



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
AUGUST 6, 1990**

22-90

AR:AR

The meeting was called to order at 9:40 a.m. with all members being present, and with Chairman Moore presiding.

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

(NOTE: Patti M. Hicks, Deputy Clerk to the Board of Supervisors, was absent from the entire meeting.)

2. RESOLUTION PRESENTED TO THE FAHRINGER FAMILY
EXPRESSING THE BOARD'S APPRECIATION FOR
THEIR DONATION OF A PERENNIAL GARDEN
AT GREEN SPRING FARM PARK (TAPE 1)

(VER)

Supervisor Davis moved adoption of the Resolution, presented to Mr. Victor Fahringer, expressing the Board's appreciation to the family of Mary MacNeill Fahringer for their generous donation of a perennial garden to Green Spring Farm Park, with the knowledge that the memory of Mrs. Fahringer's outstanding contributions will live on for many years to come. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Davis asked unanimous consent that the Board direct the Clerk to the Board to prepare a verbatim of today's presentation for Mr. Fahringer. Without objection, it was so ordered.

3. CERTIFICATES OF APPRECIATION PRESENTED TO
VOLUNTEERS AND BUSINESSES FOR DONATIONS
TO THE RESTORATION OF THE LEE DISTRICT
PARK CAROUSEL (TAPE 1)

Supervisor Alexander moved approval of the presentation of the Certificates of Appreciation, presented to the following volunteers and businesses, for their generous donations and dedicated efforts to the restoration of the Lee District Park carousel:

- Springfield Mall;
- Virginia Concrete;
- Benfield Electric;
- Concraft, Incorporated;
- Davis Industries;
- Loisdale Civic Association;
- Mr. Jack Speake; and
- Mr. Mike Resler.

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

4. PROCLAMATION DESIGNATING "NATIONAL NEIGHBORHOOD
CRIME WATCH DAY/NATIONAL NIGHT OUT" IN FAIRFAX
COUNTY (TAPE 1)

Supervisor Hanley moved approval of the Proclamation, presented to representatives from police stations throughout the County, designating August 7, 1990 as "NATIONAL NEIGHBORHOOD CRIME WATCH DAY/NATIONAL NIGHT OUT" in Fairfax County, and urging all citizens to realize the importance of crime prevention programs and the positive impact that citizen participation can have in reducing crime in Fairfax County neighborhoods. This motion was seconded by Supervisor Davis and carried by unanimous vote.

BOARD MATTERS

5. ADOPTION OF BUDGET GUIDELINES (TAPE 2)

- (R) Supervisor Bulova, Chairman, Board's Budget Subcommittee, distributed to Board Members the Proposed Budget Guidelines and her written motion.

Supervisor Davis referred to Paragraph One of the Proposed Budget Guidelines which reads:

- "That the County Executive develop his Fiscal Year (FY) 1992 Combined General Fund Budget with no increase in property tax rates, Business, Professional, Occupational License (BPOL) or business utility taxes."

He asked that Supervisor Bulova's written motion on the Guidelines delete the word "business" and refer to utility taxes in general, and this was accepted.

Supervisor Bulova moved Board adoption of the Fiscal Year (FY) 1992 Budget Guidelines Resolution, incorporating the change requested by Supervisor Davis to delete the word "business" in Paragraph One. This motion was seconded by Supervisor Alexander.

Supervisor Hyland expressed concern regarding Paragraph One to the extent that the Board, with this Resolution, continues to defer the question of reviewing and taking action concerning the BPOL tax as it is imposed among various categories of businesses. He stated that the report that was submitted to the Board some time ago indicates several things:

- It is very hard to explain the percentages that are charged one business as opposed to another;
- There is a question whether the present BPOL tax is equitable and fair as it is imposed among the various businesses; and
- The BPOL still needs to be reviewed and changed to ensure that the tax is being fairly imposed upon the various categories of businesses.

Supervisor Hyland stated that it is for these reasons that Paragraph One, to the extent that it removes BPOL from Board consideration for yet another year and will continue the problem that exists. He added that if this Resolution is adopted, the transfer to the School Board would be targeted at six percent and the result would be a targeted increase of four percent on the County side for direct expenditures.

Supervisor Richards referred to the continued need for review of and changes to the BPOL tax rates and asked that the motion be amended with an editorial change as follows:

- "...no increase in property, BPOL, or utility tax rates."

This amendment was accepted.

Supervisor Bulova stated that she felt it appropriate at this time to reassure the Fairfax County business community that the Board does not intend to increase the BPOL or utility tax rates at this time.

As a point of information, Supervisor Bulova referred to Guideline Number Six, which reads:

- "The County Executive continues through Fiscal Year (FY) 1991 to closely monitor economic conditions. He will provide the Board of Supervisors, on a regular basis, with the most up-to-date financial information so that the Board may consider necessary adjustments to the financial plan. The County Executive will provide the Board with a list of estimated versus actual expenditures and revenues every two months."

Supervisor Hyland referred to Paragraph One of the Budget Guidelines, and he moved to amend the motion to strike the words, "...BPOL or utility tax rates." This motion was jointly seconded by Supervisor Pennino and Supervisor Richards and FAILED by a recorded vote of five, Supervisor Hanley, Supervisor Hyland, Supervisor Pennino, and Supervisor Richards voting "AYE."

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

Chairman Moore expressed the Board's appreciation to Supervisor Bulova for her outstanding work as Chairman of the Budget Subcommittee.

6. C-1 - CONSIDERATION OF WHETHER THE COUNTY SHOULD ADOPT AN AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), RELATING TO THE FAIRFAX COUNTY UTILITY TAX ORDINANCE TO RAISE THE CEILING ON TAXATION OF COMMERCIAL OR INDUSTRIAL GAS SERVICE FROM THE CURRENT CEILING OF \$3,000 PER MONTH TO A CEILING OF \$10,000 PER MONTH (TAPE 2)

Supervisor Bulova called to the Board's attention Consideration Item One.

The Board next considered an Item contained in the Memorandum to the Board dated August 6, 1990 regarding whether the County should adopt an amendment to the Fairfax County Utility Tax Ordinance to raise the ceiling on taxation of commercial or industrial gas service from the current ceiling of \$3,000 per month to a ceiling of \$10,000 per month.

Supervisor Bulova moved that the Board defer its consideration to advertise a public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to raise the ceiling on taxation of commercial or industrial gas service from the current ceiling of \$3,000 per month to a ceiling of \$10,000 per month until sometime in September 1990. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

7. A-3 - BOARD OF SUPERVISORS AUTHORIZATION TO ADVERTISE AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING UTILITY TAX AND APPROVAL OF PROGRAM GUIDELINES TO IMPLEMENT THE FAIRFAX COUNTY UTILITY TAX ORDINANCE TO CLASSIFY AS RESIDENTIAL USE FOR TAX PURPOSES UTILITY SERVICE PROVIDED TO COMMONLY USED AREAS WITHIN RESIDENTIAL PROJECTS (TAPE 2)

- (A) Supervisor Bulova called to the Board's attention Action Item Three - Board of Supervisors Authorization to Advertise Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) Regarding Utility Tax and Approval of Program Guidelines to Implement the Fairfax County Utility Tax Ordinance to Classify as Residential Use for Tax Purposes Utility Service Provided to Commonly Used Areas Within Residential Projects.

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

- Approve the Program Guidelines associated with the implementation of the ordinance amendment regarding the taxation of utility service to commonly used areas within residential projects; and
- Authorize the advertisement of a public hearing to be held before the Board of Supervisors in September 1990 on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-6-1 et seq.,

to implement the Board approved ordinance amendments of June 25, 1990, and the proposed August 6, 1990 amendments regarding the taxation of utility service to commonly-used areas within residential projects, such as condominium and apartment complexes and common area service to homeowners' associations. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

8. 10:00 A.M. - BOARD DECISION ON THE PROPOSED 1990 FALL BOND REFERENDA FOR SCHOOLS (\$169.26 MILLION), HUMAN SERVICES FACILITIES (\$30.3 MILLION), HOUSING (\$52.58 MILLION), PUBLIC SAFETY AND MAINTENANCE FACILITIES (\$112.34 MILLION), SIDEWALKS (\$10.0 MILLION), STORM DRAINAGE IMPROVEMENTS (\$20.0 MILLION), TRANSPORTATION FACILITIES (\$125.0 MILLION), AND TRANSPORTATION FACILITIES (\$330.0 MILLION) (TAPES 3-5)

(Rs) (NOTE: The public hearing on each of the 1990 Fall Bond Referenda questions was held on July 23, 1990. The questions include: Schools - \$169.26 million; Human Services Facilities - \$30.3 million; Housing \$52.58 million; Public Safety and Maintenance Facilities - \$112.34 million; Sidewalks - \$10 million; Storm Drainage Improvements - \$20 million; Transportation Facilities - \$125 million; and Transportation Facilities - \$330 million.)

Following discussion, with input from J. Hamilton Lambert, County Executive, Supervisor Pennino moved that the Board concur in the recommendation of staff and adopt Alternative Five for the 1990 Fall Bond Referenda distributed to Board Members earlier in the meeting:

Alternative Five:

- Housing \$21.25 million
- Human Services \$9.50 million
- Public Safety \$4.57 million
- School Improvements \$169.26 million
- Sidewalk/Trails \$8.00 million
- Storm Drainage \$6.72 million
- Transportation \$80.00 million

This motion was seconded by Supervisor Alexander.

Supervisor Davis asked that the motion be amended to include that the Board direct staff to keep the ratio of bond indebtedness to the General Fund under 10 percent, and this was accepted.

Supervisor Davis moved to amend the main motion to delete Sidewalks and Trails (\$8.00 million) from the 1990 Fall Bond Referenda. This motion was seconded by Supervisor McConnell and FAILED by a recorded vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell voting "AYE."

Supervisor Davis moved to amend the main motion to delete Storm Drainage (\$6.72 million) from the 1990 Fall Bond Referenda. This motion was seconded by Supervisor McConnell and FAILED by a recorded vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell voting "AYE."

Supervisor Hyland moved to amend the main motion to add \$500,000 (under Housing) for Mondloch House. This motion was seconded by Supervisor Alexander; however, following discussion, with input from the County Executive, Supervisor Hyland WITHDREW his motion with the understanding that the Mondloch House project would be addressed at the Midyear Review.

Supervisor Richards moved to amend the main motion to add \$500,000 (under Housing) for planning funds for the Lewinsville Regional Senior Center. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of eight, Supervisor McConnell voting "NAY."

Supervisor McConnell moved a substitute motion that the 1990 Fall Bond Referenda include funds for School Improvements (\$169.26 million); Housing and Human Services (\$30.0 million); Transportation Funds for Fairfax County Parkway (\$90.0 million); Public Safety (\$4.57 million); and Sidewalks/Trails (\$6.0 million); however, following discussion, with input from the County Executive, Supervisor McConnell WITHDREW her motion.

The question was then called on the main motion (Supervisor Pennino's) for adoption of Alternative Five which, as amended, CARRIED by a recorded unanimous vote.

Supervisor Pennino moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9.50 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL HUMAN SERVICES FACILITIES." This motion was jointly seconded by Supervisor Alexander and Supervisor Hanley and CARRIED by a recorded unanimous vote.

Supervisor Richards moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$21.75 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL HOUSING." This motion was seconded by Supervisor Pennino and CARRIED by a recorded unanimous vote.

Supervisor Pennino moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4.57 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL PUBLIC SAFETY AND MAINTENANCE FACILITIES." This motion was seconded by Supervisor Hyland and CARRIED by a recorded unanimous vote.

Supervisor Pennino moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6.72 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL STORM DRAINAGE IMPROVEMENTS." This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of seven, Supervisor Davis voting "NAY," Supervisor McConnell being out of the room.

Supervisor Pennino moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8.00 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL SIDEWALKS." The motion was seconded by Supervisor Hanley and CARRIED by a recorded vote of seven, Supervisor Davis voting "NAY," Supervisor McConnell being out of the room.

Supervisor Alexander moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$80.00 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL TRANSPORTATION FACILITIES." This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of eight, Supervisor McConnell being out of the room.

Supervisor Pennino moved that the Board adopt "A RESOLUTION REQUESTING THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN ELECTION ON THE QUESTION OF CONTRACTING A DEBT, BORROWING MONEY, AND ISSUING BONDS OF SAID COUNTY, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$169.26 MILLION, FOR THE PURPOSE OF PROVIDING FUNDS, WITH ANY OTHER AVAILABLE FUNDS, TO FINANCE THE COST OF A PROJECT TO PROVIDE ADDITIONAL SCHOOLS." This motion was seconded by Supervisor Hyland and CARRIED by a recorded unanimous vote.

9. A-24 - BOARD AUTHORIZATION TO PROCEED WITH THE SALE OF NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC), FAIRFAX COUNTY TRANSPORTATION CONTRACT REVENUE BONDS, SERIES 1990 (FAIRFAX COUNTY PARKWAY) AND DELEGATION OF AUTHORITY TO THE COUNTY EXECUTIVE TO RECOMMEND TO THE NVTC ITS ACCEPTANCE OF AN OFFER TO PURCHASE THE BONDS AND RELATED DOCUMENTS (TAPE 5)
- (R) Supervisor Richards called to the Board's attention Action Item 24 - Board Authorization to Proceed with the Sale of Northern Virginia Transportation Commission (NVTC), Fairfax County Transportation Contract Revenue Bonds, Series 1990 (Fairfax County Parkway) and Delegation of Authority to the County Executive to Recommend to NVTC its Acceptance of an Offer to Purchase the Bonds and Related Documents.

Supervisor Richards moved that the Board concur in the recommendation of staff and adopt a Resolution to:

- Delegate to the County Executive or the Deputy County Executive for Management and Budget, the authority to proceed with the sale of up to \$150,000,000 of NVTC bonds (the first series), prepare and deliver the Official Statement, and enter into the Bond Purchase Agreement;
- Authorize the County Executive or the Deputy County Executive for Management and Budget to recommend acceptance of the Bond Purchase Agreement; and
- Authorize the Chairman or Vice-Chairman to sign any and all documents that may be necessary in connection with the sale.

This motion was seconded by Supervisor Pennino.

Following input from J. Hamilton Lambert, County Executive, Supervisor Davis asked unanimous consent that the Board direct staff to provide a comparison between the total dollar costs over the life of the NVTC Bond Purchase Agreement versus that of a General Obligation Bond purchase. Without objection, it was so ordered.

This question was then called on the motion which CARRIED by a recorded vote of five, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell voting "NAY," Supervisor Hanley being out of the room.

10. CONDOLENCES TO THE FAMILY OF JAMES KINZER,
LEE DISTRICT REPRESENTATIVE TO THE
FAIRFAX COUNTY ATHLETIC COUNCIL (TAPE 5)

(BACs)

Supervisor Alexander announced with regret the sudden death this morning of James Kinzer, Lee District Representative to the Fairfax County Athletic Council. He asked unanimous consent that the Board send condolences and flowers to his family as expeditiously as possible. Without objection, it was so ordered.

11. BOARD RECESS (TAPE 5)

At 12:10 p.m., the Board recessed briefly and at 12:50 p.m., reconvened in the Board Room with all Board Members being present, and with Chairman Moore presiding.

12. 10:15 A.M. - BOARD DECISION ON THE PROPOSED
FISCAL YEAR (FY) FY 1991-1995 CAPITAL
IMPROVEMENT PROGRAM (CIP) (TAPES 5-6)

[NOTE: The Board held workshops on the Advertised Capital Improvement Program (CIP) for Fiscal Years (FY) 1991-1995 on March 19, 1990 and July 23, 1990. The Board held a public hearing on the Advertised Program on March 26, 1990. The Planning Commission adopted the Advertised Program on March 22, 1990.]

(NOTE: Earlier in the meeting, various actions were taken on the proposed 1990 Fall Bond Referenda. See Clerk's Summary Item CL#8.)

At the recommendation of J. Hamilton Lambert, County Executive and, as a result of the Board's actions taken earlier in the meeting on the proposed 1990 Fall Bond Referenda, Supervisor Richards moved that the Board direct staff to:

- Review additional projects outlined in the CIP workshop held on July 23, 1990 and refine the CIP; and
- Incorporate the changes necessitated by the Board's adoption of the proposed 1990 Fall Bond Referenda and report to the Board on September 17, 1990 for decision on the refined CIP.

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

13. MARKUP ON THE MAJOR PLAN REVIEW, REGARDING:
THE PROPOSED POLICY PLAN FOR FAIRFAX COUNTY
AND THE GUIDELINES FOR DEVELOPMENT REVIEW
(TAPES 5-6)

Supervisor Bulova referred to Page 61, Transportation, Policies on Transit Service, Policy "i," of the Proposed Policy Plan for Fairfax County (Policy Plan) and she asked unanimous consent that the Board direct staff to add the following language after the first sentence in Policy "i":

- "Feeder bus service to Metro and commuter rail may also serve suburban neighborhoods."

Without objection, it was so ordered.

Following discussion, Supervisor Alexander moved that the Board spend time discussing the markup on the Policy Plan today; however, postpone the decision on adoption of the Plan until September 17, 1990. This motion was seconded by Supervisor Pennino.

Supervisor Pennino asked that the motion be amended to include that the Board direct staff to schedule September 18 and 19, 1990, as regularly scheduled meetings of the Board, in order to discuss, amend, and adopt the Policy Plan.

Supervisor Hanley moved a substitute motion that the Board:

- Accept Part I and Part II in Phase I of the Policy Plan as guidance to the task forces; and
- Continue to use the existing Master Plan until May 1991.

As part of her motion, Supervisor Hanley stated that it was her understanding that the Board would proceed at today's meeting as expeditiously as possible with minor adjustments to portions of the Policy Plan; and, as necessary, make revisions on the Transportation Plan on September 17, 1990.

This motion was seconded by Supervisor Davis.

