



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS

OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

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

**MONDAY
JANUARY 28, 1991**

Board Package

2-91

JLD:JLD

The meeting was called to order at 10:05 a.m. with all members being present, with the exception of Supervisor Alexander, Supervisor Davis, and Supervisor McConnell, and with Chairman Moore presiding.

Supervisor Davis and Supervisor McConnell arrived at 10:10 a.m.

Supervisor Alexander was absent from the entire Board Meeting.

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

2. THOUGHTS FOR SERVICEMEN AND WOMEN FROM FAIRFAX
COUNTY INVOLVED IN THE PERSIAN GULF WAR
(TAPE 1)

Chairman Moore requested that during the moment of silent meditation the individuals from Fairfax County who are serving in the Middle East and their families be remembered, and thoughts also be directed to the leaders for their continuing strength and wisdom.

3. RECOGNITION OF SUPERVISORS' SUPPORT FOR UNITED
STATES (TAPE 1)

Chairman Moore recognized Supervisor Hyland's and Supervisor Pennino's display of flags at their Board seats indicating support for the United States.

4. CERTIFICATE OF APPRECIATION COMMENDING
JOANNE MALONE FOR HER YEARS OF SERVICE
ON THE COMMISSION FOR THE DISABLED (TAPE 1)

Supervisor Hanley moved approval of the presentation of the Certificate of Appreciation presented to Joanne Malone (formerly Providence District Representative), expressing the Board's appreciation for her many years

of dedicated service to the citizens of Fairfax County as a member of the Commission for the Disabled. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis and Supervisor McConnell not yet having arrived, Supervisor Alexander being absent.

5. CERTIFICATES OF APPRECIATION CONGRATULATING
MADISON HIGH SCHOOL GOLF TEAM FOR WINNING
THE STATE CHAMPIONSHIP (TAPE 1)

Supervisor Pennino moved approval of the presentation of the Certificates of Appreciation presented to Coach Don Roth and members of the Madison High School Golf Team congratulating the Team for winning the 1990 Virginia State Championship. This motion was jointly seconded by Supervisor Davis and Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

6. RESOLUTION RECOGNIZING DANIEL SMITH FOR HIS
YEARS OF SERVICE ON THE BOARD OF ZONING
APPEALS (TAPE 1)

(BACs)

Supervisor Hyland moved adoption of the Resolution, presented to Mrs. Elizabeth Smith, commending Daniel Smith for his 32 years of service as a member of the Board of Zoning Appeals (BZA) and his outstanding efforts as a citizen of Fairfax County. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

BOARD MATTERS

7. PRESENTATION OF A CERTIFICATE OF FRIENDSHIP
FROM THE COUNTY OF ESSONNE, FRANCE TO AUDREY
MOORE, CHAIRMAN OF THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY (TAPE 1)

Supervisor Pennino and Supervisor Hyland presented to Chairman Moore, as the Chairman of the Fairfax County Board of Supervisors, a Certificate of Friendship between Fairfax County and its Sister County of Essonne, France, and a newspaper clipping.

Chairman Moore relinquished the Chair to Acting Chairman Bulova and asked unanimous consent that the Board direct staff to display the items in the hallway temporarily until a permanent display site can be found. Without objection, it was so ordered.

Acting Chairman Bulova returned the gavel to Chairman Moore.

Supervisor Hyland noted that some French businesses have agreed to locate in Fairfax County, Virginia.

Additionally, Supervisor Pennino noted that letters have been received from students, including a tumbling group that would like to come as an exchange group. Chairman Moore suggested that Oak View Elementary school be contacted about its tumbling group.

8. CLOWNS INTERNATIONAL'S UPCOMING VISIT TO LEEDS CASTLE, ENGLAND HOME OF LORD FAIRFAX
(TAPE 1)

Supervisor McConnell brought to the Board's attention the Clowns International's upcoming trip to England. One of the group's meetings in England will be held at Leeds Castle, the home of Lord Fairfax. A representative of the group suggested that a memento of Fairfax County be taken to Leeds Castle. Supervisor McConnell asked unanimous consent that the Board direct staff to provide Clowns International with an appropriate token from the County. Without objection, it was so ordered.

