



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 29, 1990

Board Package

3-90

SBE:sbe

The meeting was called to order at 10:20 a.m. with all members being present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

Supervisor Alexander was absent from the entire meeting.

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. CERTIFICATE OF RECOGNITION PRESENTED TO THE WEST POTOMAC HIGH SCHOOL VARSITY FOOTBALL AND VARSITY GIRLS CROSS COUNTRY TRACK TEAMS (Tape 1)

Supervisor Hyland moved approval of the presentation of the Certificate of Recognition, presented to Steve Wareham, Principal; Daniel Meier, Head Football Coach; and Donald Beeby, Head Cross Country Coach, West Potomac High School, commending West Potomac High School's Varsity Football and Varsity Girls Cross Country Track Teams for Winning the 1989 AAA State Championships. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

3. PROCLAMATION DESIGNATING "BLACK HISTORY MONTH" (Tape 1)

Supervisor Pennino moved approval of the presentation of the Proclamation, presented to George Lambert, Representative, Northern Virginia Urban League; S.J. Holland, Sr., Representative, Countywide Black Civic Associations; and Sheila Coates, Representative, Fairfax County Black Women United for Action, proclaiming February 1990 as "BLACK HISTORY MONTH" in Fairfax County, and urging all citizens of the community to take this occasion to recognize the contributions of Blacks to the County's shared heritage. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland stated that there is an old, small school in the Groveton Area that the residents of the Gum Springs community would like to keep by relocating it to the Gum Springs Area Conservation District. Supervisor Hyland stated that he is working with staff to determine whether there is any way that the school can be relocated. He pointed that if the school can be relocated to the Gum Springs area it can be utilized as a building to accumulate information on Black History, not only in the Gum Springs area, but in Fairfax County.

Supervisor Hanley stated that Channel 5 News Station was working on a feature story of the history of the area.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to obtain a copy of the video tape for historical purposes. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following a brief presentation by Ms. Coates, Mr. Lambert, and Mr. Holland, Supervisor Richards stated that there is a historical black church, Pleasant Grove, located in the northern part of the County which is in the process of being restored and that it is hoped that the basement level can be utilized as a permanent Black History Museum.

Supervisor Richards invited Ms. Coates to speak on Pleasant Grove Day in May 1990.

4. 10:00 A.M. - PRESENTATION OF NEW TOURISM
VIDEOTAPE AND 1988 VIRGINIA TRAVEL
STATISTICS (TAPE 1)

(NOTE: Due to the absence of John E. Lynch, Vice-Chairman, Fairfax County Economic Development Authority Commission, the presentation of the new Tourism Videotape and the 1988 Virginia Travel Statistics was cancelled until sometime in March 1990.)

5. 10:15 A.M. - PRESENTATION ON A PROPOSAL TO
PROMOTE THE USE OF MINI-BUSES TO RELIEVE
RUSH-HOUR TRAFFIC CONGESTION (TAPE 1)

Following the presentation on a proposal to promote the use of mini-buses to relieve rush-hour traffic congestion by Mr. Steve Wills, Supervisor Davis moved that the Board direct staff to forward the proposal to the Transportation Advisory Commission for its review. This motion was seconded by Supervisor Bulova.

Following discussion, Supervisor Davis amended the motion to also refer the proposal to County staff for review, and this was accepted.

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

Supervisor Hyland stated that methods to encourage the private sector to get involved in this very large transportation problem should be reviewed.

Following discussion, Supervisor Davis moved that the Board refer this issue to staff and the Transportation Advisory Commission for review and to report to the Board with findings as expeditiously as possible. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being absent.

AR:AR

6. 10:45 A.M. - REPORT ON GENERAL ASSEMBLY
ACTIVITIES (TAPES 2-4)

Supervisor Hanley, Chairman, Board's Legislative Subcommittee, briefly outlined the package distributed to Board Members.

Supervisor Hanley highlighted the changes to the Package made by the Legislative Subcommittee on Friday, January 26, 1990:

- House Bill Number 19 - Election laws.
Recommend support of this bill with the following additions:
 - 1) With the explanation that this would not create a different set of penalties for this class of misdemeanor;
 - 2) With the reminder that there are a number of bills in the General Assembly that do address campaign practices: SJR 82 to continue the study of election laws; HJR 80 to address the quality of campaigning; and HB 398, a Fair Campaign Practices Act, which proposes major revisions to the Fair Election Practices Act; and SB 161, Campaign Contributions;
 - 3) Amend any appropriate current legislation to restore those disclosure rules, lost with the passage of legislation in 1987, that could require disclosure of gifts or relationships for longer than one year prior to the rezoning; and

- 4) Seek to have the authority to reinstate the Fair Campaign Practices Commission and call on both political parties to support the Board in this effort.

Supervisor Hanley moved that the Board adopt the package, with the above-stated changes, as recommended by the Legislative Subcommittee. This motion was jointly seconded by Supervisor Pennino and Supervisor Richards.

Supervisor Hyland expressed his dissent to the position taken on House Bill Number 990, Local Tree Ordinances (Item Number 12, which the Legislative Subcommittee opposes), and House Bill Number 1115, Water Regulation (Item Number 13, which the Legislative Subcommittee opposes).

[NOTE: Later in the meeting, Supervisor Hyland clarified his opposition to House Bill Number 990, Local Tree Ordinances (Item Number 12, which the Legislative Subcommittee opposes). See Clerk's Summary Item CL#96.]

Supervisor Davis announced that he was abstaining from voting on House Bill Number 1115, Water Regulation.

The question was called on the motion which carried by a vote of eight, with Supervisor Hyland expressing his dissent on Item Numbers 12 and 13 on Page 3 of the Memorandum to the Board, dated January 29, 1990, Supervisor Davis abstaining on Item Number 13, and Supervisor Alexander being absent.

Following a lengthy discussion, with input from J. Hamilton Lambert, County Executive, the Board took the following additional actions.

After a reference to the serious implications of House Bill Number 1121, Proffered Zoning Conditions, and House Bill Number 1122, Vested Land Use Development Rights, both of which the Board's Legislative Subcommittee opposes, Supervisor Hanley moved, in light of the proposed legislation concerning proffers and special exceptions, that the Board direct staff to review the Board's process of accepting proffers on rezonings or proffered condition amendments, and conditions on special exceptions, and report to the Board at its next scheduled meeting on February 12, 1990 with its recommendation as to whether or not the Board should continue this process. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Richards moved that the Board direct the planning staff to report to the Board as expeditiously as possible with a recommendation on whether the Board should continue with the density ranges in the Master Plan. The motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being absent.

Noting the Board's responsibility to keep the citizens of Fairfax County informed of the importance of the proposed legislation before the General Assembly, Supervisor Bulova moved that the Board direct staff to prepare an informative letter for the citizens of the County explaining the bills currently before the General Assembly. She further noted that cost information and input from the County Attorney would be helpful and suggested that staff could prepare a draft before the end of the Board meeting today. This motion was seconded by Supervisor Richards.

Following further discussion, Supervisor Davis moved a substitute motion that the Board direct staff to prepare a generic statement for the front page of the widely-circulated Weekly Agenda, giving the status of the appropriate bills before the General Assembly and the possible impact on Fairfax County. This motion was seconded by Supervisor Pennino.

(NOTE: Later in the meeting, staff reported with a draft proposal for publication in the Weekly Agenda and various actions were taken. See Clerk's Summary Item CL#99.)

After additional discussion, the question was called on the substitute motion which carried by a vote of seven, Supervisor Bulova voting "NAY," Supervisor Alexander being absent.

The question was then called on the main motion, as substituted, which carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Bulova moved that the Board direct staff to prepare a letter, under the Chairman's signature, to all members of the General Assembly noting that a Fairfax County representative will be available in Richmond to meet with them, answer any questions they may have, and provide them with material concerning the Board's position on the bills before the Assembly.

Following a suggestion by Supervisor Hanley to defer this action until later in the day, Supervisor Bulova withdrew her motion to allow discussions with the County's liaisons to the General Assembly.

Supervisor Bulova moved that the Board direct staff to prepare a letter, under the Chairman's signature, to all local jurisdictions throughout the State, outlining the Board's action on these bills and the implications for local governments. The motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board contact community groups in Fairfax County, i.e. the Federation of Citizens Associations, the League of Women Voters, and both political party organizations, and advise their representatives that these actions by the General Assembly could have dramatic and significant impact by reducing the ability of local government to control development. The motion was seconded by Supervisor Bulova.

Supervisor Davis moved a substitute motion that the Board defer this action until later in the day to allow additional time for consultation with staff. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Moore voting "NAY," Supervisor Alexander being absent.

Supervisor Moore asked unanimous consent that the Board direct staff to prepare testimony on the Route 28 Tax District for presentation before the General Assembly on Thursday, February 1, 1990 by Supervisor Pennino and Supervisor Richards. Without objection, it was so ordered.

(NOTE: Because Chairman Moore had pressing business to attend to in the Board Conference Room, Vice-Chairman Pennino retained the gavel.)

Supervisor Hanley moved that the Board direct staff to express the opposition of the Board to all issues coming before the General Assembly which intervene in local land-use issues by limiting the powers of local government where land-use control is concerned. This motion was seconded by Supervisor Davis and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

On behalf of the Board, Vice-Chairman Pennino expressed her appreciation to Supervisor Hanley, Chairman of the Legislative Subcommittee, for her outstanding performance in keeping the Board informed of the actions of the General Assembly.

Vice-Chairman Pennino also expressed her appreciation to Michael H. Long, Legislative Liaison, Office of the County Attorney; J. Hamilton Lambert, County Executive; and Chairman Moore for their diligent efforts on behalf of the County.