Following further discussion, Supervisor Alexander withdrew his original motion with a notation of his support for Supervisor Hanley's motion, thereby establishing Supervisor Hanley's motion as the main motion.

Supervisor Hanley asked that her motion be amended to include the following language:

- Modify the language on Page 17, Objective 3, Policy "b" of Transportation:
 - * "...in the level of service D, where feasible...."

This amendment was accepted.

As a point of clarification, Supervisor Hanley restated her motion as follows:

- That the Board take the County Executive's recommendation with Part I of Phase I;
- Adopt and incorporate change of level of service D language into the Guidelines for Phase II of the Plan;
- Adopt Section II of the Plan in concept as direction for the task forces and staff as they move forward with the area plans;
- That the Board not get into specific changes to the Transportation Map, thus allowing review by area task forces; and
- That the Board not proceed through the bridge document, but rather designate the existing Master Plan as being in existence until May of 1991.

(NOTE: Later in the meeting, there was additional Board discussion and various actions on the Policy Plan. See Clerk's Summary Items CL#15 and CL#42.)

14. BOARD RECESS (TAPE 6)

At 2:10 p.m., the Board recessed briefly for lunch and, at 2:55 p.m., reconvened in the Board Room with all Members being present, and with Chairman Moore presiding.

CM:CM

15. CONTINUATION OF MARKUP ON THE MAJOR PLAN REVIEW
REGARDING THE PROPOSED POLICY PLAN FOR FAIRFAX
COUNTY AND THE GUIDELINES FOR DEVELOPMENT REVIEW
(TAPES 7-9)

(NOTE: Earlier in the meeting, there was Board discussion and various actions on the Markup on the Major Plan Review regarding the Proposed Policy Plan for Fairfax County and the Guidelines for Development Review. See Clerk's Summary Item CL#13.)

Supervisor Hanley moved the inclusion of all items, with the exception of the section entitled "Guidance for Refinements to the Land Classification System and the Concept," shown on Page 5. This motion was seconded by Supervisor Davis.

Supervisor Davis asked that the motion be amended to include the following modification to "Guidance for Refinements to the Land Classification System and the Concept," shown on Page 5:

- "The integrity of the adopted Concept and the Land Classification System should be generally considered during the development of Phase II recommendations. However, situations may occur that indicate that the County is best served by reconsidering whether certain land areas should be classified differently than shown in the Policy Plan or whether certain Land Classifications Guidelines in the Policy Plan should be modified. There may be unusual circumstances where the public interest would best be served by exercising some flexibility in assigning intensity levels for non-residential development. In general, the Board may wish to maintain the Land Classification System in the Policy Plan but does not want to thwart the County's ability to achieve balance among County goals. Recognized is the need to manage intensity and, while the goal to balance land use with transportation is of great significance, it should not be considered the sole determinant when its application thwarts the public interest which could be gained by blending its major importance with the importance of achieving other County goals"; and

- "Given the extent of the supply of non-residentially zoned land, there may be an opportunity for high density residential development to occur on some of the land currently zoned for non-residential use. Where practical, the compatible conversion of non-residential land to residential use is deemed to be consistent with the Policy Plan."

This was accepted.

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

SUPERVISOR RICHARDS:

Supervisor Richards moved the following changes:

- Amend the Transportation Plan Map to delete the six laning of Dolley Madison between the Dulles Toll Road and the George Washington Parkway;
- Footnote references to Georgetown Pike to show it as Virginia's first scenic and historic byway; and
- Add language to the Transportation Plan Map to indicate that wherever feasible grade separations and service roads should be provided on Route 7 between Herndon junction and Tysons Corner.

This motion was seconded by Supervisor Pennino and CARRIED by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

SUPERVISOR HYLAND:

Supervisor Hyland moved the following changes to the Policy Plan:

- Add to Objective 4, Page 95, a new sub-paragraph (d) to read:

- * "Develop locational guidelines for multi-family projects in public housing for inclusion in Appendix One to the Countywide Land Use portion of the Plan";
- Delete from Page 97, Paragraph 2 of the Introduction, the sentence:
 - * "Because the County is made up primarily of developed and developing land, Fairfax County cannot have the same expectations for its natural environment that might apply to a rural or wilderness area";
- Also delete the wording: "On the other hand" from the last sentence so that it reads:
 - * "The expectation for the preservation, management, and rehabilitation of meaningful components of the County's environmental heritage should be high, given the large number of people who live here and the importance of local environmental resources to the quality of life"; and
- Remove the smoke stacks from the picture on Page 99 per request by the Planning Commission.

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

Supervisor Hyland further moved to:

- Change the language of Objective 18, Policy 8, Page 141, to read:
 - * "Plan for a new police substation for the western part of the County and assess the need for a new substation in the southeastern part of the County";
- Add to Page 152, Sanitary Sewer Section, language to show that in certain areas of the County where sanitary sewer service is not available the Board always has and will continue to operate pump and haul;

- Change Objective 34, Policy A, Page 155 to read:

- * "Prior to the expansion of the Energy/Resource Recovery Facility and the I-95 Landfill to accommodate..."; and

Change the last sentence of Policy A to read:

- * "...undertake a full range of solid waste activities to forestall and minimize landfill and resource recovery expansion."

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

Supervisor Hyland further moved to:

- Eliminate the language in Objective 34, Page 155, Policy C and replace it with the following:

- * "To locate additional landfill sites including expansion of the I-95 landfill to serve the participating jurisdictions provided: (1) other jurisdictions have constructed or commenced construction of facilities and implemented recycling and waste reduction strategies equivalent to those in Fairfax County; (2) such sites will not adversely affect the environment of existing residential communities; and (3) each participating jurisdiction will actively explore methods of utilizing ash residue as an alternative to landfill."

This motion was seconded by Supervisor McConnell.

Following a lengthy discussion, Supervisor Bulova moved to call the question due to the lateness of the hour. This motion was seconded by Supervisor Pennino and CARRIED by a vote of eight, Supervisor Alexander being out of the room.

The question was then called on Supervisor Hyland's motion to delete Policy C which FAILED by a recorded vote of four, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Supervisor Richards voting "AYE," Supervisor Alexander being out of the room.

Supervisor Hyland then moved an amendment to the existing language in Policy C to read as follows:

- "To locate additional landfill sites including expansion of the I-95 landfill to serve the participating jurisdictions provided (1) other jurisdictions have constructed or commenced construction of facilities and are implementing recycling and waste reduction strategies equivalent to those in Fairfax County; (2) such sites will not adversely affect the environment of existing residential communities; and (3) each participating jurisdiction will actively explore methods of utilizing ash residue as an alternative to landfilling."

This motion was seconded by Supervisor McConnell.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved to rescind the previous motion. This motion was seconded by Supervisor Hyland and FAILED by a recorded vote of four, Supervisor Davis, Supervisor Hyland, and Chairman Moore voting "AYE," Supervisor McConnell abstaining, Supervisor Alexander being out of the room.

Supervisor Hyland moved to:

- Replace the phrase "up-to-date technology" in Policy D, Objective 34, Page 155 to read, "state-of-the-art technology."

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

Supervisor Hyland moved to:

- Add to the statement "Locate most homes on sites which are integrated into the community," contained in Policy A, Objective 18, Page 176, regarding Group Residential Facilities, the following:
 - * "...except that no home for persons with substance abuse problems shall be located within a drug free zone that is within 1000 feet of any school."

This motion was seconded by Supervisor Davis and CARRIED by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Hyland moved to:

- Add the following statement to Policy B, Page 177:
 - * "Locate facilities where access to employment/work training and other support services are available."

This motion was seconded by Supervisor Davis and CARRIED by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Hyland moved that the Board accept Alternative 2, Objective 3, Page 195.

Following discussion, Supervisor Richards moved to table this item to allow staff additional time to clarify the language. This motion was seconded by Supervisor Hyland and CARRIED by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Hanley being out of the room.

SUPERVISOR PENNINO:

Supervisor Pennino moved that Fox Mill Road (Lawyers Road to Interstate I-66), as shown on the Transportation Plan proposed to be widened to four lanes, be eliminated with the understanding that there will be a study to determine whether additional turn lanes are needed at the end of the intersection. This motion was seconded by Supervisor Hyland and CARRIED by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Pennino moved that Hunter Mill Road be shown as a two-lane improved road from Lawyers Road North to Sunset Hills Road; however, this motion died for lack of a second.

SUPERVISOR BULOVA:

Supervisor Bulova moved to:

- Modify the language on Page 54, "Guidelines for Mobile Home Retention," Paragraph Three, to read:

- * "Redevelopment of parcels of land for mobile home park use should only be permitted if it can be accomplished in a manner that does not adversely affect surrounding properties by creating an environment for change in land use, or adversely affect the adequacy and availability of public utilities and services or water quality. Any such project should be effectively screened and buffered from existing or planned residential development and should be sensitive to the environment. The applicant should file a rezoning application on the subject property to R-MHP, for consideration of such a proposal. Further, assistance substantially offsetting the costs of relocation for displaced residents should be provided by the property owner and a significant portion of any new pads created under this provision should remain affordable."

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

Supervisor Bulova then moved that Braddock Road from Guinea Road to Shirley Gate be changed on the map from six to four lanes; however, this motion died for lack of a second.

Supervisor Bulova further moved that proposed plans to change Backlick Road to six lanes be changed also; however, this motion died for lack of a second.

SUPERVISOR MCCONNELL:

C-7 - FUNDING FOR OLD KEENE MILL ROAD CORRIDOR CAPACITY IMPROVEMENTS:

Supervisor McConnell called to the Board's attention Consideration Item Seven - Funding for Old Keene Mill Road Corridor Capacity Improvements.

The Board next considered an Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization of funds for Old Keene Mill Road corridor capacity improvements.

Following discussion, with input from J. Hamilton Lambert, County Executive, Supervisor McConnell moved authorization of funds for Old Keene Mill Road corridor capacity improvements. This motion was seconded by Supervisor Davis and CARRIED by a vote of eight, Supervisor Alexander being out of the room.

Following further discussion, Supervisor Richards moved to reconsider the Board's previous action to authorize funds for Old Keene Mill Road corridor capacity improvements. This motion was seconded by Supervisor Pennino and FAILED by a recorded vote of five, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards voting "AYE," Supervisor Alexander being out of the room.

CONTINUATION OF MARKUP ON THE MAJOR PLAN REVIEW
REGARDING THE PROPOSED POLICY PLAN FOR FAIRFAX
COUNTY AND THE GUIDELINES FOR DEVELOPMENT REVIEW

SUPERVISOR HANLEY:

Supervisor Hanley moved to:

- Amend the language in Appendix 8, "Guidelines for Neighborhood Redevelopment," Page 50, Number 1, to read:
 - * "Neighborhood consolidations requiring comprehensive plan amendments should only be considered during a comprehensive planning process which will occur at least once in a five year period."

This motion was seconded jointly by Supervisor Hyland and Supervisor Pennino and CARRIED by a vote of seven.

I-7 - DEFERRED ITEMS FROM THE 1985 AND 1986 ANNUAL PLAN
REVIEWS

Supervisor Hanley called to the Board's attention Information Item Seven - Deferred Items from the 1985 and 1986 Annual Plan Reviews.

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for the Office of Comprehensive

Planning (OCP) to review the Deferred Items from the 1985 and 1986 Annual Plan Reviews to determine whether these items have been addressed through the completion of a study, or other action, or whether the items will be addressed in Phase II of the Planning Horizons process. A status report will be submitted by OCP to the Board of Supervisors and the Planning Commission upon the completion of this review.

Supervisor Hanley moved to direct staff to consider the Deferred Items from the 1985 and 1986 Annual Plan Reviews during Phase II of the Comprehensive Plan process. This motion was jointly seconded by Supervisor Hyland and Supervisor Pennino and CARRIED by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

CONTINUATION OF MARKUP ON THE MAJOR PLAN REVIEW
REGARDING THE PROPOSED POLICY PLAN FOR FAIRFAX
COUNTY AND THE GUIDELINES FOR DEVELOPMENT REVIEW

Supervisor Hanley moved that the following statements be placed appropriately on Page 229:

- "Although given a general definition, each suburban center is different and all objectives, policies and guidelines must be applied recognizing these differences. In developing Area Plans, these differences must be taken into consideration, as well as existing Plan language that was adopted by the Board of Supervisors as a result of recent citizen task forces or specific studies";
- "It must be recognized that each Transit Station Area is different. Development that might be appropriate and compatible with surrounding areas in one Transit Station Area would be entirely inappropriate in another"; and
- "Because of the proximity of Merrifield to the Transit Station Area in Dunn Loring, this suburban center cannot be considered independently of the Dunn Loring Transit Area and vice versa, when specific boundaries and core areas are designated."

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

Supervisor Pennino moved that the Transportation Map be revised to show Old Reston Avenue, from the Washington and Old Dominion (W&OD) Trail to Temporary Road, as a Historic Scenic Byway. This motion was jointly seconded by Supervisor Hyland and Supervisor Richards and CARRIED by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

CHAIRMAN MOORE:

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved to:

- Add the following language to Page 61, "Policies on Transit Facilities," Policy C, after the first sentence:
 - * "Preserve the rights-of-way for track and station sites where appropriate"; and
- Add the following language to Page 73, Objective 11, Policy C, after "rail stations":
 - * "rail line rights-of-way in the enhanced public transportation corridors (I-66, I-95, Dulles Toll Road and I-495)."

This motion was seconded by Supervisor Bulova and CARRIED by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Moore moved that the Board authorize staff to do a match on the Transportation and Development Plans at a point in time when staff has a more definitive idea of what will be coming before the Board for action. This motion was seconded by Supervisor Bulova and CARRIED by a recorded vote of six, Supervisor McConnell abstaining, Supervisor Alexander and Supervisor Davis being out of the room.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following a request for clarification from George A. Symanski, Jr., Senior Assistant County Attorney, Supervisor Hanley moved that those specific text amendments suggested, in turn, by each individual Board Member be added in conjunction with the earlier motion. This motion was seconded by Supervisor Pennino and CARRIED by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

(NOTE: Later in the meeting, there was additional Board discussion and various actions taken on the Proposed Policy Plan. See Clerk's Summary Item CL#42.)

VLL:VLL

16. CITIZEN COMMENT ON ISSUES OF CONCERN (TAPE 9)

[NOTE: Earlier in the meeting, there was Board discussion and various actions on the Proposed Policy Plan for Fairfax County (Policy Plan). See Clerk's Summary Items CL#13 and CL#15.]

Chairman Moore called to the Board's attention the fact that Senator Joseph V. Gartlan, Jr., is listed on the Speaker's List for the public hearing scheduled for later in the meeting to receive citizen comment on issues of concern. She stated that Senator Gartlan is planning to address the Board on issues concerning the proposed adoption of the Policy Plan inasmuch as Board decision on the proposed Policy Plan had been previously scheduled to follow the public hearing to receive citizen comment.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and, because of the Board's actions earlier in the meeting on the Policy Plan, asked unanimous consent that the Board direct staff to contact Senator Gartlan and inform him that the Board had taken action on the proposed Policy Plan. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

17. DELETION OF EXECUTIVE SESSION FROM BOARD'S AGENDA (NO TAPE)

[NOTE: To date, additional information regarding the Court's interpretation of the Freedom of Information Act (FOIA) as provided under Executive Session has not been obtained. Therefore, it was the Board's consensus that the scheduled Executive Session be deleted from the Board's agenda. Necessary actions were taken in open Session. See Clerk's Summary Item CL#18.]

18. ACTIONS TAKEN ON ITEMS CONTAINED IN BOARD'S EXECUTIVE SESSION PACKAGE (TAPES 10-11)A. SETTLEMENT OF THE MILTON COMPANY
VERSUS THE BOARD OF SUPERVISORS.
AT LAW NUMBER 91930

In consultation with the County Executive and staff, Supervisor Pennino moved that the Board

authorize settlement of The Milton Company versus the Board of Supervisors, At Law Number 91930, according to the terms and the conditions outlined by the County Attorney. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, and Supervisor Richards being out of the room.

B. CLAIM OF PAMELA MISTACH

Supervisor Pennino moved that the Board approve settlement of the personal injury claim of Pamela Mistach as recommended by the County Attorney. This motion was seconded by Supervisor McConnell.

Following discussion, with input from David T. Stitt, County Attorney, regarding the amount of the settlement, the question was called on the motion which carried by a vote of seven, Supervisor Alexander and Supervisor Bulova being out of the room.

C. COLLECTION OF DELINQUENT REAL ESTATE TAXES

Supervisor Pennino moved that the Board authorize commencement of legal proceedings to collect delinquent real estate taxes in those cases in which the taxpayers have not responded to the demands for payment where there has been a default in the payment schedule or agreement as of June 30, 1990, as recommended by the County Attorney. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Bulova being out of the room.

(NOTE: Later in the meeting during the County Executive Items, Information Item Five presented to Board Members the current list of delinquent real estate tax accounts totaling \$3,421,260.93. See Clerk's Summary Item CL#127.)

D. BOARD DECISION ON PROPOSED AMENDMENT TO
THE CODE OF THE COUNTY OF FAIRFAX,
CHAPTER 112 (ZONING ORDINANCE)
REGARDING GROUP RESIDENTIAL
FACILITIES DUE TO FAIR HOUSING
AMENDMENTS ACT OF 1988 AND RELATED
GENERAL ASSEMBLY LEGISLATION

(0)(BACs) (NOTE: The public hearing was held on July 9, 1990 and Board decision was deferred until July 23, 1990. On July 23, 1990 Board decision was deferred until August 6, 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 June 22 and June 29, 1990.

Supervisor Pennino commended Robert Lyndon Howell, Senior Assistant County Attorney, and John Martin, Assistant County Attorney, for their outstanding performance in their explanation to Board Members on legal ramifications of the following action regarding the Group Residential Facilities Commission.