9. 10:00 A.M. - PRESENTATION ON THE CLEAN AIR ACT AMENDMENTS OF 1990 (TAPES 1-2)

Edgar M. Chase, Director, Air Pollution Control, Fairfax County Health Department, and Barbara A. Hardy, Assistant Director, Air Pollution Control, Fairfax County Health Department, presented to Board Members the Clean Air Act Amendments of 1990.

Supervisor Hyland ask unanimous consent that the Board direct staff to determine whether there are any current options available for putting clean fuel vehicles on line (for example, when purchasing replacement vehicles) rather than waiting until 1996 when it will be required and report its findings to the Board. Without objection, it was so ordered.

Following a query by Supervisor McConnell, discussion ensued among Board Members, with input from Mr. Chase, regarding the use of compressed natural gas in vehicle engines.

Following the presentation, Supervisor Pennino moved that the Board:

- Express its appreciation to Richard K. Miller, M.D., M.P.H., Director, Health Administration, Department of Health, and the Health Department staff for the presentation on the Clean Air Act Amendments of 1990;
- Refer the Clean Air Act Amendments to County staff for its review and analysis; and

- Direct staff to propose a program on the implementation of the amendments, to include the time frame for the implementation and the cost to the County.

This motion was seconded by Supervisor McConnell.

Supervisor Hyland asked that the motion be amended to include a time limitation of 60 days for the staff to report to the Board, and this was accepted.

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

10. 10:15 A.M. - REPORT ON GENERAL ASSEMBLY ACTIVITIES
(TAPES 2-3)

Supervisor Hanley, Chairman, Board's Legislative Subcommittee, briefly outlined the "1991 General Assembly Status Report Number Two" dated January 28, 1991, distributed to Board Members.

HOUSE BILL 1273

House Bill 1273, Delegate Gerald Fill's bill, bans the location of drug rehabilitation facilities in drug-free school zones. At the Legislative Subcommittee meeting, the Board agreed to ask for a legal opinion from the Attorney General to ensure the bill's consistency with the federal Fair Housing Act.

Supervisor Davis moved that the Board support House Bill 1273, subject to the Attorney General's opinion on the bill. This motion was seconded by Supervisor Hyland.

Following discussion, for the purpose of clarity, Supervisor Hanley restated Supervisor Davis' motion, as follows: that the Board support House Bill 1273 if it is found to be in compliance with the Fair Housing Act or can be made to be compliant with the Act.

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

HOUSE BILL 370, HOUSE BILL 541, SENATE BILL 373
AND SENATE BILL 374

House Bills 370 and 541, and their Senate companions, address the issue of separate circuit court staff and the funding of such staff.

Supervisor Hanley moved that the Board concur in staff recommendation and oppose House Bills 370 and 541, and Senate Bills 373 and 374. This motion was seconded by Supervisor Pennino.

Supervisor Davis moved a substitute motion that the Board not take a position on this legislation at this time. This motion was seconded by Supervisor McConnell.

Following discussion among Board Members regarding the Board's position on this issue in previous years, the substitute motion was restated for the purpose of clarity: that the Board not take a position on this legislation pending the outcome of the study.

The question was called on the substitute motion which FAILED by a recorded vote of five, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell voting "AYE," Supervisor Alexander being absent.

The question was then called on the main motion (Supervisor Hanley's), to concur in the staff recommendation for opposition to the bills, which CARRIED by a recorded vote of five, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell voting "NAY," Supervisor Alexander being absent.

HOUSE BILL 1686

Discussion ensued among Board Members on House Bill 1686, legislation relating to the conduct of advisory referenda in certain counties. It was noted that this legislative matter has been supported by the Board in the past.

Supervisor Davis moved that the Board reiterate approval for this issue and express support for House Bill 1686. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of seven, Supervisor Pennino voting "NAY," Supervisor Alexander being out of the room.

CHESAPEAKE BAY LEGISLATION

Supervisor Hanley reiterated the sense of the Board that legislation that would weaken the Chesapeake Bay Act be opposed and announced her intent to address Chesapeake Bay legislation later in the meeting after Board Members received copies of the bills and were able to review them.

