



# 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  
SEPTEMBER 24, 1990**

24-90

**AR:AR**

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

Others present were J. Hamilton Lambert, County Executive; Robert L. Howell, Senior Assistant County Attorney; William Howland, Assistant to the County Executive; and Viki L. Lester, Deputy Clerk to the Board of Supervisors.

Supervisor Alexander was absent from the entire meeting.

(NOTE: David T. Stitt, County Attorney, was absent from the entire meeting.)

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

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

2. **SUPERVISOR GERALD HYLAND TO APPEAR AS A WITNESS IN  
THE FAIR HOUSING LAW SUIT (TAPE 1)**

Supervisor Hyland announced that he may be absent from a portion of today's meeting in order to testify in court in Alexandria, Virginia. He briefed Board Members that he has been summoned to appear as a witness on behalf of the United States in the suit involving the Fair Housing Law and, if contacted, he may have to leave at a "moment's notice."

(NOTE: Later in the meeting, Chairman Moore announced Supervisor Hyland's departure from the Board Meeting. See Clerk's Summary Item CL#115.)

3. ABSENCE OF LEE DISTRICT SUPERVISOR JOSEPH ALEXANDER  
(TAPE 1)

Chairman Moore asked everyone present in the Board Room to keep Lee District Supervisor Joseph Alexander, who is recovering from pneumonia, in their prayers and thoughts.

4. RESOLUTION PRESENTED TO THE FAIRFAX COUNTY  
FIRE AND RESCUE DEPARTMENT'S TECHNICAL  
RESCUE OPERATIONS TEAM (TAPE 1)

Supervisor McConnell moved adoption of the Resolution, presented to Battalion Chief Michael Tamillow; Lieutenant Bernard Bickham, Jr.; Michael Regan, Technician; Donald Booth, Technician; William Teal, Technician; and Dennis Fiddler, Technician; commending the Fairfax County Fire and Rescue Department, Technical Rescue Operations Team, for their outstanding assistance to the people of the Philippine Islands with the disaster relief efforts. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

5. RESOLUTION PRESENTED TO THE FAMILY OF  
MR. JAMES MILTON GOINS (TAPE 1)

(Verb)

Supervisor Bulova moved adoption of the Resolution, presented to the family members of Mr. James Milton Goins, expressing, on behalf of the citizens of Fairfax County, its deep sorrow at the loss of this loved member of the community, and extending its heartfelt sympathy to the family and friends of Mr. Goins with the knowledge that his contributions to Fairfax County will be remembered for a long time to come. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

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

CM:CM

6. BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS  
(TAPE 2)

Supervisor Bulova moved the appointment of Mr. James Lind as the At-Large Representative to the Board of Equalization of Real Estate Assessments. This motion was seconded by Supervisor Pennino.

Following discussion, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that Staff report back to the Board later today with information on the make-up of the Board of Equalization of Real Estate Assessments as to how many appraisers and

builders are currently appointed, and their specific placement among the three panels of this Board. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

(NOTE: Later in the meeting there was further discussion and action regarding this item. See Clerk's Summary Item CL#36.)

AR:AR

7. ANNUAL PRESENTATION - VOLUNTEER FIREFIGHTER OF THE YEAR AWARDS BY THE VOLUNTEER FIRE COMMISSION (TAPE 2)

John F.X. Ryan, Chairman, Volunteer Fire Commission, and Chief Warren Isman, Fire and Rescue Department, presented the Annual Firefighter of the Year Awards to the following volunteers for their outstanding service during 1989:

- Stuart Raybold, 1989 Volunteer Firefighter of the Year;
- Michael Karas, 1989 Volunteer Emergency Medical Specialist;
- Lawrence Bocknek, 1989 Officer of the Year;
- Michael Dunn, 1989 Fire Chief's Award;
- Julian Everly, Retiring Fire Commissioner; and
- Gerald Strider, Retiring Fire Commissioner (who was not present).

8. PUBLIC HEARING SCHEDULED ON FEDERAL FUNDING IN VIRGINIA. "SURFACE TRANSPORTATION ACT REAUTHORIZATION" (TAPE 3)

Chairman Moore called the Board's attention to the public hearing on the issue of federal funds in Virginia ("Surface Transportation Act Reauthorization") scheduled for 7:30 p.m. tonight at Chantilly High School. She urged all Board Members to attend this very important public hearing being held by the Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) on the need for federal funding of transportation in Virginia.

Chairman Moore emphasized that testimony by representatives of Fairfax County will have a great impact on the federal funds received for transportation in our area.

Supervisor McConnell pointed out that the public hearing would not involve the support of specific projects at this point, but rather a more generalized report on funding.

9. OPERATION OF MOBILE FOOD UNITS IN FAIRFAX COUNTY  
(TAPE 3)

Chairman Moore stated that her office was in receipt of a letter from an attorney representing a vendor operating a mobile food unit in Fairfax County. The attorney cited the frequent violation by out-of-state vendors of the County's Ordinances regulating this activity.

Chairman Moore noted that the Health Department does impose sanctions; however, Fairfax County operates on a complaint basis, and the attorney stated that repeat offenders continue to operate in the County, competing with those vendors who comply with the County's Ordinances.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to review the current laws and make recommendations to the Board ensuring the effectiveness of the statutes covering the operation of mobile food units in Fairfax County. Without objection, it was so ordered.

Supervisor Davis stated that one of the significant problems in Mason District is the parking of these mobile food units in residential neighborhoods and the operation of these businesses out of private homes, thereby adding to the need for monitoring by the Health Department inspectors.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

10. "FAIRFAX FORUM" SCHEDULED FOR OCTOBER 6, 1990  
(TAPE 3)

Chairman Moore announced that the "Fairfax Forum," sponsored by the League of Women Voters and the Federation of Citizens Associations, is scheduled to meet in the Board Room on October 6, 1990. She stated that this meeting gives the general public a chance to meet with the Fairfax County Delegation to the General Assembly for discussion of growth and transportation issues and the legislation passed by the State.

Chairman Moore asked all Board Members to encourage their constituents to attend this important forum.

11. EXPRESSION OF APPRECIATION TO ALL BOARD MEMBERS  
INVOLVED IN THE DIFFICULT RUN PROJECT (TAPE 3)

Chairman Moore expressed her appreciation to all Board Members who were involved in the Difficult Run Project, in particular Supervisor Richards and Supervisor Hanley, who were present last Thursday evening at the kick-off for the Project.

Chairman Moore stated that, in the interest of saving time today, she would read the names of all those involved in the Project at the next scheduled Board Meeting.

12. RED CROSS VOLUNTEERS NEEDED (TAPE 3)

Chairman Moore stated that the Central Fairfax Branch of the National Capital Area Red Cross is in critical need of volunteers to act as drivers and to staff the Thrift Shop, "Yesterday's Rose," on Little River Turnpike. She asked that those who can volunteer call the Volunteer Action Center at 876-0700.

Supervisor Pennino asked unanimous consent that the Board direct the Office of Public Affairs to publish this call for volunteers in the Fairfax County Weekly Agenda. Without objection, it was so ordered.

13. PROCLAMATION DESIGNATING "RECYCLING MONTH" IN FAIRFAX COUNTY (TAPE 3)

Supervisor Hyland moved that the Board direct the Office of Public Affairs to prepare a Proclamation designating October 1990 as "RECYCLING MONTH" in Fairfax County. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

14. OPPOSITION TO REMOVING TREES TO INCREASE VISIBILITY OF BILLBOARDS (TAPE 3)

With reference to Supervisor Richards' Board Matter of September 17, 1990, Supervisor Hyland noted his concerns regarding the Virginia Department of Transportation (VDOT) policy of cutting down trees to increase visibility of billboards and asked unanimous consent that the Board direct staff to write a letter to the Commonwealth Transportation Board stating the Board of Supervisors' objections to this pilot program and that destruction of trees is not an acceptable practice in Fairfax County. Without objection, it was so ordered.

15. HOUSEHOLD HAZARDOUS WASTE CHART (TAPE 3)

Supervisor Hyland referred to an attractive fold-out Household Hazardous Waste Chart prepared by the State of Pennsylvania, a copy of which he distributed to each Board Member, and asked unanimous consent that the Board direct staff to investigate the feasibility of preparing a similar chart for distribution to Fairfax County residents, and return to the Board with its findings. Without objection, it was so ordered.

16. VAPOR RECOVERY ORDINANCE (TAPE 3)

Noting the Board's previous discussions regarding the installation of vapor recovery devices on gasoline nozzles in Fairfax County, Supervisor Hyland moved that the Board direct staff to return by November 5, 1990, with a proposed vapor recovery ordinance. This motion was seconded by Vice-Chairman Pennino.

Following discussion, Supervisor Davis asked that the motion be amended to request that staff return this to the Board as a "Consideration Item" by November 5, 1990, and this was accepted.

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

17. ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)  
REPORT (TAPE 3)

Supervisor Hyland noted that the Board's motion on February 12, 1990 directed staff to:

- Respond to the 1989 Annual Report of the Environmental Quality Advisory Council (EQAC) within 30 days; and
- Return with a progress report on the preparation of the County Noise Abatement Ordinance.

As this information has not been forthcoming, Supervisor Hyland moved that the Board direct staff to provide the above mentioned responses by October 15, 1990. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

18. ESTABLISHMENT OF A SIGN CONTROL OVERLAY DISTRICT  
IN THE ROUTE ONE CORRIDOR (TAPE 3)

Consistent with the recommendations of the Urban Design Study, and on the behalf of the Southeast Fairfax Development Corporation and the Mount Vernon Council of Citizens Associations, Supervisor Hyland moved that the Board direct staff to take appropriate steps to establish a Sign Control Overlay District from the Beltway, Huntington area, to the Occoquan River (Fairfax County/Prince William County line), in the Route One Corridor. The motion was seconded by Supervisor Davis.

Supervisor Davis asked unanimous consent that the Board direct staff to provide, as expeditiously as possible, a Countywide map showing all of the Sign Control Overlay Districts which presently exist in Fairfax County. Without objection, it was so ordered.

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

19. MOUNT VERNON COUNCIL OF CITIZENS  
ASSOCIATIONS' RESOLUTION ON ZONING  
CONTROL IN THE "C" DISTRICTS (TAPE 3)

Supervisor Hyland stated that on June 23, 1990, the Mount Vernon Council of Citizens Associations adopted a resolution on the subject of zoning control in "C" Districts. He noted that Route One is predominantly C-8 for retail commercial development and that many retail uses within a C-8 District are permitted by right. Others are permitted only by Special Exception because of the effect they may have on communities and because citizens have a particular interest in their locations.

In addition, Supervisor Hyland stated that outdoor display of non-horticultural retail goods such as used furniture or produce is permitted only by Special Exception in other retail districts, but is permitted by right in the C-8 Districts although such displays can have a deleterious effect. Adult bookstores are subject to special siting requirements. Other retail uses such as pawn shops and palm readers, which may also have a substantial community impact, are permitted by right.

On behalf of the Mount Vernon Council of Citizens Associations, Supervisor Hyland moved that the Board direct the Zoning Administrator to review the Council's resolution and report back to the Board by November 26, 1990 with comments and recommendations. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

20. DEEDING OF KOLAR PROPERTY TO THE HOLLIN HILLS  
CIVIC ASSOCIATION (TAPE 3)

Supervisor Hyland stated that on August 24, 1990, at the request of the Hollin Hills Civic Association, the County purchased the Kolar property located at 1801 Paul Spring Road because the home was built in a floodplain and had continually been the victim of storm water flooding over the years. He noted the home was built before codes and ordinances covered this contingency. Since the community could not come to an agreement on the design of the project, but felt that there was a need to resolve the flooding issue for the Kolars, it was recommended that the funds for the storm drainage project earmarked for their area be partially utilized by purchasing the Kolar property, demolishing the existing structure, and keeping the property as open space.