Supervisor Pennino moved adoption of the proposed amendments to the Code of The County of Fairfax, Chapter 112 (Zoning Ordinance) regarding group residential facilities and to disband the Group Residential Facilities Commission to comply with the Fair Housing Amendments Act of 1988 and related General Assembly Legislation as recommended by the County Attorney. This motion was seconded by Supervisor Hanley.

Supervisor Hyland reserved the right, at a future date, to reconstitute the Group Residential Facilities Commission or a similar body, to handle those matters addressed in the letter to the Planning Commission from John R. Byers, Mount Vernon District Planning Commissioner, regarding the oversight function of group residential facilities once the facilities have been placed in a residential community.

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

Supervisor Hanley recommended that the reconstitution issue be addressed by the Board in September 1990.

Supervisor Hyland asked unanimous consent that the Board direct the County Attorney to investigate ways in which the Board could establish an oversight function for group residential facilities.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the request be amended to include that when a Commission is established that previous members of the Group Residential Facilities Commission be appointed to serve, and this was accepted.

Without objection, the amended request was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

E. FAIRFAX COUNTY HUMAN RIGHTS COMMISSION
INVESTIGATION OF GRANT VERSUS MERIDIAN
CONSTRUCTION COMPANY, HRC NUMBER 89058E

Supervisor Hyland moved that the Board authorize application for a Subpoena Duces Tecum to be served on Meridian Construction Company as recommended by the County Attorney. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being out of the room.

F. THE TIMES JOURNAL COMPANY VERSUS BOARD
OF SUPERVISORS, ET AL., IN CHANCERY
NUMBER 116652

Supervisor Richards moved that the Board authorize an appeal in The Times Journal Company versus the Board of Supervisors of Fairfax County, et al., In Chancery Number 116652 as recommended by the County Attorney. This motion was seconded by Supervisor Hyland and carried by a recorded vote of six, Supervisor Davis and Supervisor McConnell voting "NAY," Supervisor Alexander being out of the room.

19. I-27 - MINUTES OF THE BOARD OF SUPERVISORS'
MEETING FOR DECEMBER 11, 1989 (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990 requesting acceptance, as presented, of the Minutes of the Board of Supervisors' meeting held on December 11, 1989.

Supervisor Davis moved that the Board approve the Minutes of the Board of Supervisors' meeting held on December 11, 1989, as presented. In addition, he moved that the Board approve ZO-89-185 attached to the Minutes as Page 32A as accurately reflecting and embodying the Board's actions of December 11, 1989. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Pennino abstaining as she had not yet reviewed the Minutes, Supervisor Alexander being out of the room.

20. AUTHORIZATION OF APPEALS IN COMMERCIAL AND
INDUSTRIAL (C&I) CASES UNDER MASTER FILE
NUMBER 115184 (TAPES 10-11)

Buddy Allen, Fairfax County's outside legal counsel, firm of Hirschler, Fleischer, Weinberg, Cox and Allen, briefly addressed the Board on matters that outside counsel, as well as the County Attorney's Office, are recommending for the Board to take to appeals.

Following discussion, Supervisor Hyland moved that the Board of Supervisors authorize appeals in the following Commercial and Industrial (C&I) cases under Master File Number 115184:

SUMMARY JUDGMENT CASES:

- Blueridge Associates General Partnership, In Chancery Number 114433;
- CSX Realty, Incorporated, et al., In Chancery Number 114485;
- Henry A. Long Company, et al., In Chancery Number 114487;
- Door and Hardware Institute, In Chancery Number 114497;
- Hilton Suites, Incorporated, In Chancery Number 114409;

- Henry A. Long Company and Westcot Limited Partnership, et al., In Chancery Number 114321;
- Henry A. Long, Trustee, and R. Dennis McArver, Trustee, In Chancery Number 114405; and
- J.A.L. Associates Limited Partnership, et al., In Chancery Number 114332.

This motion was seconded by Supervisor Richards.

Following further discussion, Supervisor Davis moved that the Board recess and go into Executive Session for discussion of the eight C&I cases under Master File Number 115184 listed above, as well as:

ROUTE 28 TAX DISTRICT FINAL ORDERS:

- Joseph M. Gardiner, Trustee, In Chancery Number 114494;
- The Retired Officers Association, In Chancery Number 114316;
- Bahman and Roshanak Batmanghelidj, In Chancery Number 114402; and
- Any other case which chooses a final Order under the Route 28 Tax District ruling of the Court in the C&I Cases,

for consultation with legal counsel and briefings by staff members, consultants, and attorneys pertaining to actual and probable litigation and other specific legal matters requiring the provision of legal advice by counsel pursuant to Virginia Code Section 2.1344A7, but limited as has been described above. This motion was jointly seconded by Supervisor Bulova and Supervisor Pennino.

Following discussion, the question was called on the motion which CARRIED by a recorded vote of six, Supervisor Hyland and Supervisor Richards voting "NAY," Supervisor Alexander being out of the room.

Supervisor Hyland stated that unfortunately he would not participate in the Board's Executive Session.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board reconsider its earlier action to go into Executive Session. This motion was seconded by Supervisor Hyland.

Following further discussion, with input from David T. Slitt, County Attorney, regarding the differences of "actual" versus "probable" litigation, Supervisor Moore withdrew her motion.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Supervisor Hyland and Supervisor Richards stated, for the record, that they support the action to authorize appeals in C&I cases under Master File Number 115184 without the benefit of Executive Session. It was stated that they would not participate in any Executive Sessions of the Board until additional information regarding the Court's interpretation of the Freedom of Information Act (FOIA) as provided under Executive Session has been obtained.

Following further discussion, Supervisor Hyland withdrew his previous motion that the Board of Supervisors authorize appeals in the eight C&I cases under Master File Number 115184.

Supervisor Pennino moved that the Board of Supervisors authorize appeals in the following C&I cases under Master File Number 115184:

SUMMARY JUDGMENT CASES:

- Blueridge Associates General Partnership, In Chancery Number 114433;
- CSX Realty, Incorporated, et al., In Chancery Number 114485;
- Henry A. Long Company, et al., In Chancery Number 114487;
- Door and Hardware Institute, In Chancery Number 114497;
- Hilton Suites, Incorporated, In Chancery Number 114409;
- Henry A. Long Company and Westcot Limited Partnership, et al., In Chancery Number 114321;
- Henry A. Long, Trustee, and R. Dennis McArver, Trustee, In Chancery Number 114405; and

- J.A.L. Associates Limited Partnership, et al., In Chancery Number 114332.

This motion was seconded by Supervisor Richards.

Following discussion, the question was called on the motion which CARRIED by a recorded vote of six, Supervisor McConnell voting "NAY," Supervisor Davis abstaining, Supervisor Alexander being out of the room.

Following further discussion, Supervisor Hyland moved that the Board reconsider its earlier action authorizing the appeals in the eight C&I cases under Master File Number 115184. This motion was seconded by Chairman Moore and CARRIED by a recorded vote of six, Supervisor Bulova and Supervisor Pennino voting "NAY," Supervisor Alexander being out of the room.

It was the consensus of the Board to defer action on this issue until later in the meeting to allow Supervisor Davis additional time to discuss his concerns regarding the appeals with Mr. Allen.

(NOTE: Later in the meeting, action was taken to authorize the appeals. See Clerk's Summary Item CL#26.)

21. RECESS (TAPES 11-12)

At 5:35 p.m., the Board recessed briefly and, at 5:40 p.m., reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, Supervisor Davis, Supervisor Hyland, and Supervisor McConnell, and with Chairman Moore presiding.

SBE:SBE

22. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA 78-P-137-3 (KLM LIMITED PARTNERSHIP)
(PROVIDENCE DISTRICT) (TAPE 12)

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hanley moved approval of Proffered Condition Amendment Application PCA 78-P-137-3 subject to the proffered conditions dated July 17, 1990; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 78-P-137-4 on July 19, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Richards being out of the room.

23. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 89-P-081 (LEE GRAHAM SHOPPING CENTER LIMITED
PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPE 12)

Mr. William Baskin reaffirmed the validity of the affidavit for the record.

Chairman Moore disclosed the following campaign contribution that she had received:

- In the amount of \$200.00 from T. Eugene Smith, Lee Graham Shopping Center, Limited.

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

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

Supervisor Hanley moved approval of Special Exception Application SE 89-P-081 subject to the revised development conditions contained in Addendum One of the Staff Report dated July 26, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Richards being out of the room.

Supervisor Hanley further moved waiver of the transitional screening and barrier requirements along the southern boundary of the application property in favor of the landscaping shown on Site Plan Number 6445-SP-01-4 approved for the Lee Graham Shopping Center and the development conditions. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Richards being out of the room.

Supervisor Hanley moved waiver of the minimum open space requirement in favor of the open space shown on the Special Exception Plat and on Site Plan Number 6445-SP-01-4 approved for the Lee Graham Shopping Center. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Richards being out of the room.

24. 3:30 P.M. - PH ON THE PROPOSED VACATION OF A PORTION OF FOX MEADOW LANE AND DOYLE LANE (SPRINGFIELD DISTRICT) (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 July 20 and July 27, 1990.

Following the public hearing, Supervisor McConnell moved adoption of the Ordinance vacating portions of Fox Meadow Lane (Route 1166) and Doyle Lane (Route 3738), Springfield District. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Richards being out of the room.

25. 3:30 P.M. - PH ON REZONING APPLICATION RZ 88-P-012 (TYSONS III ASSOCIATES LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPE 12-13)

Mr. Robert Flinn, reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hanley moved DENIAL of Rezoning Application RZ 88-P-012 to the requested C-4, Highway Corridor, and Sign Control Districts. This motion was jointly seconded by Supervisor Hyland and Supervisor Richards and carried by a vote of eight, Supervisor Alexander being out of the room.

VLL:VLL

26. AUTHORIZATION OF APPEALS IN COMMERCIAL AND INDUSTRIAL (C&I) CASES UNDER MASTER FILE NUMBER 115184 (TAPE 13)

(NOTE: Earlier in the meeting, the Board discussed these appeals and deferred action until later in the meeting to allow Supervisor Davis additional time to discuss his concerns regarding the appeals with Buddy Allen, Fairfax County's outside legal counsel, firm of Hirschler, Fleischer, Weinberg, Cox and Allen. See Clerk's Summary Item CL#20.)

Supervisor Hanley moved that the Board of Supervisors authorize appeals in the following Commercial and Industrial (C&I) cases under Master File Number 115184:

SUMMARY JUDGMENT CASES:

- Blueridge Associates General Partnership, In Chancery Number 114433;
- CSX Realty, Incorporated, et al., In Chancery Number 114485;
- Henry A. Long Company, et al., In Chancery Number 114487;
- Door and Hardware Institute, In Chancery Number 114497;
- Hilton Suites, Incorporated, In Chancery Number 114409;
- Henry A. Long Company and Westcot Limited Partnership, et al., In Chancery Number 114321;
- Henry A. Long, Trustee, and R. Dennis McArver, Trustee, In Chancery Number 114405; and
- J.A.L. Associates Limited Partnership, et al., In Chancery Number 114332.

This motion was seconded by Supervisor Bulova.

Following discussion, the question was called on the motion which carried by a recorded vote of seven, Supervisor McConnell abstaining, Supervisor Alexander being out of the room.

Supervisor Hanley moved that the Board of Supervisors authorize appeals in the following C&I cases under Master File Number 115184:

ROUTE 28 TAX DISTRICT FINAL ORDERS:

- Joseph M. Gardiner, Trustee, In Chancery Number 114494;

- The Retired Officers Association, In Chancery Number 114316;
- Bahman and Roshanak Batmanghelidj, In Chancery Number 114402; and
- Any other case which chooses a final Order under the Route 28 Tax District ruling of the Court in the C&I Cases.

This motion was seconded by Supervisor Richards.

Following discussion, with input from Mr. Allen, the question was called on the motion which CARRIED by a recorded vote of six, Supervisor Davis and Supervisor McConnell voting "NAY," Supervisor Alexander being out of the room.

27. 4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-038, PCA 87-C-060, PCA 88-C-039-2, AND PCA 88-C-091-2 (BAHMAN BATMANGHELIDJ) (CENTREVILLE DISTRICT) (TAPE 13-14)

Mr. Michael S. Horwatt reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed that Mr. Horwatt serves as her personal counsel and she had been advised by the County Attorney not to participate in any actions regarding Proffered Condition Amendment Applications PCA 88-C-038, PCA 87-C-060, PCA 88-C-039-2, and PCA 88-C-091-2; accordingly, Supervisor McConnell left the Board Room.

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

Following the public hearing, which included testimony by three speakers, Supervisor Pennino moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Supervisor McConnell being out of the room.

Supervisor Pennino moved that the Board of Supervisors:

- Approve the right-of-way acquisition, road design, and cost sharing agreement;

- Authorize the County Executive, on behalf of the Board of Supervisors, to execute the agreement; and
- Approve Proffered Condition Amendment Applications PCA 87-C-060-1, PCA 88-C-038-1, PCA 88-C-039-2, and PCA 88-C-091-2 subject to the executed proffers dated July 23, 1990 and the execution of the right-of-way acquisition, road design, and cost sharing agreement.

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

Supervisor Pennino moved that the Board of Supervisors reiterate her previous request to authorize and direct the Office of Comprehensive Planning and the Department of Environmental Management to review, on a concurrent, expedited, and continuous basis, all Final Development Plans, Preliminary Plans, Subdivision Plats, Site Plans, and any other applications, for review or approval to implement the rezoning recommended by McNair Farms. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, and Supervisor McConnell being out of the room.

28. 4:00 P.M. - PH ON THE ACQUISITION OF DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF GROVETON HEIGHTS PHASE III, MEMORIAL STREET NEIGHBORHOOD IMPROVEMENT PROJECT (LEE DISTRICT) (TAPE 14)

- (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 July 20 and July 27, 1990.

Following the public hearing, Supervisor Hyland moved, on behalf of Supervisor Alexander, adoption of the Resolution authorizing the acquisition of land rights necessary to implement the Groveton Heights Phase III, Memorial Street Neighborhood Improvement Project -- C00035, Lee District. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

29. 4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-A-011-2 AND SPECIAL EXCEPTION APPLICATION SE 89-A-071 (BOURJ, LIMITED) (ANNANDALE DISTRICT) (TAPE 14)

Supervisor Bulova moved to defer the public hearing on Proffered Condition Amendment Application PCA 80-A-011-2 and Special Exception Application SE 89-A-071 until September 17, 1990 at 5:00 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Bulova moved that the Board of Supervisors approve concurrent processing of the Site Plan for both Proffered Condition Amendment Application PCA 80-A-011-2 and Special Exception Application SE 89-A-071. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

30. 4:00 P.M. - BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 90-M-003 (THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, INCORPORATED) (MASON DISTRICT) (TAPE 14)

(NOTE: On July 23, 1990, the Board of Supervisors held a public hearing on Special Exception Application SE 90-M-003, however, deferred decision until August 6, 1990.)

Supervisor Davis moved approval of Special Exception Application SE 90-M-003 subject to the revised development conditions dated August 6, 1990. This motion was seconded by Supervisor McConnell.

Following discussion regarding the number of vehicle trips to and from the school, Supervisor Hanley moved to amend the motion to modify the revised development conditions dated August 6, 1990 by deleting the last two sentences of Paragraph C. This motion was seconded by Supervisor Richards and FAILED by a recorded vote of five, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards voting "AYE," Supervisor Alexander being out of the room.

The question was then called on the main motion to approve Special Exception Application SE 90-M-003 subject to the revised development conditions dated August 6, 1990 which CARRIED by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Davis moved that the Board direct the Director of the Department of Environmental Management to expedite the review and approval of a Site Plan waiver request which will be filed immediately by the applicant. The only physical change being made is the addition of approximately 2,000 square feet of parking area and the removal of

play apparatus currently located in the parking area. This motion was seconded by Supervisor Pennino and CARRIED by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Davis moved waiver of the requirement for a barrier along the western and southern boundaries of the subject property. This motion was seconded by Supervisor Hyland and CARRIED by a vote of eight, Supervisor Alexander being out of the room.

31. 4:00 P.M. - PH ON REZONING APPLICATION RZ 88-P-119
(BRAR ASSOCIATES - DUNN LORING LIMITED PARTNERSHIP)
(PROVIDENCE DISTRICT) (TAPE 14)

Mr. Michael D. Mattheisen reaffirmed the validity of the affidavit for the record.

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

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and left the Board Room to take care of pressing business in the Board's Conference Room.

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

Supervisor Hanley moved:

- That the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 88-P-119 be amended from the R-1 District to the PDH-3 District subject to executed proffers dated July 22, 1990; and
- Approval of Conceptual Development Plan Amendment CDPA 88-P-110 subject to executed proffers dated July 22, 1990; the Planning Commission having previously approved Final Development Plan Application FDP 88-P-119 on July 12, 1990.

This motion was seconded by Supervisor Bulova and CARRIED by a recorded vote of four, Supervisor Hyland voting "NAY," Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Hanley moved that the Board of Supervisors direct the Director of the Department of Environmental Management (DEM) to approve the following waivers and/or modifications:

- Modification of the transitional screening and barrier requirements to allow the use of existing vegetation with supplementation along Arden, Sandburg, and Oak Streets as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP);
- Modification of the transitional screening yard requirements to allow a 10-foot transitional screening yard along the northern border as shown on the CDP/FDP;
- Modification of a private street standard TS-5A for the private court access drive as shown on the CDP/FDP; and
- Waiver of Article 11, Section 302 of the Zoning Ordinance, that limits the length of a private street in a residential development to a maximum of 600 feet.

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

32. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-D-083
(BERNARD N. AND MARGARET S. BOSTON) (DRANESVILLE
DISTRICT) (TAPE 14-15)

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

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

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

(NOTE: Upon her return to the Board Room, Vice-Chairman Pennino returned the gavel to Chairman Moore.)