(NOTE: Later in the meeting, there was additional consideration of the Chesapeake Bay legislation. See Clerk's Summary Item CL#109.)

HOUSE JOINT RESOLUTION 470 AND SENATE JOINT RESOLUTION 214

Discussion ensued among Board Members and Michael H. Long, Assistant County Attorney, on House Joint Resolution 470 and Senate Joint

Resolution 214, legislation to amend Section 2 of Article X of the Constitution of Virginia, allowing the General Assembly to establish, by general law, a limitation on the annual increase in real estate assessments.

Supervisor Davis moved that the Board express support for House Joint Resolution 470 and Senate Joint Resolution 214. This motion was seconded by Chairman Moore.

Following additional discussion among Board Members, the question was called on the motion which CARRIED by a recorded vote of seven, Supervisor Richards voting "NAY," Supervisor Alexander being absent.

ADOPTION OF BOARD'S LEGISLATIVE PACKAGE

Supervisor Hanley moved that the Board adopt the staff recommendations as contained in the legislative package, providing that the Chesapeake Bay regulations are considered later in the meeting.

(NOTE: Action was taken later to approve the Board's legislative package following further discussion on other bills. See Page Eight of the Clerk's Board Summary, "Adoption of Legislative Package.")

HOUSE BILL 1916

Supervisor Pennino moved that the Board take no position on House Bill 1916, legislation relating to provisions of subdivision ordinances, zoning ordinances and conditional zoning. This motion was seconded by Supervisor McConnell.

Following discussion among Board Members; Mr. Long; Anthony H. Griffin, Deputy County Attorney for Planning and Development; and Shiva K. Pant, Director, Office of Transportation, Supervisor Pennino amended her previous motion and moved to defer the Board's decision on its position on House Bill 1916 until the next Board Meeting. This motion was seconded by Supervisor McConnell.

Chairman Moore relinquished the Chair to Acting Chairman Hyland and moved a substitute motion that the Board support the staff recommendation to oppose House Bill 1916. This motion was seconded by Supervisor Richards.

Supervisor Davis moved a substitute to the substitute motion that the Board endorse House Bill 1916 if the legislation can be made prospective and permissive. This motion was seconded by Supervisor McConnell.

After further discussion among Board Members, Supervisor Hanley moved that the Board call the question on the substitute to the substitute motion (Supervisor Davis'). This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being out of the room.

For the purpose of clarity, Acting Chairman Hyland restated the substitute to the substitute motion (Supervisor Davis'): Endorse House Bill 1916 provided that the legislation could be made prospective and permissive in nature, and other conflicts be resolved.

The question was called on the substitute to the substitute motion (Supervisor Davis') which CARRIED by a recorded vote of five, Supervisor Hanley, Supervisor Moore, and Supervisor Richards voting "NAY," Supervisor Alexander being out of the room.

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

Acting Chairman Hyland returned the gavel to Chairman Moore.

LEGISLATION FOR 1992 GENERAL ASSEMBLY

Supervisor Hyland moved that the following two items, which were not included in the Board's 1991 legislative package, be included in the 1992 package:

- Legislation permitting the Board of Equalization (BOE) to have the authority to deny appellants, who come to the BOE challenging their property assessments, the right to introduce income data that was not previously furnished to the County. (This proposal is similar to a rule currently existing in the court system which specifies that information not produced by the appellant to the County cannot be introduced as evidence in court.); and
- Legislation requiring that the additional penalties that can be imposed by judges for drug possession and drug-related activities in school zones be made mandatory.

This motion was seconded by Supervisor Pennino and carried by a vote eight, Supervisor Alexander being absent.

HOUSE BILL 1396

Supervisor Hyland called to the Board's attention House Bill 1396, a bill amending the Code of Virginia relating to the establishment of a board of zoning appeals. It was noted that this item was included in the legislative package.

RESOLUTION ON THE DISPLAY OF FLAGS

Supervisor Hyland requested that later in the meeting when the Chesapeake Bay legislation is considered, the Board also address a resolution which references the display of flags at state facilities and take appropriate action.

