lilla Richards - Principal
Sharon Bulova - Alternate

GEORGE MASON UNIVERSITY

Sharon Bulova, Chairman
Katherine K. Hanley
Elaine McConnell

METROPOLITAN WASHINGTON AIRPORTS (MWA) PROJECT POLICY COMMITTEE

Martha V. Pennino - Principal
Elaine McConnell - Alternate
Lilla Richards - Alternate

NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION

Sharon Bulova
Katherine K. Hanley
Elaine McConnell
Audrey Moore
Martha V. Pennino
Lilla Richards

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

Lilla Richards
Sharon Bulova - Secretary/Treasurer
Audrey Moore
Joseph Alexander - Principal for WMATA
Katherine K. Hanley - Alternate for WMATA

TRANSPORTATION SAFETY COMMISSION

Sharon Bulova

VIRGINIA ASSOCIATION OF COUNTIES

(VACO must confirm recommended nominees)

Gerry Hyland
Martha V. Pennino (Past President)
Audrey Moore
Katherine K. Hanley

VIRGINIA MUNICIPAL LEAGUE

Elaine McConnell	Community and Economic Development
Katherine K. Hanley	Education Policy
Martha V. Pennino	Effective Govt. Comm. Annexation Committee
Sharon Bulova	Environmental Quality Committee
Gerry Hyland	Human Development
Thomas M. Davis, III	Public Safety
Audrey Moore	Transportation Comm.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Joseph Alexander - Principal
Katherine K. Hanley - Alternate

(Appointed by NVTC. The Board of Supervisors will make recommendations for consideration.)

INTRAGOVERNMENTAL AND OTHER SUBCOMMITTEES

BOARD PROCEDURES

Thomas M. Davis, III
Martha V. Pennino

BUDGET POLICY COMMITTEE

Sharon Bulova, Chairman
(Committee of the Whole)

BUILDING AND DEVELOPMENT REGULATION ENFORCEMENT

Joseph Alexander, Chairman
(Committee of the Whole)

FAIRFAX HOSPITAL ASSOCIATION BOARD OF TRUSTEES

Joseph Alexander
Gerry Hyland
Audrey Moore

FINANCIAL AUDIT COMMITTEE

Thomas M. Davis, III, Chairman
Katherine K. Hanley

FIRE COMMISSION

Gerry Hyland, Chairman
(Committee of the Whole)

HOUSING AND COMMUNITY DEVELOPMENT

Thomas M. Davis, III, Chairman
(Committee of the Whole)

HUMAN SERVICES

Gerry Hyland, Chairman
(Committee of the Whole)

INTERNAL AUDIT COMMITTEE

Audrey Moore
Thomas M. Davis, III

LEGISLATIVE/TAX EXEMPTION STATUS

Katherine K. Hanley, Chairman
(Committee of the Whole)

PERSONNEL

Joseph Alexander, Chairman
(Committee of the Whole)

THE ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION

Lilla Richards
Elaine McConnell
Audrey Moore
Martha V. Pennino

TRANSPORTATION SUBCOMMITTEE

Lilla Richards, Chairman
(Committee of the Whole)

9. 10:15 A.M. - APPOINTMENTS TO THE TRANSPORTATION
ADVISORY COMMISSION (TAPE 1)

(APPT)

(NOTE: At the Board of Supervisors' meeting held on December 11, 1989, action was taken to reconsider the appointments previously made on December 4, 1989 to the Transportation Advisory Commission.)

Supervisor Davis moved the appointment of Mr. Jack Rust as the Mason District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Davis Brown as the Mount Vernon District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Alexander moved the appointment of Mr. Robert J. Heittman as the Lee District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Bulova moved the appointment of Mr. Don Emerson as the Annandale District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Pennino moved the appointment of Mr. Joe Stowers as the Centreville District Representative to the Transportation Advisory Commission. However, following a query from the Board regarding a conflict of interest, she withdrew her motion until later in the meeting to allow time to confer with Mr. Stowers.

(NOTE: Later in the meeting, action was taken to appoint Mr. Joe Stowers as the Centreville District Representative to the Transportation Advisory Commission. See Clerk's Summary Item CL#48.)

Supervisor McConnell moved the appointment of Mr. Jack Herrity as the Springfield District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Davis and **FAILED** by a recorded vote of six, Supervisor Davis and Supervisor McConnell voting "AYE," Supervisor Alexander abstaining.

Supervisor Hanley moved the appointment of Mr. Philip D. Servidea as the Providence District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor McConnell being out of the room.

Supervisor Richards moved the appointment of Mr. Jack R. Gilstrap as the Dranesville District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor McConnell being out of the room.

Supervisor Hanley asked unanimous consent that the Board direct staff to spell out, at least once, all of the abbreviations in the document on the Transportation Advisory Commission, i.e. BOS, PC, etcetera, as Board of Supervisors, Planning Commission, etcetera, as a point of clarification for the Commission. Without objection, it was so ordered.

Supervisor Richards asked that the request be amended to clarify that Board Members nominate individuals to serve, however the Board takes action to appoint individuals to the Commission, and this was accepted.

(NOTE: The appointment of the At-Large Representative to the Transportation Advisory Commission was deferred.)

VLL:VLL

10. FREE CITIZEN CARDIOPULMONARY RESUSCITATION (CPR)
CLASSES (TAPE 2)

Chairman Moore distributed to Board Members the newly-created vehicle bumper sticker announcing free citizen cardiopulmonary resuscitation (CPR) classes being offered through the Fairfax County Fire and Rescue Services. She urged all Board Members to place the bumper stickers on their vehicles to inform citizens of this service.

In response to a query by Chairman Moore, J. Hamilton Lambert, County Executive, responded that he discouraged the placement of the bumper stickers on County vehicles because of the total number of vehicles, approximately 5,000.

Supervisor Richards suggested that, in the future when the bumper stickers are reprinted, that only "Free Citizen CPR Classes Call...." be listed on the stickers and larger print used.

11. PROPOSED ONE-WAY TOLL COLLECTION FOR THE DULLES TOLL ROAD (TAPE 2)

Chairman Moore called the Board's attention to the fact that the State of California utilizes a system of only collecting tolls in one direction wherever possible and the State of New York utilizes a system of collecting tolls in one direction on bridges. She stated that these systems limit the vehicle back-ups at toll gates to one way, i.e., either a.m. or p.m. back-ups.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to review and report on the feasibility of implementing a one-way toll collection on the Dulles Toll Road. Without objection, it was so ordered.

12. STAFF REQUESTED TO INVESTIGATE DIFFICULTIES EXPERIENCED BY COLONIAL PIPELINE (TAPE 2)

Supervisor Moore called to the Board's attention recent newspaper articles regarding the Colonial Pipeline leakage in the Fredericksburg, Virginia water supply. She stated that Colonial Pipeline continues through Fairfax County and one of its tributaries is to tank farms located in Fairfax City.

Supervisor Moore asked unanimous consent that the Board direct staff to research the difficulties being experienced by Colonial Pipeline and report to the Board with its findings.

Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Alexander and asked that the request be amended that the Board direct staff to review, in coordination with Colonial Pipeline representatives, how often and how recent the pipelines are inspected and report to the Board with the assessment, and this was accepted.

Without objection, the amended request was so ordered.

Acting-Chairman Alexander returned the gavel to Vice-Chairman Pennino.

13. PROPOSED COMPREHENSIVE PLAN (TAPE 2)

Supervisor Moore briefed Board Members on the workshop held last month by the Office of Comprehensive Planning on the proposed Comprehensive Plan. She called to the Board's attention the fact that the published Plan did not include the transportation element. She stated that staff had three alternatives to review for transportation, Alternatives A, B, C:

Alternative A:

Continuation of the funding that is currently available;

Alternative B:

Included more transportation and more costs; and

Alternative C:

Outside of what may be possible to be realistic.

In order to handle the development proposed on the Plan, Supervisor Moore stated that staff developed a fourth alternative, Alternative D, which would cost two and one-half times Alternative C. She stated that there has been a lot of criticism of the Comprehensive Plan adopted in 1975 because 75 percent of the development has been approved and built while only 25 percent of the transportation has been built.

Supervisor Moore asked unanimous consent that the Board direct staff to report, as expeditiously as possible, on the following:

- Recommended methods in order to complete the transportation element; and
- Whether the proposed Comprehensive Plan can be realistic for the County without an adequate Public Facilities Ordinance.