Supervisor Richards moved DENIAL of Rezoning Application RZ 89-D-083 to the requested R-3 District. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Richards moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 88-P-083 be amended from the R-1 and R-2 Districts to the R-2 District subject to the executed proffers dated July 12, 1990. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of seven, Supervisor Hyland voting "NAY," Supervisor Alexander being out of the room.

33. 4:30 P.M. - BOARD DECISION ON THE PROPOSED
VACATION OF MOSBY LANE (SPRINGFIELD
DISTRICT) (TAPE 15)

(NOTE: The public hearing was held on July 9, 1990 and the Board decision deferred until August 6, 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 June 22 and June 29, 1990.

Supervisor McConnell moved to further defer Board decision on the proposed vacation of Mosby Lane, Springfield District, until September 17, 1990 at 5:00 p.m. to allow additional time to determine whether the issues involved with this proposed vacation can be satisfactorily resolved. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

34. 4:30 P.M. - BOARD DECISION ON PROPOSED AMENDMENT
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112
(ZONING ORDINANCE) REGARDING GROUP RESIDENTIAL
FACILITIES (NO TAPE)

[NOTE: Earlier in the meeting, action was taken to adopt the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding group residential facilities and to disband the Group Residential Facilities Commission. See Clerk's Summary Item CL#18D.]

35. 5:00 P.M. - PH ON REZONING APPLICATION RZ 90-P-040
AND SPECIAL EXCEPTION APPLICATION SE 90-P-020
(FAIRFAX RIDGE ASSOCIATES) (PROVIDENCE DISTRICT)
(TAPE 15)

(NOTE: On July 25, 1990, the Planning Commission deferred its decision on Rezoning Application RZ 90-P-040 and Special Exception Application SE 90-P-020 until September 6, 1990. Later in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 90-P-040 and Special Exception Application SE 90-P-020 until September 24, 1990 at 5:00 p.m. See Clerk's Summary Item CL#37.)

36. 5:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT FOR
THE MCLEAN CENTRAL BUSINESS DISTRICT STUDY
(DRANESVILLE DISTRICT) (TAPE 15)

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 July 20 and July 27, 1990.

Following the public hearing, which included testimony by two speakers, Fred R. Selden, Chief, Policy Development Branch, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Richards stated that the McLean Central Business District Planning Committee is presently considering an additional modification to the western boundary. She stated that the Committee requested that the Board defer its decision on this portion of the study only and, at the appropriate time in the future, that she request Board action regarding that modification.

Supervisor Richards moved approval of the Out-of-Turn Plan Amendment for the McLean Central Business District Study subject to the Planning Commission's recommendations contained in the Memorandum to the Board dated August 6, 1990 with the following modification:

- Handwritten Page 11 contained in the Memorandum to the Board dated August 6, 1990, which states "All references in a design guidelines, Pages 100 to 130, the street and curb set backs" should read:

* Change "from right of way," IO
"from face of curb."

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

Supervisor Richards further moved that the Board of Supervisors allow the minor Out-of-Turn Plan Amendment being addressed by the Committee that she had referred to earlier. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Pennino being out of the room.

37. 5:00 P.M. - PH ON REZONING APPLICATION RZ 90-P-040
AND SPECIAL EXCEPTION APPLICATION SE 90-P-020
(FAIRFAX RIDGE ASSOCIATE) (PROVIDENCE DISTRICT)
(TAPE 15)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 90-P-040 and Special Exception Application SE 90-P-020 until September 24, 1990 at 5:00 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Pennino being out of the room.

38. 7:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-S-012 [THE MOST REVEREND JOHN R. KEATING,
BISHOP, CATHOLIC DIOCESE OF ARLINGTON (SAINT
ANDREW THE APOSTLE)] (SPRINGFIELD DISTRICT)
(TAPE 15)

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

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

Barbara Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning, introduced to Board Members Gregory Riegler, a newly-hired Staff Coordinator, and Angela Rodeheaver, a newly-hired Planner, Office of Transportation.

Chairman Moore warmly welcomed Mr. Riegler and Ms. Rodeheaver as new members of the County staff.

Following the public hearing, which included testimony by 6 speakers, Gregory Riegler, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved approval of Special Exception Application SE 90-S-012 subject to the revised development conditions dated July 25, 1990. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor McConnell moved waiver of the barrier requirement for all lot lines, with the exception of the northern lot line where Barrier C shall be provided in the area of the site parallel to the parking areas. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor McConnell moved that the Board direct staff to expedite the Site Plans. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room.

39. RECESS (TAPE 15-16)

At 8:30 p.m., the Board recessed briefly for dinner and, at 9:00 p.m., reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander and Supervisor Richards, and with Chairman Moore presiding.

40. 7:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-S-012 [THE MOST REVEREND JOHN R. KEATING,
BISHOP, CATHOLIC DIOCESE OF ARLINGTON (SAINT
ANDREW THE APOSTLE)] (SPRINGFIELD DISTRICT)
(NO TAPE)

(NOTE: Earlier in the meeting, the public hearing was held and various actions were taken to approve Special Exception Application SE 90-S-012. See Clerk's Summary Item CL#38.)

41. 7:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON
ISSUES OF CONCERN (TAPE 16)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun, showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of July 20 and July 27, 1990.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three

minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Clerk to the Board to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

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

42. 7:30 P.M. - MARKUP ON THE MAJOR PLAN REVIEW.
REGARDING: THE PROPOSED POLICY PLAN FOR
FAIRFAX COUNTY AND THE GUIDELINES FOR
DEVELOPMENT REVIEW (TAPES 16-17)

[NOTE: Earlier in the meeting, there was Board discussion and various actions were taken on the markup on the Major Plan Review regarding the Proposed Policy Plan for Fairfax County (Policy Plan) and the Guidelines for Development Review. See Clerk's Summary Items CL#13 and CL#15.]

Following discussion, Supervisor Hyland moved to reconsider the Policy Plan portion, Policy Plan Number I, that the Board adopted earlier in the meeting. This motion was seconded by Supervisor McConnell and FAILED by a recorded vote of four, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore voting "AYE," Supervisor Alexander being out of the room.

Following further discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, Supervisor Hyland moved that the Lorton Study be treated as a special area and that an Out-of-Turn Plan Amendment be granted for that area. This motion was jointly seconded by Supervisor Davis and Supervisor McConnell and FAILED by a recorded vote of four, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Supervisor Richards voting "AYE," Supervisor Alexander being out of the room.

BOARD MATTERS

43. TIME LIMITATION FOR BOARD MATTERS
(TAPE 17)

Due to the lateness of the hour, it was the Board's consensus that Board Members strictly adhere to a three-minute time limitation for presenting their Board Matters.

44. STAFF REQUESTED TO REPORT WITH PROS AND CONS
TO CHANGE COUNTY'S CURRENT POLICY REGARDING
SEWER SERVICE AREAS (TAPE 17)

Chairman Moore called to the Board's attention the County's current policy regarding sewer outside the Sewer Service Area, also known as the "400-Foot Rule." She stated that currently sewer can only be provided within the Sewer Service Area, i.e., if the homeowner is outside of the Sewer Service Area by 400 feet. She relinquished the Chair to

Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to report to the Board on September 17, 1990, in the form of a Consideration Item, with the pros and cons of changing the County's current policy.

Following discussion, with input from J. Hamilton Lambert, County Executive, Supervisor Moore amended her request that if staff, after consultation with the County Attorney's Office, finds that there are legal problems in changing the current policy, that staff not report to the Board with a Consideration Item but inform Supervisor Moore of the staff findings, and this was accepted.

Without objection, the amended request was so ordered.

45. ADMIN 4 - AUTHORIZATION TO ADVERTISE THE FISCAL YEAR (FY) 1990 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 1991 REVISED BUDGET PLAN (TAPE 17)

(VER) Supervisor Moore called to the Board's attention Administrative Item Four - Authorization to Advertise the Fiscal Year (FY) 1990 Carryover Review to Amend the Appropriation Level in the FY 1991 Revised Budget Plan, in particular, Section Four (General Fund Monies) and Section Five (Other Fund Monies).

Supervisor Moore asked unanimous consent that the Board:

- Direct staff to report with the following additional information and, if possible, include the information in the advertisement:
 - * Section IV (General Fund Monies) - what is available to spend in FY 1991; and
 - * Section V (Other Fund Monies) - where the monies come from, i.e., from general funds (tax monies), and what is available to spend in FY 1991.

Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken to authorize the advertisement of a public hearing to be held before the Board of Supervisors on September 17, 1990 at 10:00 a.m. regarding a proposed increase to the FY 1991 appropriation level. The advertisement encompasses both the County and the Schools' FY 1990 Carryover Reviews. See Clerk's Summary Item CL#89-4.)

46. APPOINTMENT TO THE DULLES CORRIDOR TRANSIT STUDY
(TAPE 17)

(APPT)

Supervisor Moore moved the appointment of Mr. Thomas McMakin as an interim member of the Dulles Corridor Transit Study. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

47. CREATION OF A HISTORIC OVERLAY DISTRICT
FOR THE UNION MILL ROAD AREA (TAPE 17)

On behalf of the Fairfax County History Commission, Supervisor Moore asked unanimous consent that the Board refer to staff, for its review and recommendation, the request to study the creation of an historic overlay district for the Union Mill Road area. She stated that the request follows a determination by the State Department of Historic Resources that the district appears to meet the criteria for listing on the Virginia Landmarks Register and the National Register of Historic Places. Without objection, it was so ordered.

48. I-17 - FINAL REPORT ON THE ACTIVITIES OF THE
1990 CENSUS COMPLETE COUNT COMMITTEE AND
REQUEST FOR CERTIFICATES OF APPRECIATION
(TAPE 17)

(BACs)

Supervisor Moore called to the Board's attention Information Item 17 - Final Report on the Activities of the 1990 Census Complete Count Committee.

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990 presenting the final report on the activities of the 1990 Census Complete Count Committee.

She asked unanimous consent that the Board direct staff to prepare letters, under the Chairman's signature, and Certificates of Appreciation, commending Committee members for their outstanding performance. Without objection, it was so ordered.

49. ILLEGAL PARKING IN SPACES DESIGNATED FOR
"HANDICAPPED PARKING" (TAPE 17)

Supervisor Moore stated that she had received a letter from the Commission for Disabled Persons regarding the continuing problems with illegal parking in spaces designated for "Handicapped Parking." She asked unanimous consent that the Board refer to staff, for its review and recommendation, the Commission's request that a closer working

relationship be established between the Fairfax County Police Department and other involved County agencies to develop a plan for improving public awareness and enforcement.

Supervisor Davis stated that he has received similar complaints from constituents regarding illegal parking in spaces designated for "Handicapped Parking."

Supervisor Hanley stated that at the Board of Supervisors' meeting held on July 9, 1990, she had called the Board's attention to Arlington County's recent introduction of a Handicapped Parking Hot Line Number for enforcement of its handicapped parking spaces. She stated that action had been taken to direct staff to review Arlington County's program and report with comments and recommendations regarding the feasibility of using this type of program throughout Fairfax County.

Supervisor Davis asked unanimous consent that the Board direct staff to report in September 1990, in the form of a Consideration Item, with:

- Additional information (fact sheets) on Arlington County's program; and
- A response to Supervisor Hanley's request of July 9, 1990.

Without objection, it was so ordered.

50. CONCERNS REGARDING LEASE AGREEMENT WITH
THE DEPARTMENT OF HUMAN DEVELOPMENT
(TAPE 17)

Supervisor Moore stated that she had received a letter from Dome Building Partners regarding a lease agreement with the Department of Human Development. She asked unanimous consent that the Board direct the County Executive to review the letter and report to the Board with a response to the concerns. Without objection, it was so ordered.

51. REQUEST STAFF REVIEW REQUIREMENT THAT SELLERS
NOTIFY PURCHASERS OF PROPERTY AFFECTED BY
AIRPORT NOISE (TAPE 17)

Supervisor Moore asked unanimous consent that the Board refer to staff, for its review and recommendation, the letter from Larry Palmer, Chairman, Fairfax County Airports Advisory Committee, suggesting that the policy portion of the proposed Policy Plan be amended to require that sellers of residential and institutional properties within Airport Noise Overlay Districts disclose, in writing, to prospective purchasers the fact that the property may be adversely affected by airport noise. Without objection, it was so ordered.

52. BOARD'S LEGISLATIVE SUBCOMMITTEE REQUESTED TO REVIEW ENABLING LEGISLATION REGARDING IMPACT FEES ON NEW DEVELOPMENT IN SELECTED AREAS OF THE COMMONWEALTH OF VIRGINIA (TAPE 17)

Supervisor Moore stated that last year, the General Assembly enacted enabling legislation permitting for the imposition of impact fees on new development in selected areas of the Commonwealth of Virginia which became effective July 1, 1990. She stated that impact fees can be an important part of funding the County's infrastructure needs, however, there are problems in implementing the legislation as the law is currently written. She emphasized that the County has not yet implemented a program because of the administrative difficulty in doing so and she asked unanimous consent that the Board refer the issue to the Board's Legislative Subcommittee for discussion and recommendation of language that will better enable the County to administer this and future impact fee legislation. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

53. I-19 - ARCHITECTURAL CONTRACT AWARD TO THE LUKMIRE PARTNERSHIP, INCORPORATED, FOR THE DESIGN OF THE GREAT FALLS LIBRARY (DRANESVILLE DISTRICT) (TAPE 17)

Supervisor Richards called to the Board's attention Information Item 17 - Architectural Contract Award to the Lukmire Partnership, Incorporated, for the Design of the Great Falls Library (Dranesville District).

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990 requesting authorization for staff to award a contract to The Lukmire Partnership, Incorporated, in the amount of \$230,023 for the design of the 10,000 square foot Great Falls Library located at the corner of Georgetown Pike and Bucks Lane in Great Falls, Virginia, Dranesville District, Project 004836 in Subfund 460, Library Construction.

Supervisor Richards commended the outstanding performance of staff in bringing this item to the Board. She asked unanimous consent that the Board direct staff to correct the record to reflect "....for the design of the 13,000 square foot Great Falls Library...." Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

54. A-5 - ENDORSE PARK-AND-RIDE SITES ALONG THE DULLES CORRIDOR FOR SECTION 15.1-456 PUBLIC FACILITIES DETERMINATIONS AND URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) PUBLIC HEARINGS (CENTREVILLE, DRANESVILLE AND PROVIDENCE DISTRICTS) (TAPE 17)

Supervisor Richards called to the Board's attention Action Item Five - Endorse Park-and-Ride Sites Along the Dulles Corridor for Section 15.1-456 Public Facilities Determinations and Urban Mass Transportation Administration (UMTA) Public Hearings.

Supervisor Richards circulated to Board Members additional information regarding proposed actions by the Loudoun County Board of Supervisors for park-and-ride lots.

PROPOSED STAFF RECOMMENDATIONS:

- Direct staff to apply to the Planning Commission for Section 15.1-456 Public Facilities Determination and Urban Mass Transportation Administration (UMTA) public hearings for the following sites along the Dulles Corridor for:
 - * Spring Hill - A bus transfer facility located near the intersection of Jones Branch Drive and International Drive, Tax Map Number 29-2 ((15)) pt. 4B;
 - * Centennial - An 850 space park-and-ride facility located in the southeast quadrant of the intersection of the Dulles Toll Road and Hunter Mill Road, Tax Map Number 18-4 ((1)) Parcels 25 and 29B;
 - * Sunset Hill Bridge - A bridge across the Dulles Toll Road to provide a direct connection between Sunrise Valley Drive and the proposed 850 space park-and-ride lot on Sunset Hills Road, Tax Map Number 18-3 ((1)) Parcel 7 pt. and Tax Map Number 27-1 ((1)) pt. 1B, 10A, 10C. The Board previously approved a Section 15.1-456 Public Facilities Determination for an 850 space park-and-ride facility on this site;

- * Wiehle Avenue Air Rights - An 850 space park-and-ride structure, expandable to 1,700 spaces, located above the Dulles Toll Road and Airport Access Road on the east and west sides of Wiehle Avenue, Tax Map Number 17-4;
 - * Plaza America - A 1,000 space park-and-ride structure located near the intersection of Sunset Hills Road and Reston Parkway, Tax Map Number 17-4 ((1)) Parcels 8 and 8A;
 - * Fairfax County Parkway - A 1,000 space park-and-ride lot located near the intersection of Sunset Hills Road and the Fairfax County Parkway, Tax Map Numbers 16-4 ((2)) pt. 15, 16-4 ((10)) Parcel 5 and 17-3 ((2)) Parcel 4;
 - * Woodland Park - A 2,000 space park-and-ride structure located in the southwest corner of the intersection of Monroe Street and the Dulles Toll Road, Tax Map Numbers 16-4 ((1)) Parcels 4, 5, 6, 7 and 8, 16-3 ((1)) pt. 25;
 - * Reston Land/GTE Site - A 2,000 space park-and-ride structure located in the southeast corner of the intersection of Monroe Street and the Dulles Toll Road, Tax Map Number 16-4 ((1)) Parcels 14A, 15, 16A and 27;
 - * Monroe Street Air Rights - A 2,000 space park-and-ride structure located above the Dulles Toll Road and Airport Access Road on the east side of Monroe Street, Tax Map Number 16-4;
 - * CIT/KAY - A 1,200 space park-and-ride lot located north of the Dulles Toll Road, and east of Rock Hill Road, Tax Map Number 15-2((1)) Parcel 8A; and
- Request the Planning Commission to conduct the required UMTA public hearing and the Section 15.1-456 public hearing concurrently for each of the sites.

Supervisor Richards moved that the Board concur in the recommendation of staff with the following modifications:

- DELETE Bullets Two and Four:
 - * Centennial - An 850 space park-and-ride facility located in the southeast quadrant of the intersection of the Dulles Toll Road and Hunter Mill Road, Tax Map Number 18-4 ((1)) Parcels 25 and 29B; and
 - * Wiehle Avenue Air Rights - An 850 space park-and-ride structure, expandable to 1,700 spaces, located above the Dulles Toll Road and Airport Access Road on the east and west sides of Wiehle Avenue, Tax Map Number 17-4.