7. 11:00 A.M. - BOARD DECISION ON THE MEMORANDUM
OF UNDERSTANDING BETWEEN THE BOARD OF
SUPERVISORS AND THE SOUTHEAST FAIRFAX
DEVELOPMENT CORPORATION (SEDC) (TAPE 4)

[NOTE: The public hearing to receive public comment on the Memorandum of Understanding between the Board of Supervisors and the Southeast Fairfax Development Corporation (SFDC) was held on January 22, 1990 with 10 speakers presenting testimony. Board decision was deferred until January 29, 1990.]

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 5 and January 23, 1990.

(NOTE: The Board of Supervisors requested a public hearing relative to the biennial review of the Memorandum of Understanding between the County of Fairfax and the SFDC, as required by the Corporation Bylaws. There is no recommendation prior to the public hearing, however, changes to the Memorandum of Understanding may be requested by the Board of Supervisors as a result of the public hearing.)

Supervisor Hyland moved that the Board approve the Memorandum of Understanding between the County of Fairfax and the SFDC. The motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hyland moved that the Board refer to the SFDC the letter dated January 23, 1990 from Mr. B. R. Eggerman requesting changes to the Memorandum of Understanding. Additionally, Supervisor Hyland asked that a response be requested from the SFDC within 30 days. The motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

CM:CM

8. APPOINTMENTS TO THE CITIZEN BOARDS,
AUTHORITIES, COMMISSIONS, AND
ADVISORY GROUPS (TAPE 5)

CITIZENS BUDGET OVERVIEW COMMITTEE (CBOC)

Supervisor Davis moved the appointment of Mr. David Huddleston as the Mason District Representative. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

On behalf of Supervisor Alexander, Supervisor Hyland moved the appointment of Mr. Robert E. Gray as the Lee District Representative. This motion was seconded by Supervisor Davis and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

(NOTE: Later in the meeting, an additional appointment was made to the CBOC. See Clerk's Summary Item CL#31.)

CONFIRMATIONS:

Supervisor Davis moved that the Board confirm the following appointments to the CBOC:

- Mr. William J. Bestimt, as the Fairfax County Chamber of Commerce (General) Representative;
- Mr. David Cordingly, as the Fairfax County Chamber of Commerce (Small Business) Representative;
- Mr. Ed Hoole, as the Federation of Citizens Association Representative;
- Ms. Sally B. Ormsby, as the League of Women Voters Representative;
- Mr. Roger M. McKinley, as the Taxpayers Alliance Representative;
- Mr. James C. Tso, as the Northern Virginia Minority Business and Professional Association Representative; and
- Ms. Brenda Z. Greene, as the American Association of University Women (AAUW) Representative.

This motion was seconded by Supervisor Hanley and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

ADVISORY SOCIAL SERVICES BOARD

Supervisor Hyland moved the appointment of Ms. Elizabeth L. McManus to fill the unexpired term of Ms. Martha Long as the Mount Vernon District Representative. This motion was seconded by Supervisor Davis and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

1990 CENSUS COMPLETE COUNT COMMITTEE

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff to determine whether Board action was needed to appoint representatives to the 1990 Census Complete Count Committee. Without objection, it was so ordered.

(NOTE: Later in the meeting, additional appointments were made to the Transportation Advisory Commission. See Clerk's Summary Items CL#32 and CL#74.)

VLL:VLL

9. ORDERS OF THE DAY (TAPE 6)

(NOTE: Earlier in the meeting, Chairman Moore relinquished the Chair to Vice-Chairman Pennino in order to attend to pressing business in the Board Conference Room.)

Vice-Chairman Pennino announced that Supervisor Richards had to leave in order to attend a meeting of the National Association of Regional Councils as Chairman, Transportation Planning Board, Metropolitan Washington Council of Governments (COG). Accordingly, she changed the Orders of the Day to allow Supervisor Richards to present her Board Matters before departing.

10. ABSENCE OF SUPERVISOR LILLA RICHARDS, DRANESVILLE DISTRICT, FOR A PORTION OF THE MEETING (TAPE 6)

Supervisor Richards announced that she would be absent from a portion of today's meeting in order to attend a meeting of the National Association of Regional Councils as Chairman, Transportation Planning Board, Metropolitan Washington Council of Governments (COG). She stated that the meeting will be used to plan strategy for the 1991 Surface Transportation Act.

11. ADDITIONAL SESSION PROPOSED DURING BUDGET PUBLIC HEARINGS (TAPE 6)

Supervisor Richards called to the Board's attention the fact that during the budget public hearings last year, dissatisfaction was expressed that Board Members were not allowed the time to respond to the testimony presented by individuals. She stated that individuals watching the public hearings on television and speakers who participated assumed that the Board Members' silence meant assent to much of the misinformation presented.

Supervisor Richards asked unanimous consent that the Board direct staff to review and report with recommendations on whether Saturday, April 21, 1990, could be added to the calendar to permit the Board Members a dialogue session with the public regarding the testimony presented at the public hearings. Without objection, it was so ordered.

12. A-2 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR WIDENING OF SPRING HILL ROAD (ROUTE 684) FROM LEESBURG PIKE (ROUTE 7) TO INTERNATIONAL DRIVE (DRANESVILLE DISTRICT) (TAPE 6)

Supervisor Richards moved that the Board concur in the recommendation of staff and endorse the design plans to widen Spring Hill Road to four

lanes between Route 7 and International Drive, including intersection improvements at Spring Hill Road/Route 7 and five foot sidewalks on both sides of Spring Hill Road, in accordance with the second option supporting the extension of the retaining wall, and subject to the following actions:

- Board review of the design options and costs associated with providing an additional retaining wall on the south side of Spring Hill Road to minimize impacts on the Rotonda property;
- Deletion of the raised median between the Fire Station and Greensboro Drive and provision of a striped median, thus eliminating the 22-foot travel way and reducing easement requirements; and
- Provision of adequate access to Lots 57D, 57E, and 57F, Arlington Lumber and Woodworking.

This motion was seconded by Vice-Chairman Pennino and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

13. CREATION OF THE TYSONS CORNER TASK FORCE
(TAPE 6)

(BACs)

(NOTE: On January 22, 1990, the Board of Supervisors discussed the creation of a task force to undertake a detailed study of the Tysons Corner Area as outlined in the Policy Plan for Fairfax County. The Board delayed its final consideration of the composition of the task force pending a recommendation from the Planning Commission. On January 29, 1990, J. Hamilton Lambert, County Executive, distributed to Board Members a Memorandum relaying the Planning Commission's recommendation.)

Supervisor Richards referred to the Memorandum dated and distributed January 29, 1990 by J. Hamilton Lambert, County Executive, regarding the creation of the Tysons Corner Task Force. She moved that the Board concur in the recommendation of the Planning Commission and create the Tysons Corner Task Force with a modification in Bullet One to change the word "appoint" TO "nominate" and subject to the following:

- That three District Supervisors nominate seven representatives each (Centreville, Dranesville, and Providence);
- That landowners within Tysons be given a specific percentage of the total number (perhaps three of seven);
- That specific dedicated County staff be designated to serve on the Task Force;
- That an urban design study be authorized, with outside consultant support, to work with the Task Force and Commission in furthering the Plan within the parameters of the Policy Plan and of Task Force guidelines and deadlines; and
- That this Task Force interface with neighbor task forces.

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

14. PROGRESS REPORT ON HOMELESS EFFORTS BY
THE SALVATION ARMY (TAPE 6)

Supervisor Richards recognized the presence in the Board Room of former Dranesville District Supervisor John P. Shacochis and she warmly welcomed him to the Board Room.

Supervisor Richards asked unanimous consent that Mr. Shacochis be permitted to brief the Board on the efforts of the Salvation Army in the area of homelessness. Without objection, it was so ordered.

Mr. Shacochis distributed to Board Members a letter discussing two reports: one that was prepared by the Fairfax County Department of Human Development and the other that was prepared by the Salvation Army staff and Advisory Board and the Council for Shelter for the Homeless at Bailey's Crossroads.

Following brief comments by Mr. Shacochis, Supervisor Richards moved that the Board refer to staff the two reports for its review and recommendation. This motion was seconded by Supervisor Hyland.

Supervisor Davis asked that the motion be amended to include that the Board also refer the report to the Board's Housing Subcommittee for its review and recommendation, and this was accepted.

The question was called on the motion, and as amended, carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

15. BOARD OF SUPERVISORS' LOG OF ARRIVAL
(TAPE 6)

Vice-Chairman Pennino announced that earlier this morning both she and Supervisor Hyland had arrived in the parking lot at the same time, however, she had broken tradition by rushing in and signing the Board of Supervisors' Log of Arrival before Supervisor Hyland.

16. CENTREVILLE ROAD CITIZENS COALITION (TAPE 6)

Vice-Chairman Pennino stated that last week she had attended a meeting with the Centreville Road Citizens Coalition to discuss the issue of six-laning Centreville Road. For the record, Vice-Chairman Pennino stated that the Board of Supervisors has not yet taken a formal position on whether Centreville Road should be improved to four lanes or six lanes, however, the Virginia Department of Transportation (VDOT) has taken a position that Centreville Road should be improved to six lanes. Vice-Chairman Pennino stated that it is her understanding that the transportation and land use plans, currently under review and in the formulation stages, show Centreville Road at six lanes.

Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Hyland and, in order for the Board of Supervisors to have a formal position to forward to VDOT, she moved that the Board direct the Office of Transportation Planning staff to report with a position paper, for Board review and action, on whether Centreville Road should be four lanes or six lanes. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

In response to a query by Supervisor Richards, Supervisor Pennino responded that unfortunately there was not enough time to allow the newly-created Transportation Advisory Commission to review this issue. She stated that VDOT has scheduled public hearings on this issue and the Board needs to forward a formal position for presentation at the public hearings.