Supervisor Hyland stated that he is in receipt of a letter from the President of the Hollin Hills Civic Association who, on behalf of his membership, requests that the recently purchased property be deeded back to the civic association as parkland. Since the lot is not buildable, Hollin Hills Civic Association is willing to include it as part of its parkland, maintain it, and pay appropriate real estate taxes on the parcel.

Accordingly, Supervisor Hyland moved that the property at 1801 Paul Springs Road, Alexandria, Virginia 22306 (Tax Map Number 093-4-005-0030) after demolition, regrading and reseeding, be deeded to the Hollin Hills Civic Association for use in perpetuity as open parkland by this association which has agreed to be responsible for real estate tax payment and physical maintenance of the subject property, all of this being subject to the review and advice of the County Attorney and the Department of Public Works, subject to public notice and hearing requirements. This motion was seconded by Supervisor Davis.

Following discussion, with input from J. Hamilton Lambert, County Executive, the question was called on the motion, which carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

21. INCOME AND EXPENSE DATA FROM COMMERCIAL  
PROPERTY OWNERS (TAPE 3)

Supervisor Hyland called the Board's attention to the County's present legal structure with regard to the use of income and expense data from commercial property owners. He stated that the present Code of Virginia, Section 58.1-3294, as amended by Senate Bill Number 143, concerns the County's ability to require income and expense data from commercial property owners. This section of the Code, as amended, provides that the Supervisor of Assessments may require owners of income producing real estate, subject to taxation, to furnish income and expense statements attributable to such real estate. Failure of the owner to furnish income and expense statements when requested will bar the use of such information in any judicial action brought under Section 58.1-3294.

Supervisor Hyland further stated that while this section, as amended, appears to strengthen the Assessor's ability to obtain income and expense data at the time the assessment is being made, the Code fails to provide a specific penalty for failure to comply with requests by the Office of Assessments. Because the section of the Code does not apply to the Board of Equalization (BOE), appellants can submit financial statements to the BOE that would not be admissible to the District Courts. Therefore, it appears reasonable to request amendment to the Code to prohibit submission of such information to the BOE. In other words, if the financial data is not acceptable by the District Courts, it should not be permitted to be acceptable by the BOE.

Accordingly, in order to be consistent and to ensure that commercial property owners are complying with the ordinance, Supervisor Hyland moved that the Board direct staff to request a change to the Code of Virginia to preclude commercial property owners from submitting income and expense data to the Board of Equalization which has not been previously furnished to the Assessor as required by ordinance. This motion was seconded by Supervisor Richards and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.



Vice-Chairman Pennino relinquished the Chair to Acting Chairman Hyland and asked unanimous consent that the issue of retroactive reimbursement of BOE Members for past meetings be referred back to the Board's Procedures Subcommittee for its comments and recommendations. Without objection, it was so ordered.

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

22. APPOINTMENT TO THE FALL BOND REFERENDUM COMMITTEE (TAPE 4)

On behalf of Supervisor Alexander, Supervisor Hyland moved the appointment of Mr. John Lynch as the Lee District Representative to the Fall Bond Referendum Committee. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

23. APPOINTMENT TO THE FAIRFAX COUNTY LIBRARY BOARD (TAPE 4)

On behalf of Supervisor Alexander, Supervisor Hyland moved the appointment of Mr. Robert V. L. Hartwell to the Fairfax County Library Board. This motion was seconded by Supervisor Davis and carried by a vote of seven, Chairman Moore being out of the room, Supervisor Alexander being absent.

24. SCHEDULING OF BOARD RETREAT (TAPE 4)

Supervisor Hyland asked unanimous consent that the Board direct the County Executive to confer with all Board Members regarding their calendars, with a view toward finding an acceptable date for a Board Retreat. Without objection, it was so ordered.

25. ORDINANCE FOR INFILL DEVELOPMENT (TAPE 4)

Supervisor Bulova noted that when a preliminary plan is filed, notification of adjacent owners is required. However, no notification is required when a subdivision plan is filed. She stated that with infill development, this can create a real problem.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to return as expeditiously as possible with recommendations for addressing the notification of owners by certified letter when a subdivision plan is filed. Without objection, it was so ordered.

26. TRANSFER OF FUNDS FROM GLEN PARK ROAD PROJECT TO THE ROBERTS PARKWAY PROJECT (TAPE 4)

Supervisor Bulova stated that improvements to Glen Park Road have been satisfactorily completed by the Virginia Department of Transportation (VDOT). Therefore, she moved that the Board direct staff to transfer

the balance of approximately \$400,000 in the Glen Park Road Project to the Roberts Parkway Project, to be applied towards the design of the Roberts Road Overpass over the railroad tracks in Burke. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being absent.

27. URBAN MILEAGE CHART (TAPE 4)

Chairman Moore distributed to each Board Member a copy of a letter to the Federal Highway Administration from Mr. Ray D. Pethtel, Commissioner of the Virginia Department of Transportation. She specifically referred to the second chart entitled, "Alternate Systems of Highways of National Significance, Urban Mileages."

Chairman Moore called the Board's attention to the total mileage (from the first column) for the Tidewater Peninsula and Southeastern areas, with a total of 493 miles of need in the Tidewater area. Further, she referred to the miles for Northern Virginia, which is shown as 285.

Chairman Moore stated that, at the transportation meeting at Chantilly High School this evening, Fairfax County would be requesting that VDOT reconsider and use a different methodology, based on the traffic demand and number of vehicles in Northern Virginia. She stressed that this is why the hearing this evening with the Virginia transportation officials is so important.

28. STATUS OF DEVELOPMENT DEFAULTS (TAPE 4)

Noting the recent cooling down of the economy in the area, Supervisor Davis moved that the Board direct the Department of Environmental Management and other appropriate County agencies to look into what might be happening in the development default area, in terms of individual developers not being able to meet cash flow and complete their infrastructure, and report to the Board at the October 15, 1990 Board Meeting with a status report. This motion was seconded by Chairman Moore.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the motion be amended to include a status report on letters of credit and this was accepted.

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

Vice-Chairman Pennino returned the gavel to Chairman Moore.

29. CRIMINAL CASE IN BAILEY'S CROSSROADS (TAPE 4)

Supervisor Davis called the Board's attention to the recent criminal case involving the murder of two individuals in the Bailey's Crossroads

area. He asked unanimous consent that the Board direct that this case be given the highest priority in the Police Department. Without objection, it was so ordered.

30. SCHEDULE OF PRESENTATIONS BEFORE THE BOARD OF SUPERVISORS (TAPE 4)

Supervisor Davis noted a recent incident of confusion regarding the scheduling of a presentation before the Board and asked unanimous consent that the Board direct the Office of Public Affairs to keep Board Members apprised on a bi-weekly basis of all of the scheduled presentations. Without objection, it was so ordered.

VLL:VLL

31. IDENTIFICATION AND PROTECTION OF EXISTING CEMETERIES IN FAIRFAX COUNTY (TAPE 5)

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

- Review the recommendations of the Senior Planner, Heritage Resources Branch, Office of Comprehensive Planning (OCP), regarding the identification and protection of existing cemeteries in Fairfax County; and
- Report to the Board with recommendations for appropriate action as expeditiously as possible.

Without objection, it was so ordered.

32. REQUEST STAFF TO INCLUDE BUGGY WHIP LANE AND FLOWER CASTLE COURT IN SEQUOIA FARMS COMMUNITY'S STREET LIGHT DESIGN (TAPE 5)

Supervisor McConnell stated that several years ago, the Sequoia Farms community had worked with the Department of Public Works (DPW) on the design of the community's street lights. At the time, all sections of the community had been built with the exception of one small section of Buggy Whip Lane and Flower Castle Court. At that time, the community had requested that those streets also be included in the design so that surveys would not have to be conducted at a later date.

Supervisor McConnell asked unanimous consent that the Board direct the DPW staff to investigate the possibility of including Buggy Whip Lane and Flower Castle Court in the street light design program for Sequoia Farms so that the entire community will be done in a harmonious fashion. Without objection, it was so ordered.

33. DEFERRAL OF PUBLIC HEARING ON REZONING APPLICATION  
RZ 89-S-064 (FAIRLAND DEVELOPMENT AND INVESTMENT  
CORPORATION, A VIRGINIA CORPORATION) (SPRINGFIELD  
DISTRICT) (TAPE 5)

Supervisor McConnell announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Rezoning Application RZ 89-S-064 until November 5, 1990 at 4:30 p.m.

34. REQUEST MEETING OF BOARD'S TEETH COMMITTEE  
TO DISCUSS ACTIVITIES IN THE DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT (DEM) (TAPE 5)

Supervisor McConnell asked unanimous consent that the Board schedule a meeting of the Teeth Committee as expeditiously as possible to brief the Board on recent personnel activities in the Department of Environmental Management (DEM).

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and amended the request to include that the Board direct staff to contact Supervisor Alexander, who is presently at home recovering from pneumonia, to determine how soon a meeting could be scheduled, and this was accepted.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

In response to a query by Supervisor Hyland, Supervisor McConnell responded that the issues should be addressed before the Board's Personnel Subcommittee as well as the Teeth Committee.

J. Hamilton Lambert, County Executive, briefed Board Members that Supervisor Alexander had contacted him last week to discuss scheduling a Teeth Committee meeting to consider:

- What policies had been followed;
- What legal policies had been followed;
- The personnel reduction, i.e., 711 positions reduced to 356 positions (as of September 21, 1990); and
- Transfers of personnel, both voluntary and mandatory, all of which were handled within the parameters of the Personnel Regulation and State law.

The County Executive stated that the Teeth Committee and/or Board's Personnel Subcommittee would be the appropriate vehicle to address these issues. However, he cautioned Board Members that if the issue involved

an individual employee that the process must follow a very stringent system and he recommended that Board Members discuss these issues directly with Cornelius O'Kane, Director, Office of Personnel.

Following further discussion, the request for a Teeth Committee meeting was so ordered and staff was directed to contact Supervisor Alexander to determine when the meeting could be scheduled.

35. UPDATE ON THE SPECIAL EXCEPTIONS NEEDED FOR THE  
CONSTRUCTION OF THE COMMUTER RAIL PARKING LOTS  
(TAPES 5-6)

Supervisor McConnell referred to a letter from Richard Taube to Shiva K. Pant, Director, Office of Transportation, regarding the Special Exception Applications needed by the end of December 1990 for the construction of the commuter rail parking lots.

Following discussion, with input from J. Hamilton Lambert, County Executive, Supervisor Bulova briefed Board Members that the Springfield/Franconia station will not be included in the Phase One Stations because of wetlands. She stated that progress on the Lorton station has been rapid and that it is proposed that the station will be designed and built by October 1991. With regard to the Pohick station, Supervisor Bulova stated that staff is pursuing this site as a potential alternate site if needed.

Shiva K. Pant, Director, Office of Transportation, briefed Board Members that staff is currently pursuing the Pohick Road site in case the Lorton site does not materialize and would provide a report to the Board on the two proposals sometime in October 1990.

36. BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS  
(TAPE 6)

(BACs)

[NOTE: Earlier in the meeting, the Board discussed the vacancy on the Board of Equalization (BOE) of Real Estate Assessments and action was taken to direct staff to report later in the meeting with additional information on how many Appraisers and Builders are currently on the Board. See Clerk Summary Item CL#6.]

James F. Neville, Chairman, BOE, and Paul Smith, Supervisor of Assessments, briefed Board Members on how the BOE is currently handling its heavy workload. He stated that there are currently eight members serving on two panels of four members each, with three members constituting a quorum. The panels meet in afternoon and evening sessions.