Following discussion, with comments by J. Hamilton Lambert, County Executive, without objection, the request was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

14. REQUEST FOR ADDITIONAL TIME TO PRESENT ITEM
DURING THE REPORT ON GENERAL ASSEMBLY
ACTIVITIES (TAPE 2)

Supervisor Hyland asked unanimous consent for additional time later in the meeting to present a related item during Supervisor Hanley's Report on General Assembly Activities. Without objection, it was so ordered.

(NOTE: Later in the meeting, Supervisor Hyland called to the Board's attention a request for Legislative authority to limit increases in real estate taxes in Fairfax County. See Clerk's Summary Item #39.)

15. LOCAL GOVERNMENTS LOOK TO INTEGRATED PEST
MANAGEMENT (IPM) (TAPE 2)

Supervisor Hyland called to the Board's attention the fact that, according to the National Coalition Against the Misuse of Pesticides,

staff ecologist, Susan Cooper, "Pesticides are polluting our nation's groundwater, affecting 74 million people (18,000 people in Fairfax County rely on private wells (Comprehensive Plan Draft Policy)) who depend on it as their main source of drinking water. In addition, pesticides are causing negative effects to the surface water, and ultimately the living resources in the Chesapeake Bay."

Supervisor Hyland stated that the removal of toxics from the Bay is part of the six major commitments of the Chesapeake Bay Commission. The goal is to reduce toxic pollution to an "acceptable" level by the year 2000 so that the Bay's living resources can thrive once again.

Toxic pollution comes from many sources, some of which are from chemicals used by the lawn care industry, the private homeowner, parkland, golf courses, garden and forest nurseries, pest control operators, and others who apply pesticides, herbicides and insecticides to the ground to increase productivity and vibrant color to gardens and lawns and to protect homes, trees and gardens from various forms of infestations.

However, there are other ways to control pests and to enhance productivity and that is by incorporating Integrated Pest Management (IPM) into individualized programs. The IPM philosophy is a 100 year old idea. It combines biological, cultural, physical, and mechanical techniques with chemical controls to reduce the use of pesticides, herbicides and insecticides. IPM is a program that balances the natural environment with the lesser use of chemicals.

Supervisor Hyland stated that the State of Virginia has recently passed a tougher pesticide law and established a Pesticide Control Board to oversee the testing of pesticides for commercial use, the licensing of pesticide businesses, and the training of pesticides applicators. It is now appropriate that we show our support and commitment to the new pesticide law, the Pesticide Control Board and to the Chesapeake Bay Commission's commitment.

Supervisor Hyland asked unanimous consent that the Board direct staff to review and report on whether Fairfax County should develop an IPM policy to encourage all citizens of Fairfax County to use fewer pesticides and fertilizers and whether an IPM could be developed under the landscape of the County. Without objection, it was so ordered.

16. REQUEST WAIVER OF VARIANCE APPLICATION FEE
(TAPE 2)

Supervisor Hyland stated that recently a homeowner contracted with a Maryland-based builder to erect a garage on his property. Since the time the homeowner entered into the contract, the builder has gone out of business and consequently failed to complete his obligations, both in terms of the completion of the garage and in obtaining the necessary permits.

Supervisor Hyland stated that the homeowner has attempted to remedy the situation by making application for a Special Permit addressing the side-yard requirement building error created by the derelict contractor and paid the \$100 fee. The homeowner was then informed by the County's Special Permits Branch that a second Special Permit Application would be required to address the rear-yard requirement building error and that the fee would be \$900.

Because of the contractor's negligence in not complying with the law, the homeowner, in order to cure the error created through no fault of his own, is burdened with additional permitting obligations. Accordingly, Supervisor Hyland moved that the Board refer to staff for review the request to waive the filing fees. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor McConnell being out of the room.

17. MULCH WITH CHRISTMAS CHEER (TAPE 2)

Supervisor Hyland called to the Board's attention the fact that this year, according to the National Christmas Tree Association, Americans bought 35.2 million cut trees, enough to circle the world twice. Christmas tree-cycling is fast becoming an accepted post-Christmas activity as cities across the country recognize the environmental, landfill and fiscal benefits.

Supervisor Hyland briefly highlighted a few examples of local jurisdiction's involvement in the tree-cycling effort:

- Private refuse companies donate labor and use of equipment and community volunteers donate labor and property for tree-cycling dropoff points (Loudoun County);
- A tree seedling is given to customers when they return their Christmas tree (Austin, Texas);
- An annual tree chipping ceremony is held on Daley Plaza where the city's official Christmas tree is the first into the chipper (Chicago, Illinois);
- As a fundraiser, nonprofit organizations charge a small fee to customers (while they wait) for chipping their Christmas tree into mulch (Portland, Oregon);
- When a customer returns the tree, it is chipped and then given back to the customer with a \$20 rebate (IKEA stores - Potomac Mills); and

- Christmas trees are deposited into large lakes which provide fish habitat (Boulder, Colorado).

Supervisor Hyland stated that Fairfax County collection service picks up Christmas trees for its customers and dumps them at the I-95 landfill to be chipped into mulch which is then used by the Park Authority and given free to anyone who wants to pick it up at various spots throughout the County. However, private haulers do not segregate the trees. Rather, they integrate the trees into the rest of the refuse which is then landfilled.

Supervisor Hyland asked unanimous consent that the Board direct staff to explore, in coordination with the private sector, ways in which Fairfax County can recycle Christmas trees. Without objection, it was ordered.

18. REQUEST STAFF TO DETERMINE FAIRFAX COUNTY'S
ROLE IN PROPOSED "HOPE" (HOMEOWNERSHIP
OPPORTUNITIES FOR PEOPLE EVERYWHERE)
INITIATIVE (TAPE 2)

Supervisor Hyland stated that Secretary Jack Kemp, Department of Housing and Urban Development (HUD), announced that additions would be made to the HUD budget for "Homeownership Opportunities for People Everywhere (HOPE) Proposals." The proposal calls for additional spending of \$1.672 billion in Federal funds next fiscal year and over \$6.8 billion in the next three years. HUD officials have told local government officials that these additions to the HUD budget are by no means the full extent of the increases being requested to the overall HUD budget. Secretary Kemp has invited local jurisdictions to decide what their role would be and to make their case in writing.

Supervisor Hyland moved that the Board direct staff to:

- Obtain additional information concerning the HOPE initiatives;
- Develop a position paper on the involvement of local government on this proposal; and
- Forward the position to HUD.

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

19. RESOLUTIONS SUPPORTING ADVISORY REFERENDA AND
SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 81-V-070 AND OPPOSING REAL ESTATE
CLASSIFICATION (TAPE 2)

For informational purposes, Supervisor Hyland distributed to Board Members three resolutions acted on by the Mount Vernon Council of Citizens Associations at its meeting held on December 27, 1989:

- In support of the advisory referenda;
- In opposition of the real estate classification; and
- In support of Special Exception Amendment Application SEA 81-V-070.

20. ADDITIONAL COMMENTS REGARDING APPOINTMENTS
TO THE TRANSPORTATION ADVISORY COMMISSION
(TAPE 2)

(NOTE: Earlier in the meeting, action was taken on the appointments to the Transportation Advisory Commission.)

Supervisor Davis referred to the Board's earlier action on appointments to the Transportation Advisory Commission. For the record, he provided additional comments.

21. APPOINTMENT TO THE PLUMBING EXAMINERS AND
LICENSING BOARD (TAPE 2)

(APPT)

Supervisor Davis called to the Board's attention the fact that the Plumbing Examiners and Licensing Board has not been able to meet for the past two months because of existing vacancies.

Supervisor Davis moved that the Board:

- Appoint Mr. John M. Kittelberger, Sr., to fill the unexpired term of Mr. Frank Dellastatious) as the At-Large (Registered Plumbing Contractor) Representative; and
- Reappoint Mr. Everett Long as the At-Large (Limited Licensed Fitter) Representative.

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

22. HEATING, VENTILATION AND AIR CONDITIONING
(HVAC) ADVISORY AND LICENSING BOARD (TAPE 2)

(BACs)

Supervisor Davis stated that members of the Heating, Ventilation and Air Conditioning (HVAC) Advisory and Licensing Board have been wrestling with a problem concerning the Virginia Tradesmen Certification Standards

with the current operation of journeymen. He stated that Fairfax County adopted the original journeymen standards in 1978 and it is currently very difficult to "grandfather" individuals who have become journeymen since 1978 but never met the original tests. He stated that this is creating a real hardship on companies trying to employ journeymen, electricians, and HVAC individuals because a Master's card cannot be obtained until after a Journeymen's card.