17. UPDATE ON STONEGATE APARTMENTS COMPLEX
(TAPE 6)

Supervisor Pennino announced that the County was in the final stages of purchasing the Stonegate Apartments Complex located in Reston, Virginia. She stated that several of the apartments are in the planning stages for conversion into space for a variety of human service programs. These programs will be designed to assist the Stonegate residents in such areas as child care, drug abuse, and job training.

Because these programs are critical in order to ensure the success of the County's undertaking of this project, Supervisor Pennino asked unanimous consent that the Board direct the County Executive to determine whether there is funding for these needs in the upcoming budget. Without objection, it was so ordered.

18. REQUEST OF HERNDON REACT UNIT FOR
DONATION OF SURPLUS COUNTY PROPERTY
(TAPE 6)

Supervisor Pennino stated that she had received a request from the Herndon React Unit for the donation of surplus two-way radios for use by the React Team. She stated that, in the past, Fairfax County donates surplus property to rural jurisdictions in need of the equipment.

Supervisor Pennino asked unanimous consent that the Board direct staff to review the request of the Herndon React Unit that consideration be given to analyzing their needs prior to the County donating surplus property to rural jurisdictions. Without objection, it was so ordered.

Supervisor Hyland reminded staff that several months ago, during the discussions concerning waterfowl hunting on the shores of the Potomac River, he had received a similar request that consideration be given to the State Game Wardens in the donation of surplus property.

19. RESOLUTION COMMENDING TOM AREHART, COACH,
J.E.B. STUART HIGH SCHOOL FOOTBALL TEAM
(TAPE 6)

Supervisor Davis announced that Tom Arehart, Coach, J.E.B. Stuart High School Football Team is retiring. He moved adoption of the Resolution commending Mr. Arehart for his talent, outstanding leadership, and dedication to helping the youth of Fairfax County, and extending to him the Board's best wishes for continued success and happiness in the future. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Hanley and Chairman Moore being out of the room, Supervisor Alexander being absent.

20. RESOLUTION COMMENDING J.E.B. STUART HIGH SCHOOL
VARSITY FOOTBALL TEAM (TAPE 6)

Supervisor Davis moved adoption of the Resolution recognizing the J.E.B. Stuart High School Varsity Football Team and their coach, Tom Arehart, for their outstanding efforts in becoming semi-finalists in the State Championship for Class AAA, Division 5, and extending the Board's best wishes for many more successful seasons to come. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Hanley and Chairman Moore being out of the room, Supervisor Alexander being absent.

21. RESOLUTION COMMENDING BERNARD MULLADY, MASON
DISTRICT RESIDENT (TAPE 6)

Supervisor Davis moved adoption of the Resolution commending Mr. Bernard Mullady for his genuine concern for his community and for his outstanding contributions throughout the years that will be remembered for a long time to come. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Hanley and Chairman Moore being out of the room, Supervisor Alexander being absent.

PMH:PMH

22. USE OF AIRBAGS IN COUNTY VEHICLES (TAPE 7)

Supervisor McConnell pointed out that often the Police and Fire and Rescue personnel are involved in driving at high speeds in response to an emergency call or a "chase." Accordingly, she moved that the Board:

- Support the use of airbags in any vehicles utilized in the future by Fairfax County personnel;
- Direct staff to respond to this issue and report its findings as expeditiously as possible; and
- Direct staff to determine the cost for retrofitting existing vehicles (those approximately one year old).

This motion was seconded and carried by a vote of five, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

23. ASSISTANCE TO BE PROVIDED FOR THE
TOWN OF CLIFTON (TAPE 7)

Supervisor McConnell stated that at the Board of Supervisors' meeting held on October 31, 1988, action had been taken, at the request of the Town of Clifton, to authorize the Department of Environmental Management (DEM) to assist the Town in the plan review and inspection process for the Clifton Heights Project. She said that the project is now nearing the bonding stage and the Town has requested additional assistance from DEM concerning the bonded agreement. She said that verbal agreement has been reached with the Director of DEM but Board authorization is necessary.

Accordingly, Supervisor McConnell moved that the Board authorize the Director of DEM to enter into an agreement with the Town of Clifton to provide assistance in the bonds and agreement process. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

24. CONSTRUCTION OF MONUMENT DRIVE (TAPE 7)

Supervisor McConnell briefed Board Members that the development of the new Fairfax County Government Center is progressing very well. She said that an important element of this project is the construction of Monument Drive. She said that under a Memorandum of Understanding with the developer of the Center, Smith Artery, the contract for the construction of Monument Drive is required to be let June 1, 1990. She added that recently Smith Artery worked out a joint cooperative road construction agreement with Sequoia Building Corporation to jointly build Monument Drive which is in conjunction with the Sequoia's Fairfax Corner Development. The agreement was worked out with the assistance and guidance of the County staff.

Supervisor McConnell said that in order to proceed with the actual construction of Monument Drive as scheduled, the Board needs to approve Conceptual Development Plan Amendment/Proffered Condition Amendment Application CDPA/PCA 87-S-039-1 and Final Development Plan Applications FDP 87-S-039-1, FDP 87-S-039-2, and FDP 87-S-039-3. She said that Sequoia has filed the appropriate materials necessary for CDPA/PCA and FDPs and now, due to these plans, there is an impact on the construction of Monument Drive. She stated that the plans need to be processed as soon as possible. Therefore, Supervisor McConnell moved that the Board direct the Planning staff to:

- Expedite its review and analysis of CDPA/PCA 87-S-039-1, FDP 87-S-039-1, FDP 87-S-039-2, and FDP 87-S-039-3; and
- Simultaneously advertise and provide the timely necessary public notices for these applications for public hearings to be held before the Planning Commission on April 4, 1990 and before the Board of Supervisors on April 23, 1990.

This motion was seconded by Supervisor Davis.

John diZerega, Director, Department of Public Works, pointed out that the agreement has not yet been thoroughly reviewed by staff.

Following further discussion, Supervisor McConnell asked unanimous consent that the Board defer this item to allow her time to confer with her staff regarding this issue. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken regarding this issue. See Clerk's Summary Item CL#26.)

25. PROPOSED VACATION OF DOYLE LANE (TAPE 7)

Supervisor McConnell stated that Rezoning Application RZ 89-S-053 is a request to rezone property from the R-1 District to the PDH-2 District. She said that part of the application property includes a portion of Doyle Lane (Route 3738) proposed to be vacated. She said that since the fee for underlying title of the right-of-way for the portion of Doyle Lane to be vacated is owned by the Board of Supervisors, the Board must concur with this application in order for it to proceed.

Accordingly, Supervisor McConnell moved that the Board concur in Rezoning Application RZ 89-S-053 so that the rezoning, including the proposed vacation of the portion of Doyle Lane (Route 3738) to which the Board owns the underlying fee to the title that is part of the application can proceed. She added that this motion should not be construed as a favorable recommendation on the Rezoning Application by the Board and does not relieve the applicant owner from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

26. CONSTRUCTION OF MONUMENT DRIVE (TAPE 7)

(NOTE: Earlier in the meeting, there was discussion regarding this item. See Clerk's Summary Item CL#24.)

Supervisor McConnell referred to her earlier Board Matter regarding the construction of Monument Drive and she asked unanimous consent that the Board direct staff to review the following issues:

- Expediting its review and analysis of CDPA/PCA 87-S-039-1, FDP 87-S-039-1, FDP 87-S-039-2 and FDP 87-S-039-3; and
- Simultaneously advertise and provide the timely necessary public notices for these applications for public hearings to be held before the Planning Commission on April 4, 1990 and before the Board of Supervisors on April 23, 1990.

Without objection, it was so ordered.

27. BURKE VILLAGE PHASE II SHOPPING CENTER
(TAPE 7)

Supervisor McConnell called to the Board's attention the Burke Village Phase II Shopping Center located on Burke Lake Road at the intersection of Burke Road. She said that three years ago Burke Lake Road was constructed in that area and the bridge for the road was constructed over the Norfolk Southern Railroad tracks. She added that as a result of the project, the Burke Village Phase II Shopping Center is hidden by the bridge. She said that the businesses have suffered a great deal due to the lack of visibility from the road. Supervisor McConnell explained that a sign has been installed notifying motorists of the shopping center, but due to the lack of visibility motorists are unaware of the stores which are part of the center.

Supervisor McConnell moved that the Board direct staff to draft language to be added to the Zoning Ordinance which would allow individual store names to be added to a shopping center's freestanding sign in situations where the shopping center has been put in a tenuous situation by circumstances beyond their control. This motion was seconded by Supervisor Bulova.

Supervisor Davis expressed concern for possible "sign pollution." He said that he would support the request for staff to review the situation, but his support for staff review does not commit him in any way for support of the item.

The question was called on the motion which carried by a vote of five, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

28. DUMPING OF TRASH ON PROPERTY TO BE USED FOR THE
BURKE ROAD COMMUTER RAIL STOP (TAPE 7)

Supervisor McConnell stated that a constituent had advised her that trash was being dumped on property owned by the County which will be used for the Burke Road Commuter Rail Stop. She moved that the Board direct staff to remove the existing trash on the site and post signs on the property stating "No Dumping." This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

29. RECYCLING LETTER FROM GIANT FOOD, INCORPORATED
(TAPE 7)

Supervisor McConnell referred to a letter that she had received from Giant Food, Incorporated, regarding recycling and providing information concerning plastic bags.

30. ECONOMIC RAMIFICATIONS OF LAND USE DOWNZONING
OR LAND USE CHANGES (TAPE 7)

Supervisor McConnell referred to a newspaper article which stated that the Board was not aware of the economic ramifications of land use downzoning or land use changes. She asked unanimous consent that the Board direct staff to provide an explanation as to why this was not done and why this information was not circulated. Without objection, it was so ordered.