Chairman Moore announced that staff had requested the Northern Virginia Builders and Industry Association (NVBIA) to recommend a nominee for the Builder Representative. She explained that if the Board did not appoint an individual at today's meeting, the appointment could not be made until October 15, 1990.

Following discussion among Board Members, Mr. Neville stated that it would be more beneficial to the BOE if the vacancy were filled with an Appraiser with commercial experience rather than residential experience.

In response to a query by Chairman Moore, Mr. Neville responded that the BOE could wait until October 15, 1990 for the appointment.

Supervisor Hanley asked unanimous consent that the Board direct staff to circulate to Board Members additional information regarding the workload of the BOE and a listing of those properties that are being appealed. Without objection, it was so ordered.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to circulate to Board Members a schedule showing how often the two panels of the BOE have been meeting. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Supervisor McConnell asked unanimous consent that the Board direct staff to investigate the possibility of increasing the BOE, through Legislation, for additional members to serve as Alternates. Without objection, it was so ordered.

On behalf of the entire Board, Chairman Moore expressed her appreciation to Mr. Neville and the members of the BOE for their outstanding performance in handling the current workload.

Following discussion, with input from J. Hamilton Lambert, who briefly addressed the Board, Supervisor Bulova moved the appointment of Mr. James Lind as the Appraiser (At-Large) Representative to the BOE. This motion was seconded by Supervisor Pennino.

Supervisor Richards moved a substitute motion that the Board defer the appointment to the BOE until October 15, 1990 when the entire Board would be present. This motion was seconded by Supervisor Davis.

Supervisor Bulova asked unanimous consent that the Board direct staff to contact the NVBIA and request that the Association recommend for appointment any Appraisers with commercial experience. Without objection, it was so ordered.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to contact the two appraiser associations and request that they also recommend for appointment any Appraisers with commercial experience. Without objection, it was so ordered.

Supervisor Pennino urged staff to call to the attention of the NVBIA and appraiser associations that they recommend individuals that are not likely to have conflicts of interests in the decision-making process of the appeals.

Supervisor Bulova withdrew her previous motion.

The question was called on the substitute motion, which then became the main motion, to defer the appointment to the BOE until October 15, 1990, which carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell moved that the Board refer to the Board's Legislative Subcommittee the issue of expanding the number of members allowable the BOE. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

37. USE OF INCOME AND EXPENSE DATA IN A JUDICIAL PROCEEDING THAT DOES NOT PRECLUDE ITS USE  
(TAPE 6)

Supervisor Hyland stated that earlier this morning, prior to the Board meeting, he had referred to the Board's Legislative Subcommittee, the use of income and expense data in a judicial proceeding but does not preclude its use in an appeal to the Board of Equalization (BOE) of Real Estate Assessments.

38. RECOGNITION AND COMMEMORATION OF THE SLAVE MEMORIAL AT MOUNT VERNON ESTATES (TAPE 6)

Supervisor Pennino stated that she had been unable to attend the commemoration of the slave memorial at Mount Vernon Estates held this past weekend.

Supervisor Pennino moved that the Board direct staff to draft a letter, for the Chairman's signature, recognizing and commemorating the slave memorial as well as other historical contributions made to Fairfax County by Afro-Americans. This motion was seconded by Chairman Moore and carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore briefed Board Members on the ceremony held at Mount Vernon Estates, stating that it was one of the most beautiful events that she has ever attended.

39. DISCUSSION REGARDING HIGH-OCCUPANCY-VEHICLE (HOV) LANES ON THE DULLES TOLL ROAD (TAPES 6-7)

(Verb)

Supervisor Pennino briefed Board Members on the issue of High-Occupancy-Vehicle (HOV) lanes on the Dulles Toll Road. She moved that the Board of Supervisors:

- Approve as its position that when the Dulles Toll Roads are opened, that the new lane be opened as HOV and that during rush hour the fourth lane be opened to general traffic; and
- Direct staff to communicate this position to the Commonwealth Transportation Board (CTB).

This motion was seconded by Chairman Moore.

Chairman Moore stated that the suggestion of strengthening the shoulders of the Dulles Toll Road for use as additional lanes was originated by Andrew Bailey, Resident Engineer, Virginia Department of Transportation (VDOT), and Kathy Ichter, Planner, Transportation Road Bond Division, Office of Transportation. She commended these individuals for their outstanding performance.

Supervisor Richards asked unanimous consent that Board decision on this position be deferred and that staff refer the issue to the Board's Transportation Subcommittee, as well as discuss the position with the CTB and VDOT, for their comments and recommendations.

Supervisor Hanley asked that the request be amended to include that the Board also refer the issue to the Transportation Advisory Commission (TAC) for its comments and recommendations.

The amended request was accepted by Supervisor Pennino and Chairman Moore to defer Board decision on the position and direct staff to refer the issue to the Board's Transportation Subcommittee and the TAC, as well as discuss the position with the CTB and VDOT, for their comments and recommendations. Without objection, the amended request was so ordered.

Chairman Moore directed staff to place this issue on the agenda for the next scheduled meetings of the Board's Transportation Subcommittee and the TAC.

40. INTENT TO DEFER PUBLIC HEARING ON PROFFERED  
CONDITION AMENDMENT APPLICATIONS PCA 89-C-025,  
PCA 85-C-088-2, PCA 86-C-119-2, AND PCA 86-C-121-2  
(BOARD OF SUPERVISORS, OWN MOTION) (CENTREVILLE  
DISTRICT) (TAPE 7)

Supervisor Pennino announced her intent, at the appropriate time later in the meeting, to defer the public hearing on Proffered Condition Amendment Applications PCA 89-C-025, PCA 85-C-088-2, PCA 86-C-119-2, and PCA 86-C-121-2. (NOTE: Later in the meeting, this public hearing was deferred until October 15, 1990 at 3:30 p.m. See Clerk's Summary Item CL#108.)



41. VIRGINIA CORRECTIONAL ENTERPRISE'S  
"PRISONER REHABILITATION SKILLS PROGRAM"  
(TAPE 7)

Supervisor Pennino called to the Board's attention the Virginia Correctional Enterprise's "Prisoner Rehabilitation Skills Program." The program includes teaching prisoners how to make furniture and clothing.

Supervisor Pennino asked unanimous consent that the Board refer to staff for its review the catalog describing the "Prisoner Rehabilitation Skills Program," to determine whether this program would be feasible, beneficial, and cost effective for Fairfax County. Without objection, it was so ordered.

42. REQUEST REVIEW OF PROPOSED SITE FOR FIRE STATION  
ALONG HUNTER MILL ROAD TO DETERMINE ANY ENVIRONMENTAL  
IMPACTS ON THE DIFFICULT RUN WATERSHED (TAPE 7)

Supervisor Pennino called to the Board's attention the fact that the Master Plan proposes a fire station to be built in the Hunter Mill Road area sometime in 1994-1995. She stated that she had visited 16 possible sites with citizens and had selected one site adjacent to a church. She stated that the church and adjacent property owners had no problem with the proposed fire station site, however, the rest of community is expressing its concerns.

Supervisor Pennino stated that one end of the proposed site contains Angelico Creek, which runs into the Difficult Run Watershed. Because the State has declared Difficult Run Watershed an environmentally fragile area, it will be necessary to review what effect a fire station or any other public facility built on this site would have on Angelico Creek and Difficult Run.

Supervisor Pennino moved that the Board direct staff to review the site for its possible environmental impacts on the Difficult Run Watershed and report to the Board with its findings. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

43. REQUEST APPOINTMENT TO THE SUPPLEMENTAL RETIREMENT  
SYSTEM BOARD OF TRUSTEES (TAPE 7)

(BACs)

Supervisor Pennino stated that at the Board of Supervisors' meeting held on September 17, 1990, action was taken to adopt revisions to Section 9.2-4 of the Personnel Regulations and amendments 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) regarding the reemployment of annuitants, Tax Reform Act of 1986, and other procedural changes. One of the

changes included the creation of an additional member to serve as a Retiree Representative on the Supplemental Retirement System Board of Trustees.

Supervisor Pennino moved the appointment of Ms. Ilene Blake as the Retiree (At-Large) Representative to the Supplemental Retirement System Board of Trustees.

Supervisor Richards asked unanimous consent that the appointment be deferred until October 15, 1990 when the entire Board would be present, and this was accepted by Supervisor Pennino. Without objection, it was so ordered.

Supervisor Pennino announced her intent to nominate Ms. Blake for appointment to the Supplemental Retirement System Board of Trustees on October 15, 1990.

44. SPECIAL EXCEPTION APPLICATION SE 88-C-092  
(THOMAS HICKS, III, AND JOHN ENGLE, TRUSTEES)  
(CENTREVILLE DISTRICT) REMANDED TO THE  
PLANNING COMMISSION FOR PUBLIC HEARING  
(TAPE 7)

Supervisor Pennino briefed Board Members that Special Exception Application SE 88-C-092 is a request to permit a hotel/eating establishment and an increase in building height in the I-4 District. She stated that this request had been originally filed in November 1988 and subsequently deferred by the Planning Commission in June 1989. Prior to consideration by the Board of Supervisors, the applicants requested an indefinite deferral of this application.

Because it has been over one year since the Planning Commission considered this request and the circumstances impacting the review of this application have changed since the publication of the original Staff Report and Planning Commission public hearing, Supervisor Pennino moved that the Board remand Special Exception Application SE 88-C-092 to the Planning Commission for public hearing on December 12, 1990 and that a public hearing before the Board of Supervisors be scheduled as soon as possible following the Planning Commission's recommendation on this application. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

45. PUBLIC HEARING SCHEDULED ON PROPOSED AMENDMENTS  
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41  
(ANIMALS AND FOWL), TO AMEND THE DEFINITION OF  
SWINE TO EXCLUDE SUS SCROFA VITATUS (POT-BELLIED  
PIGS) FROM THIS ANIMAL CLASSIFICATION (TAPE 7)

Supervisor Pennino stated that at the Board of Supervisors' meeting held on September 17, 1990, action was taken to authorize the advertisement

of a public hearing to be held before the Board of Supervisors on October 15, 1990 at 4:30 p.m. on proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl) to amend the definition of swine to exclude *Sus scrofa vitatus* (pot-bellied pigs) from this animal classification.

Since that authorization, Supervisor Pennino stated that several issues had been called to her attention:

- Female pot-bellied pigs can and do grow to 140 pounds;
- Male pot-bellied pigs can and do grow to 200 pounds; and
- As pot-bellied pigs grow older, they become stubborn, bite, charge humans, and have been know to break the legs of humans.

Supervisor Pennino asked unanimous consent that the Board direct staff to contact:

John Lenhart  
Department of Mammals  
National Zoological Park  
673-4783

to learn as much about pot-bellied pigs as possible prior to the scheduled public hearing on October 15, 1990. Without objection, it was so ordered.

46. REQUEST TO AMEND ROUTE 28 OVERLAY TAX DISTRICT  
LEGISLATION TO INCLUDE MIXED DEVELOPMENT TO  
BE TAXED AS INDUSTRIAL (TAPE 7)

Supervisor Pennino stated that when the Board adopted the Route 28 Overlay Tax District, the Legislation exempted residential. This action was taken so that homeowners in the Route 28 Corridor would not be taxed unnecessarily. Since that time, developers in that corridor have solicited ideas for mixed-development which would include multi-family units such as apartments and condominiums.

Supervisor Pennino moved that the Board direct staff to consider this issue and refer it the Planning Commission to determine whether the Route 28 Overlay Tax District Legislation should be amended to permit multi-family housing such as apartments and condominiums to be taxed as industrial. This motion was seconded by Supervisor Davis.