(NOTE: Later in the meeting, action was taken to adopt a Resolution permitting County employees to display flags. See Clerk's Summary Item CL#32.)

SENATE BILL 682

Supervisor Davis requested that he be recorded in opposition to Senate Bill 682, a bill to amend the Code of Virginia relating to the local income tax.

Supervisor McConnell also requested that she be recorded in opposition to Senate Bill 682.

ADOPTION OF LEGISLATIVE PACKAGE

Supervisor Hanley clarified the position the Board had taken earlier to oppose House Bill 1916, unless the bill could be made permissive and prospective, and Supervisor Davis' and Supervisor McConnell's opposition to Senate Bill 682.

Supervisor Hanley then moved that the Board concur in the staff recommendation on the legislative package, including the amendments previously stated on Pages Four through Eight of the Clerk's Board Summary. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

ADEQUATE PUBLIC FACILITIES ORDINANCE

Supervisor Davis requested information on adequate public facilities ordinance legislation. It was noted that this legislation was carried over and stricken, and that another bill has been introduced to study the legislation.

(NOTE: Later in the meeting, additional actions were taken on various legislative matters. See Clerk's Summary Items CL#12, 15, 47, and 109.)

10A. ABSENCE OF LEE DISTRICT SUPERVISOR, JOSEPH ALEXANDER (TAPE 4)

Chairman Moore stated that Supervisor Alexander would be absent from the entire Board Meeting and that Supervisor Hyland would be acting on behalf of Supervisor Alexander regarding the Lee District appointments.

CM:CM

11. 10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (TAPE 4)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Supervisor Bulova moved the appointment of Mr. Paul Marlin as the Annandale District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

ADVISORY PLANS EXAMINER BOARD

CONFIRMATIONS:

Supervisor Pennino moved that the Board confirm the following appointments to the Advisory Plans Examiner Board:

- Mr. Irving Birmingham to fill the unexpired term of Ms. Michelle Brickner as the Department of Environmental Management Representative; and
- Mr. Claude D. Garver, Jr. as the Virginia Department of Transportation (VDOT) Representative.

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

AGRICULTURAL AND FORESTAL DISTRICTS ADVISORY COMMITTEE

Supervisor Richards moved the appointment of Ms. Deborah Fialka as the At-Large (Farmer) Representative to the Agricultural and Forestal

Districts Advisory Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Richards asked unanimous consent that the Board direct staff to amend the legislation of the Agricultural and Forestal Districts Advisory Committee requiring that a Member of the Board of Supervisors be on the committee that makes recommendations to the Board and the Planning Commission. Without objection it was so ordered.

CONFIRMATION:

Supervisor Pennino moved that the Board confirm the following appointment to the Agricultural and Forestal Districts Advisory Committee:

- Mr. Paul E. Smith as the Supervisor of Assessments.

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

CONFIRMATION:

Supervisor Hyland moved that the Board confirm the following appointment to the Alcohol Safety Action Program Local Policy Board:

- Mr. Bruce Blanchard to fill the unexpired term of Ms. Sarah Deneke as the Fairfax Bar Association Representative.

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

ATHLETIC COUNCIL

(NOTE: The appointment of the Lee District Representative to the Athletic Council was deferred.)

BOARD OF BUILDING CODE APPEALS - HOUSING HYGIENE DIVISION

Supervisor Davis moved the reappointment of Mr. Eugene Puryear as the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore moved the reappointment of Ms. Marissa C. Herrera as the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

(NOTE: The appointment of the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division was deferred.)

BOARD OF BUILDING CODE APPEALS - TECHNICAL DIVISION

[NOTE: The appointment of the At-Large (Builder) (Alternate) Representative to the Board of Building Code Appeals - Technical Division was deferred.]

Chairman Moore moved the reappointment of Mr. Jeffrey I. Twardy, Sr. as the At-Large (Citizen) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Pennino moved the reappointment of Mr. Michael F. LeMay as the At-Large (Licensed Archilect) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell moved the reappointment of Mr. D. Anthony Beale as the At-Large (Engineer) (Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Davis moved the reappointment of Mr. Joseph Underwood as the At-Large (Citizen) (Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

COMMISSION FOR DISABLED PERSONS

(NOTE: The appointment of the Providence District Representative to the Commission for Disabled Persons was deferred.)