This motion died for lack of a second.

Supervisor Pennino moved that the Board concur in the recommendation of staff with the following modification:

- DELETE Bullet Two:
 - * Centennial - An 850 space park-and-ride facility located in the southeast quadrant of the intersection of the Dulles Toll Road and Hunter Mill Road, Tax Map Number 18-4 ((1)) Parcels 25 and 29B.

This motion died for lack of a second.

Following discussion, with input from Tom Biesiadny, Planner, Office of Transportation, Supervisor Pennino moved that the Board concur in the recommendation of staff with the following modification:

- DELETE Bullet Two:
 - * Centennial - An 850 space park-and-ride facility located in the southeast quadrant

of the intersection of the Dulles Toll Road and Hunter Mill Road, Tax Map Number 18-4 ((1)) Parcels 25 and 29B; and

- EXPAND Bullet 10:

- * CIT/KAY - A 1,200 space park-and-ride lot located north of the Dulles Toll Road, and east of Rock Hill Road, Tax Map Number 15-2((1)) Parcel 8A, to include the Tax Map Number 15-2((1)) Parcels 15 and 17 as an alternative for the Dulles Corridor Park-and-Ride Facility and that the combined site be included for a Section 15.456 public facilities determination.

This motion was seconded by Supervisor Richards and, following discussion, the question was called on the motion, which as amended, carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

Supervisor Richards moved that the Board further EXPAND Bullet 10, CIT/KAY site, to include Parcel 16 for consideration. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

55. WAIVER OF TRANSITIONAL SCREENING REQUIREMENTS FOR TEMPORARY SOCCER FIELDS FOR THE NIKE SITE LOCATED ON UTTERBACK STORE ROAD, SITE PLAN NUMBER 8487-WCP-01 (TAPE 17)

Supervisor Richards called to the Board's attention the fact that the Fairfax County Park Authority (FCPA) has recently submitted Plan Number 8487-WCP-01 to the Department of Environmental Management (DEM) to permit the construction of two temporary soccer fields for the Nike Site located on Utterback Store Road. The FCPA will develop a Master Plan for this particular site in the near future and, until the Master Plan is approved for the park, the FCPA wants to offer the community the use of some temporary fields.

The Fairfax County Zoning Ordinance requires transitional screening all along Utterback Store Road before the plan is approved. Because the fields are temporary and any vegetation planted along Utterback Store Road will probably be removed when the entire park is developed, Supervisor Richards moved that the Board direct staff to waive the transitional screening requirements for these temporary fields. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

56. STAFF REQUESTED TO REVIEW FEES CHARGED
FOR VARIANCE APPLICATIONS TO INSTALL
FENCES (TAPE 17)

Supervisor Richards distributed to Board Members a letter that she had received from Mr. Roland Joyal, Jr., regarding his application for a variance to allow a six-foot high fence on his corner lot. His application is for 25 linear feet out of the 198 linear feet along his frontage and he discovered that his filing fee for this variance would be \$900, while the actual fees for constructing the fence would only be \$500.

Supervisor Richards asked unanimous consent that the Board refer Mr. Joyal's letter to staff for its review and recommendation. Without objection, it was so ordered.

Supervisor Hanley stated that sometime last year, action had been taken by the Board to direct staff to investigate "fence" problems and report with recommendations. She asked unanimous consent that the Board direct staff to provide an update on this request. Without objection, it was so ordered.

57. PROPOSED GUIDELINES FOR PROPOSALS TO BUILD
AND ALTER HOMES IN THE LANGLEY FORK
HISTORIC OVERLAY DISTRICT (TAPE 17)

Supervisor Richards announced that a new staff person, Senior Historic Preservation Planner, had been hired in the Heritage Resources Branch of the Office of Comprehensive Planning (OCP). She asked unanimous consent that the Board direct staff to:

- Give immediate priority to preparing guidelines for review of proposals to build or alter homes in the Langley Fork Historic Overlay District; and
- Refer the proposed guidelines to the History Commission for its review and recommendation on a priority basis.

Without objection, it was so ordered.

58. UNSOLICITED NEWSPAPERS (TAPE 17)

Supervisor Richards stated that at the Board of Supervisors' meeting held on August 7, 1989, action was taken to direct staff to investigate the possibility of a County ordinance to require individuals delivering "unsolicited newspapers" to deliver these papers to a box or front door

rather than tossing the papers in front yards. She stated that many County residents are still receiving these unwanted and unsolicited newspapers which are not delivered through the mail but tossed in their front yards.

Supervisor Richards asked unanimous consent that the Board:

- Direct staff to report to the Board with a response to its request of August 7, 1989 to require individuals delivering "unsolicited newspapers" to deliver these papers to a box or front door rather than tossing the papers in front yards;
- Direct the Fairfax County Police Department to investigate whether there is any link to crime connected to this issue;
- Direct the County Attorney's Office to report with an opinion on whether this type of delivery violates State litter laws; and
- Direct staff to report with recommendations for any actions that could be taken by the County to alleviate this matter.

It was noted that staff had previously responded to the Board's request of August 7, 1989. Staff had responded that no action could be taken on this matter because of the issue of freedom of speech.

59. EXPEDITIOUS PROCESSING REQUESTED FOR PROFFERED
CONDITION AMENDMENT APPLICATION PCA 82-L-030-5
(MANCHESTER LAKES SHOPPING CENTER) (LEE DISTRICT)
(TAPE 17)

On behalf of Supervisor Alexander, Supervisor Hyland moved that the Board direct staff to expeditiously process Proffered Condition Amendment Application PCA 82-L-030-5. The property, owned by Trammel-Crow, is needed as soon as possible to correct construction problems at the intersection of Beulah Street and the Franconia-Springfield Parkway (currently under construction). The applicant understands that this action neither provides him with a vested right in the plan approval nor relieves him from the responsibility of any plan modifications as a result of Board review. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander and Supervisor McConnell being out of the room.

60. APPOINTMENT TO THE COMMUNITY IMPROVEMENT COMMITTEE
(TAPE 17)

(APPT)

Supervisor Hyland moved the appointment of Mr. W. Keats Nicoll as the Mount Vernon District (Mount Zephyr Community) Representative to the Community Improvement Committee. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander being out of the room.

61. I-3 - IMPLEMENTATION OF THE POHICK ROAD COMMUTER
RAIL STATION (MOUNT VERNON DISTRICT) (TAPE 17)

Supervisor Hyland called to the Board's attention Information Item Three - Implementation of the Pohick Road Commuter Rail Station.

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990 requesting authorization for staff to proceed to implement a Pohick Road commuter rail station as directed by the Board on May 14, 1990. This implementation will include a formal request that the Virginia Department of Transportation (VDOT) acquire the property for the Pohick Station.

Supervisor Hyland briefed Board Members that RF&P Properties, Incorporated (RF&P), had proposed and received endorsement from the Lorton Task Force for the commuter rail station to be located on property owned by RF&P as part of the Potomac Bend Development. Because RF&P is not likely to be ready to develop its site for several years, staff had investigated the possibility of a temporary facility on the RF&P property. In doing so, it was discovered that the wetlands on the site were more substantial than previously realized. VDOT has nearly completed the design of a Pohick Road station and currently it appears that there is a possible site on the south side of Lorton Road which could be used for a station. RF&P has determined that a station on their property is still a possibility and, accordingly, Supervisor Hyland moved that the Board direct staff to:

- Complete the design of the Pohick Station parking facility in order to preserve that option in case of some unforeseen problem at the two Lorton Road sites;
- Notify VDOT that the County does not wish them to acquire property for a commuter rail station at Pohick Road at this time. (While taking this action, the Board acknowledges that the cost of acquiring

this land at a later date would be higher than for an acquisition as part of the road project and that it is unlikely that a Pohick/Lorton Road station will be completed by October 1991);

- Negotiate with Long Enterprises, Incorporated, and RF&P to prepare final proposals for a commuter rail station on either the north or south side of Lorton Road; and
- Report to the Board in September 1990 for final selection of a Pohick Road/Lorton Road commuter rail station site.

This motion was seconded by Supervisor Bulova.

Following discussion, with input from Andrew J. Szakos, Chief, Transit Operations Division, Office of Transportation, the question was called on the motion which carried by a vote of eight, Supervisor Alexander being out of the room.

62. ELIMINATION OF THE TEMPORARY NON-RESIDENTIAL USE PERMIT (TAPE 17)

Supervisor Hyland called to the Board's attention the fact that over the past few years there has been a concerted effort between both Mount Vernon District and Lee District citizens, the Southeast Fairfax Development Corporation, and the Urban Design Study Task Force to clean up the Route One Corridor. The practice by the County to issue temporary 21-day Non-Residential Use Permits (Non-RUPs) has had the opposite effect on the clean up efforts. Recently there has been a proliferation of vendors on Richmond Highway (Route One) who have been setting up their "tents" and, in some cases, their trucks and stands, to sell everything from crabs, watermelons, farm products, plants, and pottery. The temporary Non-RUPs allow the vendors to set-up shop and then relocate their enterprises to another location. These uses are not only unsightly, but add to the visual confusion and transportation safety issues.

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

- Immediately cease the practice of issuing temporary 21-day Non-RUPs (special use) in the Route One Corridor area of Mount Vernon District; and

- Coordinate County efforts with the Virginia Department of Transportation (VDOT) to prohibit vendors from operating in the rights-of-way in the Route One Corridor area of Mount Vernon District.

Following discussion, with input from David T. Stitt, County Attorney, regarding the legal implications of limiting the issuance of temporary permits in only one area of the County, Supervisor Hyland amended his request to:

- Refer this issue to the County Attorney's Office for review and discussion with Supervisor Hyland;
- After staff review, if it is determined that there are no legal implications, direct staff to proceed to:
 - * Immediately cease the practice of issuing temporary 21-day Non-RUPs (special use) in the Route One Corridor area of Mount Vernon District; and
 - * Coordinate County efforts with the Virginia Department of Transportation (VDOT) to prohibit vendors from operating in the rights-of-way in the Route One Corridor area of Mount Vernon District.

Without objection, the amended request was so ordered.

63. ANHEUSER-BUSCH PROGRAM, "FAMILY TALK ABOUT DRINKING"
(TAPE 17)

Supervisor Hyland commended Anheuser-Busch, Incorporated, for its outstanding program, "Family Talk about Drinking," which addresses the ways that parents may talk to their children about alcohol consumption and what messages they may want to convey. A brochure, outlining the program, describes what kind of information a parent needs to consider when talking about this sensitive subject with children, identifies the parent's role in bringing the issue to the surface, and how the actions of parents lend credibility to what is said to their children.

Supervisor Hyland announced that Anheuser-Busch, Incorporated, invites parents and groups to contact them at the below address to receive copies of the brochure and for other free information:

"Family Talk About Drinking"
Anheuser-Busch, Incorporated
Department of Consumer Awareness and Education
One Busch Place
St. Louis, MO 63118

(There is a small shipping charge for bulk orders.)

64. PROPOSED AMENDMENT TO THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),
CONCERNING DEFERRAL OF REAL ESTATE TAXES
(TAPES 17-18)

Supervisor Hyland called to the Board's attention the fact that the General Assembly recently passed legislation permitting the deferral of real estate taxes in which local jurisdictions were given wide latitude in determining qualifications. The deferral would be permitted when real estate tax exceeds 105 percent of the preceding year's tax.

Supervisor Hyland moved that the Board direct staff to prepare for Board authorization proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to permit the deferral of real estate taxes for Fairfax County residents where the increase in tax is over 105 percent in order to implement House Bill (HB) Number 900.

Following discussion, Supervisor Davis seconded the motion with the understanding that the motion be amended to direct staff to report to the Board with a definite recommendation on this issue (not necessarily proposed amendments) and, if staff finds an alternative for a change, to include the change in its recommendation to the Board as an option, and this was accepted.

Supervisor Bulova moved a substitute motion that the Board refer this issue to the Board's Budget Subcommittee for discussion at the Subcommittee meeting scheduled for sometime in September 1990 and that the Subcommittee report its findings to the Board. This motion was seconded by Supervisor McConnell.

Following discussion, the question was called on the substitute motion which CARRIED by a recorded vote of seven, Supervisor Pennino voting "NAY," Supervisor Alexander being out of the room.

The question was then called on the main motion, as substituted, which CARRIED by a recorded vote of seven, Supervisor Pennino voting "NAY," Supervisor Alexander being out of the room.

65. BRIEFING BY FORT BELVOIR OFFICIALS BEFORE
THE BOARD OF SUPERVISORS (TAPE 18)

Supervisor Hyland stated that at the Board of Supervisors' meeting held on July 23, 1990, action was taken to direct staff to invite Brigadier General Avid E. West, Deputy Commander for Development, and Colonel Robert R. Hardiman, Program Manager for Total Development in the National Capital Region, to appear before the Board to provide a presentation on the proposed future development of Fort Belvoir and the Engineering Proving Grounds site.

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

- Schedule a briefing before the Board of Supervisors and Planning Commission for the evening of Monday, September 17, 1990 at 7:30 p.m.; and
- Notify the Planning Commissioners of this joint meeting.

Without objection, it was so ordered.

66. STATE OF FLORIDA RESTRICTION ON THE VOLUME OF
SOUND EQUIPMENT IN AUTOMOBILES (TAPE 18)

Supervisor Hyland stated that recently a constituent had called to his attention legislation enacted in the State of Florida that restricts drivers from playing a car stereo too loudly. This legislation provides for the enforcement of the law when the stereo is "plainly audible from at least 100 feet away," and the restrictions also apply to areas around hospitals, schools, and churches.

Supervisor Hyland asked unanimous consent that the Board direct staff to investigate whether the County's current Noise Ordinance allows for the enforcement of this type of violation and, if not, to refer this issue to the Board's Legislative Subcommittee for review and recommendation. Without objection, it was so ordered.

67. INSTALLATION OF DRUNKEN-DRIVING PREVENTION
DEVICE IN AUTOMOBILES (TAPE 18)

Supervisor Hyland stated that recently a constituent called to his attention legislation enacted in the State of Florida that allows the installation of a device in automobiles that will keep a car from starting when the operator is intoxicated. These devices are installed in automobiles of prior offenders at the discretion of the presiding

judge. He stated that the sixth Annual Report of the Oversight Committee on Drinking and Driving reported that 600 people suffer injury or death at the hands of drunk drivers in Fairfax County and with the implementation of this type of legislation, that number could be greatly reduced.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to study the State of Florida's statute to determine whether Fairfax County has the legislative authority to install these devices and, if not, to refer this issue to the Board's Legislative Subcommittee for review and recommendation. Without objection, it was so ordered.

68. "GRAB A CLAW AND LEND A HAND." TO BENEFIT
DR. PAUL J. PECKAR (TAPE 18)

Supervisor Hyland announced that a benefit to provide support to Dr. Paul J. Peckar and his family has been scheduled for Saturday, August 25, 1990 from 3:00 p.m. until 8:00 p.m. at the Oronoco Bay Park in Old Town Alexandria. He stated that on June 1, 1990, Dr. Peckar was the victim of an anonymous parcel bomb that has left him in critical condition, suffering from massive internal injuries and burns over 60 percent of his body.

The benefit, "Grab a Claw and Lend a Hand," provides a lobster/clam dinner for adults and pizza/hotdogs for children and proceeds will be used to provide support for the family. Additional information can be obtained by contacting Supervisor Hyland's office or:

Paul J. Peckar Fund
c/o John Crouch, Tobacconist
The Scottish Merchant
215 King Street
Old Town Alexandria, VA 22314
Telephone: 703/548-2900

69. FINAL RESOLUTION ADOPTED BY THE TRANSPORTATION
STEERING COMMITTEE (TAPE 18)

Supervisor Hanley stated that at the Board of Supervisors' meeting held on July 23, 1990, Supervisor Davis distributed to Board Members a draft copy of a Resolution regarding wetlands which the Transportation Steering Committee approved and forwarded to the National Association of Counties (NACo) for its review.

Supervisor Hanley distributed the final Resolution adopted by NACo regarding wetlands for the Board's review and appropriate action at a later date.

70. ACCESS ALONG FAIRFAX FARMS ROAD AT THE END
OF THE EXISTING DEVELOPMENT (TAPE 18)

Supervisor Hanley referred to language contained in the Comprehensive Plan adopted by the Board of Supervisors in 1986:

- "Access along Fairfax Farms Road at the end of the existing development should be discontinued at such time as Valley Road is opened to Waples Mill Road and the roadway connection to Waples Mill Road in the western half of the community has been opened to traffic and all maneuvers are possible at the interchange of Route 50 and Interstate I-66."

Supervisor Hanley asked unanimous consent that the Board direct staff to report as expeditiously as possible on the actions needed to open Valley Road. Without objection, it was so ordered.

71. AFFIDAVITS LISTING OF PARTIES ASSOCIATED WITH
REZONING, SPECIAL EXCEPTION, AND AGRICULTURAL
AND FORESTAL DISTRICT APPLICATIONS (TAPE 18)

Supervisor Hanley announced that last week, Board Members received their first master printing of the affidavits listing of parties associated with Rezoning, Special Exception, and Agricultural and Forestal District Applications. She commended the outstanding performance of staff in forwarding this document to Board Members in such an expeditious manner.

72. EXPEDITE THE PROCESSING FOR PROFFERED
CONDITION AMENDMENT APPLICATION
PCA 87-P-090, IN CONJUNCTION WITH
REZONING APPLICATION RZ 89-P-073
(PROVIDENCE DISTRICT) (TAPE 18)

Supervisor Hanley moved that the Board direct staff to:

- Expedite the processing for Proffered Condition Amendment Application PCA 87-P-090, in conjunction with Rezoning Application RZ 89-P-073; and
- Continue processing the Site Plan for Edgemoore as Proffered Condition Amendment Application PCA 87-P-090 goes through the process because of environmental difficulties.