Supervisor Hanley asked that the motion be amended to include that the Board direct staff to review this request in connection with the proposed Master Plan to determine what changes, if any, would have to be made to the proposed Plan, and this was accepted.

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

47. STAFF TO REVIEW FREEDOM OF INFORMATION ACT (FOIA)  
TO DETERMINE WHETHER BOARD OF SUPERVISORS CAN HOLD  
ELECTRONIC COMMUNICATION (TELEPHONE) MEETINGS IN  
LIEU OF ACTUAL MEETINGS (TAPE 7)

Supervisor Pennino stated that Section 5 of the Virginia Freedom of Information Act (FOIA) deals with electronic communication meetings and whether these types of meetings can be held by governing bodies in lieu of actual meetings. An annotation to the statutory provisions indicates that a telephone poll of council members is not a meeting or informal assemblage under the Act. The poll results would not constitute a valid action, but merely the collected opinions of individual members.

Supervisor Pennino asked unanimous consent the Board direct the County Attorney to review the statutory provisions, including amendments effective July 1, 1989, and relevant annotations completed from July 1, 1961 through May 1, 1989 and report to the Board on whether this method of communication by polling Board Members can be used by Fairfax County. Without objection, it was so ordered.

48. A-18 - DENSITY CREDIT FOR ADVANCE DEDICATION OF  
LAND FOR PUBLIC STREET PURPOSES (RESTON PARKWAY,  
SUNSET HILLS ROAD, DISCOVERY STREET, NEW DOMINION  
PARKWAY, AND RAMPS BETWEEN RESTON PARKWAY AND THE  
DULLES TOLL ROAD) (CENTREVILLE DISTRICT) (TAPE 7)

(DC)(R)

Supervisor Pennino called to the Board's attention to Action Item 18 - Density Credit for Advance Dedication of Land for Public Street purposes (Reston Parkway, Sunset Hills Road, Discovery Street, New Dominion Parkway, and Ramps Between Reston Parkway and the Dulles Toll Road). and moved that the Board approve the density credit for the portion of the following lots or parcels that are to be dedicated for public use for public street purposes in accordance with the deed of dedication which is to be recorded. Based on the information available at this time, the following approximate amounts of land are to be dedicated from the following Tax Map Parcels:

<u>Tax Map Reference of Land Being Dedicated</u>	<u>Density Credit</u>
17-1 ((1)) 3	5,550 square feet
17-3 ((1)) 5	93,927 square feet
17-3 ((1)) 5H	27,462 square feet
17-3 ((1)) 14	739 square feet
17-3 ((1)) 15	4,133 square feet
17-4 ((1)) 7	8,929 square feet
17-3 ((1)) 8	22,393 square feet
17-3 ((8)) 2R	110,296 square feet
17-1 ((1)) 12E	66,536 square feet
Total	339,965 square feet or 7.80 acres of land

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

49. RECONSIDERATION OF BOARD AUTHORIZATION TO REMOVE  
TWO POTENTIAL PARK-AND-RIDE SITES IN THE DULLES  
CORRIDOR FROM FURTHER CONSIDERATION (TAPES 7-8)

Supervisor Pennino referred to the Board of Supervisors' action taken at its meeting held on September 17, 1990 authorizing the removal of two potential park-and-ride sites in the Dulles Corridor. She moved that the Board reconsider its action to delete from further consideration the Wiehle Avenue park-and-ride site.

Supervisor Pennino stated that the Board should reconsider its elimination of the Wiehle Avenue park-and-ride site for the following reasons and that the site be included for evaluation:

- The Commonwealth Transportation Board's (CTB) decision changes issues - the park-and-ride sites must now be seriously evaluated as potential rail sites. The Wiehle Avenue site is a better rail station site and has been conceived specifically with rail transit in mind;
- The Board of Supervisors has established a Task Force to evaluate sites. That Task Force advises that the Wiehle Avenue site be included in the evaluation. The Board should wait for the results of the Task Force's assessment and recommendations;

- Most of the technical work has already been done in estimating costs and evaluating other technical aspects of the site. It would cost nothing to allow the Wiehle Avenue site to continue to be included in the project's report;
- The public deserves an opportunity to be heard on the choice of sites. All evidence indicates that most people will want to consider an alternative to the Sunset Hills Road site;
- The Wiehle Avenue air rights park-and-ride construction may be costly to build, but may be less costly than Sunset Hills Road considering proffers that can be negotiated with Reston Land Corporation, impact on tax base (increase tax base). Air rights construction can be built in stages to reduce initial costs and low cost parking can be added to existing park-and-ride sites of Wiehle Avenue;
- The Wiehle Avenue site makes the rail more feasible because it has far more tax base within walking distance. Experience around the country shows that landowners will support special tax districts for rail with a significant tax rate only if they are within walking distance of a station; and
- Rail requires high density development around stations. The Wiehle Avenue site has potential for higher density acceptable to the community. Sunset Hills Road does not.

This motion was seconded by Supervisor Hyland.

Following discussion, the question was called on the motion which FAILED by a recorded vote of three, Supervisor Hyland, Supervisor McConnell, and Supervisor Pennino voting "AYE," Supervisor Davis and Supervisor Hanley being out of the room, Supervisor Alexander being absent.

Supervisor Pennino moved that the Board request the Transportation Advisory Committee (TAC) to conduct a special study in the immediate future on the use of air rights for construction of rapid transit stations in the Dulles Corridor. This motion was seconded by Supervisor McConnell.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Pennino amended her request to have the Board refer the request to County Planning Staff and the County Attorney's Office for their review and recommendations, and this was accepted.

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

50. A-16 - BOARD ENDORSEMENT OF COUNTY'S TESTIMONY  
AT THE COMMONWEALTH TRANSPORTATION BOARD (CTB)  
PUBLIC HEARING ON THE DRAFT POLICY GOALS FOR THE  
1991 FEDERAL SURFACE TRANSPORTATION ACT  
(COUNTYWIDE) (TAPE 8)

Supervisor Richards called to the Board's attention Action Item 16 - Board Endorsement of County's Testimony at the Commonwealth Transportation Board (CTB) Public Hearing on the Draft Policy Goals for the 1991 Federal Surface Transportation Act. She moved that the Board:

- Endorse the testimony contained in Attachment One of the Memorandum to the Board dated September 24, 1990, with the following modifications, for presentation before the Commonwealth Transportation Board (CTB) public hearing scheduled later this evening at Chantilly High School:

- \* Page Five, Third Paragraph, Add:

"As a result of the County's aggressive initiative last year with significant help from our Congressional delegation, VDOT has received...."

- \* Page Six, Add a new Paragraph after the Second Paragraph:

"The County strongly supports Policy Goals 5, 7, and 9, which deal with public transportation. These goals, which recognize the importance of public transportation and HOV facilities and services, are consistent with the increasing emphasis Secretary Skinner is placing on urban congestion management. Federal funding for transit capital and operating costs needs to continue at enhanced levels in order to provide alternatives for

dealing with urban congestion. The Commonwealth needs to continue its support for public transportation which was initiated in 1986 at which time a separate allocation for this purpose was included in the distribution of state transportation funds."

- Change the language into letter form to be distributed widely to express the sense of the Board; and
- Authorize the Chairman of the Board to present the testimony on behalf of the Board.

This motion was seconded by Supervisor Davis which carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hanley reminded Board Members that earlier this morning during the Subcommittee meeting, it was requested that the letter be signed by all Board Members to show solidarity.

Supervisor Richards asked unanimous consent that the Board direct staff to hand carry the letter to Supervisor Alexander to obtain his signature. Without objection, it was so ordered.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to distribute the letter to the Northern Virginia Delegation and Congressional Delegates. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

51. CEREMONY OPENING THE EMERSON GALLERY AT THE  
MCLEAN COMMUNITY CENTER (TAPE 8)

Supervisor Richards briefed Board Members on the successful opening of the Emerson Gallery at the McLean Community Center that was held on Saturday, September 22, 1990.

Supervisor Richards asked unanimous consent that the Board direct staff to prepare Certificates of Appreciation for presentation before the Board of Supervisors for Ms. Geraldine Brock, McLean Project for the Arts; Ms. Nancy Weyl, Ms. Kathryn MacLean, and Ms. Martha Seeley, for their outstanding contributions. Without objection, it was so ordered.



52. COST ESTIMATES REQUESTED FOR DRANESVILLE ROAD IMPROVEMENTS, CLEARING AND GRADING FOR WIEHLE AVENUE FROM DRANESVILLE ROAD TO CASSIA STREET (TAPE 8)

Supervisor Richards stated that in April 1988, the citizens approved a bond referendum that included the construction of Wiehle Avenue from Dranesville Road east towards Stuart Road.

Supervisor Richards asked unanimous consent that the Board direct staff to report with cost estimates for:

- Construction of the Dranesville Road improvements;
- Clearing and grading of Wiehle Avenue from Dranesville Road to Sugarland Road; and
- Construction of the pavement section as far east as Cassia Street.

Without objection, it was so ordered.

53. STAFF REQUESTED TO FORWARD STUDIES CONDUCTED ON THE FEASIBILITY OF PROVIDING STRUCTURED PARKING AT THE WEST FALLS CHURCH STATION (TAPE 8)

Supervisor Richards asked unanimous consent that the Board direct staff to research the files to find the studies conducted on the feasibility of providing structured parking at the West Falls Church Station and forward the information to her office. Without objection, it was so ordered.

54. STAFF REQUESTED TO INVESTIGATE POLICY FOR HEATING AND COOLING COUNTY-OWNED BUILDINGS (TAPE 8)

Supervisor Richards stated that it was her understanding that the County adopted a policy of keeping County-owned buildings at 76 degrees in the summer and 68 degrees in the winter. However, she stated that in the past ten years, she does not believe this policy has been strictly enforced.

Due to the fiscal constraints under which the County is currently operating, Supervisor Richards asked unanimous consent that the Board direct staff to investigate the current policy for heating and cooling County-owned buildings and report to the Board with recommendations for saving money by adopting strict temperature controls. Without objection, it was so ordered.

55. BRIEFING ON "HISPANIC FIESTA" HELD IN HERNDON (TAPE 8)

Supervisor Richards briefed Board Members on the successful "Hispanic Fiesta" held in Herndon, Virginia on Saturday, September 22, 1990. She expressed her appreciation to those individuals whose outstanding efforts contributed to the success of the Fiesta.

56. FAITH CINQUEGRANA NAMED "YOUTH CONSERVATIONIST OF THE YEAR" FOR EFFORTS STUDYING ENVIRONMENTAL PROBLEMS (TAPE 8)

Supervisor Richards announced that Ms. Faith Cinquegrana has been named "Youth Conservationist of the Year" for her efforts in studying environmental problems in the community.

57. OPENING OF THE RED LINE TO WHEATON, MARYLAND (TAPE 8)

Supervisor Hanley briefed Board Members on the successful opening of the Red Line to Wheaton, Maryland.

58. OPENING OF THE VIENNA PARKING GARAGE (TAPE 8)

Supervisor Hanley invited all Board Members to attend the ribbon-cutting ceremony to open the Vienna Parking Garage scheduled for Friday, September 28, 1990 at 10:00 a.m. She announced that the parking garage officially opens on Monday, October 1, 1990.