Supervisor Davis asked unanimous consent that the Board direct staff to investigate this issue and report with recommendations for grandfathering of the journeymen category as expeditiously as possible. Without objection, it was so ordered.

23. REQUEST TO EXAMINE FEES REQUIRED FOR STAGE TWO OF THE BALCONY REPAIR PROJECT AT THE SKYLINE HOUSE (TAPE 2)

Supervisor Davis stated that the Skyline House Board of Directors recently voted to commence Stage Two of the balcony repair project for 1990. He stated that one resident, however, is in objection to paying the 7,000 permit fees required by the County because it is felt that:

- The fees were paid in the original construction; and
- The County may have some liability not inspecting the balconies appropriately thus causing the repairs.

Supervisor Davis asked unanimous consent that the Board direct staff to investigate this objection and report as to whether the permit fees could be waived. Without objection, it was so ordered.

Supervisor Pennino stated that she had been contacted by a constituent of the Mason District who had expressed concerns that the contractor who is working on the Government Center had also been involved in the construction of the Skyline House. She asked unanimous consent that the County Executive distribute to all Board Members a copy of his memorandum responding to this concern. Without objection, it was so ordered.

24. REQUEST TO CONSIDER GIVING LAND LEASED BY FAIRFAX COUNTY TO THE BAILEY'S VOLUNTEER FIRE DEPARTMENT (TAPE 2)

Supervisor Davis stated that the land on which the Bailey's Volunteer Fire Department is situated on is leased by Fairfax County to the Fire Department. He asked unanimous consent that the Board direct staff to research the possibility of the County giving the land "in toto" to the Fire Department to be used solely as a fire station and, if at any time ceases to be used as a fire station, the land will revert to the County. Without objection, it was so ordered.

25. RETAIL USES IN THE CENTRAL BUSINESS DISTRICT (CBD) AND WAIVERS OF THE MINIMUM SQUARE FOOTAGE REQUIRED FOR PDC DISTRICTS (TAPE 2)

Supervisor Richards asked unanimous consent that the Board direct staff to review and report to the Board, as expeditiously as possible, with recommendations on:

- A zoning category that would allow for retail uses on the first floor and office space above in fairly low-intensity FARs (Floor Area Ratio) for the Central Business District (CBD) in the Dranesville District; and
- Necessary proposed amendments to permit a Board waiver of the 100,000 square foot minimum required in PDC Districts.

Without objection, it was so ordered.

26. STATUS REQUESTED ON PROPOSED AMENDMENTS TO THE CHILD CARE ORDINANCE (TAPE 2)

Supervisor Richards asked unanimous consent that the Board direct staff to report with the status of the proposed amendments to the Child Care Ordinance. Without objection, it was so ordered.

27. REQUEST FOR ADEQUATE ADVANCED LIFE SUPPORT SERVICES (TAPE 2)

Supervisor Richards stated that she had received a letter from Mrs. Vivian Lyons of the Great Falls Citizens' Association regarding the inadequate Advanced Life Support Services available to the residents in Great Falls. Currently, the closest Advanced Life Support ambulance takes more than 15 minutes to access a number of the residents within this community. She asked unanimous consent that the Board direct staff to review this situation to determine what improvements could be made by the Fairfax County Fire and Rescue Department in order to provide the Great Falls community with prompt Advanced Life Support Services. Without objection, it so ordered.

PMH:PMH

28. RESTRICTION OF THROUGH TRUCK TRAFFIC ON LEWINSVILLE ROAD (TAPE 3)

Supervisor Richards stated that she had referred the issue of restricting through truck traffic on Lewinsville Road to staff for

review. She said that Lewinsville Road is used as a parallel to the Dulles Toll Road which was built as a way to avoid having through traffic on Lewinsville Road. She pointed out that Lewinsville Road is a narrow street that goes by numerous churches, an elementary school, and a recreation center and is not a desirable street to have trucks utilizing to avoid the toll booth.

Supervisor Richards explained that the response from staff was that Mr. A.L. Thomas, State Traffic Engineer, Virginia Department of Transportation (VDOT), stated that an alternate truck route with a toll facility would constitute an undue financial burden for the trucking industry. She pointed out that there were other hardships that should be considered such as safety. Therefore, Supervisor Richards asked unanimous consent that the Board direct staff to "take this issue to the Commonwealth Transportation Board (CTB) to obtain an answer as to the interpretation of the language that requires there to be a reasonable alternate route which must not create an undue hardship for trucks reaching their destination." Without objection, it was so ordered.

29. EASEMENT GIVEN TO THE FAIRFAX COUNTY BOARD OF SUPERVISORS BUT SHOULD HAVE BEEN GIVEN TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (TAPE 3)

Supervisor Richards stated that in the effort to build the Fairfax County Parkway between Route 7 and the Dulles Toll Road a situation occurred whereby a developer gave an easement to the Board of Supervisors when it should have been given to the Virginia Department of Transportation (VDOT). Supervisor Richards asked unanimous consent that the Board:

- Refer this issue to staff for review; and
- Direct staff to expedite this matter.

Without objection, it was so ordered.

30. ADOPTION OF RESOLUTION SUPPORTING THE LOCATION OF THE SMITHSONIAN AIR AND SPACE MUSEUM (TAPE 3)

Supervisor Richards stated that she had read a newspaper article which stated that the Board had not adopted a resolution supporting the location of the Smithsonian Air and Space Museum.

Supervisor Pennino clarified that the Board had adopted the resolution supporting the location of the museum.

31. PUBLICATION OF THE NAMES OF THE DISTRIBUTORS FOR RECYCLED PAPER PRODUCTS (TAPE 3)

Supervisor Richards asked unanimous consent that the Board direct staff to determine if the names of distributors for recycled paper products

could be published without appearing to endorse one firm over another. Without objection, it was so ordered.

32. CIRCULATION OF THE STUDY OF FINANCIAL RESOURCES
FOR TRANSPORTATION IN NORTHERN VIRGINIA (TAPE 3)

Supervisor Richards asked unanimous consent that the Board direct staff to circulate to all Board Members the Study of Financial Resources for Transportation in Northern Virginia that was released last week by the Northern Virginia Transportation Commission (NVTC).

Supervisor Hanley asked that the request be amended to include directing staff to provide Board Members with the "Big Book", the Executive Summary and a copy of the slides that were shown during the presentation. Without objection, the request as amended, was so ordered.

33. COMMENDATION OF SUPERVISOR LILLA RICHARDS,
DRANESVILLE DISTRICT, AS CHAIRMAN OF THE
NORTHERN VIRGINIA TRANSPORTATION COMMISSION
(TAPE 3)

Supervisor Pennino commended Supervisor Richards on her leadership of the Northern Virginia Transportation Commission (NVTC) as its Chairman during the past year.

34. POLICY FOR THE RELOCATION OF ANIMALS WHOSE
NATURAL HABITAT HAS BEEN DISTURBED DURING
CONSTRUCTION OF LARGE ACREAGE (TAPE 3)

Supervisor Hanley stated that a constituent has recently questioned whether there was a State or County policy for the relocation of animals whose natural habitat has been disturbed during construction of large acreage. Therefore, Supervisor Hanley asked unanimous consent that the Board direct staff to:

- Review this issue to determine if there is such a policy; and
- If there is no policy, review this issue to determine what can be done to relocate such animals.

Without objection, it was so ordered.

35. CERTIFICATE OF APPRECIATION FOR J. LARRY FONES,
DIRECTOR, DEPARTMENT OF RECREATION AND COMMUNITY
SERVICES (TAPE 3)

Supervisor Hanley pointed out that J. Larry Fones, Director, Department of Recreation and Community Services had or was about to retire and asked unanimous consent that the Board direct staff to:

- Prepare a Certificate of Appreciation for Mr. Fones; and
- Invite Mr. Fones to appear before the Board so that it can present the Certificate to him.

Without objection, it was so ordered.

36. THROUGH TRUCK TRAFFIC BAN (TAPE 3)

Supervisor Hanley stated that there was a through truck traffic ban in the area of Falls Church. She said that previously truck traffic was permitted to use the routes of Tremont Gardens, Fenwick Park, and Pine Springs Subdivisions in Falls Church to travel between Routes 29 and 50, however, following two public hearings, those routes are no longer permitted. She said that on December 21, 1989, the Commonwealth Transportation Board (CTB) enacted a Through Truck Traffic Ban in this area of the County.