31. APPOINTMENT TO THE CITIZENS BUDGET OVERVIEW
COMMITTEE (TAPE 7)

(APPT)

(NOTE: Earlier in the meeting, additional appointments/confirmations were made to the Citizens Budget Overview Committee. See Clerk's Summary Item CL#8.)

Supervisor McConnell moved the appointment of Mr. Greg Evans as the Springfield District Representative to the Citizens Budget Overview Committee. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Hanley and Supervisor Richards being out of the room, Supervisor Alexander being absent.

32. TEMPORARY APPOINTMENT TO THE TRANSPORTATION
ADVISORY COMMISSION (TAPE 7)

(APPT)

Supervisor McConnell moved the temporary appointment of Mr. Michael Frey as the Springfield District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Hanley and Supervisor Richards being out of the room, Supervisor Alexander being absent.

33. RESIGNATION OF M. WAYNE HUGGINS, SHERIFF,
FAIRFAX COUNTY (TAPE 7)

Supervisor McConnell recognized the presence in the Board Room of M. Wayne Huggins, Sheriff, Fairfax County, and she congratulated him on his appointment with the National Institute of Corrections. She stated that Fairfax County is losing an outstanding individual.

On behalf of the Board, Chairman Moore warmly welcomed Sheriff Huggins to the Board Room.

Individual Board Members congratulated Sheriff Huggins on his new position with the federal government and they expressed their sadness at Fairfax County's loss.

Supervisor Davis asked unanimous consent that the Board direct staff to prepare the appropriate Certificate of Appreciation to Sheriff Huggins for his years of dedicated service to Fairfax County for presentation before the Board at a future date. Without objection, it was so ordered.

34. WAPLES MILL MOBILE HOME PARK (TAPE 7)

Supervisor Bulova stated that she has been working with the A.J. Dwoskin Company regarding the relocation of the residents of the Waples Mill Mobile Home Park who will be displaced by the redevelopment of the property that is proceeding by-right under the existing C-8 zoning by Mr. Dwoskin. She stated that Mr. Dwoskin is interested in pursuing a rezoning on property that he owns that is immediately south of the existing park and would create a new mobile home park for the residents.

Supervisor Bulova stated that at the Board of Supervisors' meeting held on January 8, 1990, action had been taken to direct staff to proceed with an Out-of-Turn Plan Amendment to permit mobile home use on this property immediately south of the existing mobile home park. She stated that this proposed Plan Amendment is scheduled for public hearing before the Board of Supervisors on March 25, 1990.

Due to the urgent need to relocate the displaced residents, Supervisor Bulova moved that the Board direct staff to expeditiously review and process the pending rezoning application for public hearings before the Planning Commission on April 26, 1990 and before the Board of Supervisors on May 14, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor McConnell, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

In addition, Supervisor Bulova stated that Paragraph 1 of Section 18-106 of the Zoning Ordinance states: "All appeal applications as provided for in this Ordinance shall be accompanied by a filing fee in the amount to be determined by the following schedule unless otherwise waived by the Board for good cause shown." Because Mr. Dwoskin's offer to relocate the residents of the existing mobile home park within the community would greatly ease the disruption to their lives and is considered "good cause," Supervisor Bulova moved that the Board waive the application fee pursuant to Section 18-106 of the Zoning Ordinance. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor McConnell, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

35. COUNTY JURISDICTION AT THE I-95 INCINERATOR AND LANDFILL (TAPE 7)

Supervisor Hyland stated that at the Board of Supervisors' meeting held on May 1, 1989, action had been taken to direct the County Attorney's office to review the issue of County jurisdiction at the incinerator and

the landfill sites. He stated that Fairfax County Police do not have the authority to investigate an incident, make reports or have arrest powers because these sites are located on federally-owned land located in Lorton, Virginia, better known as the District of Columbia's Correctional Facility.

Supervisor Hyland stated that he had received a Memorandum from the County Attorney dated January 12, 1990 responding that the federal government may cede back to a state all or part jurisdiction that it has acquired. Further, he stated that the County Attorney recommends that the Board contact its Congressional Representatives to seek legislation to give back to the State of Virginia concurrent jurisdiction over these parcels, or at least concurrent jurisdiction for criminal acts.

Accordingly, Supervisor Hyland moved that the Board direct staff to write the appropriate request to the federal legislators. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

36. BOARD ENDORSEMENT TO REACTIVATE THE ALTERNATIVES
TASK FORCE TO STUDY EFFECTIVENESS OF CURRENT
ALTERNATIVES TO INCARCERATION (TAPE 7)

(BACs)

Supervisor Hyland stated that a recent press release indicated that the number of inmates housed in prisons and jails throughout the State will increase dramatically. He said that on August 25, 1989, in a memorandum from M. Wayne Huggins, Sheriff, it was reported that the population of the Adult Detention Center was 1,018 which was far in excess of the capacity of the County facility. Supervisor Hyland added that Sheriff Huggins informed the Board of the urgent need to go to referendum to add to the County's confinement facility.

Supervisor Hyland said that the statistics show an alarming rise in jail populations, and staggering costs to incarcerate offenders. He also said that in an effort to reduce overcrowding and avoid federal population caps, every jurisdiction in the country is studying a wide variety of alternatives. Supervisor Hyland stated that through the use alternatives, inmates may be released to other optional punishments rather than being housed in jail or prison.

Supervisor Hyland stated that Fairfax County has an established Alternatives Task Force that studies these options and makes recommendations for implementation. He said that any of their recommendations already exist in Fairfax County. He noted that the Task Force is currently inactive.

Supervisor Hyland said at the present time, the County programs should be evaluated as to their effectiveness. Additionally, he said one of the major problems in using alternatives is the lack of knowledge on the part of defense attorneys and some judges as to what is available.

Supervisor Hyland moved:

- That the Alternatives Task Force be activated to study the effectiveness of current optional punishment programs, make recommendations for new programs;
- Include representatives from the following groups on the Task Force:
 - * The Commonwealth's Attorney;
 - * Chief Judges;
 - * The Sheriff; and
 - * All individuals who are involved with the alternative ways of handling individuals who commit offenses.

Following input from Sheriff Huggins, Supervisor Hyland further moved that the Board:

- Request the Alternatives Task Force to convene as expeditiously as possible and to include the previously mentioned groups; and
- Request that the Task Force report to the Board with a status report within 30 days as to their present thinking.

Following a query from Chairman Moore, Richard A. King, Deputy County Executive for Public Safety, stated that some of the members on the Alternatives Task Force include the Chief Judge of the Circuit Court, Chief Judge of the District Court, Clerks of both Courts, Chief of Police, and the Sheriff.

Following further discussion, Supervisor Hyland amended his motion that the Board direct staff to report to the Board with the composition of the Task Force as a Consideration Item. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

37. MOUNT VERNON DISTRICT TOWN MEETING (TAPE 8)

Supervisor Hyland briefed the Board on the success of the Third Annual Town Meeting for Mount Vernon District held on Saturday, January 27, 1990. He expressed his appreciation to Chairman Moore; J. Hamilton Lambert, County Executive; and County staff for their participation.

38. DEATH OF MOUNT VERNON DISTRICT CITIZEN (TAPE 8)

Supervisor Hyland announced with deep regret the recent death of Mr. Erin Vollmer, an active member of the Riverside Citizens Association, as well as an active citizen throughout the Mount Vernon District.

Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter, under the Chairman's signature, to be sent to Mrs. Vollmer expressing the Board's sympathy and appreciation for his incredible contributions to the Mount Vernon District. Without objection, it was so ordered.

(NOTE: Later in the meeting, Supervisor Hyland announced that he would be absent from a portion of the evening session in order to attend services scheduled for Mr. Vollmer. See Clerk's Summary Item CL#91.)

39. INTENT TO DEFER A-3 - PAYMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR REPAIR OF TELEGRAPH ROAD IN THE VICINITY OF THE HILLTOP SAND AND GRAVEL LANDFILL AND A-11 - CONTRACT AWARD - OLD GROVETON ELEMENTARY SCHOOL SITE PUBLIC/PRIVATE REDEVELOPMENT PROJECT (LEE DISTRICT) (TAPE 8)

On behalf of Supervisor Alexander, Supervisor Hyland stated that, at the appropriate time later in the meeting, he would take action to defer Action Items A-3 - Payment to the Virginia Department of Transportation for Repair of Telegraph Road in the Vicinity of the Hilltop Sand and Gravel Landfill and A-11 - Contract Award - Old Groveton Elementary School Site Public/Private Redevelopment Project (Lee District).

40. EMERALD CHASE HOMEOWNERS ASSOCIATION (TAPE 9)

Chairman Moore stated that there is an area of Emerald Chase where there is a steep hill and the Fairfax Parkway is at the bottom of the hill. She explained that the children were sliding down the hill and falling into the road. Chairman Moore relinquished the Chair to Vice-Chairman Pennino and she asked unanimous consent that the Board direct staff to review this issue of providing fencing or some method to provide safety in this area. Without objection, it was so ordered.

41. TEMPORARY GRADING EASEMENTS (TAPE 9)

Supervisor Moore stated that she had received a letter from an individual who had just purchased a home on a road that is to be widened in Fairfax County. She said that the property owners were upset because the property did not show a temporary grading easement. She said that the property owners thought that the County should be requiring the dedication of the right-of-way and the grading easements or that it should be required in any case so that when building goes on either the County has it in right-of-way or that the plat shows the grading easements. She added that either method would allow the prospective property owner to be aware of grading easements prior to purchasing the property.