59. SCHEDULING OF PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 90-P-029 (TAPE 8)

Supervisor Hanley moved that the Board direct staff to schedule Special Exception Application SE 90-P-029 for public hearing before the Board of Supervisors before the end of December 1990. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

60. STAFF REQUESTED TO CIRCULATE OPINION TO BOARD MEMBERS REGARDING TOWN OF ALABASTER OFFICIALS WHO CAMPAIGNED ON HOW THEY WOULD VOTE ON SPECIFIC REZONINGS (TAPE 8)

Supervisor Hanley stated that in July 1989, action had been taken to request the County Attorney to circulate to Board Members the opinion concerning the Town of Alabaster whereby officials campaigned on how they would vote on specific rezonings, thereby denying the applicants due process. She asked unanimous consent that the Board again request staff to circulate this opinion to Board Members as expeditiously as possible. Without objection, it was so ordered.

Supervisor Davis asked unanimous consent that the Board direct staff to also circulate the opinion concerning Chesapeake, Virginia, "Moore Zoning." Without objection, it was so ordered.

61. HOMELESSNESS IN THE REGION (TAPE 8)

Supervisor Hanley stated that she had received an announcement that J. Hamilton Lambert, County Executive, had been involved in the regional group working on the homelessness goals. She commended the outstanding performance of the County Executive.

62. I-7 - ESTABLISHMENT OF SALES PRICES AND RENTS FOR UNITS DEVELOPED UNDER AFFORDABLE DWELLING UNIT ORDINANCE (ADU) (TAPE 8)

Supervisor Hanley called to the Board's attention Information Item Seven - Establishment of Sales Prices and Rents for Units Developed Under the Affordable Dwelling Unit Ordinance (ADU).

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 transmitting to Board Members the "Sales Prices for Affordable Dwelling Units" and "Affordable Dwelling Units Rents" as required by the adopted ADU Ordinance.

Supervisor Hanley briefly commented on the statistics included in the report.

63. HEARING SCHEDULED BY THE VIRGINIA HOUSING STUDY COMMISSION (TAPE 8)

Supervisor Hanley stated that she had been informed that on October 16, 1990, the Virginia Housing Study Commission will conduct a hearing in Richmond, Virginia between 2:30 p.m. and 4:30 p.m. to receive testimony from residents of Southwest and Northern Virginia. She asked unanimous consent that the Board direct staff to prepare the appropriate testimony for presentation at the hearing. Without objection, it was so ordered.

64. "HEALTHCARE FOR ALL VIRGINIANS" (TAPE 8)

Supervisor Hanley announced that "Healthcare for all Virginians" has scheduled a meeting for September 26, 1990. She asked unanimous consent that the Board direct staff to provide representation at the meeting. Without objection, it was so ordered.

65. STAFF TO REPORT WITH INFORMATION ON ARLINGTON COUNTY'S HOTLINE PROGRAM FOR REPORTING VIOLATORS OF HANDICAPPED PARKING (TAPE 8)

Supervisor Hanley stated that action was taken by the Board of Supervisors in July 1989 to direct staff to investigate the success of Arlington County's hotline for reporting violators of handicapped parking. She asked unanimous consent that the Board again request staff

to investigate this program and report to the Board on how Fairfax County can implement a similar program. Without objection, it was so ordered.

66. STAFF REQUESTED TO REPORT WITH APPROPRIATE AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), ARTICLE 2, SECTION 705-2 (TAPE 8)

Supervisor Hanley stated that action was taken by the Board of Supervisors in 1989 to direct staff to report with appropriate amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Article 2, Section 705-2 to clarify that "No lands in common open space can be denuded, defaced or otherwise disturbed in any manner at any time without the approval of the Director." She stated that this requirement restricts homeowner associations from planting any trees in areas dedicated to homeowner associations without the approval of the Director of the Department of Environmental Management (DEM). She asked unanimous consent that the Board again request staff to clarify this requirement as expeditiously as possible. Without objection, it was so ordered.

67. UPDATE REQUESTED ON PARKING STUDY FOR MEDICAL OFFICES (TAPES 8-9)

Supervisor Hanley asked unanimous consent that the Board direct staff to provide an update on the parking study for medical offices.

Following discussion, without objection, it was so ordered.

68. RECONSIDERATION OF ACTION TAKEN ON CALLER IDENTIFICATION SYSTEM (TAPE 9)

Supervisor Pennino moved that the Board reconsider its action taken to support the blocking of the Caller Identification System and oppose an optional block of the system. This motion was seconded by Supervisor McConnell.

Following discussion, Supervisor Hanley moved a substitute motion that the Board withdraw the entire issue from its Legislative Package. This motion was seconded by Supervisor McConnell.

Following further discussion, the question was called on the substitute motion which FAILED by a recorded vote of six, Supervisor Davis and Supervisor Hanley voting "AYE," Supervisor Alexander being absent.

The question was called on Supervisor Pennino's motion to oppose the blocking of the Caller ID System which carried by a recorded vote of seven, Supervisor Hanley voting "NAY," Supervisor Alexander being absent.

CM:CM

69. A-17 - FINAL SELECTION OF FAIRFAX COUNTY HOUSING TRUST FUND APPLICATIONS - ROUND ONE (TAPES 9-10)

Supervisor Pennino called the Board's attention to Action Item 17 - Final Selection of Fairfax County Housing Trust Fund Applications - Round One and moved that the Board concur in the recommendation of staff and:

- Approve for final selection nine applications for funding under Round One of the Housing Trust Fund;
- Authorize reservation of funding for two applications for 60 days pending restructuring and refinement of the proposals during this period and subsequent reconsideration by the Fairfax County Redevelopment and Housing Authority (FCRHA);
- Approve a one-time exception of the provision of the Housing Trust Fund Memorandum of Agreement prohibiting funding of a non-capital purpose which would allow one year funding of the Tenant Assistance Program; and
- Reallocate Carryover funds for nine of the applications, and reserved funding for the Tenant Assistance Program with funding to be reallocated at the Midyear Review.

This motion was seconded by Supervisor Richards.

Supervisor Hanley asked that the motion be amended to include a request that staff provide a list of the outstanding proffers which have been proffered, but not received, by the Housing Trust Fund and this was accepted.

The question was then called on the motion, as amended, which carried by a recorded vote of six, Supervisor McConnell abstaining, Supervisor Davis being out of the room, Supervisor Alexander being absent.

Following discussion, Supervisor Hanley moved that the Board direct the Housing Authority and staff to provide the Board of Supervisors with information and recommendations regarding how the Housing Authority can accept private contributions into the Housing Trust Fund. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

70. HUMAN SERVICES COUNCIL (TAPE 10)

Supervisor Hyland moved that the Board direct the Human Services Council to use the same program budgeting exercise that was used last year. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

71. GRISTMILL PARK TOWN MEETING (TAPE 10)

Supervisor Hyland announced that there will be a Town meeting on Gristmill Park and the use of the barn at Gristmill on Wednesday, October 17, 1990 at 7:00 p.m. in the Mount Vernon High School Little Theater. The purpose of this meeting will be to look at the various alternatives and uses for the barn.

72. ADMINISTRATIVE ITEMS (TAPE 10)

Supervisor Pennino moved approval of the Administrative Items with the exception of Administrative Items 1, 3 and 5. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell called the Board's attention to Administrative Item One and moved that the Board direct staff to approve a twelve month (one year from this date) extension of time to commence construction for Special Exception Application SE 87-S-072 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell called the Board's attention to Administrative Item Three and asked unanimous consent that staff provide information to the Board regarding the permit fees which are charged for building decks. Without objection, it was so ordered.

Following discussion, Supervisor Richards moved approval of Administrative Item Three. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Davis being out of the room and Supervisor Alexander being absent.

ADMIN 1 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION  
FOR SPECIAL EXCEPTION APPLICATION SE 87-S-072.  
(EXXON COMPANY, USA) (SPRINGFIELD DISTRICT)

- (ET) Supervisor McConnell moved that the Board direct staff to approve a twelve month (one year from this date) extension of time to commence construction for Special Exception Application SE 87-S-072 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,  
CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5A  
(RESIDENTIAL PERMIT PARKING DISTRICTS - RPPD),  
APPENDIX G, FOR THE INCLUSION OF GLENMORE DRIVE  
IN THE CULMORE RESIDENTIAL PERMIT PARKING  
DISTRICT (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on October 29, 1990 at 4:30 p.m. on proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5A (Residential Permit Parking Districts), Appendix G to include the west side of Glenmore Drive from Vista Drive to the property line of the Presbyterian Church in existing Culmore Residential Permit Parking District (RPPD).

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX  
CHAPTER 112 (ZONING ORDINANCE) REGARDING:  
VARIANCE APPLICATION FEE FOR FENCE HEIGHT  
IN RESIDENTIAL DISTRICTS

- (A) Supervisor McConnell asked unanimous consent that the Board direct staff to provide information regarding the permit fees which are charged for the building of decks. Without objection, it was so ordered.

Following discussion, Supervisor Richards moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on November 1, 1990 and before the Board of Supervisors on December 3, 1990 at 3:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the fee for variance applications which request an increase in fence heights in residential districts. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Davis being out of the room and Supervisor Alexander being absent.

ADMIN 4 - APPROVAL OF WATER MAIN EXTENSION:  
SLEEPY HOLLOW PLACE SUBDIVISION (MASON  
DISTRICT)

Approved the request for the extension of an eight-inch water main approximately 590 feet along Columbia Pike for the provision of public water to Sleepy Hollow Place Subdivision pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 - ADDITIONAL TIME TO COMMENCE  
CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 80-L-127, FRANCONIA VOLUNTEER  
FIRE DEPARTMENT (LEE DISTRICT)

- (ET) (NOTE: Later in the meeting, action was taken to approve an Extension of Time for Special Exception Amendment Application SEA 80-L-127. See Clerk's Summary Item CL#93.)

73. A-1 - EMERGENCY AMENDMENTS TO THE PERSONNEL REGULATIONS REGARDING TRANSFER OF ANNUAL LEAVE TO ACTIVATED MILITARY RESERVIST EMPLOYEES (TAPE 10)

On motion of Supervisor Pennino and seconded by Supervisor Hanley, and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved emergency amendments to Section 10.7 of the Personnel Regulations which would allow the transfer of annual leave from one employee to an employee who is called to active Reserve or National Guard duty.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to look into this issue to see if there is a time limit on this emergency amendment, or for what period of time can the County continue to give leave to the Reservists. Without objection, it was so ordered.

74. A-2 - AUTHORIZATION TO PAY FISCAL YEAR (FY) 1991 SECOND QUARTER TRANSIT OPERATING SUBSIDY TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (COUNTYWIDE) (TAPE 10)

- (R) On motion of Supervisor Hanley, seconded by Supervisor Richards, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and adopted the Resolution authorizing payment of the Fiscal Year (FY) 1991 second quarter transit operating and capital assistance subsidy billing in the amount of \$10,395,655 to Washington Metropolitan Area Transit Authority (WMATA).

There was a brief discussion regarding this item, with input from Shiva K. Pant, Director, Office of Transportation.

75. A-3 - APPROVAL OF AN AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE CONSTRUCTION OF THE WEST OX ROAD (ROUTE 608) IMPROVEMENT PROJECT (PROVIDENCE AND SPRINGFIELD DISTRICTS) (TAPE 10)

On motion of Supervisor Hanley, seconded by Supervisor McConnell, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and authorized the County Executive to execute an agreement between Virginia Department of Transportation (VDOT) and Fairfax County for West Ox Road improvements from Lee Highway to Monument Drive (Providence and Springfield Districts).



76. A-4 - KATHRYN STREET CUT-THROUGH TRAFFIC  
(MOUNT VERNON DISTRICT) (TAPE 10)

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

- Adopted the Resolution requesting Virginia Department of Transportation (VDOT) conduct a review and address possible solutions to the cut-through traffic concerns on Kathryn Street; and
- Directed staff to provide VDOT with the necessary documentation of the cut-through problems along with the Resolution.