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

73. SIMULTANEOUS PROCESSING REQUESTED FOR SPECIAL EXCEPTION AMENDMENT APPLICATIONS SEA 81-P-075-8 AND SEA 81-P-075-10 AND SITE PLAN REVIEW (TAPE 18)

Supervisor Hanley moved that the Board direct staff to simultaneously process Special Exception Amendment Applications SEA 81-P-075-8 and SEA 81-P-075-10 and Site Plan review. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being out of the room.

74. REQUEST FOR PROCESSING OF THE ENGINEERING PLAN AS A SITE PLAN EXCEPTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-P-075 (TAPE 18)

Supervisor Hanley moved that the Board direct the Department of Environmental Management (DEM) to process the Engineering Plan as a Site Plan Exception for Special Exception Amendment Application SEA 81-P-075. This motion was jointly seconded by Supervisor Davis and Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being out of the room.

75. CONCURRENCE TO INCLUDE RIGHT-OF-WAY FOR REZONING APPLICATION RZ 90-P-043 (PROVIDENCE DISTRICT) (TAPE 18)

Supervisor Hanley moved the Board's concurrence to include right-of-way from Madrillon Road to George Washington Street in the rezoning of Rezoning Application RZ 90-P-043. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being out of the room.

76. REQUEST TO INVESTIGATE ISOLATED VIRUS TO
KILL GYPSY MOTHS (TAPE 18)

Supervisor Hanley stated that a constituent had called to her attention that there is hope in the "war on gypsy moths." A laboratory in Massachusetts has isolated a virus which is lethal to the caterpillars but harmless to all other forms of life.

77. "DRUG-FREE AMERICA - GOAL FOR THE '90s"
(TAPE 18)

Supervisor Bulova announced that on September 5-6, 1990, there will be a series of exhibits and conferences involving agencies and officials of the federal government, industry and community leaders, and others who are interested in a "Drug Free America." A seminar to be held at the Hyatt Regency Hotel in Crystal City will be sponsored by the Partners Against Drug Abuse. Among the guest speakers will be:

- Governor Douglas Wilder (keynote address);
- United States (US) Attorney Jay Stephens;
- US Customs Service Commissioner Carol Hallett;
- Jack Lawn, Representative, Drug Enforcement Administration;
- Mark Gold, Author, Cocaine Hotline; and
- Larry Hewes, Chief Executive Officer and General Counsel, Corporation Against Drug Abuse.

For additional information, all interested individuals are urged to contact:

Stephen Olmstead
President, Partners Against Drug Abuse
703/823-2813

Supervisor Bulova asked unanimous consent that the Board direct the County Executive to refer this information to appropriate County agencies. Without objection, it was so ordered.

78. AUTHORIZATION TO FILE SPECIAL EXCEPTION
APPLICATIONS FOR BURKE CENTRE, ROLLING
ROAD, BACKLICK ROAD, AND POHICK/LORTON
COMMUTER RAIL STATIONS (TAPE 18)

In order to facilitate the approval process for the commuter rail stations within Fairfax County, Supervisor Bulova moved that the Board direct staff to:

- File Special Exception Applications for the Burke Centre, Rolling Road, Backlick Road, and Pohick/Lorton Commuter Rail Stations;
- Direct the Director of the Department of Environmental Management (DEM) and the Director of the Office of Comprehensive Planning (OCP) to:
 - * Waive all applicable fees for the Special Exception Applications;
 - * Conduct concurrent and expedited reviews of the Special Exceptions and Site Plans; and
- Direct the Director of the Office of Finance to pay the fees for Site Plan review for these stations from appropriate funds.

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

79. ITEMS FOR THE RECORD FOR THE PROPOSED
POLICY PLAN FOR FAIRFAX COUNTY (TAPE 18)

[NOTE: The public hearing on the Proposed Policy Plan for Fairfax County (Policy Plan) was held on July 9 and July 10, 1990. The record was held open for written testimony only until the Board decision scheduled for August 6, 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 June 22 and June 29, 1990.

Chairman Moore called for items to be entered into the record concerning the Policy Plan, the public hearings having been held on July 9 and July 10, 1990.

Supervisor Bulova entered various items into the record that she had received.

Chairman Moore closed the public hearing.

80. CHASE TERRACE BOY SCOUT TROOP FROM
BURNTWOOD, ENGLAND (TAPE 18)

Supervisor Davis distributed to Board Members a letter that he had received from the Chase Terrace Boy Scout Troop from Burntwood, England,

expressing their appreciation to Supervisor Davis for his assistance in making their trip to Annandale, Virginia, a memorable one.

81. REQUEST ABANDONMENT OF THAT PORTION OF GREEN
SPRING ROAD WHICH BISECTS GREEN SPRING
FARM PARK (TAPE 18)

Supervisor Davis stated that at the Board of Supervisors' meeting held on May 18, 1987, action was taken by the Board on a proposal to create a cul-de-sac at the end of Green Spring Road. He stated that at that time, the Office of Transportation had suggested that the issue be put on hold until an alternate route was constructed; however, nothing has been done to date and area residents continue to press for closure of the road.

Accordingly, Supervisor Davis asked unanimous consent that the Board direct staff to begin the necessary process to abandon that portion of Green Spring Road which bisects Green Spring Farm Park. Without objection, it was so ordered.

82. REQUEST FOR THE INSTALLATION OF A STREET LIGHT
AT THE INTERSECTION OF RIDGLEA DRIVE AND
ROUTE 236 (TAPE 18)

Supervisor Davis stated that approximately one year ago, his office had been contacted by the Ridglea Hills Civic Association requesting that a street light be attached to an existing utility pole on Route 236 at the intersection of Ridglea Drive. He stated that the lack of lighting at this spot is a safety hazard due to the inability to see the turn into the subdivision. Subsequently, this request was modified, approved, and then denied.

Supervisor Davis moved that the Board approve Ridglea Hills Civic Association's original request for the installation of one street light at the intersection of Ridglea Drive and Route 236. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being out of the room.

83. LETTER OF COMMENDATION TO THE FAIRFAX
COUNTY FIRE AND RESCUE SERVICES (TAPE 18)

Supervisor Pennino read into the record a letter commending the outstanding performance of the Fairfax County Fire and Rescue Services. She referred the letter to staff for placement in the appropriate County employees' personnel files.

84. TASK FORCE CREATED TO REVIEW THE
DEVELOPMENT OF RECREATIONAL
FACILITIES IN RESTON (TAPE 18)

Supervisor Pennino stated that there has been some movement in the New Town of Reston, a community development, for additional recreational

facilities. When the Reston Town Center was rezoned by the Board of Supervisors, one of the many proffers that were extracted from the developer was a tract of land approximately nine acres within the Town Center. She stated that the Reston Association (RA) had approached her requesting the development of a recreational facilities on this tract of land that would include a swimming pool, racquet ball courts, etcetera. In exchange for the nine-acre tract, RA would like to deed to the County, 17 acres adjacent to the Baron Cameron Park. These 17 acres are developed with ballfields. At the same time, the Reston Community Center had approached her requesting the development of recreational facilities on the same tract of land.

Supervisor Pennino stated that she felt a Task Force should be established composed of members appointed by the Reston Community Center Governing Board and Representatives from RA to work on this issue. While County staff may be supplied to assist the Task Force, Supervisor Pennino stated that it should not be the obligation of County staff to lead this Task Group.

Additionally, Supervisor Pennino stated that if RA is willing to deed to the County 17 acres of land in exchange for nine acres, the County then could consider allowing the Reston Community Center to use the land for leverage to build a community center.

85. PROPOSED LEGISLATION DEALING WITH THE
CONSOLIDATION OF LOCAL GOVERNMENTS
(TAPE 18)

Supervisor Pennino stated that, as a Member of the Effective Government Policy Committee for the Virginia Municipal League (VML), she had received from James Campbell, Director, Intergovernmental Affairs, a memorandum dated July 12, 1990 dealing with proposed legislation affecting local government. She called the Board's attention to the following item:

- Item Four, under Intergovernmental Relations, states: "The VML urges a careful review of the statute pertaining to consolidation of local governments. Consideration should be given to ensure that actions may be initiated by petitions from a reasonable number of citizens and that adequate periods of time elapse between consolidation/or annexation actions."

Supervisor Pennino stated that Board Members recognize that this action is not in the best interest of Fairfax County. She stated that the last report she received from staff indicated that the status quo would be maintained, however, this memorandum does not reflect this. For the

record, Supervisor Pennino stated that the Fairfax County in no way can support a position that would allow citizens to petition for a consolidation with nearby jurisdictions or petition for annexation of a portion of the County. She asked unanimous consent that the Board direct staff to immediately investigate this issue and report its findings to the Board. Without objection, it was so ordered.

Supervisor Pennino called the Board's attention to the following items:

- Items Six, Seven, and Eight, under Governmental and Municipal Official Liability, states: "The VML encourages the Virginia General Assembly to strengthen the principals of sovereign immunity for local governments and their officials. The VML strongly opposes bringing local governments under the Virginia Tort Claims Act. This action would seriously erode the sovereign immunity now enjoyed by Virginia local governments and lead to a substantial increase in frivolous suits. The tort reportation systems in the United States creates many difficulties in the administration of justice and greatly contribute to the insurance problems facing local governments. The VML supports effort at the national and state levels to address tort reform such as limitations on tort liability of local governments in areas where local governments do not enjoy sovereign immunity."

Supervisor Pennino stated that she would hope that County Representatives would work through the National Association of Counties (NACo); Virginia Association of Counties (VACo); National League of Cities (NLC); and VML to stop this legislation.

86. REQUEST FOR PROFFERED CONDITION AMENDMENT
ON BOARD'S OWN MOTION TO PRESERVE OLD
RESTON AVENUE AS A SCENIC HISTORIC
BYWAY (TAPE 18)

Supervisor Pennino announced Old Reston Avenue had been designated by legislation as a Virginia Scenic Historic Byway. This designation does not affect the proffer improvements to Old Reston Avenue as committed to when the respective rezonings were granted. She stated that, in talking with staff, a compromise had been reached whereby a 30-foot right-of-way change would be acceptable and would not destroy the idyllic features of Old Reston Avenue.

Supervisor Pennino moved that the Board authorize staff to expedite the processing for a Proffered Condition Amendment, on the Board's Own Motion, in order to affect this 30-foot right-of-way if needed by staff. Supervisor Pennino stated that the developers are willing to accept the compromise and work to preserve the beauty of Old Reston Avenue. She stated that the proffers attached when the respective rezonings were granted does not preserve the Scenic Historic Byway. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

87. DENSITY CREDIT FOR BOYS PROBATION HOME ON
SHIRLEY GATE ROAD (SPRINGFIELD DISTRICT)
(TAPE 18)

- (DC) Supervisor McConnell called to the Board's attention the fact that the Boys Probation Home located on Shirley Gate Road is proposing an expansion of the facility. Shirley Gate Road is in the process of being widened and approximately 11,526 square feet along the frontage of the Boys Probation Home is needed for this road widening.

Accordingly, Supervisor McConnell moved that the Board approve density credit for approximately 11,526 square feet of Tax Map 56-4 ((1)) Parcel 11 which is to be dedicated for the widening of Shirley Gate Road, Springfield District. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being out of the room.

88. AMENDMENT TO THE CONTRACT OF SALE BETWEEN
OLD CENTREVILLE ASSOCIATES AND THE FAIRFAX
COUNTY BOARD OF SUPERVISORS AND AUTHORIZATION
TO ADVERTISE PUBLIC HEARING ON LEASING OF
THE PROPERTY (TAPE 18)

- (A) Supervisor McConnell moved that the Board amend the contract of sale between Old Centreville Associates and the Fairfax County Board of Supervisors dated July 20, 1990, as follows:

- AMEND Paragraph Six to read, "Seller agrees to give Buyer possession of the property at the time of settlement"; and
- ADD Paragraph 11 to read, "Third Parties - Nothing in this agreement shall be deemed to be for the benefit of any third party nor shall anything in this agreement be deemed as a lease of or an agreement to lease the property."

Supervisor McConnell further moved that the Board authorize the advertisement of a public hearing to be held before the Board on September 17, 1990 to consider the leasing of such property by the County. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being out of the room.

CM:CM

89. ADMINISTRATIVE ITEMS (TAPE 19)

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

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE DISTRICT)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated August 6, 1990 be recommended for acceptance into the State Secondary System, Dranesville District.

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

Approved the request for the extension of a six-inch water main by approximately 135 feet along Waterford Court for the provision of public water to the Oakton Crest Subdivision, Providence District. The proposed water main extension will provide adequate domestic and fire protection service pursuant to Fairfax County Ordinances.

ADMIN 3 - DONATION OF SURPLUS VEHICLES TO THE
BOY SCOUTS OF AMERICA

Approved the donation of:

- One 1981 Dodge three-quarter ton utility truck; and
- One 1982 Ford three-quarter ton utility truck.

The above-mentioned vehicles will be donated, contingent upon:

- The Boy Scouts of America accepting the trucks on a strictly "as-is" basis with no additional cost to the County;

- The Boy Scouts of America releasing the County from any liability relating to the acquisition, maintenance or operation of the trucks; and
- The understanding that there will be no further repairs, refurbishing, and/or maintenance on the vehicles, even on a chargeable basis by any County agency.

ADMIN 4 - AUTHORIZATION TO ADVERTISE THE FISCAL YEAR (FY) 1990 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 1991 REVISED BUDGET PLAN

(A) [NOTE: Earlier in the meeting, action was taken to:

- Direct staff to report with the following additional information and, if possible, include the information in the advertisement:
 - * Section IV (General Fund Monies) - what is available to spend in FY 1991; and
 - * Section V (Other Fund Monies) - where the monies come from, i.e., from general funds (tax monies), and what is available to spend in FY 1991.

See Clerk's Summary Item CL#45.]

Authorized the advertisement of a public hearing to be held before the Board of Supervisors on September 17, 1990 regarding a proposed increase to the FY 1991 appropriation level. The advertisement encompasses both the County and the Schools' FY 1990 Carryover Reviews.

ADMIN 5 - AUTHORIZATION TO ADVERTISE REVISIONS TO THE SUPPLEMENTAL, UNIFORMED AND POLICE RETIREMENT SYSTEM ORDINANCES REGARDING THE REEMPLOYMENT OF ANNUITANTS, TAX REFORM ACT OF 1986 AND OTHER PROCEDURAL CHANGES

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on September 17, 1990 at 3:30 p.m. regarding proposed revisions to the Code of the County of Fairfax, Chapter 3 (County Employees):

- Article 2 (Fairfax County Supplemental Retirement System);
- Article 3 (Fairfax County Uniformed Retirement System); and
- Article 7 (Fairfax County Police Officers Retirement System),

concerning the reemployment of annuitants, Tax Reform Act of 1986, and other procedural changes.

ADMIN 6 - AUTHORIZATION TO ADVERTISE PUBLIC
HEARINGS ON PROPOSED AMENDMENTS TO THE
PUBLIC FACILITIES MANUAL

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on September 20, 1990 and before Board of Supervisors on October 15, 1990 at 3:30 p.m. regarding proposed amendments to the Public Facilities Manual (PFM) to address issues which accomplish the following:

- Include underground detention structures as one of the approved structures for storm water detention, subject to existing restrictions;
- Require vehicular accessibility to all stormwater management facilities and note acceptable road surface materials for such accessways;
- Provide a preferable method of securing manhole covers;
- Recognize the Northern Virginia Planning District Commission's (NVPDC) role in developing Best Management Practices (BMP) manuals; and
- Allow an alternative method for joining precast concrete manhole sections,

to become effective at 12:01 a.m., January 1, 1991, and that the following be grandfathered:

- Subdivision Plans, Site Plans, and Public Improvement Plans approved prior to 12:01 a.m., January 1, 1991.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF A CERTAIN DEDICATION NECESSARY FOR THE CONSTRUCTION OF THE DUNN LORING ACCESS ROAD (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on September 17, 1990 at 5:00 p.m. regarding the acquisition of interests in real property necessary for the construction of the Dunn Loring Access Road, Providence District. Construction obligations were proffered by NVCommercial, Incorporated, in connection with the rezoning for the MetroPlace at Dunn Loring.

90. A-1 - FISCAL YEAR (FY) 1990 APPROPRIATION ADJUSTMENT (TAPE 19)

(SAR)
(FPR)

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

- Authorized staff to process payment vouchers for items previously approved and appropriated in Fiscal Year (FY) 1990 for the interim period from July 1 until the Board approves the FY 1990 Carryover Review, which is scheduled for action on September 17, 1990;
- Adopted Supplemental Resolution AS90048 for nine General Fund agencies and four Other Funds requiring additional appropriations for FY 1990; and
- Approved Fiscal Planning Resolution AS90905 for the amendment of FY 1990 Fiscal Plan Transfers from the General Fund to Subfund 105, Department of Community Action, and to Subfund 108, Aging Grants and Programs.

Supervisor Hyland asked unanimous consent that staff provide information regarding the agencies having unallocated funds and the amounts. Without objection it was so ordered.

There was a brief discussion regarding this item.

91. A-2 - EMERGENCY AMENDMENTS TO THE PERSONNEL
REGULATIONS REGARDING THE LAY-OFF PROCEDURE
(TAPE 19)

- (E) On motion of Supervisor Bulova, seconded by Supervisor Pennino, and CARRIED by a recorded vote of seven, Supervisor Hyland voting "NAY, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved, on an emergency basis, amendments to Section 9.4 of the Personnel Regulations to clarify provisions of the lay-off procedure. The proposed amendments are summarized below:

- Clarify that School Board merit service and service prior to reinstatement or reemployment with a break in service of less than one year are included in continuous service credit for purposes of calculating adjusted service ratings;
- Modify the performance evaluation rating language to reflect the changes that have been made to the evaluation form expanding the scale from four to six points;
- Provide a clear definition for the term "month" as it relates to calculating adjusted service ratings; and
- Clarify the definition of active class by delineating its application to employees who are underfilling positions or serving in a temporary acting promotional capacity.