COMMISSION FOR WOMEN

Supervisor McConnell moved the reappointment of Ms. Linda Hossenlopp as the Springfield District Representative to the Commission for Women. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander being absent.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Bulova moved the reappointment of Ms. Joseanne Z. Eisenhower as the Annandale District Representative to the Community Action Advisory Board. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore moved the reappointment of Mr. Rayma J. Miles as the At-Large Representative to the Community Action Advisory Board. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Richards moved the reappointment of Ms. Mary J. Cooper as the Dranesville District Representative to the Community Action Advisory Board. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland, on behalf of Supervisor Alexander, moved the reappointment of Mr. John A. Rosenthal as the Lee District Representative to the Community Action Advisory Board subject to confirmation by Supervisor Alexander upon his return. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

(NOTE: Later during appointments, further action was taken regarding the appointment of the Lee District Representative to the Community Action Advisory Board. See action at the bottom of this page following the appointments to the Community Improvement Committee.)

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

COMMUNITY IMPROVEMENT COMMITTEE

(NOTE: The appointments of the Annandale and the Lee District Representatives to the Community Improvement Committee were deferred.)

(NOTE: Later during appointments, action was taken to appoint the Centreville District Representative. See Page 18 of the Clerk's Board Summary.)

MOTION TO RECONSIDER APPOINTMENT
OF THE LEE DISTRICT REPRESENTATIVE
TO THE COMMUNITY ACTION ADVISORY BOARD

Supervisor Hyland moved to reconsider the appointment of the Lee District Representative to the Community Action Advisory Board. This motion was seconded by Supervisor Pennino and carried by a vote eight, Supervisor Alexander being absent.

Supervisor Hyland moved to defer, on behalf of Supervisor Alexander, the appointment of the Lee District Representative to the Community Action Advisory Board. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

CONSUMER PROTECTION COMMISSION

Supervisor Pennino moved the appointment of Mr. John Donelson as the At-Large (Resident/Fairfax County) Representative to the Consumer Protection Commission. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

COUNTYWIDE TRAILS COMMITTEE

(NOTE: The appointments of the At-Large, Providence, Centreville, and Dranesville District Representatives to the Countywide Trails Committee were deferred.)

Supervisor Hanley and Supervisor Richards asked unanimous consent that the Board direct staff to invite Mr. Edward Day and Mr. Robin Sabin to appear before the Board to receive a Certificate of Appreciation for recognition of their years of service on the Countywide Trails Committee. Without objection it was so ordered.

Supervisor Bulova moved the reappointment of Mr. Samuel V. Moore as the Annandale District Representative to the Countywide Trails Committee. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland, on behalf of Supervisor Alexander, moved the reappointment of Mr. Peter Dudley as the Lee District Representative to the Countywide Trails Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell moved the reappointment of Mr. N. Blaine Ballantyne as the Springfield District Representative to the Countywide Trails Committee. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Pennino moved the reappointment of Mr. Maurice Sovern as the Centreville District Representative to the Criminal Justice Advisory Board. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Davis moved the reappointment of Ms. Sherrelle East as the Mason District Representative to the Criminal Justice Advisory Board. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

ELECTRICAL ADVISORY AND LICENSING BOARD

Since there were two nominees for the At-Large position to the Electrical Advisory and Licensing Board, Supervisor Davis asked unanimous consent that the Board direct staff to determine whether one individual could be appointed as the Principal Representative and the other individual appointed as the Alternate Representative. Without objection it was so ordered.

[NOTE: The appointment of the At-Large (Citizen) Representative to the Electrical Advisory and Licensing Board was deferred until later in the meeting. See Clerk's Summary Item CL#107.]

EROSION AND SEDIMENT CONTROL REVIEW BOARD

Supervisor Richards moved the appointment of Mr. Frank B. Crandall as the At-Large (Citizen/Resident of Fairfax County) Representative to the Erosion and Sediment Control Review Board. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE

(NOTE: The appointment of the Dranesville Business District Representative to the Fairfax County Airports Advisory Committee was deferred.)