37. SNOW ON SIDEWALKS (TAPE 3)

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

- Coordinate a meeting with representatives from Metro, County staff, and Virginia Department of Transportation (VDOT) to determine who is responsible for shoveling sidewalks at Metro, sidewalks that are not directly on Metro property but lead to and from Metro stations, and those sidewalks on the State right-of-way. She pointed out that when it snows and individuals are urged to utilize Metro those that cannot drive to Metro cannot walk to Metro because the sidewalks are clogged; and
- Contact the School System and determine if there is any effort to clear sidewalks which lead to and from County schools.

Without objection, it was so ordered.

38. PROFFER INTERPRETATION GUIDELINES (TAPE 3)

Supervisor Hanley referred to situations whereby a highway project is scheduled to be built and it is on the Six-Year Plan and a development comes in along that route and the proffer interpretation is that the developer can escrow the money instead of going ahead and providing the improvement. She asked unanimous consent that the Board direct staff to review the issue of establishing proffer interpretation guidelines to address these situations. Without objection, it was so ordered.

39. LEGISLATIVE PACKAGE (TAPE 3)

Supervisor Hanley reviewed the Board's Legislative Subcommittee's Package.

Supervisor Hyland stated that at the end of the budget process in 1988 after the Board adopted the budget and reduced the real estate tax rate by two cents, he requested that three legislative proposals be introduced to the General Assembly one of which became law -- namely, the "circuit breaker exemption."

Supervisor Hyland said that the second proposal was to enable Fairfax County to permit residents 65 years of age or older to defer payment of increases in residential real estate taxes after they reach age 65, until their demise, or until sale of their residential property.

Supervisor Hyland moved that the Board refer the following issues to the Board's Legislative Subcommittee for inclusion in next year's legislative package:

- Legislation to allow Fairfax County to limit the annual percentage increase in real estate assessments to eight percent over the assessment for the preceding year;
- Legislation to allow Fairfax County to permit residents 65 years of age or older to defer payment of increases in residential real estate taxes after they reach age 65, until their demise, or until sale of their principal residence; and
- Support the Mount Vernon Council of Citizens Associations resolution of July 1989 which asks that the County Board of Supervisors introduce and work for the passage of legislation that would prohibit Urban Counties required to advertise an increase in the tax rate as a result of equalization from imposing a tax rate increase of more than four percent or four cents (whichever is lower) from the equalized rate unless a larger increase is approved in a referendum; and further that the Board of Supervisors include this proposal in its legislative package for inclusion in the 1990 session of the Virginia General Assembly.

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

Following discussion, with input from Paul Smith, Supervisor, Real Estate Assessments, Supervisor Hanley moved approval of Board's Legislative Package as recommended by the Legislative Subcommittee. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor McConnell being out of the room.

40. WAPLES MOBILE HOME PARK (TAPE 3)

Supervisor Bulova stated that the residents of a portion of the Waples Mobile Home Park in the Annandale District are being displaced by redevelopment that is proceeding by-right under the existing C-8 zoning. She said that the owner of the property, Mr. A. J. Dwoskin, is interested in pursuing the creation of a new mobile home park on property that he owns which is immediately to the south of the existing park. She added that a new mobile home park would provide the opportunity for many of the existing residents to be relocated within the community and greatly ease the disruption to their lives caused by this unfortunate reality.

Supervisor Bulova further stated that she has discussed this matter with staff and it appears that it may be feasible to proceed with the creation of a new mobile home park along the lines proposed by Mr. Dwoskin. However, there are a number of planning issues which must be resolved prior to the relocation becoming possible.

Supervisor Bulova moved that the Board direct staff to proceed with an Out-of-Turn Plan Amendment that would permit mobile home use on the property to the south of the existing mobile home park. She said that the urgent need to relocate the displaced residents justifies such an Out-of-Turn Amendment.

Supervisor Bulova said that to the extent necessary to ensure that this action is brought forward for consideration on a timely basis, and she stressed that this matter is one of high priority for the Board and that staff should proceed accordingly.

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

41. INCREASED SAFETY MEASURES ON BELMONT DRIVE
(TAPES 3-4)

Supervisor Bulova stated residents on Belmont Drive have been seeking increased safety measures on Braddock Road between Route 123 and Shirley Gate Road. She said that subsequently two men were killed in separate accidents within hours of each other when their vehicles went out of control along this dangerous stretch of road.

Supervisor Bulova said that since taking office in 1988, she has been working with residents on Belmont Drive trying to have the 40 mile-per-hour speed limit reduced and to have flashing warning lights

installed near "dead man's hill". She said that she has also attempted to initiate a ban on truck traffic on this section of Braddock Road. However, an alternate truck route must be identified in order to do this and the only alternate routes would have to go through the City of Fairfax where trucks have already been banned. She said that the State has not agreed to a reduction in speed limit or to flashing lights. She added that after these deaths she promised to renew her efforts and to bring this matter to the attention of the Board. She said that Mr. Robert Stone of the Belmont Community described in his July 1979 letter of the dangerous conditions which lead to the recent deaths. She said that accident statistics gathered seven and one-half years ago list 47 accidents between January 1978 and August 1982, 19 of which involved personal injuries, two of which were fatalities. Supervisor Bulova said that police statistics listed 62 accidents and 23 injuries along this two mile stretch of road this year. She said that in 1988 there were 56 accidents and 21 injuries. She pointed out that in those two years, two school buses, one emergency vehicle, and 42 trucks have been involved in accidents.

Supervisor Bulova moved that the Board request the Virginia Department of Transportation (VDOT) to implement meaningful temporary safety measures on Braddock Road between Route 123 and Shirley Gate Road. She said that she had been contacted by Resident Engineer, Andrew Bailey and at his direction VDOT and police traffic safety personnel who are reviewing this area and will be prepared to meet with her and Supervisor McConnell and County representatives this week or next. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

42. REQUEST FOR RESCHEDULING OF BOARD OF SUPERVISORS'
RETREAT PLANNED FOR SEPTEMBER 30 AND
OCTOBER 1, 1990 (TAPE 4)

Supervisor Alexander pointed out that Board of Supervisors' Retreat is planned for September 30 and October 1, 1990 which conflicts with the annual American Public Transit Association Meeting. Therefore, Supervisor Alexander asked unanimous consent that the Board direct staff to review this issue and determine if the retreat can be rescheduled. Without objection, it was so ordered.

43. REQUEST FOR SIMULTANEOUS PROCESSING OF THE
SPECIAL EXCEPTION APPLICATION AND SITE PLAN
FOR THE MOUNT VERNON PLAZA (TAPE 4)

Supervisor Alexander moved that the Board direct staff to simultaneously process the Special Exception Application and Site Plan for the Mount Vernon Plaza. He added that the applicant understands that this neither provides him with a vested right to plan approval or relieves him from the responsibility of any modifications result of Board's review. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

44. AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE
PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 4, ARTICLE VII (TAPE 4)

Supervisor Alexander referred to the problem encountered by several Fairfax County advertising agencies during the recent effort to enforce the Business, Professional, and Occupational License Tax (BPOL). He said that the auditors determined that these agencies should have been paying taxes on "pass-through" monies, which the agencies advance to the media on behalf of their clients. He said that such a procedure would increase their tax bills tremendously, and jeopardize their businesses.

Supervisor Alexander said that he has been working with the affected agencies, the Fairfax County Chamber of Commerce, the Economic Development Authority (EDA), and County staff in an effort to resolve the problem. He added that investigation has determined that although this County's authority is quite sound, taxing pass-through costs is a highly uncommon practice statewide and nationwide. Fairfax County's interpretation, therefore, would inadvertently place these agencies at a serious disadvantage in the state and national markets. It has also become quite clear that the County cannot simply administratively adopt a more forgiving interpretation of the BPOL tax law in this case without placing itself at legal risk in many others. Board action is therefore necessary.

Supervisor Alexander referred to a memorandum from Paul Smith, Supervisor, Real Estate Assessments, detailing the results of the final meeting with the advertising agencies. He said that it establishes a six-point program for reducing the impact of the previously-assessed tax, and eliminating future taxes on pass-through monies. To accomplish this program, the Board must act: first, to reclassify the advertising agencies as a "business service occupation" rather than a "professional, specialized occupation;" and second, to amend the BPOL tax law to specifically exclude pass-through funds.