Supervisor Moore asked unanimous consent that the Board direct staff to review the issue and report its findings. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

42. ADMINISTRATIVE ITEMS (TAPE 10)

Supervisor Pennino moved approval of the Administrative Items. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND SPRINGFIELD DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated January 29, 1990 be recommended for acceptance into the State Secondary System.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED
PROPERTY (PROVIDENCE DISTRICT)

- (A) Approved the authorization for advertisement of a public hearing to be held before the Board of Supervisors on March 12, 1990 at 4:00 p.m. on the proposed conveyance of County-owned property, Tax Map Number 48-1 ((1)) 101-A (part), Providence District, and directed staff to notify adjacent landowners of the public hearing by certified mail.

43. A-1 - OFFICE OF TRANSPORTATION SUPPLEMENTAL
APPROPRIATION RESOLUTION AS 90033 FOR
COUNTYWIDE GRANT FOR ACCIDENT LOCATION
ANALYSIS (TAPE 10)

- (SAR) On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of seven, Supervisor Richards being out of the room,

Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 90033 totaling \$40,000 for acceptance of a Federal Highway Safety grant for the purpose of identifying accident locations, analyzing causation factors and determining possible correction actions. No local match is required, and is provided through existing Office of Transportation Personnel Services.

There was a brief discussion regarding this item.

44. A-2 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR WIDENING OF SPRING HILL ROAD (ROUTE 684) FROM LEESBURG PIKE (ROUTE 7) TO INTERNATIONAL DRIVE (DRANESVILLE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting during Board Matters, action was taken to endorse the design plans to widen Spring Hill Road to four lanes between Route 7 and International Drive, including intersection improvements at Spring Hill Road/Route 7 and five foot sidewalks on both sides of Spring Hill Road, in accordance with the second option supporting the extension of the retaining wall, and subject to the following actions:

- Board review of the design options and costs associated with providing an additional retaining wall on the south side of Spring Hill Road to minimize impacts on the Rotonda property;
- Deletion of the raised median between the Fire Station and Greensboro Drive and provision of a striped median, thus eliminating the 22-foot travel way and reducing easements requirements; and
- Provision of adequate access to Lots 57D, 57E, and 57F, Arlington Lumber and Woodworking.

See Clerk's Summary Item CL#12.)

45. A-3 - PAYMENT TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR REPAIR OF TELEGRAPH ROAD IN THE VICINITY OF THE HILLTOP SAND AND GRAVEL LANDFILL (LEE DISTRICT) (TAPE 10)

On behalf of Supervisor Alexander, Supervisor Hyland moved to defer action on A-3 - Payment to the Virginia Department of Transportation for Repair of Telegraph Road in the Vicinity of the Hilltop Sand and Gravel Landfill, Lee District, until February 26, 1990. The motion was

seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

46. A-4 - ADDITION OF THREE SEATS TO THE CITIZENS'
CHILD ABUSE PREVENTION COMMITTEE (CCAPC)
(TAPE 10)

(BACs)

On motion of Supervisor Pennino, seconded by Supervisor Davis, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and authorized the Citizens' Child Abuse Prevention Committee (CCAPC) to invite nominations for three additional seats representing the following organizations:

- Law Enforcement;
- Pediatric Medicine; and
- Child Advocate Citizenry.

47. A-5 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 90030 FOR THE DEPARTMENT OF HUMAN
DEVELOPMENT (TAPE 10)

(SAR) On motion of Supervisor Davis, seconded by Supervisor Hyland, and carried by a vote of seven, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 90030 in the amount of \$131,510 to appropriate Title II-A Job Training Partnership Act (JTPA) funds for the Department of Human Development to serve the economically disadvantaged. This grant award is an incentive award and is in addition to \$465,746 in JTPA funds already appropriated by the Board for JTPA Program Year 1989. This grant award is administered by the Governor's Employment and Training Department (GETD) for the period December 1, 1989 - June 30, 1991. There is no local cash match requirement for this award.

48. A-6 - BOARD APPROVAL OF AREA AGENCY ON AGING
SUPPLEMENTAL APPROPRIATION RESOLUTION AS90031
FOR THE CARE CENTER PROGRAM: A PILOT PROGRAM
FOR ALZHEIMER'S PATIENTS AND THEIR FAMILIES
(TAPE 10)

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved:

- Supplemental Appropriation Resolution AS 90031 totaling \$100,400 for the implementation of the Care Center. The management agreement between the Area Agency on Aging and the Inova Health Systems includes an amount of \$75,000, which will be awarded from Inova Health Systems in order for the Area Agency on Aging to expand, develop and operate the Care Center, and local funds totaling \$25,400 from Subfund 108, Aging Grants and Programs, fund balance; and
- Established two additional project exempt positions; one Management Analyst III (1.0 SYE) and one Administrative Assistant (.5 SYE). No additional funding is needed in Fiscal Year (FY) 1990.

49. A-7 - AREA AGENCY ON AGING SUPPLEMENTAL APPROPRIATION RESOLUTION AS90032 FOR IMPLEMENTATION OF THE HOME CARE TASK FORCE REPORT (TAPE 10)

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved the Supplemental Appropriation Resolution AS 90032 totaling \$133,225 for the implementation of the proposed Home Care Development Plan to improve the availability, affordability and quality of home care in Fairfax County for all in need, young and old, in response to the Home Care Task Force Report presented to the Board in June 1989.

Funds will be appropriated from Subfund 108 Aging Grants and Programs fund balance. The plan includes the establishment of one (1.0 SYE) Human Services Specialist III regular County position within the Area Agency on Aging to implement the 16 recommendations of the Home Care Task Force. Staff will also seek foundation grants and private sector funding for capacity building initiatives. Cost saving approaches such as expanded use of Medicaid for County-funded home care services will be investigated and on-going data collection and analysis of service demand and unmet needs will be addressed through a multi-targeted approach. This plan has been reviewed by the Human Services Subcommittee of the Board of Supervisors.

Supervisor Davis asked unanimous consent that the Board direct staff to provide information regarding this item to the Broyhill Park Civic Association. Without objection, it was so ordered.

50. A-8 - EMERGENCY AMENDMENT TO THE FAIRFAX
COUNTY FIRE PREVENTION CODE (TAPE 10)

(EO)

(A) On motion of Supervisor McConnell, seconded by Supervisor Pennino, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and:

- Adopted an emergency amendment to the Code of the County of Fairfax, Chapter 62 (Fire Protection), governing explosives and blasting agents, to become effective immediately; and
- Authorized the advertisement of a public hearing to be held before the Board of Supervisors within 60 days to adopt the emergency amendment, on a permanent basis, to the Code of the County of Fairfax, Chapter 62 (Fire Protection), governing explosives and blasting agents.

51. A-9 - BOARD ADOPTION OF SUPPORT FOR PROPOSED
FEDERAL CABLE TELEVISION LEGISLATION (TAPE 10)

On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of seven, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and adopted the recommendations of staff to support certain cable television legislation currently being considered by the United States Congress. The following actions were taken:

- To support several Congressional cable television bills (and opposition or modification to two other bills);
- To send appropriate letters, under the Chairman's signature, to the bill sponsors, the relevant Congressional committees, and Fairfax County's Congressional Representatives; and
- To authorize County staff to testify as appropriate on these issues in the future.

Supervisor Hanley expressed her appreciation to the staff of the Department of Consumer Affairs for their outstanding and thorough work on this item.

52. A-10 - AMENDMENTS TO THE COUNTY'S
CLASSIFICATION/COMPENSATION PLANS -
PURCHASING EXPEDITER (TAPE 10)

On motion of Supervisor Pennino, seconded by Supervisor McConnell, and carried by a vote of six, Supervisor Hanley abstaining, Supervisor Richards being out of the room, and Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved the proposed amendments to the County's Classification and Compensation Plans necessary to establish the proposed new class of Purchasing Expediter, Grade S-17 (\$25,438 - \$39,373).

53. A-11 - CONTRACT AWARD - OLD GROVETON
ELEMENTARY SCHOOL SITE PUBLIC/PRIVATE
REDEVELOPMENT PROJECT (LEE DISTRICT)
(TAPE 10)

On behalf of Supervisor Alexander, Supervisor Hyland deferred action on A-11 - Contract Award - Old Groveton Elementary School Site Public/Private Redevelopment Project, Lee District, until February 26, 1990. The motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

54. I-1 - DELINQUENT REAL ESTATE TAX ACCOUNTS
(NO TAPE)

(NOTE: The Board considered the Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting a list of delinquent real estate tax accounts presently in the Office of the County Attorney for collection, during Executive Session. The list is current to December 1989 but does not include cases for which research to ascertain ownership or outstanding taxes is not yet completed. The total amount of delinquent taxes included in this list is \$2,918,868.49. Later in the meeting during Actions from Executive Session, action was taken regarding this item. See Clerk's Summary Item CL#72D.)

55. I-2 - UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)
REQUEST FOR AN AMENDMENT TO THE OCCOQUAN
POLICY (SPRINGFIELD DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to advise the Upper Occoquan Sewage Authority (UOSA) of the County's concurrence in UOSA's request for an amendment to the Occoquan Policy as outlined in the Board Package.

There was a brief discussion regarding this item.

The staff was directed administratively to proceed as proposed.

56. I-3 - REVIEW OF THE FIRST QUARTERLY REPORT
PREPARED BY THE ENGINEERS AND SURVEYORS
INSTITUTE OVERSIGHT COMMITTEE (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting staff's review of the First Quarterly Report prepared by the Engineers and Surveyors Institute Oversight Committee.

57. I-4 - AFFIRMATIVE ACTION REPORT FOR FISCAL
YEAR 1989 (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting the Civil Service Commission's Affirmative Action Report for Fiscal Year (FY) 1989.

In accordance with the recommendation of the Vice-Chairman of the Affirmative Action Report, Supervisor Hanley moved that the exit interview program be implemented. This motion was seconded by Supervisor Pennino.

Supervisor Hyland asked that the motion be amended to include a request that the Board direct staff to report within 30 days with a proposed strategy to meet the goals previously expressed by the Board for the Affirmative Action Program, and this was accepted.