77. A-5 - APPROVAL OF A REVISED SERVICE AGREEMENT  
BETWEEN THE COUNTY AND THE FAIRFAX HOSPITAL  
ASSOCIATION (FHA) (TAPE 10)

On motion of Supervisor Hanley, jointly seconded by Supervisor Bulova and Supervisor Pennino, and carried by a vote of six, Supervisor Davis abstaining, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and:

- Approved the revised service agreement between the Department of Human Development (DHD) and the Fairfax Hospital Association (FHA); and
- Approved one additional senior eligibility worker position (1.0 SYE) for the DHD.

There was a brief discussion regarding this item.

78. A-6 - CHANGE TO THE FAIRFAX COUNTY PURCHASING  
RESOLUTION (TAPE 10)

- (R) On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and modified the Fairfax County Purchasing Resolution to permit Fairfax County School principals to act as buying agents for students, whenever funds generated from school activities are used to purchase goods and services. The principals will follow Fairfax County Public Schools (FCPS) Regulation 7413.1 in the purchase of items such as yearbooks, student pictures, and athletic equipment.

There was a brief discussion regarding this item, with input from J. Hamilton Lambert, County Executive.

79. A-7 - APPOINTMENTS TO THE SECURITY ALARM SYSTEMS COMMISSION (TAPE 10)

(APPT)  
(BACs)

On motion of Supervisor Hyland, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and appointed the following individuals to the Security Alarm Systems Commission:

- Mr. Thomas Chadwick as the Citizen Representative;
- Mr. Brad Shipp as the Alarm Industry Representative; and
- Lieutenant Dana Libby as the Police Department Representative.

The Security Alarm Systems Commission is being established as an advisory commission to the Board of Supervisors. The role of this Commission is set forth in the Code of the County of Fairfax, Section 8-5-1, which will become effective on January 1, 1991. According to the Ordinance, responsibilities of the Commission members will be:

- To periodically review the implementation and effectiveness of the alarm ordinance and make recommendations, as appropriate, to the Board of Supervisors;
- To periodically review the decision of administrative hearing officers for the purpose of monitoring effectiveness of the administrative hearing process; and
- To develop recommendations for the Board of Supervisors concerning the need for additional local regulations of alarm company operators, as permitted by Section 15.1-28.2 of the Code of Virginia, and/or the adoption of statewide standards by the Department of Housing and Community Development or other regulatory authority.

80. A-8 - URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) SUBURBAN MOBILITY GRANT APPLICATION FOR COMMUTER PARKING: EXPENDITURE OF BOND FUNDS TO SATISFY GRANT REQUIREMENTS (CENTREVILLE AND SPRINGFIELD DISTRICTS (TAPE 10)

On motion of Supervisor McConnell, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved the expenditure of up to \$40,000 of available bond funds for legal counsel and related services to satisfy remaining Urban Mass Transportation Administration (UMTA) grant requirements. These monies are available in Subfund 471 for commuter parking authorized in the April 12, 1988 bond referendum.

81. A-9 - APPROVAL TO ACCEPT FROM THE VIRGINIA DEPARTMENT OF HEALTH CONTINUATION OF GRANT FOR SEXUAL ASSAULT TREATMENT AND PREVENTION (TAPE 10)

On motion of Supervisor Hyland, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved acceptance of \$20,474 in grant funding from the Virginia Department of Health in the Fairfax Victim Assistance Network (VAN) at the Mount Vernon Mental Health Center to continue the Sexual Assault Treatment and Prevention Program. The rape treatment and prevention program has been jointly funded by the County and the Virginia Department of Health grants for five years.

82. A-10 - OFFICE FOR CHILDREN APPLICATION FOR THE FEDERAL HEAD START EXPANSION GRANT (TAPE 10)

On motion of Supervisor Hyland, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved the submission of the application to expand Head Start enrollment for three- and four-year-old children. The grant supports the start-up and operating costs associated with expanded enrollment. A local, in-kind match of a minimum of 20 percent per year of the total cost of the Head Start project is required under the terms of the award. This requirement will be met through use of existing facilities, equipment, and staff.

Following discussion, with input from J. Hamilton Lambert, County Executive, the amount of the grant which Fairfax County may receive was noted to be approximately \$880,000.

83. A-11 - SUPPLEMENTAL APPROPRIATION RESOLUTION AS 91023 FOR THE FAIRFAX COUNTY PUBLIC LIBRARY'S ENGLISH-SECOND-LANGUAGE PROGRAM (TAPE 10)

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being absent, the Board

concurred in the recommendation of staff and adopted the Supplemental Appropriation Resolution AS 91023 in the amount of \$25,000 from the United States Department of Education. There is no local cash match requirement for this award. The grant period is from October 1, 1990 through September 30, 1991.

84. A-12 - SUPPLEMENTAL APPROPRIATION RESOLUTION  
AS 91021 FOR THE DEPARTMENT OF HUMAN  
DEVELOPMENT PY 1990 ECONOMIC DISLOCATION AND  
WORKER ADJUSTMENT ASSISTANCE (EDWAA) PROGRAM  
(TAPE 10)

(SAR) On motion of Supervisor Davis, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and adopted the Supplemental Appropriation Resolution AS 91021 in the amount of \$170,625 for additional Economic Dislocation and Worker Adjustment Assistance (EDWAA) program. This grant award provides continued funding for two Manpower Specialist I positions (1.5 SYE). Due to workload considerations, an additional grant-funded clerical specialist position (S-11, 1.0 SYE) is recommended. In total, this grant will support three staff positions (2.5 SYE). There is no local cash match requirement for this award.

85. A-13 - SUPPLEMENTAL APPROPRIATION RESOLUTION  
AS 91020 TALLING \$240,189 FOR THE  
VIRGINIA REFUGEE RESETTLEMENT PROGRAM GRANT  
FOR THE DEPARTMENT OF HUMAN DEVELOPMENT  
(TAPE 10)

(SAR) On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and adopted the Supplemental Appropriation Resolution AS 91020 in the amount of \$240,189 to appropriate the Virginia Refugee Resettlement Program (VRRP) Grant for the Department of Human Development. The VRRP award will continue funding for two (1.5 SYE) positions during the period October 1, 1990 through September 30, 1991. There is no local cash match requirement for this award.

86. A-14 - SUPPLEMENTAL APPROPRIATION RESOLUTION  
AS 91018 FOR THE CONTINUATION OF THE  
OFFICE FOR CHILDREN HEAD START PARENT AND  
CHILD CENTER PROGRAM GRANT (TAPE 10)

(SAR) On motion of Supervisor Davis, jointly seconded by Supervisor Hanley and Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and adopted the Supplemental Appropriation Resolution AS 91018 in the amount of \$569,006 for continuation of the Federal Head Start Parent and Child Center Program (PCC) grant. This amount includes \$521,269 from the United States Department of Health and Human Services and a local cash match supplement of \$47,737. The remaining program costs will be met through the contributions identified as an in-kind match. The grant

supports 8/6.57 SYE grant-exempt positions within the Office for Children. This reflects an increase of 0/.85 SYE over the 8/5.72 SYE funded in the previous program year.

There was a brief discussion regarding this item.

87. A-15 - APPROVAL OF PRIORITIES FOR USE OF FISCAL YEAR (FY) 1992 (PROGRAM 17) COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (TAPE 10)

On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of the Fairfax County Redevelopment and Housing Authority (FCRHA) to reaffirm with one change to the existing Community Development Block Grant (CDBG) funding priorities as adopted by the Board of Supervisors on October 2, 1989.

88. A-16 - BOARD ENDORSEMENT OF COUNTY'S TESTIMONY AT THE COMMONWEALTH TRANSPORTATION BOARD (CTB) PUBLIC HEARING ON THE DRAFT POLICY GOALS FOR THE 1991 FEDERAL SURFACE TRANSPORTATION ACT (COUNTYWIDE) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#50.)

89. A-17 - FINAL SELECTION OF FAIRFAX COUNTY HOUSING TRUST FUND APPLICATIONS - ROUND ONE (NO TAPE)

(NOTE: Earlier in the meeting, various actions were taken on the Final Selection of Fairfax County Housing Trust Fund Applications - Round One. See Clerk's Summary Item CL#69.)

90. A-18 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC STREET PURPOSES (RESTON PARKWAY, SUNSET HILLS ROAD, DISCOVERY STREET, NEW DOMINION PARKWAY, AND RAMPS BETWEEN RESTON PARKWAY AND THE DULLES TOLL ROAD) (DRANESVILLE DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to approve the density credit for the portion of the lots or parcels that are to be dedicated for public use for public street purposes in accordance with the deed of dedication which is to be recorded for Reston Parkway, Sunset Hills Road, Discovery Street, New Dominion Parkway, and Ramps Between Reston Parkway and the Dulles Toll Road. See Clerk's Summary Item CL#48.)

91. C-1 - APPEAL OF A PROFFER INTERPRETATION -  
REZONING APPLICATION RZ 88-S-063  
(SPRINGFIELD DISTRICT) (TAPE 10)

The Board next considered an item contained in the Memorandum to the Board dated September 24, 1990 regarding the appeal of a proffer interpretation which determined that only warehousing establishments and wholesale trade establishments are uses that are in conformance with the proffered Generalized Development Plan (GDP).

Following discussion, Supervisor Hyland moved to deny the appeal of a proffer interpretation which determined that only warehousing establishments and wholesale trade establishments are uses that are in conformance with the proffered Generalized Development Plan (GDP). This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor McConnell abstaining, Supervisor Alexander being absent.

Supervisor McConnell moved that the Board direct staff to expedite a hearing on the Proffered Condition Amendment for Rezoning Application RZ 88-S-063. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

92. C-2 - VIRGINIA MUNICIPAL LEAGUE ANNUAL  
CONFERENCE - 1996 (TAPE 10)

The Board next considered an item contained in the Memorandum to the Board dated September 24, 1990 regarding Board approval for Fairfax County to make a presentation to the Executive Committee of the Virginia Municipal League (VML) to compete with other jurisdictions to host the 1996 VML Conference.

Supervisor Pennino moved that the Board direct the Fairfax County Economic Development Authority's (EDA) Tourism and Convention Bureau to make a presentation to the Virginia Municipal League (VML) Executive Committee on October 6, 1991 in Roanoke, Virginia, regarding the County's hosting of the VML Annual Conference in 1996. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

There was a brief discussion regarding this item with input from J. Hamilton Lambert, County Executive.

93. ADMIN 5 - ADDITIONAL TIME TO COMMENCE  
CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 80-L-127, FRANCONIA VOLUNTEER  
FIRE DEPARTMENT (LEE DISTRICT) (TAPE 10)

- (ET) On behalf of Supervisor Alexander, Supervisor Hanley called the Board's attention to Administrative Item Five and moved that additional time be allowed to commence construction on Special Exception Amendment Application SEA 80-L-127, Franconia Volunteer Fire Department. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

94. I-1 - MINUTES OF THE BOARD OF SUPERVISORS'  
MEETINGS FOR NOVEMBER 20, 27, AND 28, 1989;  
DECEMBER 4 AND 5, 1989; AND AUGUST 6, 1990  
(TAPE 10)

(Minutes)

(Verb)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 requesting acceptance, as presented, of the Minutes of the Board of Supervisors' meeting for:

- November 20, 27, and 28, 1989;
- December 4 and 5, 1989; and
- August 6, 1990.