Supervisor Alexander moved that the Board authorize to advertise a public hearing on the proposed amendments to the Code of the County of Fairfax Chapter 4, Article VII, regarding the Business, Professional, and Occupational License Tax, to be held on January 29, 1990 at 5:00 p.m.

Supervisor Alexander stated that the proposed amendments provide for the exclusion from the definition of "gross receipts" under the BPOL Ordinance amounts paid by advertising agents for any customer for advertising space, television time, radio time, electrical transcription, pressings, art work, engraving, plate, mats, printing, printing stock, and postage. In addition, advertising agents and firms will be licensed as business service occupations.

Supervisor Alexander said that these changes would eliminate the taxing of "pass through" monies received by advertising firms for the payment of media services arranged on behalf of their clients and would change the rate at which these firms are taxed from \$.31 to \$.20.

This motion was seconded by Supervisor Pennino.

Following discussion, with input from J. Hamilton Lambert, County Executive, Ellen Posner, Assistant County Attorney, and Paul Smith, Supervisor, Real Estate Assessments, the question was called on the motion which carried by a vote of eight, Supervisor McConnell being absent.

45. LOSS OF 250 PARKING SPACES (TAPE 4)

Supervisor Alexander stated that there would be a loss of approximately 250 parking spaces located at the local neighborhood theater because Circuit City is going to construct and demolish the theater. He said that he has been working with the owners of the property who have agreed to allow the commuters to park on the lot until sometime in the Spring.

Supervisor Alexander moved that the Board direct the County Executive to designate an individual to work with his staff and Supervisor McConnell's staff to determine what can be done to find temporary parking as expeditiously as possible. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor McConnell being out of the room.

46. SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION (SFDC) (TAPE 4)

Supervisor Alexander referred to the advertisement of a public hearing to receive citizen comment on the extension of the Memorandum of Understanding between the Board of Supervisors and the Southeast Fairfax Development Corporation (SFDC) and inquired if the hearing had been advertised. J. Hamilton Lambert, County Executive, stated that the public hearing is in the process of being advertised.

AR:AR

47. CONGRATULATIONS TO THEODORE AUSTELL, III, EXECUTIVE ASSISTANT TO THE COUNTY EXECUTIVE (TAPE 5)

Supervisor Pennino congratulated Mr. Theodore Austell, III, Executive Assistant to the County Executive, on his recent article in the November/December 1989 issue of the Virginia Review.

48. APPOINTMENT TO THE TRANSPORTATION ADVISORY COMMISSION (TAPE 5)

(APPT)

(NOTE: Earlier in the meeting, there was a discussion by Board Members regarding Supervisor Pennino's choice of Mr. Joe Stowers as the Centreville District Representative to the Transportation Advisory Commission. See Clerk's Summary Item CL#9.)

Pursuant to earlier discussion and queries made by the Board, Supervisor Pennino stated that Mr. Stowers had been contacted and he has stated that it has been over five years since he has done any work for Fairfax County. She further stated that he does not now have any contracts with the County nor does he represent anyone with contracts with the County.

Therefore, Supervisor Pennino moved the appointment of Mr. Joe Stowers as the Centreville District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor McConnell being out of the room.

49. CONSTRUCTION OF MEDICAL OFFICE BUILDING BY
INOVA HEALTH SYSTEMS (TAPE 5)

Supervisor Pennino stated that INOVA Health Systems is planning to construct a medical office building adjacent to Fair Oaks Hospital. She noted that this will cause a considerable increase in traffic in that area. INOVA Health Systems has asked that the Board of Supervisors join them in requesting a change to the plan for the Fairfax County Parkway to provide for an intersection where presently the proposed Emergency Drive joins the Parkway. She further noted that if such an intersection is permitted it will ease the traffic flow to the hospital site and reduce the amount of traffic on Rugby Road and through the residential areas adjacent to the INOVA site.

Supervisor Pennino moved that the Board of Supervisors request staff to meet with representatives of INOVA on this issue and recommend to the Board that it should consider such a change to the plans for the Parkway to provide for an intersection where the proposed Emergency Drive joins the Fairfax County Parkway. The motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor McConnell being out of the room.

50. REFERRAL TO DISCUSSION IN EXECUTIVE
SESSION OF LETTERS CONCERNING RECENT
AMENDMENTS TO THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 112 (ZONING
ORDINANCE) COMMERCIAL AND
INDUSTRIAL DISTRICTS (TAPE 5)

Supervisor Pennino stated that she is in receipt of two letters from constituents regarding the recent amendments adopted by the Board to Chapter 112 (Zoning Ordinance), Commercial and Industrial Districts. She asked unanimous consent that the Board refer these letters to the County Attorney for discussion in Executive Session. Without objection, it was so ordered.

51. PRESENTATION BY THE COALITION FOR THE POHICK
SITE HIGH SCHOOL (TAPE 5)

Supervisor McConnell relinquished her Board Matter time in order that Mrs. Nancy Delansky, representative of the Coalition for the Pohick Site

High School, could give a presentation outlining the overwhelming support and critical need for the construction of Pohick High School at the intersection of Pohick Road and Huntsman Boulevard. Mrs. Delansky presented a petition to the Board with more than 2500 signatures of residents who support the new high school.

Supervisor Pennino moved that the Board refer this matter to the School Board for its immediate attention. The motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor McConnell being out of the room.

SBE:SBE

52. SUPERVISOR GERRY HYLAND'S CHRISTMAS
GIFT TO BOARD MEMBERS (TAPE 6)

Supervisor Hyland reminded Board Members who have not yet opened their Christmas present from him to please do so because the gift may explode if the tag is marked "strawberry." He stated that if the tag was marked "blackberry," the gift should be fine.

53. ADMINISTRATIVE ITEMS (TAPE 6)

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

ADMIN 1 - APPROVAL OF WATER MAIN EXTENSION:
COX PROPERTY (CENTREVILLE DISTRICT)

Approved the request for installation of approximately 800 feet of 12-inch water main along Barnsfield Road (Route 763) for the provision of public water to the Cox Property, Centreville District. The proposed main will provide adequate domestic and fire protection service pursuant to Fairfax County Ordinances.

ADMIN 2 - APPROVAL OF WATER MAIN EXTENSION:
OAKDEN SUBDIVISION (PROVIDENCE DISTRICT)

Approved the request for installation of approximately 1,710 feet of 12-inch water main along Courthouse Road (Route 673) and Hidden Road (Route 785) for the provision of public water to the Oakden Subdivision, Providence District. The proposed main will provide adequate domestic and fire protection service pursuant to Fairfax County Ordinances.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE
CONSTRUCTION FOR SPECIAL EXCEPTION
APPLICATION SE 87-V-055 (FAIRFAX
COUNTY WATER AUTHORITY - FCWA)
(MOUNT VERNON DISTRICT)

(ET) Approved the request for six months of additional time to commence construction for Special Exception Application SE 87-V-055 until

July 11, 1990 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE IMPROVEMENT OF BRADDOCK ROAD/UNION MILL ROAD INTERSECTION (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on January 29, 1990 at 3:30 p.m. on the proposed acquisition of certain land rights necessary for the construction of Project PD0048, Braddock Road/Union Mill Road Intersection Improvement, Springfield District.

ADMIN 5 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON THE 1988 PUBLIC FACILITIES MANUAL AMENDMENT TO ESTABLISH STANDARDS AND CRITERIA TO PRE-QUALIFY ISSUERS OF STANDBY LETTERS OF CREDIT IN SUPPORT OF DEVELOPER CONSTRUCTION AGREEMENTS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on March 15, 1990 and before the Board of Supervisors on March 26, 1990 at 3:30 p.m. on proposed amendments to the 1988 Public Facilities Manual to establish criteria to identify unsatisfactory issuers of standby letters of credit and to implement a procedure to use the "Sheshunoff Ratings Guidelines" in the acceptance of letters of credit furnished in support of developer construction agreements to become effective July 1, 1990.

ADMIN 6 - ADVERTISEMENT OF A PUBLIC HEARING ON THE IMPROVEMENTS FOR THE ENGLSIDE COMMUNITY, PHASE I (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on January 29, 1990 at 3:30 p.m. on the proposed adoption of a Resolution ordering improvements and authorizing assessments for the Engleside Community, Phase I, Lee District.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A JOINT PUBLIC HEARING BY THE BOARD OF SUPERVISORS AND THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY ON THE COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSED STATEMENT OF OBJECTIVES AND USE OF FUNDS FOR PROGRAM YEAR 16 [FISCAL YEAR (FY) 91]

- (A) Authorized the advertisement of a joint public hearing to be held before the Board of Supervisors and the Fairfax County Redevelopment and Housing Authority (FCRHA) on February 26, 1990 at 7:30 p.m. on the

proposed Community Development Block Grant (CDBG) Statement of Objectives and Projected Use of Funds for Program Year 16 [Fiscal Year (FY) 91] and proposed reprogramming, if any, of prior years' CDBG funds.