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

58. I-5 - CHANGING THE COUNTY UNITED WAY CAMPAIGN
TO THE COUNTY CHARITABLE CAMPAIGN (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to develop the guidelines and procedures necessary for a more generic charitable campaign, changing the County United Way TO the "County Charitable Campaign."

Based on the legal opinion, the campaign will change to a more generic charitable campaign with the United Way of the National Capital Area acting as a fiduciary agent and providing administrative support. Guidelines and application procedures will be developed for use in considering the Combined Health Appeal and other requests for access to the County campaign prior to the beginning of the 1990 campaign.

There was a brief discussion regarding this item, with input from Cornelius J. O'Kane, Director, Office of Personnel.

The staff was directed administratively to proceed as proposed.

59. I-6 - 1987 FAIRFAX COUNTY PROFILE HONORED ON
"1988 NOTABLE DOCUMENTS LIST" (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting the 1987 Fairfax County Profile honored on "1988 Notable Documents List."

The 1987 Fairfax County Profile which was published by the Office of Research and Statistics was recently selected by the Notable Documents Panel of the Government Documents Round Table of the American Library Association to be included in the "1988 Notable Documents List." This list identifies documents that are useful to libraries and patrons served by the libraries.

60. I-7 - NOTICE OF SURPLUS DETERMINATION -
GOVERNMENT PROPERTY (PROVIDENCE DISTRICT)
(TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to forward a notice to the Federal General Services Administration (GSA):

- Advising GSA of Fairfax County's interest in the property declared surplus - Dunn Loring Radio Communications Air/Ground (RCAG) Facility located at 2251 Central Avenue, containing .98 acres and currently zoned R-1; and
- Indicating to GSA Fairfax County's proposal for public use of the property as described in this Board Package for one of three primary radio communication sites which are required to effectively implement the County's Land Mobile Radio Transmission Systems (LMRTS).

Supervisor Pennino asked unanimous consent that the Board request staff to look into the possibility of whether it would be in the best interest of the County to rent space on a satellite for communications purposes in lieu of building towers throughout the County. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

61. I-8 - VIRGINIA DEPARTMENT OF TRANSPORTATION
(VDOT) NEWS RELEASE ON CLOSURE OF BRADDOCK
ROAD AT ROUTE 28 (SPRINGFIELD DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting a news release from the Virginia Department of Transportation (VDOT) announcing that on January 31, 1990, Braddock Road will be permanently closed at its intersection with Route 28. Route 28 and Route 29 will serve as alternate connector roads. Signs have been posted notifying the public of the closure.

62. I-9 PROPOSED CONTINUANCE OF RESIDENTIAL PERMIT
PARKING DISTRICT (RPPD) APPLICATION FEE
REQUIREMENT (COUNTYWIDE) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 presenting the proposal to continue the Residential Permit Parking District (RPPD) Application Fee requirement.

At the Board of Supervisors' meeting held on November 27, 1989, the Board directed staff to review and determine whether the Board should eliminate the application filing fee requirements for RPPD. After review of the previous Board actions on application fee waivers, staff recommends that the fees be retained as a requirement to establish RPPD. Although the Board has, in most cases, waived the application fee requirement, staff still firmly believes that the application fee requirement has served its original purpose, to discourage spurious petitions.

63. I-10 - CONTRACT AWARD TO WHITENER AND JACKSON,
INCORPORATED, FOR RENOVATION TO THREE PHA
PROJECTS (CENTREVILLE, LEE AND SPRINGFIELD
DISTRICTS) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to award a contract to Whitener and Jackson, Incorporated, in the amount of \$677,006, subject to the United States Department of Housing and Urban Development (HUD), for the renovation of three PHA projects, Centreville, Lee, and Springfield Districts.

The staff was directed administratively to proceed as proposed.

64. I-11 - CONTRACT AWARD - INTEGRATED SEWER
SYSTEM SPECIAL PROJECTS BASIC ORDERING
AGREEMENT (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to award a contract to CH2M Hill in the amount of \$250,000 per year for a period not to exceed three years for the Integrated Sewer System Special Projects Basic Ordering Agreement.

The staff was directed administratively to proceed as proposed.

65. I-12 - CONTRACT AWARD - WESTMORELAND COMMUNITY
IMPROVEMENTS (DRANESVILLE DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to:

- Award a contract to Stafford Grading and Paving Company, Incorporated, in the amount of \$536,578.86 for the Westmoreland Community Improvements, Dranesville District; and
- Due to a lower than anticipated contract award, reallocate funds in the amount of \$120,138 TO Project C00070 (Fund Contingency) to fund possible shortfalls in other projects within this Subfund.

The staff was directed administratively to proceed as proposed.

66. I-13 - CONTRACT RENEWAL - ANNUAL CONTRACT FOR
GEOTECHNICAL ENGINEERING SERVICES (COUNTYWIDE)
(TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to award a contract to Woodward-Clyde Consultants in the amount of \$200,000 for the annual contract for geotechnical engineering services.

The staff was directed administratively to proceed as proposed.

67. I-14 - APPROVAL OF ADDITIONAL SERVICES FOR DELON HAMPTON AND ASSOCIATES, CHARTERED, TO PERFORM THE SERVICES TO REDESIGN THE FOUNDATION SYSTEM OF THE HUNTINGTON METRORAIL STATION PARKING GARAGE (MOUNT VERNON DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to authorize Delon Hampton and Associates, Chartered, to perform the services to redesign the foundation system of the Huntington Metrorail Station Parking Garage for a "not-to-exceed" fee of \$70,274.

The staff was directed administratively to proceed as proposed.

68. I-15 - AWARD OF DESIGN CONTRACT FOR ROUTE 28/ ROUTE 29 INTERCHANGE (SPRINGFIELD DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for staff to:

- Award a contract to Dewberry and Davis in the amount of \$740,000 for the design of the Route 28/Route 29 Interchange, Springfield District; and
- Reallocate funding in the amount of \$667,273 from Project 006490 (Construction Reserve) TO Project 064104 (Route 28/Route 29 Interchange).

The staff was directed administratively to proceed as proposed.

69. I-16 - AWARD OF CONTRACT FOR ROLLING ROAD GROUP HOME RENOVATION (SPRINGFIELD DISTRICT) (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 29, 1990 requesting authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to:

- Award a contract to C. David Hudson, Incorporated, in the amount of \$34,251 for the Rolling Road group home renovation, Springfield District; and

- Reallocate funding in the amount of \$39,400 from Subfund 411 (FCRHA Revolving Development Fund) TO Project 013902 (Rolling Road Group Home).

The staff was directed administratively to proceed as proposed.

70. RECESS/EXECUTIVE SESSION (TAPE 10)

At 2:30 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:

- In Re Petition Asking for Referendum Pursuant to Virginia Code 15.1-757, In Chancery Number 113018; and
- In Re Manchester Lakes Association Bankruptcy Case Number 84-1551-A.

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

At 4:45 p.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander and Supervisor Richards, and with Chairman Moore presiding.

PMH:PMH

71. CERTIFICATION IN WRITING BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION (TAPE 11)

Supervisor Pennino asked unanimous consent that the Board direct the County Attorney to determine whether Board Members can certify in writing 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. Without objection, it was so ordered.

72. ACTIONS FROM EXECUTIVE SESSION (TAPE 11)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 Richards being out of the room, Supervisor Alexander being absent.

B. DEFERRAL OF LAND USE APPLICATIONS

Supervisor Hanley stated that, in light of the proposed legislation, the Board consulted the County Attorney to determine whether it should continue the process that is followed (accepting proffers on rezonings, etcetera) and she asked that the County Attorney report his findings to the Board. In addition, because the Board has not yet reviewed the report, she moved that all land use cases scheduled for this afternoon, i.e., Rezoning or Special Exceptions, be deferred until February 12, 1990 with the exception of Rezoning Application RZ 89-P-011 (Miller and Smith) in which case the applicant has requested that the application be deferred indefinitely. This motion was seconded by Supervisor Hyland.

Supervisor Hyland asked that the motion be amended to defer the public hearing on Special Exception Amendment Application SEA 81-V-070 until February 12, 1990 at 4:00 p.m., and this was accepted.

George Symanski, Senior Assistant County Attorney, stated that action needed to be taken on the applications to defer the public hearings to a date and time certain.

Following discussion, it was determined that the appropriation actions would be taken later in the meeting (approximately 5:00 p.m.) at which time the items were scheduled.

(NOTE: Later in the meeting, the land use public hearings were deferred to a date and time certain. See Clerk's Summary Item CL#79B.)

C. PETITION REFILED REGARDING A SPECIAL
ELECTION FOR A NEW FORM OF GOVERNMENT

Supervisor Hyland referred to a petition that was refiled regarding a special election for a new form of government. He said that the County Attorney has advised the Board that conformance with the federal election law and State law on the counting of petition signatures presents important issues. He added that these issues should be resolved before the election is held. Therefore, Supervisor Hyland moved that the County Attorney file a petition with the Fairfax County Circuit Court to intervene in this matter so these issues can be resolved before an election is ordered. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

D. COMMENCEMENT OF LEGAL PROCEEDINGS TO
COLLECT DELINQUENT REAL ESTATE TAXES

Supervisor Hyland moved that the Board authorize commencement of legal proceedings to collect delinquent real estate taxes as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

E. MANCHESTER LAKES ASSOCIATES
BANKRUPTCY CASE NUMBER 84-1551-A

Supervisor Hyland moved that the following individuals be designated to give deposition testimony on behalf of the Board regarding Manchester Lakes Associates Bankruptcy Case Number 84-1551-A:

- Dean Dahmer, Line Maintenance Division, Department of Public Works (DPW);
- Robert A. McKinley, Office of Capital Facilities, DPW; and
- Ellen Smith, Line Maintenance Division, Department of Public Works (DPW).