Supervisor Richards asked unanimous consent that the Board direct staff to respond to her request regarding the need for a Dranesville Business District Representative to the Fairfax County Airports Advisory Committee. Without objection it was so ordered.

Chairman Moore moved the appointment of Mr. Bob Brown as the At-Large Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland moved the appointment of Mr. Ronald E. Narmi as the Mount Vernon Business District Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland moved the appointment of Mr. Claude M. Schonberger as the Mount Vernon District Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor McConnell moved the reappointment of Mr. William Keech as the Springfield District Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

(NOTE: The appointment of the At-Large Representative to the Fairfax/Falls Church Community Services Board was deferred.)

HEALTH CARE ADVISORY BOARD

(NOTE: The appointment of the Annandale District Representative to the Health Care Advisory Board was deferred.)

HOUSING ASSISTANCE ADVISORY COMMITTEE

Supervisor Bulova moved the appointment of Mr. James F. Murphy as the Annandale District Representative to the Housing Assistance Advisory Committee. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

JUVENILE COURT CITIZEN ADVISORY COUNCIL

Supervisor Richards moved the appointment of Ms. Mary B. Suif as the Dranesville District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Chairman Moore moved the reappointment of Mr. Sam Borgan as the At-Large Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Hyland moved the reappointment of Ms. Elizabeth Alexander as the Mount Vernon District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Pennino moved the appointment of Ms. Jacqueline Shipp as the Centreville District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

MECHANICAL ADVISORY AND LICENSING BOARD

[NOTE: The appointment of the At-Large (Master Mechanic) Representative to the Mechanical Advisory and Licensing Board was deferred.]

Supervisor Davis moved the reappointment of Mr. Victor Fahringer as the At-Large (Manufacturer/Distributor) Representative to the Mechanical Advisory and Licensing Board. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

NORTHERN VIRGINIA REGIONAL JUVENILE DETENTION HOME COMMISSION

Supervisor Pennino moved the reappointment of Ms. Margaret S. Boyd as the At-Large (Fairfax County) Representative to the Northern Virginia Juvenile Detention Home Commission. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

PLUMBING ADVISORY AND LICENSING BOARD

[NOTE: The appointment of the At-Large (Class A Plumbing Contractor) Representative to the Plumbing Advisory and Licensing Board was deferred.]

POLICE RETIREMENT BOARD

Chairman Moore moved the appointment of Mr. Brent Baber as the At-Large (Citizen) Representative to the Police Retirement Board. This motion was seconded by Supervisor Pennino.

Supervisor Davis moved the reappointment of Mr. John M. Langford. This motion was seconded by Supervisor McConnell.

Following a show of hands vote, Mr. Baber was appointed to the Police Retirement Board.

Supervisor Davis moved that the Board direct staff to invite Mr. Langford to appear before the Board to receive a Certificate of Appreciation for recognition of his many years of service on the Police Retirement Board. This motion was seconded by Supervisor Richards and carried by a vote of eight, Supervisor Alexander being absent.

PROJECT SELECTION COMMITTEE

(NOTE: The deletion of the the Zion Drive Community Representative to the Project Selection Committee is noted in Administrative Item Five. See Clerk's Summary Item CL#57-5.)

TRANSPORTATION SAFETY COMMISSION

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

AD-HOCSCITIZENS COMMITTEE ON SOLID WASTE AND DISPOSAL MATTERS

[NOTE: The appointment of the At-Large (Alternate) Representative to the Citizens Committee on Solid Waste and Disposal Matters was deferred.]

Supervisor Bulova moved the appointment of Mr. Steve Morgan as the Annandale District (Alternate) Representative to the Citizens Committee on Solid Waste and Disposal Matters. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

CONFIRMATION:

Supervisor Davis moved that the Board confirm the following appointment to the Citizens Committee on Solid Waste and Disposal Matters:

- Ms. Diane H. Messer as the Fairfax Audubon Society (Alternate) Representative.

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

EMPLOYER CHILD CARE COUNCILCONFIRMATIONS:

Supervisor Hyland moved that the Board confirm the following appointments to the Employer Child Care Council:

- Ms. Lois C. Spreen as the International Business Machines Corporation (IBM) Representative; and
- Ms. Sallie R. Larsen to fill the unexpired term of Mr. Issac Brooks as the Corporate/Human Resources Representative.