54. A-1 - URBAN MASS TRANSPORTATION ADMINISTRATION
(UMTA) SUBURBAN MOBILITY GRANT APPLICATION:
STATUS REPORT AND BOARD DECISIONS
(CENTREVILLE, LEE AND SPRINGFIELD
DISTRICTS) (TAPE 6)

Supervisor Alexander moved that the Board concur in the recommendation of staff and, in order to continue moving forward with the County's Suburban Mobility Grant application to the Urban Mass Transportation Administration (UMTA), take the following actions and approve Option A:

- Approve and authorize the County Executive to execute a finalized version of the "Fairfax County and the Fairfax County Economic Development Authority Transportation and Cooperation Agreement" (contained as Attachment One of the Memorandum to the Board dated January 8, 1990), which will enable the labor protection grant requirement of UMTA and the United States Department of Labor (DOL) to be satisfied;
- Direct staff to negotiate an agreement with the Washington Metropolitan Area Transit Authority (WMATA) whereby WMATA would become the grant applicant and the recipient for the Franconia-Springfield Transportation Center project;
- Choose the following option related to the appropriate roadway design assumptions of the Franconia-Springfield Parkway and direct staff to utilize these assumptions in the completion of the environmental assessment and design of the Transportation Center:

Option A:

Direct staff to assume a six-lane section of the Franconia-Springfield Parkway as prescribed by the current Comprehensive Plan and roadway construction plans; and

- Direct staff to request a Letter of No Prejudice from UMTA in order to facilitate design work of the Centreville, Reston, and Rolling Valley park-and-ride lots included in the grant application.

The second to this motion was inaudible.

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

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board direct staff to review the issue and report to the Board with information as to why eight lanes are necessary and the development that would be involved. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander voting "NAY," Supervisor McConnell being out of the room.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

55. A-2 - ADOPTION OF A POSITION REGARDING THE
DRAFT FAR PART 150 NOISE COMPATIBILITY
STUDY FOR NATIONAL AIRPORT (TAPE 6)

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

- Adopt the position statement (contained in the Memorandum to the Board dated January 8, 1990) acknowledging the issues contained in the draft Noise Compatibility Program for Washington National Airport dated October 1989, prepared for the Metropolitan Washington Airports Authority; and
- Direct staff to forward the adopted position statement to the Metropolitan Washington Airports Authority (MWAA) as the official comments from Fairfax County.

Supervisor Richards questioned why the letter was addressed to Mr. James Wilding, General Manager and Chief Executive, (MWAA), instead of Governor Linwood Holton, Chairman, (MWAA) and it was determined that the letter should be addressed to Governor Holton with a copy to Mr. Wilding. She then moved that the motion be amended to add the word "technically" in the first sentence to read as follows:

- "Although Fairfax County technically is not directly affected."

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

56. A-3 - CONTRACT AWARD FOR THE OPERATION OF TWO PRIMARY CARE HEALTH CENTERS FOR THE MEDICALLY INDIGENT (REQUEST FOR PROPOSAL (RFP) 001240101 (TAPE 6)

Following discussion, Supervisor Davis moved that the Board concur in the recommendation of staff and approve a three year contract award, subject to annual appropriations, in the amount of \$6,205,301 with PHP Healthcare Corporation to staff and to operate two health centers and provide comprehensive primary care to 6,060 County residents with 20,600 patient visits annually and to an estimated total of 18,000 residents with 61,800 visits over the three year term of the contract. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

57. A-4 - AUTHORIZATION FOR CONDEMNATION OF A CERTAIN PARCEL OF LAND NEEDED FOR THE WOLF TRAP FIRE STATION SITE (DRANESVILLE DISTRICT) (TAPE 6)

- (R) On motion of Supervisor Richards, seconded by Supervisor Pennino, and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the institution of the necessary legal proceedings to acquire one parcel, comprising of 12.178 acres, in fee by the process of eminent domain, needed for the Wolf Trap Fire Station site, Dranesville District.

58. A-5 - BOARD APPROVAL OF THE 1990 GYPSY MOTH CONTROL PROGRAM (TAPES 6-7)

Following a brief staff presentation by Robert J. Doyle, Director, Department of Extension and Continuing Education, Supervisor Davis moved that the Board take the following actions concerning the Fairfax County Gypsy Moth Control Program:

- Continue the voluntary cooperative control program on approximately 35,227 acres;
- Authorize a 200-foot buffer zone with a helicopter and a 500-foot buffer zone with a fixed wing aircraft around requested non-participants;
- Continue cooperative cost share spray program with the State using Dimilin(R) and Bt based on biological criteria;
- Employ cooperative cost share ground spraying up to one percent of the total aerial acreage to control the gypsy moth in excluded properties within buffer zones;

- Authorize the Department of Extension and Continuing Education to continue to borrow existing County staff, vehicles, and radios twice a year from several other County agencies;
- Rescind the 1983 policy requiring staff to take action at all known sites of the gypsy moth infestation; and
- Direct staff to review the issue and determine the cost to spray all 70,000 acres.

This motion was seconded by Supervisor Hyland.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the motion be amended to include the following:

- Direct staff to provide the Board with information if the Board should choose not to go with the additional monies for this program;
- Direct staff to provide the Board with information as to whether there is any other way to assist these communities in being sprayed; and
- Refer the issue of obtaining legislative authority to the Board's Legislative Subcommittee.

And this was accepted.

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

59. A-6 - COMPENSATION AND CLASSIFICATION OF ASSISTANT COUNTY ATTORNEYS (TAPE 7)

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

- Approved the establishment of the Deputy County Attorney, Senior Assistant County Attorney, and Assistant County Attorney VI classes as contained in Attachments A, B, and C of the Memorandum to the Board dated January 8, 1990; and

- Adopted a new compensation plan for Assistant County Attorneys to be effective January 1, 1990 as contained in Attachment D.

60. C-1 - REESTABLISHMENT OF THE CITIZENS BUDGET OVERVIEW COMMITTEE (TAPES 7-8)

(BACs)

(APPT)

The Board next considered an Item contained in the Memorandum to the Board dated January 8, 1990 requesting the Board's consideration of a Charter to reestablish the Citizens Budget Overview Committee (CBOC).

Following discussion, Supervisor Hyland moved approval of the reestablishment of the CBOC as contained in the Memorandum.

Supervisor Davis moved that the motion be amended to allow the Fairfax County Chamber of Commerce the following appointees:

- One regular;
- One small business person; and
- One minority business person.

And this was accepted.

Supervisor Hanley also moved that the amendment to the motion be amended as follows:

- That the Fairfax County Chamber of Commerce be given two appointments, one of which is from the small business community; and
- The Minority Business Association also be representation.

And this was accepted.

Supervisor Hanley moved to amend the motion as follows:

- Delete the following line contained in the Memorandum to the Board dated January 8, 1990: "A Staff person will not be assigned to attend regular meetings of the Committee."

And this was accepted.

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

Supervisor Alexander clarified that "staff" will be assigned to the CBOC, however not a particular individual.

61. I-1 - ROAD BOND PROGRAM - BOARD OF SUPERVISORS' MONTHLY STATUS REPORT FOR DECEMBER, 1989 (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 presenting the Monthly Status Report for December, 1989. Highlights are as follows:

- Project 6452 Route 123/Old Dominion Drive - Construction completed in December;
- Project 6492 Waples Mill Road - Intermediate design completed in December;
- Project 6498 Route 236 Service Drive - Construction completed in December;
- Project 64100 Braddock Road II (Roadway) - Contract awarded in December;
- Project 64115 Route 1/Buckman Road North Intersection - Final design completed in December;
- Project 64116 Route 29 Feasibility Study, Phase II - Contract awarded December 11, 1989, notice to proceed given December 21, 1989, for feasibility study; and
- Project 6607 Ox Road/Clifton Road/Burke Lake Road - Intermediate design completed in December.