This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

73. DEFERRAL OF PH ON PROFFERED CONDITION
AMENDMENT APPLICATION PCA 80-S-078
(LARRY E. AND MARY G. EDWARDS)
(SPRINGFIELD DISTRICT) (TAPE 11)

Supervisor McConnell moved to defer the public hearing on Proffered Condition Amendment Application PCA 80-S-078 until February 12, 1990 at 4:00 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

74. APPOINTMENT TO THE TRANSPORTATION ADVISORY
COMMISSION (TAPE 11)

(APPT)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved the appointment of Mr. Thomas McMakin as the At-Large (interim) Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

75. SPECIAL ELECTION FOR REPLACEMENT SHERIFF
(TAPE 11)

Supervisor Pennino stated that M. Wayne Huggins, Sheriff, has announced his intent to resign effective February 9, 1990. She said that the State law requires the Board to petition the Circuit Court for a special election for a replacement Sheriff. She added that the petition should be filed within 14 days of the date upon which the office becomes vacant and the special election must be held on November 6, 1990. Accordingly,

Supervisor Pennino moved that the County Attorney file a petition with the Fairfax County Circuit Court requesting that such an election be ordered. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

VLL:VLL

76. 3:30 P.M. - ANNUAL MEETING OF THE FAIRFAX COUNTY
SOLID WASTE AUTHORITY (TAPE 11)

At 4:55 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Moore in accordance with Article III, Section 1 of the Bylaws.

Supervisor Pennino moved that the Board appoint the following officers to the Fairfax County Solid Waste Authority:

OFFICERS

Audrey Moore Chairman, Fairfax County Board of Supervisors	Chairman
Vice-Chairman Pennino Vice-Chairman, Fairfax County Board of Supervisors	Vice-Chairman
Theodore Austell, III Clerk to the Fairfax County Board of Supervisors (Acting)	Secretary
J. Hamilton Lambert County Executive	Executive Director
David T. Stitt County Attorney	Attorney
Susan Planchon Director, Office of Finance	Treasurer
John W. diZerega Director, Department of Public Works	Authority Representative

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

Supervisor Hanley moved approval of the Minutes for the Fairfax County Solid Waste Authority from its meeting of January 30, 1990 and approval of the financial report for the Authority as contained in the Memorandum to the Board dated January 29, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Richards being out of the room, Supervisor Alexander being absent.

At 5:00 p.m., the annual meeting of the Fairfax County Solid Waste Authority adjourned.

77. 3:30 P.M. - PH ON THE ACQUISITION OF CERTAIN
LAND RIGHTS NECESSARY FOR THE IMPROVEMENT OF
BRADDOCK ROAD/UNION MILL ROAD INTERSECTION
(SPRINGFIELD DISTRICT) (TAPE 11)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 12 and January 19, 1990.

Following the public hearing, Supervisor McConnell moved adoption of the Resolution authorizing the acquisition of interests in real property necessary for the improvement of the Braddock Road/Union Mill Intersection Improvements and the facilitation of construction obligations proffered by Hazel/Peterson Companies in connection with the rezoning of Centreville Green, Springfield District. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

78. 3:30 P.M. - PH TO ORDER IMPROVEMENTS AND
AUTHORIZE ASSESSMENTS TO ENGLSIDE, PHASE I
(LEE DISTRICT) (TAPE 11)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 12 and January 19, 1990.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland, on behalf of Supervisor Alexander, moved adoption of the Resolution authorizing the improvements and assessing landowners in Engleside, Phase I, Lee District, to include curb and gutter, storm drainage, and street improvements on Woodlawn Street, Rosemont Avenue,

Leaf Road, and Rosemont Circle. This motion was jointly seconded by Supervisor Bulova and Supervisor McConnell and carried by a vote of five, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

79. CLARIFICATION OF EARLIER MOTION ON
ACTIONS FROM EXECUTIVE SESSION (TAPE 11)

B. DEFERRAL OF LAND USE APPLICATIONS

(NOTE: Earlier in the meeting, action was taken to defer all land-use public hearings scheduled for this evening, however, at the request of the County Attorney, action was restated to defer the public hearings to a date and time certain. See Clerk's Summary Item CL#72B.)

Supervisor Hanley restated her motion that, in light of the proposed legislation, the Board consulted the County Attorney to determine whether it should continue the process that is followed (accepting proffers on rezonings, etcetera) and she asked that the County Attorney report his findings to the Board. In addition, because the Board has not yet reviewed the report, she moved that all land use cases scheduled for this afternoon, i.e., Rezonings or Special Exceptions, be deferred as follows:

- Special Exception Application
SE 89-P-045 until February 12, 1990
at 4:30 p.m.;
- Special Exception Amendment
Application SEA 81-V-070 until
February 12, 1990 at 4:30 p.m.;
- Special Exception Amendment
Application SEA 89-D-044 until
February 12, 1990 at 3:30 p.m.;
- Rezoning Application RZ 89-L-020
until February 12, 1990 at 5:00 p.m.;
- Proffered Condition Amendment
Application PCA 80-S-078 until
February 12, 1990 at 4:30 p.m.;

- Rezoning Application RZ 89-P-012 until February 26, 1990 at 4:30 p.m.;
- Proffered Condition Amendment Application PCA 87-P-021 until February 12, 1990 at 5:00 p.m.;
- Special Exception Application SE 89-S-033 until February 12, 1990 at 5:00 p.m.;
- Rezoning Application RZ 89-P-040 until February 12, 1990 at 5:30 p.m.;
- Rezoning Application RZ 88-S-056 until February 12, 1990 at 5:30 p.m.;
- Rezoning Application RZ 89-P-011 indefinite deferral at the request of the applicant; and
- Special Exception Amendment Application SEA 84-A-042 until February 12, 1990 at 8:00 p.m.

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

80. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 89-P-045 (SOVRAN BANK, N.A.) (PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Application SE 89-P-045 until February 12, 1990 at 4:30 p.m. See Clerk's Summary Item CL#79B.)

81. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-V-070 (MOBIL OIL CORPORATION) (MOUNT VERNON DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Amendment Application SEA 81-V-070 until February 12, 1990 at 4:30 p.m. See Clerk's Summary Item CL#79B.)

82. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 89-D-044 (CHEVRON U.S.A., INCORPORATED) (DRANESVILLE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Amendment Application SEA 89-D-044 until February 12, 1990 at 3:30 p.m. See Clerk's Summary Item CL#79B.)

83. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-L-020 (LAYNE DEVELOPMENT CORPORATION) (LEE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-L-020 until February 12, 1990 at 5:00 p.m. See Clerk's Summary Item CL#79B.)

84. 4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-S-078 (LARRY E. AND MARY G. EDWARDS) (SPRINGFIELD DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 80-S-078 until February 12, 1990 at 4:30 p.m. See Clerk's Summary Item CL#79B.)

85. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-P-012 (DAKOTA DEVELOPMENT, INCORPORATED) (PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-P-012 until February 26, 1990 at 4:30 p.m. See Clerk's Summary Item CL#79B.)

86. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-021 (CAPITAL SUN CORPORATION) (PROVIDENCE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 87-P-021 until February 12, 1990 at 5:00 p.m. See Clerk's Summary Item CL#79B.)

87. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 89-S-033 (CHEVY CHASE SAVINGS BANK, F.S.B.) (SPRINGFIELD DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Application SE 89-S-033 until February 12, 1990 at 5:00 p.m. See Clerk's Summary Item CL#79B.)

88. 5:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-040
(BARDEN OAKS PARTNERSHIP) (PROVIDENCE DISTRICT)
(NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-P-040 until February 12, 1990 at 5:30 p.m. See Clerk's Summary Item CL#79B.)

89. 5:00 P.M. - PH ON RZ 88-S-056 (MARTIN E. TURK,
TRUSTEE) (SPRINGFIELD DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 88-S-056 until February 12, 1990 at 5:30 p.m. See Clerk's Summary Item CL#79B.)

90. 5:00 P.M. - PH AND ADOPTION OF AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION
AND FINANCE), BY THE ENACTMENT OF ARTICLE 7.1,
SECTIONS 4-7-1(A)(2); 4-7-17; AND 4-7-21(2),
BUSINESS, PROFESSIONAL AND OCCUPATIONAL
LICENSE (BPOL) ORDINANCE (TAPE 12)

- (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 January 12 and January 19, 1990.

Following the public hearing, which included testimony by 4 speakers, a question-and-answer period ensued among Board Members and Paul Smith, E. Smith, Supervisor of Assessments, and Ellen Posner, Assistant County Attorney.

Following discussion, Supervisor Davis moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4, (Taxation and Finance) Article 7.1, Sections 4-7-1(a)(2); 4-7-17; and 4-7-21(2), Business, Professional and Occupational License (BPOL) Ordinance. The proposed amendments 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 McConnell.

Following further discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, the question was called on the motion which carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

ADDITIONAL BOARD MATTER91. DEATH OF MOUNT VERNON DISTRICT CITIZEN
(TAPE 12)

(NOTE: Earlier in the meeting, Supervisor Hyland announced with deep regret the recent death of Mr. Erin Vollmer, an active member of the Riverside Citizens Association, as well as an active citizen throughout the Mount Vernon District. See Clerk's Summary Item CL#38.)

Supervisor Hyland announced that he would be absent from a portion of the Board of Supervisors' meeting in order to attend the service for Mr. Vollmer.

92. 5:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-011
(MILLER AND SMITH LAND, INCORPORATED) (PROVIDENCE
DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to indefinitely defer the public hearing on Rezoning Application RZ 89-P-011 at the request of the applicant. See Clerk's Summary Item CL#79B.)