Supervisor Hanley asked unanimous consent that the following corrections be made:

- December 5, 1989, Page 5 - review the tape to clear up the portion that reads "Supervisor Hanley asked unanimous consent that the Board direct staff to report on how the current community improvement program (CIP) addresses bonus densities;"
- August 6, 1990, Page 19 - delete from the portion that reads "and make necessary revisions..." everything after "Policy Plan;" on the top line and say "and come back later if necessary." In the last paragraph on page 19 first bullet, instead of reading "take the County Executive's recommendation with Part I of Phase I" it should read "agree with the County Executive's earlier comments to adopt Part I of Phase I;"
- August 6, 1990, Page 19 - second bullet, instead of "Guidelines for Phase II of the Plan", the level of service D language should read, "Part I Phase I of the Plan"; and
- August 6, 1990, Page 19 - third bullet, should read, "Adopt Part II of Phase I."

Without objection, it was so ordered.

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff to provide the Board with verbatims on all portions of the August 6, 1990 meeting pertaining to Board discussion of the Policy Plan. Without objection, it was so ordered.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to reschedule this item for October 15, 1990. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

(NOTE: Later in the meeting, there was additional discussion regarding the minutes. See Clerk's Board Summary Item CL#111.)

95. I-2 - STATUS REPORT ON HIGHWAY PROJECTS IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR IMPROVEMENT PROGRAMS (COUNTYWIDE) (TAPES 10-11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 presenting the Status Report on Highway Projects in the Virginia Department of Transportation Six-Year Improvement Programs, Countywide.

There was a brief discussion regarding this item.

96. I-3 - FAIRFAX COUNTY PARKWAY/FRANCONIA - SPRINGFIELD PARKWAY STATUS REPORT (COUNTYWIDE) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 presenting the quarterly Fairfax County Parkway/Franconia - Springfield Parkway Status Report dated August 31, 1990, Countywide.

There was a brief discussion regarding this item with input from J. Hamilton Lambert, County Executive.

97. I-4 - STAFF SUMMARIES OF JULY, 1990 TRANSPORTATION ADVISORY COMMISSION MEETINGS (COUNTYWIDE) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 presenting the Staff summaries of July, 1990 Transportation Advisory Commission (TAC) meetings, Countywide.



98. I-5 - STATUS REPORT ON RESTON TRANSIT CENTER/TIMED  
TRANSFER DEMONSTRATION PROJECT (CENTREVILLE  
DISTRICT) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 presenting the Status Report on the Reston Transit Center/Timed Transfer Demonstration Project, Centreville District.

99. I-6 - THREE YEAR PLAN FOR FAIRFAX SPECIALIZED  
TRANSPORTATION SYSTEM (FASTRAN) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 requesting authorization for staff to proceed to implement the Fiscal Year (FY) 1991-FY1993 Fairfax Specialized Transportation System (FASTRAN) Three Year Plan and the recommendations included in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

There was a brief discussion regarding this item with input from J. Hamilton Lambert, County Executive.

100. I-7 - ESTABLISHMENT OF SALES PRICES AND RENTS  
FOR UNITS DEVELOPED UNDER AFFORDABLE DWELLING  
UNIT ORDINANCE (ADU) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 transmitting to Board Members the "Sales Prices for Affordable Dwelling Units" and "Affordable Dwelling Units Rents" as required by the adopted Affordable Dwelling Unit Ordinance (ADU).

101. I-8 - CONTRACT AWARD - BEL AIR PHASE II  
NEIGHBORHOOD IMPROVEMENTS (MASON DISTRICT)  
(TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 requesting authorization for staff to proceed to:

- Award a contract to Corman Construction, Incorporated, in the amount of \$1,240,304 for the Bel Air Phase II Neighborhood Improvements, Mason District; and

- Due to a lower than anticipated contract award, reallocate funds in the amount of \$711,365 from Project C00057 (Bel Air Phase II Neighborhood Improvements) IQ Project C00070 (Fund contingency) to fund possible shortfalls in other projects within this Subfund.

The staff was directed administratively to proceed as proposed.

102. I-9 - TRANSPORTATION TELEPHONE SURVEY FOR  
MARKET RESEARCH (COUNTYWIDE (TAPE 11))

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 requesting authorization for staff to proceed with the implementation of the Transportation Telephone Survey.

There was a brief discussion regarding this item with input from Andrew J. Szakos, Chief, Transit Operations Division, Office of Transportation.

The staff was directed administratively to proceed as proposed.

103. I-10 - CONTRACT AWARD - ANTHONY STREET STORM  
DRAINAGE IMPROVEMENT (MOUNT VERNON DISTRICT)  
(TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 24, 1990 requesting authorization for staff to proceed to:

- Award a contract to William A. Hazel, Incorporated, in the amount of \$83,930 for the Anthony Street Storm Drainage Improvements, Mount Vernon District; and
- Due to a lower than anticipated contract award, reallocate funds in the amount of \$86,187 IQ Project Z00007 (Subfund 468 Contingency) to fund possible shortfalls in other projects within this Subfund.

The staff was directed administratively to proceed as proposed.

104. RECESS/EXECUTIVE SESSION (TAPE 11)

At 2:45 p.m., Supervisor Davis moved that the Board recess and go into Executive Session to consider matters listed in the Agenda. This motion was jointly seconded by Supervisor Bulova and Supervisor Hanley and carried by a recorded vote of six, Supervisor Hyland and Supervisor Richards voting "NAY," Supervisor Alexander being absent.

SBE:SBE

At 3:50 p.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander and Supervisor Richards, and with Chairman Moore presiding.

105. ACTIONS FROM EXECUTIVE SESSION (TAPE 12)

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

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

Supervisor Pennino stated for the record that most of the time that the Board of Supervisors was in Executive Session that there were three County Attorneys present.

The motion carried by a vote of six, with Supervisor Hyland abstaining because he did not participate in Executive Session, Supervisor Richards being out of the room, and Supervisor Alexander being absent.

106. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE PUBLIC  
FACILITIES MANUAL (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 September 7 and September 14, 1990.

Following the public hearing, Supervisor Pennino moved adoption of the proposed amendments to the Public Facilities Manual to amend Article 6 (Storm Drainage), Article 10 (Sewage and Solid Waste Disposal), Appendix B7 (Streets, Parking, and Driveways), and Appendix B10 (Sanitary Sewer) as follows:

- To clarify maintenance responsibility for residential detention ponds; restrict plantings on earth dams; require gate valve installation in permanent pool retention ponds; authorize inside drop connections in manholes; specify a minimum manhole diameter; require sewer laterals to extend a minimum of ten feet beyond property lines; specify couplings to be used on dissimilar pipe in manholes; and specify bracket type and post size for street signs; and
- 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.

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

Supervisor Hanley moved that the Board direct staff to return to the Board with appropriate recommendations on:

- How Homeowners Associations and specific landowners can be apprised of their requirement on this Maintenance Agreement at the time that they purchase their property and become members of the Homeowners Association; and
- How the individual purchaser is notified when the Homeowner's Association moves from developer control to citizen control.

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

107. 3:30 P.M. - PH ON REZONING APPLICATION  
RZ 88-S-095 (ROCKY GORGE COMMUNITIES,  
INCORPORATED) (SPRINGFIELD DISTRICT) (TAPE 12)

Supervisor McConnell moved to defer the public hearing on Rezoning Application RZ 88-S-095 until October 15, 1990 at 5:00 p.m. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

108. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 89-C-025, PCA 85-C-088-2, PCA 86-C-119-2, AND PCA 86-C-121-2 (BOARD OF SUPERVISORS, OWN MOTION) (CENTREVILLE DISTRICT) (TAPE 12)

Supervisor Pennino moved to defer the public hearing on Proffered Condition Amendment Applications PCA 89-C-025, PCA 86-C-121-2, PCA 86-C-119-2 and PCA 85-C-088-2 until October 15, 1990 at 3:30 p.m. This motion was seconded jointly by Supervisor Bulova and Supervisor Hyland and carried by a vote of seven, Supervisor Richards being out of the room and Supervisor Alexander being absent.

109. BOARD RECESS (TAPE 12)

At 3:50 p.m., the Board recessed briefly and at 4:00 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.

#### ADDITIONAL BOARD MATTERS

110. APPOINTMENTS TO THE HUMAN RIGHTS COMMISSION (TAPE 12)

(BACs)

Supervisor Davis reminded Board Members that appointments to the Human Rights Commission needed to be made today because the Commission would lose five members at the end of this month.

Chairman Moore stated that the Board would proceed with the public hearings and take action on the appointments at the end of the Board's Agenda.

111. I-1 - MINUTES OF THE BOARD OF SUPERVISORS' MEETINGS FOR NOVEMBER 20, 27, AND 28, 1989; DECEMBER 4 AND 5, 1989; AND AUGUST 6, 1990 (TAPE 12)

(Minutes)

(NOTE: Earlier in the meeting, various actions were made to defer the acceptance, as presented, of the Minutes of the Board of Supervisors' meeting for:

- November 20, 27, and 28, 1989;
- December 4 and 5, 1989; and
- August 6, 1990.

See Clerk's Summary Item CL#94.)

Supervisor Bulova moved that the Board of Supervisors approve Information Item One, with the exception of that portion of the minutes for August 6, 1990 which concerns the discussions and motions on the Comprehensive Plan which will be addressed later by the Board Members after requested verbatims are distributed. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

112. 4:00 P.M. - PH ON REZONING APPLICATION  
RZ 89-S-033 (KETTLE & SCOTT, INCORPORATED)  
(SPRINGFIELD DISTRICT) (TAPE 12)

Mr. Patrick Via reaffirmed the validity of the affidavit for the record.

Mr. Via 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, Kris Abrahamson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-S-033 be amended from the R-1 and Water Supply Protection Overlay Districts to the R-5 and Water Supply Protection Overlay Districts subject to the execution of the revised proffers dated September 4, 1990. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved waiver of the minimum district size. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Richards being out of the room, Supervisor Alexander being absent.

113. 4:00 P.M. - PH ON REZONING APPLICATION  
RZ 90-P-032; SPECIAL EXCEPTION AMENDMENT  
APPLICATIONS SEA 87-P-052, SEA 87-P-053,  
SEA 87-P-054, AND SEA 83-P-045-2; AND  
PROFFERED CONDITION AMENDMENT APPLICATIONS  
PCA 83-P-028-2 AND PCA 79-D-141-3 (TYCON  
BELTWAY LIMITED PARTNERSHIP) (PROVIDENCE  
DISTRICT) (TAPE 12)

Mr. David Morris reaffirmed the validity of the affidavit for the record.

Mr. Morris 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.

After disclosing that her son works for Mr. James T. Lewis of Tycon Beltway Limited Partnership, Chairman Moore stated that she would not be participating in this public hearing. She relinquished the Chair to Vice-Chairman Pennino and left the Board Room.

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

- A contribution from Mr. and Mrs. John W. Foust to Supervisor Davis' last campaign. Mrs. Foust is a friend of Supervisor Davis' wife.

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

- In the amount of \$99.50 from James T. Lewis to the campaign to re-elect Pennino.

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

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-P-032 be amended from the R-1, Highway Corridor, and Sign Control Districts to the C-4, Highway Corridor, and Sign Control Districts, subject to the execution of the revised proffers dated September 18, 1990. This motion was seconded by Supervisor Bulova and carried by a vote of four, Supervisor Hyland voting "NAY," Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Proffered Condition Amendment Application PCA 79-D-141-3 subject to the execution of proffers dated September 18, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of four, Supervisor Hyland voting "NAY," Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Proffered Condition Amendment Application PCA 83-P-028-2 subject to the execution of proffers dated September 18, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of four, Supervisor Hyland voting "NAY," Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room and Supervisor Alexander being absent.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 83-P-045-2 subject to the execution of proffers dated September 18, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 87-P-052 subject to the development conditions dated June 6, 1990 and contained in Appendix 2A of the Staff Report. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 87-P-053 subject to the development conditions dated June 19, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 87-P-054 subject to the development conditions dated June 19, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Davis, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

114. 4:00 P.M. - PH ON REZONING APPLICATION  
RZ 89-S-053 (SOUTHERN RESOURCE CORPORATION  
AND MASON ASSOCIATES GENERAL PARTNERSHIP)  
(SPRINGFIELD DISTRICT) (TAPE 12)

Mr. Vincent A. Tramonte reaffirmed the validity of the affidavit for the record.