Supervisor Richards referred to TYTRAN and a \$500,000 feasibility study that seems to be focusing on traffic lights and she asked unanimous consent that the Board direct staff to review this issue and report to the Board what the scope of work was that was approved. Without objection, it was so ordered.

62. I-2 - REVIEW OF FAIRFAX COUNTY'S FLEET OPERATING PRACTICES (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 presenting staff responses

to several questions raised at the Board of Supervisors' meeting held on July 10, 1989 regarding Fairfax County's current vehicle policy.

There is no change recommended in the policy, however, the County Executive will annually provide the Board of Supervisors with the authorized vehicle take home list.

Supervisor Hanley moved that the issue of Fairfax County's Fleet Operating Practices and the "Take Home Vehicle Policy" be referred to the Citizens Budget Overview Committee (CBOC) for review. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

63. I-3 - HEALTH PLAN CHANGES FOR COUNTY EMPLOYEES
EFFECTIVE JULY 1, 1990 (TAPE 8)

Supervisor Hanley asked unanimous consent that the Board defer Information Item I-3 until January 22, 1990.

Supervisor Hyland stated that the military service has a procedure in which a third party claim, someone who is negligent and causes an injury to a service person, for whom medical services are then provided, the third party claim procedure allows you to recover the value of the medical services that are provided. He asked that the request to defer be amended to include a request that staff provide the following information:

- Does the County have a similar procedure;
- If not, does the County have such authority; and
- If the County does not have the authority, can the authority be obtained so the County can be reimbursed for the medical costs.

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

64. I-4 - DRUG-FREE RECREATION FOR COUNTY TEENAGERS
(TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for the Fairfax County Department of Recreation and Community Services to implement the recommendations described in the package to ensure drug-free recreation for County teenagers.

Supervisor Hanley asked unanimous consent that the Board direct staff to review the issue of utilizing space in the County's recreation centers for dances, etcetera. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

65. I-5 - PHASE II GASOLINE VAPOR RECOVERY DEVICES
FOR COUNTY-OWNED GASOLINE SITES (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 presenting the status of the installation of gasoline vapor recovery devices for County-owned gasoline sites.

Supervisor Hyland asked unanimous consent that the Board direct staff to review this issue and report to the Board with the following information as expeditiously as possible:

- Recommendations for requiring service stations in Fairfax County to install vapor recovery devices; and
- When these recommendations can be implemented.

Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board direct staff to circulate to Board Members some of the clean air proposals that have been proposed to Congress. Without objection, it was so ordered.

66. I-6 - REPORT ON FAIRFAX CONNECTOR BUS SCHEDULE
CHANGES (LEE, MOUNT VERNON AND SPRINGFIELD
DISTRICTS) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 presenting the report on changes to the FAIRFAX CONNECTOR Bus Schedule (Lee, Mount Vernon, and Springfield Districts) described in the package.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide the Routes next to the numbers in the future. Without objection, it was so ordered.

67. I-7 - CUT-THROUGH TRAFFIC CRITERIA (COUNTYWIDE)
(TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 responding to the Board's inquiry as to whether the Virginia Department of Transportation (VDOT) could amend its cut-through traffic policy to include collector streets (currently only local residential streets are considered).

68. I-8 - CONTRACT RENEWAL - ANNUAL CONTRACT FOR
TRAFFIC SIGNAL DESIGN (COUNTYWIDE) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization

for staff to renew the contract with to Bellomo-McGee, Incorporated, in the amount of \$100,000 for traffic signal designs for projects when authorized by the County, Subfund 463, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

69. I-9 - APPROVAL OF FINAL DESIGN ADDENDUM FOR WIEHLE AVENUE IMPROVEMENTS (DRANESVILLE AND CENTREVILLE DISTRICTS) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for staff to award a contract to DeLeuw, Cather and Company of Virginia in the amount of \$261,044 for the final design addendum for Wiehle Avenue Improvements, Subfund 463, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

70. I-10 - AWARD OF CONTRACT ADDENDUM FOR AIR MONITORING SERVICES FOR SHIRLEY GATE ROAD PROJECT (ANNANDALE AND SPRINGFIELD DISTRICTS) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for staff to:

- Award a contract addendum to STI, Incorporated, in the amount of \$85,000 for additional air monitoring services for the Shirley Gate Road project during construction; and
- Reallocate \$85,000 from Project 006490 TO Project 006474 (Shirley Gate Road).

The staff was directed administratively to proceed as proposed.

71. I-11 - CONTRACT AWARD - LOCKER STREET STORM DRAINAGE IMPROVEMENTS (MASON DISTRICT) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for staff to award a contract to Owens and Dove, Incorporated, in the amount of \$116,500, Project V00001 (Road Maintenance Program) for the Locker Street Storm Drainage Improvements, (Mason District).

The staff was directed administratively to proceed as proposed.

72. I-12 - CONTRACT AWARD - CIRCUIT COURT EXPANSION
AND GENERAL DISTRICT COURT RENOVATION (FAIRFAX
CITY) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for staff to award a contract to Bildon, Incorporated, in the amount of \$977,000, Subfund 461 (Circuit Court Expansion and General District Court Renovation) Projects 001031/001037.

The staff was directed administratively to proceed as proposed.

73. I-13 - CONTRACT AWARD - AERIAL SURVEY AND MAPPING
SERVICES, GEOGRAPHIC INFORMATION SYSTEM (GIS)
(TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 requesting authorization for staff to award a contract to Analytical Surveys, Incorporated, in the amount not to exceed \$236,000 to provide analytical photogrammetric surveying, mapping, and related services to support data base development efforts implementation of a Countywide Geographic Information System.

The staff was directed administratively to proceed as proposed.

74. I-14 - PROPOSED AGREEMENT BETWEEN THE COUNTY
OF FAIRFAX AND THE NORTHERN VIRGINIA
TRANSPORTATION COMMISSION (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 8, 1990 presenting the legal opinion from Attorney General Mary Sue Terry regarding the proposed issuance of bonds by the Northern Virginia Transportation Commission (NVTC). This opinion was written at the request of the Honorable Frank Medico, Member of the House of Delegates.

The Attorney General opined that the financing mechanism proposed by the County of Fairfax and discussed with the General Assembly is constitutionally sound.

75. RECESS/EXECUTIVE SESSION (TAPE 8)

At 2:00 p.m., Supervisor Davis moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda, as well as for discussion of actual and potential litigation and other legal and personnel matters concerning:

- The Retired Officers Association versus Board of Supervisors in Chancery #114316 in related actual and potential litigation contract #CN63155 with Dannis Industry;

- Khatib Real Estate Tax Penalty; and
- Litigation on I-14 - Dykes versus Board of Supervisors relating to the Northern Virginia Transportation Commission issuance of Revenue Bonds.

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

CM:CM

At 4:05 p.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander and Supervisor McConnell, and with Chairman Moore presiding.

76. ACTIONS FROM EXECUTIVE SESSION (TAPE 9)

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

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

B. SUBPOENA TO BE SERVED ON MCDONALD'S
CORPORATION

Supervisor Hyland moved that the Board authorize the County Attorney to apply for a subpoena duces tecum to be served on McDonald's Corporation. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

C. CONSENT DECREE FOR THE LITTLE HUNTING
CREEK SEWAGE TREATMENT PLANT

Supervisor Hyland moved that the Board authorize the County Executive to sign a consent

decree for Little Hunting Creek Sewage Treatment Plant as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor McConnell being out of the room.

D. SETTLEMENT OF THE BOARD OF SUPERVISORS
VERSUS UNION MILL PARTNERSHIP ET AL
AT LAW NUMBER 87766

Supervisor Richards moved that the Board authorize settlement of the Board of Supervisors versus Union Mill Partnership Et Al, At Law Number 87766 according to terms and conditions as outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote eight, Supervisor McConnell being out of the room.

E. SETTLEMENT OF THE BOARD OF SUPERVISORS
COMMUNITY COVENANT CHURCH ET AL
AT LAW NUMBER 87766

Supervisor Davis moved that the Board authorize settlement of Board of Supervisors versus Community Covenant Church Et Al, At Law Number 75907 according to terms and conditions as outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

F. LEGAL OPINION REGARDING THE ADOPTION
OF THE COMMERCIAL AND INDUSTRIAL
(C&I) ZONE

Supervisor Pennino stated that she had requested an opinion from the County Attorney regarding whether there was a legal error in the action that the Board took with its adoption of the Commercial and Industrial Districts (C&I) Zoning. She stated that it was the County Attorney's opinion that there was no legal error in the action that the Board took with its adoption of the C&I zone and that the procedures used were in keeping with Board procedures and that Roberts Rules of Parliamentary Procedures were followed.