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

FAIRFAX COUNTY PUBLIC SAFETY FACILITY
ADVISORY COMMITTEE (PSAC)

(NOTE: The appointment of the At-Large Representative to the Fairfax County Public Safety Facility Advisory Committee was deferred.)

COMMUNITY IMPROVEMENT COMMITTEE

Supervisor Pennino moved the appointment of Mr. Robert McIntyre as the Centreville District Representative to the Community Improvement Committee. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander being absent.

Supervisor Pennino asked unanimous consent that staff be directed to invite Ms. Monica Thompson to appear before the Board to receive a Certificate of Appreciation for her many years of service on the Community Improvement Committee. Without objection it was so ordered.

(NOTE: Additional appointments to BAC's were made later in the meeting. See Clerk's Summary Items CL#13, 16, 26, and 107.)

12. LEGISLATION REGARDING THE AFFORDABLE DWELLING
UNIT ORDINANCE (ADU) (TAPE 4)

Supervisor Hanley called to the Board's attention a message she received regarding House Bill 1968, a piece of legislation to affect the enabling authority of the Affordable Dwelling Unit Program. She stated that this issue would be discussed later in the meeting.

(NOTE: Later in the meeting, there was additional Board discussion on this matter. See Clerk's Summary Items CL#15 and 47.)

13. ECONOMIC DEVELOPMENT AUTHORITY (TAPE 4)

Supervisor Pennino moved the appointment of Mr. Emmett McHenry as the Citizen Member of the Economic Development Authority (EDA) to fill the unexpired term of Mr. David Ushio. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

PMH:PMH

14. RECESS (TAPE 5)

At 1:10 p.m. the Board briefly recessed the meeting and reconvened the meeting at 1:35 p.m. with all members being present with the exception of Supervisor Alexander, and with Chairman Moore presiding.

15. LEGISLATION REGARDING THE AFFORDABLE DWELLING UNIT ORDINANCE (ADU) (TAPE 5)

(NOTE: Earlier in the meeting there was discussion regarding this item. See Clerk's Summary Item CL#12.)

Supervisor Hanley distributed to Board Members information on the legislation regarding the Affordable Dwelling Unit (ADU) Ordinance which will be discussed later in the meeting.

(NOTE: Later in the meeting there was additional discussion regarding this item. See Clerk's Summary Item CL#47.)

16. APPOINTMENTS TO THE PRC TASK FORCE (TAPE 5)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved the following appointments to the PRC Task Force:

- Ms. Nancy Larson as the Reston Area Representative; and
- Mr. Ed Campbell as a Burke Area Representative.

Supervisor McConnell moved the appointment of the following individuals to the PRC Task Force:

- Mr. Duwain Ketch as a Burke Area Representative; and
- Ms. Patricia Moore as a Burke Area Representative.

The second to this motion was inaudible. The motion carried by a vote of eight, Supervisor Alexander being absent.

17. NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (NVSWCD) (TAPE 5)

Supervisor Moore stated that Mr. Jeffries, Executive Director, Northern Virginia Soil and Water Conservation District (NVSWCD), had advised her that the members of the NVSWCD passed a resolution of gratitude for the conservation policies and practices of the County of Fairfax.

18. ECONOMIC DEVELOPMENT AUTHORITY (EDA) PRESENTATION (TAPE 5)

Supervisor Moore stated that the Economic Development Authority (EDA) will appear before the Board of Supervisors at its February 11, 1991 meeting to make a presentation regarding the use of its money to help business in Fairfax County.

Therefore, Supervisor Moore moved that the Board indicate to the EDA that it would like to have the EDA present a program that informs the Board of how EDA policies will be helping:

- Tourism;
- Existing businesses in Fairfax County; and
- The attraction of business to Fairfax County with the understanding that one of Fairfax County's great assets is Dulles Airport and the attraction of the international trade similar to the effort given to making better relations with Essonne, France and building business relations. She pointed out that this is a priority in establishing policy for attraction of business.