In accordance with the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-1-11(c) of the Merit System Ordinance these amendments will be forwarded to the Civil Service Commission for public hearing and returned to the Board of Supervisors with any recommendations.

There was a brief discussion regarding this item.

92. A-3 - BOARD OF SUPERVISORS AUTHORIZATION TO ADVERTISE AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING UTILITY TAX AND APPROVAL OF PROGRAM GUIDELINES TO IMPLEMENT THE FAIRFAX COUNTY UTILITY TAX ORDINANCE TO CLASSIFY AS RESIDENTIAL USE FOR TAX PURPOSES UTILITY SERVICE PROVIDED TO COMMONLY USED AREAS WITHIN RESIDENTIAL PROJECTS (NO TAPE)

[NOTE: Earlier in the meeting during Board Matters, action was taken to concur in the recommendation of staff and approve the Program Guidelines associated with the implementation of the ordinance amendment regarding the taxation of utility service to commonly used areas within residential projects; and authorize the advertisement of a public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-6-1 et seq., to implement the Board approved ordinance amendments of June 25, 1990, and the proposed August 6, 1990 amendments regarding the taxation of utility service to commonly-used areas within residential projects, such as condominium and apartment complexes and common area service to homeowners' associations. See Clerk's Summary Item CL#7.]

93. A-4 - DELINQUENT REAL ESTATE AND PERSONAL PROPERTY TAX LISTS FOR 1988 AND 1989 (TAPE 19)

On motion of Supervisor Davis, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and authorized the publication of the lists of delinquent real estate and personal property taxes, in accordance with Section 58.1-3924 of the Code of Virginia.

94. A-5 - ENDORSE PARK-AND-RIDE SITES ALONG THE DULLES CORRIDOR FOR SECTION 15.1-456 PUBLIC FACILITIES DETERMINATIONS AND URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) PUBLIC HEARINGS (CENTREVILLE, DRANESVILLE AND PROVIDENCE DISTRICTS) (TAPE 19)

[NOTE: Earlier in the meeting during Board Matters, action was taken to direct staff to apply to the Planning Commission for Section 15.1-456 Public Facilities Determination and Urban Mass Transportation Administration (UMTA) public hearings for sites along the Dulles Corridor (with modifications) and request the Planning Commission to conduct the required UMTA public hearing and the Section 15.1-456 public hearing concurrently for each of the sites. See Clerk's Summary Item CL#54.]

95. A-6 - AREAWAY DRAIN PROGRAM (COUNTYWIDE) (TAPE 19)

- (A) Supervisor Davis moved that the Board concur in the recommendation of staff and:

- Approve, in concept, a new program to reduce storm water runoff into the sanitary sewer system;
- Direct staff to return during a quarterly financial review to request funding; and

Authorize the advertisement of a public hearing to be held before the Board of Supervisors on September 17, 1990 at 5:00 p.m. regarding proposed amendments to the Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Section 67-2-1(c)(13).

This motion was seconded by Supervisor Richards.

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

96. A-7 - EXPANSION OF THE APPROVED SEWER SERVICE AREA: CRIMINAL JUSTICE SITE COLOCATION (CENTREVILLE DISTRICT) (TAPE 19)

On motion of Supervisor Pennino, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and expanded the Approved Sewer Service Area to include that portion of the Cub Run Watershed to include the County's proposed Public Safety Facility and Work Training Center as delineated on the map contained in Attachment A of the Memorandum to the Board dated August 6, 1990.

In no event shall sewer service be expanded west of Willard Road or to the Dulles International Airport property without explicit approval by the Board of Supervisors.

97. A-8 - AUTHORIZATION TO RENEW AND EXECUTE COOPERATION AGREEMENTS BETWEEN THE COUNTY OF FAIRFAX, FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), AND THE TOWN OF CLIFTON, TOWN OF HERNDON, AND THE CITY OF FAIRFAX (TAPE 19)

- (R) On motion of Supervisor Richards, seconded by Supervisor Bulova, and carried by a vote of eight, Supervisor Alexander being out of the room,

the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County Executive to renew and execute Cooperation Agreements between the County of Fairfax, the Fairfax County Redevelopment and Housing Authority (FCRHA), and the Town of Clifton, Town of Herndon, and the City of Fairfax.

98. A-9 - APPROVAL OF AN AGREEMENT BETWEEN FAIRFAX COUNTY AND THE TOWN OF VIENNA FOR THE IMPLEMENTATION OF STREETScape IMPROVEMENTS AND UTILITY RELOCATIONS (CENTREVILLE DISTRICT) (TAPE 19)

(R) On motion of Supervisor Pennino, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the County Executive to execute the agreement between Fairfax County and the Town of Vienna for the implementation of streetscape improvements and utility relocations.

99. A-10 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC PURPOSES (FROM MENGE PROPERTY FOR WEST OX ROAD) (PROVIDENCE DISTRICT) (TAPE 19)

On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board WITHDREW this item from the Board package.

100. A-11 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC PURPOSES (FROM CENTENNIAL GATEWAY WEST FOR WEST OX ROAD) (PROVIDENCE DISTRICT) (TAPE 19)

(DC)

(R) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved the density credit for approximately 13,904.5 square feet of Parcels 46-3 ((1)) 28A and 31A which is to be dedicated for public use for public street purposes (From Centennial Gateway West for West Ox Road, Providence District).

101. A-12 - SUPPLEMENTAL APPROPRIATION RESOLUTION AS 91012 FOR THE OFFICE OF COMPREHENSIVE PLANNING, ENVIRONMENTAL AND HERITAGE RESOURCES BRANCH, TRW FOUNDATION VOLUNTEER MANAGER GRANT (TAPE 19)

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room,

the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS91012 in the amount of \$28,229. The program provides for one grant exempt position (Historian I, Grade S-18) for the Office of Comprehensive Planning, Environmental and Heritage Resources Branch.

102. A-13 - SUPPLEMENTAL APPROPRIATION RESOLUTION
AS 91013 FOR THE HEALTH DEPARTMENT'S DEMENTIA
CARE AND RESPITE SERVICES PROGRAM GRANT (TAPE 19)

- (SAR) On motion of Supervisor Hyland, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS91013 in the amount of \$91,227. This grant award provides for continuation and expansion of the Dementia Care and Respite Services grant program that began in August, 1988 with start-up funding provided by the Robert Wood Johnson Foundation (RWJF) and Alzheimer's Association. Two (1 SYE) additional part-time Respite Companion positions will be established and one existing half-time (.5 SYE) clerk typist position will be expanded to full-time. In addition, one full-time existing Respite Coordinator (1 SYE) and five part-time existing Respite Companions grant positions (2.5 SYE) will be extended in the Fiscal Year (FY) 1991 to provide more than 330 hours of in-home care each month and operate two concurrent Saturday programs each week. In total, there will be nine (5.5 SYE) positions on staff to support the Respite Care Program.

103. A-14 - SUPPLEMENTAL APPROPRIATION RESOLUTION
AS 91010 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT
FISCAL YEAR (FY) 1990 ECONOMIC DISLOCATION
AND WORKER ADJUSTMENT ASSISTANCE (EDWAA)
PROGRAM (TAPE 19)

- (SAR) On motion of Supervisor Hyland, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS91010 in the amount of \$64,375. This grant award provides funding for:

- Two positions (1.5 SYE) within the Department of Human Development:

- * A grant coordinator (1.0 SYE) position to be transferred from the Department's Job Training Partnership Act, Title II-A Program; and

- * A case manager (0.5 SYE at Grade S-18/1) to be added due to the rapidly increasing caseloads in this area.

There is no local cash match requirement for this award.

104. A-15 - APPROVAL TO ACCEPT FEDERAL ALCOHOL, DRUG ABUSE AND MENTAL HEALTH (ADMS) FUNDING FOR ALCOHOL AND DRUG SERVICES OF THE COMMUNITY SERVICES BOARD (CSB) (TAPE 19)

On motion of Supervisor Hyland, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and accepted the Alcohol, Drug Abuse and Mental Health (ADMS) Block Grant funding for the Community Services Board (CSB) in the amount of \$600,299 for Fiscal Year (FY) 1991. This funding is part of the Federal War on Drugs program.

105. A-16 - APPROVAL FOR COMMUNITY SERVICES BOARD (CSB) SUBMISSION OF PROPOSAL FOR FUNDING FAMILY SUPPORT SERVICES FOR SEVERELY MENTALLY RETARDED PERSONS (TAPE 19)

On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved the Community Services Board's (CSB) submission of the proposal for funding from the State Department of Health, Mental Retardation and the Substance Abuse Services (DMHMRSAS) to provide family support services to families of persons with severe mental problems.

106. A-17 - REVISION OF FINAL COMMUNITY IMPROVEMENT PROGRAM ASSESSMENTS FOR GREENWAY DOWNS, PHASE III (PROVIDENCE DISTRICT) (TAPE 19)

- (R) On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution establishing the final amount to be assessed against four landowners in the Greenway Downs Community Improvement Program project.

107. A-18 - SUBMISSION OF LOCAL PLANNING ALLOCATIONS GRANT, PUBLIC LAW 99-457, FUNDING TO PROVIDE PLANNING OF EARLY INTERVENTION SERVICES TO HANDICAPPED INFANTS AND THEIR FAMILIES (TAPE 19)

On motion of Supervisor Hyland, seconded by Supervisor McConnell, and carried by a vote of eight, Supervisor Alexander being out of the room,

the Board concurred in the recommendation of staff and approved the request to submit for third year grant funding from the State Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). This third year grant funding will be used by the Community Services Board (CSB) to provide continuing clerical and operating support to the Interagency Council for Planning of Early Intervention Services to Handicapped Infants and their families. The amount requested is \$10,000, the same as in the previous two years. These funds have been made available to DHHMRSAS from the Federal Department of Education under Public Law 99-457. Public Law 99-457 is an amendment to the Education of the Handicapped Act. There are no County funds required for this program.

108. A-19 - BOARD APPROVAL OF LONG RANGE GYPSY MOTH
POLICY (TAPE 19)

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

- Authorize the Department of Extension and Continuing Education to borrow 10 personnel full time from August 15, 1990 through October 19, 1990 from other County agencies to conduct gypsy moth surveys;
- Authorize the Board's Environmental Subcommittee to approve proposed spray blocks for the 1991 treatment program at a briefing in the Gypsy Moth office in early November, 1990;
- Approve capping the Virginia cost-share aerial treatment portion of the Gypsy Moth Program at 35,000 acres on an annual basis;
- Approve the notification of citizens who will not be treated as part of the Virginia cost-share program;
- Authorize the County staff to cease efforts to implement the tax district concept as a means for recovering Gypsy Moth Program costs;
- Direct the County Executive to recommend an organizational scheme that could allow an expansion of the program if citizens pay the costs in whole or in part;

- Approve a voluntary program with buffer zones around non-participants of 200 feet for helicopter operations and 500 feet for fixed wing operations;
- Approve the continued use of parasites as part of the integrated pest management program; and
- Approve the stockage of 250,000 pieces of burlap in preparation for the upcoming caterpillar season.

This motion was seconded by Supervisor McConnell.

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

109. A-20 - BOARD TESTIMONY TO THE COMMISSIONER OF
THE VIRGINIA DEPARTMENT ON AGING (TAPE 19)

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

- Approved the testimony to be presented to the Commissioner of the Virginia Department of Aging at the town meeting scheduled in the Fairfax County Board of Supervisors' Board Room on August 15, 1990 as contained in the Memorandum to the Board dated August 6, 1990.

(NOTE: A representative was not designated to submit the testimony on behalf of the Board.)

110. A-21 - PRINCIPALS AND GUIDELINES TO PREVENT
AND REMEDY HOMELESSNESS IN FAIRFAX COUNTY
(TAPE 19)

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

- Approved the document entitled, Principals and Guidelines to Prevent and Remedy Homelessness in Fairfax County, which sets policy recommendations for future direction of services to the County's homeless population; and

[NOTE: As a result of widespread community-wide input (i.e., both public and private sector entities' recommendations), this document establishes a basis for the future course of services to the County's homeless population.]

- Directed the Deputy County Executive for Human Services to establish a work group to prepare an operational plan for implementation of these policies. This group is to be tasked with the development of implementation recommendations for presentation to the Board of Supervisors by October 30, 1990.

111. A-22 - PROPOSED REVISIONS TO THE COMMUNITY IMPROVEMENT PROGRAM LAND AND EASEMENT ACQUISITION POLICY (TAPE 19)

- (P) On motion of Supervisor Davis, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and adopted revisions to the Policy for the acquisition of easements and rights-of-way in Community Improvement Program (CIP) projects.

112. A-23 - URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) SUBURBAN MOBILITY GRANT: COUNTY - ECONOMIC DEVELOPMENT AUTHORITY (EDA) AGREEMENT (COUNTYWIDE) (TAPE 19)

On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and, in order to satisfy the federal grant requirement related to labor protection for transit employees, approved and authorized the County Executive to execute a finalized version of the "Fairfax County and the Fairfax County Economic Development Authority (EDA) Transportation and Cooperation Agreement, As Supplemented," and contained as Attachment One of the Memorandum to the Board dated August 6, 1990.

113. A-24 - BOARD AUTHORIZATION TO PROCEED WITH THE SALE OF NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC), FAIRFAX COUNTY TRANSPORTATION CONTRACT REVENUE BONDS, SERIES 1990 (FAIRFAX COUNTY PARKWAY) AND DELEGATION OF AUTHORITY TO THE COUNTY EXECUTIVE TO RECOMMEND TO NVTC ITS ACCEPTANCE OF AN OFFER TO PURCHASE THE BONDS AND RELATED DOCUMENTS

[NOTE: Earlier in the meeting, action was taken to adopt a Resolution authorizing the sale of Northern Virginia Transportation Commission (NVTC) Transportation Contract Revenue Bonds and approval of related sales activity during the Board's scheduled August Recess, including recommendations to NVTC, preparation of documents, and necessary signatures. See Clerk's Summary Item CL#9.]

114. C-1 - CONSIDERATION OF WHETHER THE COUNTY SHOULD ADOPT AN AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), RELATING TO THE FAIRFAX COUNTY UTILITY TAX ORDINANCE TO RAISE THE CEILING ON TAXATION OF COMMERCIAL OR INDUSTRIAL GAS SERVICE FROM THE CURRENT CEILING OF \$3,000 PER MONTH TO A CEILING OF \$10,000 PER MONTH

(NOTE: Earlier in the meeting during Board Matters, action was taken to defer Board consideration of whether the County should adopt an amendment to the Fairfax County Utility Tax Ordinance to raise the ceiling on taxation of commercial or industrial gas service from the current ceiling of \$3,000 per month to a ceiling of \$10,000 per month. See Clerk's Summary Item CL#6.)

115. C-2 - SMALL TAX BILLS (TAPE 19)

The Board next considered an Item contained in the Memorandum to the Board dated August 6, 1990, regarding whether Fairfax County should continue to bill individuals for real estate and personal property bills less than \$5.00.

Supervisor Davis moved that the Board direct staff to eliminate real estate and personal property bills less than \$5.00 before the next billing cycle. (It is noted that the computer programs must be changed by October 17, 1990 before the 1990 personal property and second half real estate bills are printed.) This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being out of the room.

116. C-3 - CREATION OF THE CRIMINAL JUSTICE POLICY GROUP (TAPE 19)

(BACs)

The Board next considered an Item contained in the Memorandum to the Board dated August 6, 1990, regarding the creation and staffing of a Fairfax County Criminal Justice Policy Group.

The Criminal Justice Policy Group would be a coordinating body of criminal justice agency heads. It would broaden the focus of a reactivated Alternative Task Force as recommended by the Board, on January 29, 1990, from just alternatives to incarceration to all criminal justice policy issues affecting Fairfax County. The creation of such a body parallels what the County is doing with strategic management initiative planning. The Fairfax County Criminal Justice Policy Group (FCCJPG) would be composed of the directors and leaders of all criminal justice agencies in Fairfax County.

Supervisor Davis moved that the Board direct staff to create and staff the FCCJPG, as follows:

- PURPOSE: While the FCCJPG is charged with examining the effectiveness of existing alternatives to incarceration and possibly recommending new ones, it will also be charged with a much more extensive and all-encompassing responsibility. Examples of areas which could be explored by this group are: data collection, reassessment and possible reassignment of functions between agencies, improved methods of communication between criminal justice agencies, recommendations on legislative changes, and the sharing of resources between agencies. (This list is not all-inclusive.)
- COMPOSITION: The composition of the proposed FCCJPG follows:
 - * Deputy County Executive for Public Safety;
 - * Chief Judge, Circuit Court;
 - * Chief Judge, General District Court;
 - * Chief Judge, Juvenile and Domestic Relations Court;

- * Sheriff;
- * Chief of Police;
- * Commonwealth Attorney;
- * Chief Magistrate;
- * Public Defender;
- * Chief, Probation and Parole;
- * Director, Pre-Trial Services Program;
- * Clerk of Circuit Court;
- * Clerk of General District Court;
- * Representative, Bar Association;
- * Representative, Alcohol and Drug Services;
- * Representative, Mental Health Services; and
- * Director, Office of Human Services.

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

117. C-4 - BOND REFERENDUM COMMITTEE AND INFORMATION
PAMPHLET (TAPE 19)

(BACs)

The Board next considered an Item contained in the Memorandum to the Board dated August 6, 1990, regarding the establishment of a Bond Referendum Citizens Committee to assist in informing the voters about the November 6, 1990 Bond Referenda and consideration of the publication and format of an informational pamphlet to be mailed to the voters in mid-October.