77. 3:30 P.M. - PH ON REZONING APPLICATION RZ 88-S-056
(MARTIN E. TURK, TRUSTEE) (SPRINGFIELD DISTRICT)
(TAPE 9)

Supervisor Pennino moved to defer the public hearing on Rezoning Application RZ 88-S-056 until January 29, 1990 at 5:00 p.m. This motion

was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

78. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 79-L-006 (AMERADA HESS
CORPORATION) (LEE DISTRICT) (TAPE 9)

Mr. Bernard Fagelson reaffirmed the validity of the affidavit for the record.

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

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 79-L-006 subject of the revised development conditions dated December 14, 1989. This motion was seconded by Supervisor Richards and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

Supervisor Alexander moved that the transitional screening and barrier requirements be modified in favor of Development Condition Number Six. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

Supervisor Alexander stated for the record that the restriction to two employees does not mean that the applicant cannot send a reasonable number of maintenance workers there to do whatever work is necessary.

79. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA 79-L-056 (LONG SIGNATURE HOMES,
INCORPORATED) (LEE DISTRICT) (TAPE 9)

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

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

Supervisor Alexander moved approval of Proffered Condition Amendment Application PCA 79-L-056 subject of the revised proffers dated December 20, 1989. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

Supervisor Alexander moved modification of the transitional screening in favor of the existing vegetation and waiver of the barrier requirements along the western side. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

80. 3:30 P.M. - PH ON THE PROPOSAL TO VACATE A PORTION
OF DWIGHT STREET AND AN UNNAMED ROAD RIGHT-OF-WAY
(CENTREVILLE DISTRICT) (TAPE 9)

- (0) Supervisor Pennino moved to defer the public hearing on the vacation of a portion of Dwight Street and an unnamed road right-of-way until February 12, 1990, at 3:30 p.m. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor McConnell being out of the room.

81. 3:30 P.M. - PH ON THE PROPOSAL TO VACATE A
PORTION OF LAKESIDE AVENUE (CENTREVILLE
DISTRICT) (TAPE 9)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of December 22 and December 29, 1989.

Following the public hearing, Supervisor Pennino moved adoption of the Ordinance vacating a portion of Lakeside Avenue. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

DL:DL

82. 4:00 P.M. - PH ON REZONING APPLICATION RZ 88-A-090
(RICHARD L. LABBE, TRUSTEE) (ANNANDALE DISTRICT)
(TAPE 9)

Mr. H. Kendrick Sanders reaffirmed the validity of the affidavit for the record.

Following the public hearing, which included testimony by two speakers, Barbara Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 88-A-090 be amended from the R-1 District to the R-2 District subject to the execution of the revised proffers dated December 28, 1989. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Richards abstaining, Supervisor Alexander, Supervisor McConnell being out of the room.

Supervisor Bulova moved waiver of the minimum district size requirement of seven acres as applicable to the subject rezoning. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Richards abstaining, Supervisor Alexander, Supervisor McConnell being out of the room.

83. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-C-016
(OAKTON LAND CORPORATION) (CENTREVILLE DISTRICT)
(TAPES 9-10)

Mr. William F. Roeder, Jr. reaffirmed the validity of the affidavit for the record.

Supervisor Davis disclosed the following campaign contributions that he had received:

- In the amount of \$300.00 from the PAC of Verner, Liipfert et al., in 1987; and
- In the amount of \$200.00 from Julia R. Richardson (Verner, Liipfert et al.) in 1987.

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

- In an amount greater than \$300.00 from Verner, Liipfert et al., in 1987.

Following the public hearing, which included testimony by one speaker, Supervisor Pennino moved to waive the reading of the staff recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor McConnell being out of the room.

Supervisor Pennino moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-C-016 be amended from the R-1 District to the R-8 District subject to the execution of the revised proffers dated January 2, 1990. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor McConnell being out of the room.

Supervisor Pennino moved waiver of the minimum district size requirement in accordance with the provisions of Section 9-610 of the Zoning Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor McConnell being out of the room.

Supervisor Pennino moved waiver of the barrier requirements and modification of the transitional screening requirements in favor of that shown on the Landscape Plan, in accordance with the provisions of

Paragraphs Two and Five of Section 13-111 of the Zoning Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor McConnell being out of the room.

Supervisor Pennino moved waiver of the service drive requirement along the Chain Bridge Road frontage of the subject property. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor McConnell being out of the room.

84. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-011
(MILLER AND SMITH LAND, INCORPORATED) (PROVIDENCE
DISTRICT) (TAPE 10)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 89-P-011 until January 22, 1990 at 5:00 p.m. due to disclosure problems. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

85. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 89-S-033 (CHEVY CHASE SAVINGS BANK, F.S.B.)
(SPRINGFIELD DISTRICT) (TAPE 10)

Supervisor Davis moved to defer the public hearing on Special Exception Application SE 89-S-033 until January 29, 1990 at 4:30 p.m. to accommodate a change in the affidavit as requested by the applicant. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

86. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-C-036
(ROBERT A. NEWBILL, TRUSTEE) (CENTREVILLE DISTRICT)
(TAPE 10)

Mr. Charles Shumate reaffirmed the validity of the affidavit for the record.

Supervisor Pennino disclosed the following campaign contributions that she had received:

- In the amount of \$500.00 from the law firm of Verner, Liipfert, et al, in 1987.

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

Supervisor Pennino moved:

- That the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-C-036 be amended from the R-1 District to the PDH_2 District subject to the execution of the revised proffers dated January 2, 1990; the Planning Commission having previously approved Final Development Plan FDP 89-C-036 on November 9, 1989;
- Approval of the Conceptual Development Plan (CDP) subject to the revised proffers dated January 2, 1990; and
- That the Board direct the Director of the Department of Environmental (DEM) to allow the Franklin Farms Board of Trustees an opportunity to review and comment upon the implementation of the on site stormwater detention pond (Proffer #18), prior to its construction.

This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

87. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-S-037
(ASGHAR KAZEMIFAR AND REZA KHAMESI) (SPRINGFIELD
DISTRICT) (TAPE 10)

Mr. Asghar Kazemifar reaffirmed the validity of the affidavit for the record.

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

Supervisor Davis moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-C-037 be amended from the R-1 District to the R-3 District subject to the execution of the revised proffers dated December 3, 1989. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

88. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 82-V-075 (CHEVRON U.S.A.,
INCORPORATED) (MOUNT VERNON DISTRICT)
(TAPE 10)

Supervisor Hyland moved to defer indefinitely the public hearing on Special Exception Amendment Application SEA 82-V-075 at the applicant's

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

89. 5:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-040
(BARDEN OAKS PARTNERSHIP) (PROVIDENCE DISTRICT)
(TAPE 10)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 89-P-040 until January 29, 1990 at 5:00 p.m. because of affidavit problems. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

90. 5:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-012
(DAKOTA DEVELOPMENT, INCORPORATED) (PROVIDENCE
DISTRICT) (TAPE 10)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 89-P-012 until January 29, 1990 at 4:30 p.m. because of the Planning Commission's deferral of its public hearing until January 11, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

91. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 89-S-031 (WESTFIELDS CORPORATE CENTER
ASSOCIATES LIMITED PARTNERSHIP)
(SPRINGFIELD DISTRICT) (TAPE 10)

Supervisor Pennino moved to defer the public hearing on Special Exception Application SE 89-S-031 until January 22, 1990 at 4:30 p.m. because of the Planning Commission's deferral of its decision until January 10, 1990. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor McConnell being out of the room.

92. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA 80-P-039-2 (HMCE ASSOCIATES
LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)
(TAPE 10)

Ms. Lynn Strobel reaffirmed the validity of the affidavit for the record.

Following the public hearing, Supervisor Hanley moved to waive the reading of staff recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor McConnell being out of the room.

Supervisor Hanley moved approval of Proffered Condition Amendment/Conceptual Development Plan Amendment Application PCA/CDPA 80-P-039-2 subject of the revised proffers dated December 21, 1989; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 80-P-039-2 on December 14, 1989. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

Supervisor Hanley moved approval of the modification of the transitional screening along the eastern lot line and waiver of the barrier requirement along the southern and eastern lot lines in deference to that shown on the CDPA/FDPA. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

93. BOARD ADJOURNMENT (TAPE 10)

At 5:15 p.m., the Board adjourned.