Mr. Tramonte 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, Kris Abrahamson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-S-053 be amended from the R-1 and Water Supply Protection Overlay Districts to the PDH-2 and Water Supply Protection Overlay Districts subject to the execution of the revised proffers dated September 10, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Davis, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.



ADDITIONAL BOARD MATTER115. ABSENCE OF SUPERVISOR JOSEPH ALEXANDER,  
SUPERVISOR GERALD HYLAND, AND SUPERVISOR  
LILLA RICHARDS (TAPE 12)

Chairman Moore stated, for the benefit of the public, that Supervisor Alexander is very ill in the hospital recovering from pneumonia; Supervisor Hyland had to leave the Board Room to testify in court in Alexandria, Virginia; and Supervisor Richards had to leave the meeting early because of illness.

116. BOARD RECESS (TAPE 12)

At 4:20 p.m. the Board recessed briefly and at 4:30 p.m. reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, Supervisor Hyland, and Supervisor Richards, and with Chairman Moore presiding.

117. APPOINTMENTS TO THE HUMAN RIGHTS COMMISSION  
(TAPE 12)

(APPT)

Chairman Moore asked Supervisor Davis to clarify the question on the Human Rights Commission.

Supervisor Davis stated that he had been advised that the Human Rights Commission needed the Board to make reappointments today because the Commission would lose five members at the end of the month.

Supervisor Pennino stated that it was her understanding that when a term expires, and no one has been appointed or reappointed, the current member may continue in office.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to prepare the appropriate Certificate of Appreciation for presentation before the Board of Supervisors commending Mr. Robert Lundy for his service. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Supervisor Pennino moved the appointment of Mr. Jim Tso.

Supervisor Davis moved the reappointment of Mr. Sid Holland, Sr.

On behalf of Supervisor Alexander, Supervisor Davis moved the reappointment of Mr. Jon D. Strother.

Supervisor Pennino moved the reappointment of Ms. Gary W. Brooks.

On behalf of Supervisor Richards, Supervisor Davis moved the reappointment of Mr. Samuel Shin.

The motions were seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

118. 4:30 P.M. - PH ON REZONING APPLICATION  
RZ 89-L-087 (B AND E, INCORPORATED)  
(LEE DISTRICT) (TAPE 12)

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, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

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

- In the amount of \$99.00 from Paul B. Johnson in the 1988 campaign.

On behalf of Supervisor Alexander, Supervisor Pennino moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-L-087 be amended from the R-1 District to the R-2 District subject to the execution of the revised proffers dated September 4, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

119. 4:30 P.M. - PH ON REZONING APPLICATION  
RZ 90-D-025 (1410 SPRINGHILL ROAD  
LIMITED PARTNERSHIP) (DRANESVILLE  
DISTRICT) (TAPE 12)

Mr. Carlos Montenegro reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$100.00 from Hanna Poulson, wife of George Poulson, shareholder in the Milton/Herndon Limited Partnership in the 1983 campaign.

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

On behalf of Supervisor Richards, Supervisor Davis moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-D-025 be amended from the R-1 District to the C-1 District subject to the execution of the revised proffers dated June 18, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

120. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION  
SE 90-D-015 (KAE SHIK AND SUNG MOON; DON LEE AND  
SUNG LEE) (DRANESVILLE DISTRICT) (TAPE 12)

Mr. William H. Hansbarger reaffirmed the validity of the affidavit for the record.

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

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

On behalf of Supervisor Richards, Supervisor Davis moved approval of Special Exception Application SE 90-D-015 subject to the revised development conditions dated July 12, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

On behalf of Supervisor Richards, Supervisor Davis moved that the transitional screening and barrier requirement be modified in favor of that depicted on the Special Exception Plat. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor Davis moved, on behalf of Supervisor Richards, waiver of the minimum lot size in accordance with Section 9-610 of the Zoning Ordinance. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland, Supervisor Richards being out of the room and Supervisor Alexander being absent.

121. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT  
APPLICATION PCA 85-P-145-1 (FALLER MANAGEMENT  
COMPANY) (PROVIDENCE DISTRICT) (TAPE 13)

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 he proceeded to present his case.

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

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 Hyland, Supervisor McConnell, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved approval of Proffered Condition Amendment Application PCA 85-P-145-1 subject to the revised development conditions dated September 10, 1990 and the proffers dated August 31, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

122. 5:00 P.M. - PH ON REZONING APPLICATION  
RZ 89-S-064 (FAIRLAND DEVELOPMENT AND  
INVESTMENT CORPORATION, A VIRGINIA  
CORPORATION) (SPRINGFIELD DISTRICT)  
(NO TAPE)

(NOTE: Later in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 89-S-064 until November 5, 1990 at 4:30 p.m. See Clerk's Summary Item CL#124.)

123. 5:00 P.M. - PH ON REZONING APPLICATION  
RZ 90-S-010 AND SPECIAL EXCEPTION APPLICATION  
SE 90-S-006 (POHANKA PROPERTIES, INCORPORATED)  
(SPRINGFIELD DISTRICT) (TAPE 13)

Mr. David Houston reaffirmed the validity of the affidavit for the record.

Mr. Houston 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, Regina Murray, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved that the Zoning Ordinance as it applied to Rezoning Application RZ 90-S-010 be amended from the R-1, Airport Noise Impact Overlay, Highway Corridor, and Water Supply Protection Overlay District to the C-8, Airport Noise Impact Overlay, Highway Corridor, and Water Supply Protection Overlay Districts subject to the execution of the revised proffers dated September 5, 1990. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved approval of Special Exception Application SE 90-S-006 subject to the revised development conditions dated September 10, 1990. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved approval of the modification of the transitional screening along the eastern boundary to that shown on the submitted Generalized Development Plan/Special Exception plat. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards being out of the room and Supervisor Alexander being absent.

Supervisor McConnell moved approval of the waiver of the barrier requirement along the eastern boundary of the site. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

124. 5:00 P.M. - PH ON REZONING APPLICATION  
RZ 89-S-064 (FAIRLAND DEVELOPMENT AND  
INVESTMENT CORPORATION, A VIRGINIA  
CORPORATION) (SPRINGFIELD DISTRICT)  
(TAPE 13)

At the applicant's request, Supervisor McConnell moved to defer the public hearing on Rezoning Application RZ 89-S-064 until November 5, 1990 at 4:30 p.m. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

125. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT/  
CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION  
PCA/CDPA 87-S-039 (SEQUOIA BUILDING CORPORATION)  
(SPRINGFIELD DISTRICT) (NO TAPE)

(NOTE: The public hearing for PCA/CDPA 87-S-039 was held later in the meeting. See Clerk's Summary Item CL#129.)

126. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION  
SE 89-S-058 (AMOCO OIL COMPANY) (SPRINGFIELD  
DISTRICT) (TAPE 13)

On behalf of Supervisor McConnell, Supervisor Pennino moved to defer the public hearing on Special Exception Application SE 89-S-058 until October 29, 1990 at 4:30 p.m. This motion was seconded by Supervisor Davis and was carried by a vote of five, Supervisor Hyland, Supervisor McConnell, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

127. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT  
APPLICATION PCA 82-V-081 (HUNTINGTON GATEWAY  
ASSOCIATES, LIMITED PARTNERSHIP) (MOUNT VERNON  
DISTRICT) (TAPE 13)

On behalf of Supervisor Hyland, Supervisor Pennino moved to defer the public hearing on Proffered Condition Amendment Application PCA 82-V-081 until November 5, 1990 at 4:30 p.m. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Hyland, Supervisor McConnell, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

128. 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 13)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 90-P-040 and Special Exception Application SE 90-P-020 until October 15, 1990 at 4:30 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

129. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT/  
CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION  
PCA/CDPA 87-S-039 (SEQUOIA BUILDING CORPORATION)  
(SPRINGFIELD DISTRICT) (TAPES 13-14)

Mr. Michael J. Giguere reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$49.00 from Mary J. Steele, wife of Sidney R. Steele, to her 1987 campaign.

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

After much discussion, Supervisor Pennino asked unanimous consent that it be made a matter of record that the applicant (Mr. Smith) is willing to work with the Board in addressing the need for a future rail connection for a Metro Station on this site. Without objection, it was so ordered.

In addition, Chairman Moore asked that the September 5, 1990 memorandum from Andrew J. Szakos of the Office of Transportation, related to the Board's discussion, be made a part of the official record of this public hearing.

Supervisor McConnell moved approval of Proffered Condition Amendment/Conceptual Development Plan Amendment PCA/CDPA 87-S-039 subject to the execution of the proffers dated August 16, 1990 and the September 12, 1990 proposed development conditions as revised by the Planning Commission, with the inclusion of the applicant's commitment regarding a future rail connection. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved approval of the June 19, 1990 Transportation Phasing Plan, with the September 19, 1990 attachment. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Hanley, Supervisory Hyland, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

130. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION  
SE 89-S-058 (AMOCO OIL COMPANY) (SPRINGFIELD  
DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Application SE 89-S-058 until October 29, 1990 at 4:30 p.m. See Clerk's Summary Item CL#126.)

131. 5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT  
APPLICATION PCA 82-V-081 (HUNTINGTON GATEWAY  
ASSOCIATES, LIMITED PARTNERSHIP) (MOUNT VERNON  
DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 82-V-081 until November 5, 1990 at 4:30 p.m. See Clerk's Summary Item CL#127.)

132. 5:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 10, TO CLASSIFY AS RESIDENTIAL USE FOR TAX PURPOSES UTILITY SERVICE PROVIDED TO COMMONLY-USED AREAS WITHIN RESIDENTIAL PROJECTS (TAPE 14)

- (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 September 7 and September 14, 1990.

Following the public hearing, Supervisor Davis moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 10, to amend and reenact Section 4-6-1, et seq., 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 and to define the term "used primarily for residential purposes" within Section 4-6-1. The seconder of this motion was inaudible.

Following discussion, the question was called on the motion, which carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.

133. 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) (NO TAPE)

(NOTE: Earlier 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 October 15, 1990 at 4:30 p.m. See Clerk's Summary Item CL#128.).

134. 5:00 P.M. - BOARD DECISION ON THE PROPOSED VACATION OF MOSBY LANE, SPRINGFIELD DISTRICT (TAPE 14)

(NOTE: The public hearing on the proposed vacation of Mosby Lane was held on July 9, 1990 and the Board decision deferred until August 6, 1990. The Board further deferred decision until September 17, 1990 and subsequently to September 24, 1990.)

Supervisor McConnell moved to defer Board Decision on the Proposed Vacation of Mosby Lane, because of issues which have not been resolved, until October 29, 1990 at 3:30 p.m. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Hyland and Supervisor Richards being out of the room, Supervisor Alexander being absent.



135. 7:30 P.M. - PH TO RECEIVE CITIZEN COMMENT  
ON ISSUES OF CONCERN (TAPE 14)

Chairman Moore announced that the public hearing to receive Citizen Comment had been rescheduled for October 15, 1990 at 7:30 p.m.

136. BOARD ADJOURNMENT (TAPE 14)

At 6:00 p.m., the Board adjourned.