Supervisor Hanley moved that the Board establish the Bond Referendum Citizens Committee, as follows:

- PURPOSE: To assist in informing the voters about the November 6, 1990, bond referendum.

• COMPOSITION: The composition of the Committee follows:

* Representatives from each Supervisor District	8
* At-Large Representative	1
* Federation of Citizens Associations	1
* League of Women Voters	1
* Countywide Black Citizens Association	1
* Fairfax County Chamber of Commerce	1
Total Membership	<u>13</u>

Supervisor Hanley further moved that the Board direct the Office of Public Affairs to publish an informational pamphlet on the Bond Referenda to be mailed to the voters in mid-October.

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

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff, when assembling the text for the brochure, to state an estimate of the annual operating cost in current dollar amounts and offer the public an explanation of why there are bonds remaining to be sold. Without objection it was so ordered.

118. C-5 - APPEAL OF A PROFFER INTERPRETATION -
REZONING APPLICATION RZ 88-S-063
(SPRINGFIELD DISTRICT) (TAPE 19)

Supervisor McConnell moved that the Board defer its consideration on the appeal of a proffer interpretation - Rezoning Application RZ 88-S-063 until September 17, 1990. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander being out of the room.

119. C-6 - 1990 VIRGINIA MUNICIPAL LEAGUE ANNUAL
CONFERENCE (TAPE 19)

The Board next considered an item contained in the Memorandum to the Board dated August 6, 1990, regarding designation of a voting and alternate Delegate to represent the County at the 1990 Virginia

Municipal League (VML) Annual Conference to be held on September 9 through September 11, 1990 at the Williamsburg Lodge.

Supervisor Davis moved that Chairman Moore be designated as the voting delegate at the VML Annual Conference. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being out of the room.

Supervisor Davis further moved that Supervisor Hanley be designated as the alternate delegate at the VML Annual Conference. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being out of the room.

120. C-7 - FUNDING FOR OLD KEENE MILL ROAD CORRIDOR
CAPACITY IMPROVEMENTS (TAPE 19)

(NOTE: Earlier in the meeting, during the Board's action on the Proposed Policy Plan of Fairfax County, action was taken to authorize funding for Old Keene Mill Road corridor capacity improvements. See Clerk's Summary Item CL#15.)

121. I-1 - ROAD BOND PROGRAM - BOARD OF SUPERVISORS'
MONTHLY STATUS REPORT FOR JULY 1990 (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, presenting the July 1990 Monthly Status Report for the Road Bond Program.

Following discussion, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to prepare a letter to John Milliken, Secretary of Transportation, Commonwealth of Virginia, requesting that preparation be "stepped-up" on the Pohick Road 'S' Curve project. She stated that the project, approved in the winter of 1988 as an Emergency Project, was to have been prepared on an expedited basis and, to date, the project is still not ready for construction. Without objection it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Supervisor Davis moved that the Board direct staff to send a letter to Secretary Milliken requesting a reevaluation of the placement of noise walls between Hummer Road and Route 236 along the Beltway. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

VLL:VLL

122. NOISE WALLS TO BE INSTALLED ON BELTWAY
BETWEEN GEORGETOWN PIKE AND THE CABIN
JOHN BRIDGE (TAPE 19)

Supervisor Richards stated that through the offices of John Milliken, Secretary of Transportation, Commonwealth of Virginia, Fairfax County is

receiving noise walls on the Beltway between Georgetown Pike and the Cabin John Bridge. She stated that previously this request had been denied; however, after a reevaluation of the noise area, it was determined that the project does qualify under the guidelines of the Virginia Department of Transportation (VDOT).

123. REQUEST FOR REEVALUATION OF PROJECT TO
INSTALL NOISE WALLS BETWEEN HUMMER ROAD
AND ROUTE 236 ALONG THE BELTWAY (TAPE 19)

Supervisor Davis stated that the Six Year Plan currently shows noise walls between Hummer Road and Route 236 along the Beltway that he felt qualifies under the guidelines of the Virginia Department of Transportation (VDOT). He moved that the Board direct staff to prepare a letter to John Milliken, Secretary of Transportation, Commonwealth of Virginia, under the Chairman's signature, requesting VDOT reevaluate this project. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

124. I-2 - PARKING REVENUE BOND SALE (HUNTINGTON
METRORAIL STATION PROJECT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, outlining the completion of the sale of \$11,200,000 in Parking Revenue Bonds for the Huntington Metrorail Station Project. The parking structure, scheduled for completion in the Fall of 1991, will add 770 parking spaces to Huntington Metrorail Station, providing a station total of 3,100 spaces.

125. I-3 - IMPLEMENTATION OF THE POHICK ROAD COMMUTER
RAIL STATION (MOUNT VERNON DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting during Board Matters, action was taken on the implementation of a Pohick Road commuter rail station as directed by the Board on May 14, 1990. See Clerk's Summary Item CL#61.)

126. I-4 - BOARD OF SUPERVISORS' ACTION FOR INCORPORATION
OF A SECTION OF HILLDON STREET INTO THE FAIRFAX COUNTY
ROAD MAINTENANCE AND IMPROVEMENT PROGRAM (FCRMIP)
(DRANESVILLE DISTRICT) (TAPE 19)

[NOTE: Supervisor Hyland noted that this item was considered by the Board on March 12, 1990.]

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to remove Hilldon Street in the Dranesville District from the Fairfax County Road Maintenance and Improvement Program (FCRMIP) until

such time as the right-of-way and upgrade issues can be resolved with the impacted property owners.

The staff was directed administratively to proceed as proposed.

127. I-5 - DELINQUENT REAL ESTATE TAX ACCOUNTS (TAPE 19)

(NOTE: Earlier in the meeting, action was taken to authorize commencement of legal proceedings to collect delinquent real estate taxes in those cases in which the taxpayers have not responded to the demands for payment where there has been a default in the payment schedule or agreement as of June 30, 1990, as recommended by the County Attorney. See Clerk's Summary Item CL#18C.)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, presenting the current list of delinquent real estate tax accounts totaling \$3,421,260.93.

128. I-6 - PLANNING COORDINATION AMONG FAIRFAX, LOUDOUN, AND PRINCE WILLIAM COUNTIES (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for the Office of Comprehensive Planning (OCP) to continue to utilize existing formal and informal channels of communication with Prince William and Loudoun Counties, as well as other neighboring jurisdictions, with the understanding that should a conflict with land-use recommendations from an adjoining jurisdiction be identified which would not be compatible with the Fairfax County Policy Plan, OCP will inform the Board of Supervisors. Briefings and document distributions will be arranged for Phase II of the Planning Horizons process.

The staff was directed administratively to proceed as proposed.

129. I-7 - DEFERRED ITEMS FROM THE 1985 AND 1986 ANNUAL PLAN REVIEWS (NO TAPE)

[NOTE: Earlier in the meeting during the Board's discussion on the Proposed Policy Plan of Fairfax County (Policy Plan), action was taken to direct staff to consider the Deferred Items from the 1985 and 1986 Annual Plan Reviews during Phase II of the Comprehensive Plan process. See Clerk's Summary Item CL#15.)

130. I-8 - SECTION 213 REVIEW - APPLICATION FOR SECTION 8 CERTIFICATES AND VOUCHERS (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to:

- Sign letters informing Housing and Urban Development (HUD) that the applications for Section 8 Certificates and Vouchers are consistent with the numeric goals of the County's Housing Assistance Plan (HAP); and
- Return letters to Housing and Community Development (HCD) for delivery to the appropriate persons at HUD.

The staff was directed administratively to proceed as proposed.

131. I-9 - SECTION 213 REVIEW - APPLICATION FOR FISCAL YEAR (FY) 1990 FEDERAL PUBLIC HOUSING FUNDS (ANNANDALE AND SPRINGFIELD DISTRICTS) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to:

- Sign letters informing Housing and Urban Development (HUD) that the applications for Fiscal Year (FY) 1990 Federal Public Housing Funds in the Annandale and Springfield Districts are compatible with the numeric goals of the County's Housing Assistance Plan (HAP); and
- Return letters to Housing and Community Development (HCD) for forwarding to the appropriate persons at HUD.

The staff was directed administratively to proceed as proposed.

132. I-10 - APPLICATION FOR FUNDS FOR PUBLIC HOUSING DRUG ELIMINATION PROGRAM (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to submit an application to Housing and Urban Development (HUD) for funds for the Public Housing Drug Elimination Program prior to the August 17, 1990 deadline.

The staff was directed administratively to proceed as proposed.

133. I-11 - APPROVAL OF THE COMMERCIAL REVITALIZATION PROJECT SCOPE FOR ROUTE 1 (LEE AND MOUNT VERNON DISTRICTS) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to implement the Commercial Revitalization Program (CRP) to provide streetscaping, signage, entryway and facade improvements along U.S. Route 1 in the Lee and Mount Vernon Districts.

The staff was directed administratively to proceed as proposed.

134. I-12 - FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FISCAL YEAR (FY) 1991 FEE SCHEDULE AND ABILITY TO PAY SCALE (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, presenting the Fairfax-Falls Church Community Services Board Fiscal Year (FY) 1991 Fee Schedule and Ability to Pay Scale.

135. I-13 - SITE DEVELOPMENT FEES FOR THE FRIENDSHIP UNITED METHODIST CHURCH (TAPE 19)

Supervisor Hanley asked unanimous consent that the Board defer action on the site development fees for the Fellowship United Methodist Church until September 17, 1990. Without objection it was so ordered.

136. I-14 - THREE YEAR PLAN FOR FAIRFAX SPECIALIZED TRANSPORTATION SYSTEM (FASTRAN) (TAPE 19)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board defer action on the Three-Year Plan for the Fairfax Specialized Transportation System (FASTRAN) until September 17, 1990. Without objection it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

137. I-15 - CONTRACT AWARD - VEHICLE MAINTENANCE FACILITY AT WAKEFIELD PARK (ANNANDALE DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to award a contract to Construction 722 Corporation of Sterling, Virginia, in the amount of \$547,722 for construction of an addition to the Vehicle Maintenance Facility at Wakefield Park, Annandale District, in Project 004162, Park Authority Vehicle Maintenance, Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

138. I-16 - CONTRACT AWARD - SURVEY, REDESIGN, BIDDING
AND CONSTRUCTION INSPECTION/ADMINISTRATION SERVICES
AT DEERLICK PARK (LEE DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to:

- Award a consultant contract to VIKI, Incorporated, in the amount of \$43,650 for design services for the redesign of an entrance road, parking lot, trails and improvements to Braddock Road at Deerlick Park, Lee District, Project 004303 in Subfund 451, Park Authority Bond Construction; and
- Reallocate funds in the amount of \$55,258 from Project 004534, Park Contingency.

The staff was directed administratively to proceed as proposed.

139. I-17 - FINAL REPORT ON THE ACTIVITIES OF THE 1990
CENSUS COMPLETE COUNT COMMITTEE (TAPE 19)

(NOTE: Earlier in the meeting, the Board expressed its appreciation to the Committee Members for its final report on the activities of the 1990 Census Complete Count Committee. See Clerk's Summary Item CL#48.)

140. I-18 - AWARD OF CONTRACT FOR MANAGEMENT AND OPERATION
OF THE FAIRFAX CONNECTOR BUS SYSTEM (LEE, MOUNT VERNON,
SPRINGFIELD DISTRICTS) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, announcing the completion of the procurement process for the award of a contract to AIE Management and Service Company, Incorporated (a subsidiary of Ryder System, Incorporated) in the amount of \$3,271,749 for the management and operation of the Fairfax Connector Bus System for the period September 29, 1990 through September 28, 1991.

The staff was directed administratively to proceed as proposed.

141. I-19 - ARCHITECTURAL CONTRACT AWARD TO THE LUKMIRE
PARTNERSHIP, INCORPORATED, FOR THE DESIGN OF THE
GREAT FALLS LIBRARY (DRANESVILLE DISTRICT) (TAPE 19)

(NOTE: Earlier in the meeting during Board Matters, administrative action was taken to direct staff proceed to award a contract to The

Lukmire Partnership, Incorporated, in the amount of \$230,023 for the design of the Great Falls Library located at the corner of Georgetown Pike and Bucks Lane in Great Falls, Virginia, Dranesville District, Project 004836 in Subfund 460, Library Construction and make the necessary corrections to the record to reflect "....for the design of the 13,000 square foot Great Falls Library...." See Clerk's Summary Item CL#53.)

142. I-20 - CONTRACT AWARD - CURTIS AVENUE STORM DRAINAGE IMPROVEMENTS (MOUNT VERNON DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to:

- Award a contract to General Excavation, Incorporated, in the amount of \$170,535 for the construction of a concrete storm sewer and restoration to include sodding and other related items, Project K00052, Curtis Avenue Storm Drainage Improvements, in Subfund 468, Public Works Construction; and
- Reallocate funds in the amount of \$42,057, Project K00052, TO Project 200007, Subfund 468 Contingency.

The staff was directed administratively to proceed as proposed.

143. I-21 - CONTRACT AWARD - I-66 WASTE TRANSFER STATION CENTRAL HOPPER REPAIR (SPRINGFIELD DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to award a contract to M&M Welding and Fabricators in the amount of \$47,471 for the removal of existing steel deflection plate assembly and installation of a new steel deflection plate assembly and related items at the Central Hopper of the I-66 Waste Transfer Station. Funds necessary to award this contract and to fund the associated contingency and related construction costs are included in the Fiscal Year (FY) 1990 Carryover Review for Subfund 174, Refuse Disposal, and the FY 1991 appropriations.

The staff was directed administratively to proceed as proposed.

144. I-22 - CONTRACT AWARD - CAMP 30 - STP ABANDONMENT
OUTFALL (SPRINGFIELD DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to:

- Award a contract to Prince William Construction Company in the amount of \$59,973.86 for the construction of a sanitary sewer for Project 100119, Camp 30 - STP Abandonment Outfall in Subfund 524, Sewer Bond Extension and Improvements; and
- Reallocate funds in the amount of \$498,703 to Project X00998, Sewer Contingency, to fund possible shortfalls in other projects within this subfund.

The staff was directed administratively to proceed as proposed.

145. I-23 - APPROVAL OF CONTRACT ADDENDUM WITH CAMP,
DRESSER AND MCKEE (CDM) FOR THE OPERATION OF THE
KINGSTOWNE ENVIRONMENTAL MONITORING PROGRAM
(LEE DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to award a contract to Camp, Dresser and McKee in the amount of \$84,648 for the operation of a combination rain gauge, stream flow, sediment, and water quality sampling station on Dogue Creek, downstream of the Kingstowne Project, Project L00034, Kingstowne Environmental Monitoring Program, Subfund 468, Public Works Construction.

The staff was directed administratively to proceed as proposed.

146. I-24 - AWARD OF CONTRACT ADDENDUM FOR GEOTECHNICAL
SERVICES TO PROJECT 064116, ROUTE 29 FEASIBILITY
STUDY PHASE I (PROVIDENCE AND SPRINGFIELD DISTRICTS)
(TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to award a contract addendum to Whitman, Requardt and Associates in the amount of \$31,391.58 for geotechnical investigation of asbestos-containing soils, Project 064116, Route 29 Engineering Study, in Subfund 463, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

147. I-25 - COUNTY HOLIDAY SCHEDULE -- CALENDAR
YEAR 1991 (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to adopt the proposed County Holiday Schedule for Calendar Year 1991.

The staff was directed administratively to proceed as proposed.

148. I-26 - APPROVAL OF AN AGREEMENT PROVIDING FOR THE
CONSTRUCTION OF STORM SEWER ALONG A PORTION OF
CAVALIER DRIVE AND PRINCETON DRIVE IN THE BUCKNELL
MANOR SUBDIVISION (MOUNT VERNON DISTRICT) (TAPE 19)

The Board next considered an Information Item contained in the Memorandum to the Board dated August 6, 1990, requesting authorization for staff to proceed to execute an agreement with the Virginia Department of Transportation (VDOT) in the amount of \$151,413.62 providing for the construction of storm sewer along a portion of Cavalier Drive and Princeton Drive in the Bucknell Manor Subdivision, Mount Vernon District, Project U00100, VDOT Participation Project, Subfund 468, Public Works Construction.

The staff was directed administratively to proceed as proposed.

149. I-27 - MINUTES OF THE BOARD OF SUPERVISORS'
MEETING FOR DECEMBER 11, 1989 (TAPE 19)

(NOTE: Earlier in the meeting, action was taken to accept the Minutes of the Board of Supervisors' meeting held on December 11, 1989. See Clerk's Summary Item CL#19.)

150. J. HAMILTON LAMBERT, COUNTY EXECUTIVE,
DESIGNATED TO SERVE AS NEGOTIATOR ON THE
REGIONAL JAIL FACILITY FOR MEMBERS OF THE
DEMOCRATIC AND REPUBLICAN CONGRESSIONAL
DELEGATION (TAPE 19)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct J. Hamilton Lambert, County Executive, to act as negotiator on the regional jail facility in Caroline County for Members of the Democratic and Republican Congressional Delegation. Without objection it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

151. UPDATE ON MEETING WITH JOHN MILLIKEN,
SECRETARY OF TRANSPORTATION, COMMONWEALTH
OF VIRGINIA (TAPE 19)

J. Hamilton Lambert, County Executive, briefed Board Members on the following issues resulting from a meeting he had held with John Milliken, Secretary of Transportation, Commonwealth of Virginia:

- Efforts towards Fairfax County taking over signalization;
- Efforts towards creating a situation where the County would not need plans in final form before going to public hearing; and
- Efforts to eliminate some of the dual responsibilities such as plan review and inspections with the Department of Environmental Management (DEM) and the Department of Public Works (DPW).

Chairman Moore commended the County Executive for his outstanding efforts.

152. BOARD ADJOURNMENT (TAPE 19)

At 12:15 a.m., the Board adjourned.