93. RECESS (TAPE 13)

At 5:35 p.m., the Board recessed briefly for dinner and, at 7:20 p.m., reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

94. 7:00 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES
OF CONCERN (TAPES 13-14)

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 January 12 and January 19, 1990.

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

Following testimony by Bert Eidem, Supervisor McConnell stated that at the Board of Supervisors' meeting held on January 22, 1990, action had been taken to direct staff to determine whether there is a more equitable method for assessing personal property. She asked unanimous consent that the Board direct staff to respond to this issue as expeditiously as possible.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the request be amended to include directing staff to review Mr. Eidem's assessment to ensure its accuracy. Without objection, the request, as amended, was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following the public hearing, which included testimony by 12 speakers, Supervisor Bulova moved that the Board direct staff to review the past and current issues regarding the massage therapy ordinance, including the issues raised during this evening's public hearing, and report to the Board for discussion. This motion was jointly seconded by Supervisor Davis and Supervisor Hyland.

Following discussion, the question was called on the motion which carried by a vote of eight, Supervisor Alexander being absent.

95. 8:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 84-A-042 (SPRINGFIELD ACADEMY)
(ANNANDALE DISTRICT) (TAPE 14)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Amendment Application SEA 84-A-042 until February 12, 1990 at 8:00 p.m. See Clerk's Summary Item CL#79B.)

For the record, Supervisor Bulova moved that the Board defer the public hearing on Special Exception Amendment Application SEA 84-A-042 until February 12, 1990 at 8:00 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

96. CLARIFICATION REGARDING REPORT ON GENERAL
ASSEMBLY ACTIVITIES (TAPE 14)

(NOTE: Earlier in the meeting, actions were taken on the Report on General Assembly Activities. Also, later in the meeting, there were additional actions taken. See Clerk's Summary Items CL#6 and CL#99.)

Supervisor Hyland referred to the Board's earlier action on the Report on General Assembly Activities. He stated that he had expressed his dissent to the position taken on House Bill Number 990, Local Tree Ordinances (Item Number 12, which the Legislative Subcommittee opposes). For the record, he clarified that he is in support of the Board's opposition to House Bill Number 990 and that he had meant to only express his dissent to the position taken on House Bill Number 1115, Water Regulation (Item Number 13, which the Legislative Subcommittee opposes).

97. RECOGNITION OF BOY SCOUT TROOP 1129.
MCLEAN, VIRGINIA (TAPE 14)

Supervisor Pennino recognized the presence in the Board Room of Boy Scout Troop 1129 from McLean, Virginia.

Chairman Moore warmly welcomed the Troop to the Board Room.

98. 8:00 P.M. - BOARD OF SUPERVISORS/TRANSPORTATION
ADVISORY COMMISSION MEETING TO DISCUSS GOALS
AND MISSION OF THE COMMISSION (TAPE 14)

At 8:15 p.m., the Board recessed to hold a meeting with the Transportation Advisory Commission to discuss the goals and mission of

the Commission and, at 9:35 p.m., reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

ADDITIONAL BOARD MATTER

99. STATEMENT FOR PUBLICATION IN THE WEEKLY
AGENDA REGARDING COMMENTS ON BILLS
BEFORE THE GENERAL ASSEMBLY AND
THEIR POSSIBLE IMPACT ON
FAIRFAX COUNTY (TAPE 14)

(NOTE: Earlier in the meeting, actions were taken on the Report on General Assembly Activities. See Clerk's Summary Items CL#6 and CL#96.)

In response to the Board's earlier action regarding direction to staff to prepare a generic statement for the front page of the widely-circulated Weekly Agenda, giving the status of the appropriate bills before the General Assembly and their possible impact on Fairfax County, J. Hamilton Lambert, County Executive, distributed to Board Members a draft proposal entitled, "County Opposes Legislation Weakening Local Zoning and Development Regulatory Powers."

In response to a query by Supervisor Bulova, the County Executive responded that the County Attorney's Office had reviewed the draft proposal.

After Board review, the following actions were taken to modify the draft proposal.

SUPERVISOR DAVIS:

- Page 4 - 2nd Paragraph.

"*This would effectively take away the Board of Supervisors right to decide to...."

- Page 3 - 2nd Paragraph.

"....or the property owner has filed a preliminary plan and materially...."

- Page 3 - 1st Paragraph.

"....thus precluding any effective comprehensive planning or zoning, despite significant changes in circumstances that may occur."

SUPERVISOR RICHARDS:

● Page 1 - 2nd Paragraph.

Delete words "in essence" to read, "....the General Assembly which would severely limit...."

● Page 1 - 3rd Paragraph.

Delete word "potential" to read, "Not only would these bills drastically restrict...."

● Page 1 - 4th Paragraph.

Delete words "It is a certainty that," and add a comma and change word "items" to "impact" to read, "The proposed legislation would, among other impacts...."

● Page 2 - 1st Paragraph.

Delete word "to" to read, "....all future zoning changes except those agreed to by...."

● Page 2 - 2nd Bullet.

Delete words "The County has in excess of" and revise to read, "....litigated. More than *200* suits are pending against the County in circuit court, challenging...."

Following additional discussion, the County Executive stated that he would determine the exact number of suits pending and revise 200 accordingly.

● Page 2 - 5th Paragraph.

Add a hyphen to read, "....It is self-evident that in order to appropriately plan...."

- Page 2 - 7th Paragraph.

Delete words "that was, and" and revise to read, "...by a local government, the zoning that was in effect at the time of its action can only be changed by agreement...."

- Page 3 - 2nd Paragraph.

Amend title to read, "House Billg Number...."

Amend "This bill defines...." to read, "These bills define vested rights in zoning, and provide...."

- Page 3 - 3rd Paragraph.

Delete word "a" to read, *"Vested Rights refers to property owners rights to...."

Amend to read, "...generally considered property to be vested = that is, not subject to changes in land use or zoning regulations = upon approval of a final...."

- Page 4 - 3rd Paragraph.

Delete "()" and add editorial "[]" to read, "...in accordance with [state code] that no county...."

- Page 5 - 3rd Paragraph.

Delete "It is" to read "Because of this potential devastating planning...."

Supervisor Hanley asked that the word "potential" also be deleted to read, "Because of this devastating planning...."

- General - Entire Document.

Capitalize the word "state" throughout the document to read "State."

Following discussion on this revision, Chairman Moore asked that Jean VanDevanter, Director, Office of Public Affairs, review this editorial revision and determine whether state should remain the same, be capitalized or be revised to read Commonwealth of Virginia.

SUPERVISOR HYLAND:

- Page 2 - 2nd Bullet.

Supervisor Hanley asked that a comma be added to read, "challenging the local governments' right to...."

- Page 2 - 6th Paragraph.

Delete words "at this time" to read, "It is unclear how many of these...."

- Page 5 - 1st Paragraph.

Delete word "input" and amend to read, "...without any additional governmental (review or action)."

Following discussion, it was determined to replace the word "input" with either "review" or "action."

- Page 5 - Bullets at Bottom of Page.

Delete words "their, they" and amend to read, "....determine if you are in agreement...." "Contact your state representatives (listed above) and let them know how you feel so that the...."

- Page 5 - 3rd Paragraph.

Delete word "citizens" and amend to read, "Because of this devastating planning and zoning legislative threat that the Fairfax County Board of Supervisors is urging you to:"

SUPERVISOR HANLEY:

- Page 3 - 3rd Paragraph.

Delete the word "again" to read, "....The effect of this proposed legislation would be to lock in a...."

SUPERVISOR MCCONNELL:

- Page 1 - 2nd Paragraph.

Delete the words "being, into" to read, "This action has come as a result of a number of bills recently introduced in the General Assembly...."

- Page 5 - 2nd Paragraph.

Amend to read, "....The Board of Supervisors believes that the majority of citizens of Fairfax County oppose measures by Members of the General Assembly to undercut...."

Following discussion, with input from the County Executive, Supervisor Hanley asked that the sentence be amended to read, "....The Board of Supervisors believes that a majority of citizens of Fairfax County opposes measures to undercut...."

SUPERVISOR HANLEY:

- Page 1 - 2nd Paragraph.

Amend to read, "....severely limit local government -- and therefore local citizens' -- powers to...."

- Page 1 - 3rd Paragraph.

Delete comma, add "()" and amend to read, "...make the current comprehensive planning review process underway (called Planning Horizons) virtually meaningless."

SUPERVISOR RICHARDS:

- Page 5 - 3rd Paragraph.

Delete words "planning and zoning" and amend to read, "Because of this devastating legislative threat to our local planning and zoning powers that the Fairfax County Board of Supervisors urges you...."

GENERAL ACTIONS:

- Supervisor Pennino asked unanimous consent that the Board direct staff, after making the necessary revisions, to "fax" the final release to the Virginia Association of Counties (VACo) to request their support and cooperation on this issue. Without objection, it was so ordered.
- Supervisor McConnell asked unanimous consent that the Board direct staff to also "fax" the final release to the Supervisor District Offices sometime tomorrow afternoon. Without objection, it was so ordered.
- Supervisor Bulova moved that the Board direct staff to publicize the finalized release in the Weekly Agenda. This motion was seconded by Supervisor Pennino.
- Page 1 - 1st Paragraph.

Supervisor Richards asked that the motion be amended to include the following revision: Delete the word "should" and amend to read,

"....Board of Supervisors has unanimously voted to reaffirm its position asking that the Virginia General Assembly not pass any....", and this was accepted.

The County Executive suggested that, because of the Board's extensive discussion on this issue at today's meeting, that the Board direct staff to prepare a press release for distribution, and this was accepted.

The question was called on the motion which carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board request Supervisor Hanley to distribute a copy of the Board's final proposal to the Members of the Northern Virginia Delegation. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

100. BOARD ADJOURNMENT (TAPE 14)

At 10:15 p.m., the Board adjourned.