This motion was seconded by Vice-Chairman Pennino and carried by a vote of eight, Supervisor Alexander being absent.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

19. AUTHORIZATION FOR STAFF TO PROCEED WITH A PLAN AMENDMENT (TAPE 5)

Following a request from the Planning Commission, Supervisor Davis moved that the Board authorize a Plan Amendment to consider a revision to the development criteria contained in the Policy Plan.

A brief discussion ensued with input from James P. Zook, Director, Office of Comprehensive Planning.

The second to this motion was inaudible. The motion carried by a vote of eight, Supervisor Alexander being absent.

20. A-4 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR ROUTE 7 IMPROVEMENTS FROM SEVEN CORNERS TO BAILEY'S CROSSROADS (MASON DISTRICT) (TAPE 5)

Supervisor Davis called to the Board's attention Action Item A-4 - Virginia Department of Transportation (VDOT) Project for Route 7 Improvements from Seven Corners to Bailey's Crossroads (Mason District).

Supervisor Davis stated that at the Board of Supervisors' meeting of December 10, 1990 it considered an item regarding the approval of the Virginia Department of Transportation (VDOT) plans for the widening of Route 7 between Seven Corners and Bailey's Crossroads. He said that two issues were raised at the public hearing and staff subsequently met with the citizens to discuss their concerns. Based on these discussions, Supervisor Davis moved that the Board endorse VDOT's plans for widening Route 7 between Bailey's Crossroads and Seven Corners, as presented at VDOT's October 23, 1990 public hearing, including the provisions for a five-foot sidewalk along the south side of Route 7, subject to the provision that VDOT consider and report to the Board of Supervisors on each of the following actions to address concerns expressed by the citizens at the public hearing:

- Provide a median break at the eastern leg of Glen Carlyn Drive to improve access to the Culmore Shopping Center. This would reduce the number of U-turns made at Glen Carlyn Road;
- Eliminate the right-turn lane from westbound Route 7 into the Waters Edge Condominiums at Lakeside Drive. Also, every effort should be made to preserve the existing landscaping along their property;
- Provide either an extension of the service drive west of Peace Valley Lane or a median break to provide improved access to and from westbound Route 7 for the First Christian Church and the Fairfax Funeral Home. This would reduce the number of U-turns that would have to be made at Patrick Henry Drive;

- Maintain the median break and signal at the Route 7 entrance to the Bailey's Crossroads Shopping Center until such time as its proximity to the interchange ramps with Columbia Pike and the Payne Street intersection creates operational problems. Upon closing of this intersection, a signalized entrance to the shopping center should be provided on Columbia Pike to facilitate safe access;
- Continue providing access to the residents at 6413 Leesburg Pike, consider maintaining a service drive in front of their building;
- Allow the placement of underground utilities under the continuous right-turn lane within the Bailey's Crossroads Commercial Revitalization area to minimize land acquisition costs and property impacts. This would allow Fairfax County to complete plans and proceed with burying utilities between Columbia Pike and Glen Carlyn Road. This work is funded as part of the County's Commercial Revitalization Program, Project Number 8910;
- With the increased cost of this project over the original estimates and the present lack of funds for right-of-way acquisition and construction, development of right-of-way and construction schedules should consider segmenting the project into two sections. The eastern end of the project, especially the part within the Bailey's Crossroads Revitalization area, is the first priority, with the Seven Corners end as the lowest priority, since it already has six lanes;
- Shift the curb along the Route 7 frontage of the Culmore Shopping Center by four feet which would reduce the considerable impacts on the shopping center's available parking. This site is an important part of the commercial revitalization in the area and this shift would help in maintaining the economic viability of the

existing use. This shift would not be recommended if this site were to develop prior to the construction of the Route 7 widening project;

- Defer construction of that portion of the project between Patrick Henry Drive and Route 50. Currently this portion of Route 7 has six lanes with left turn bays and service drives. The current problem is the interchange with Route 50 which needs substantial improvements. Any major modifications to this interchange would require the reconstruction of this portion of Route 7 and therefore it should be deferred until such interchange improvements are planned as well; and
- Provide sidewalks and trails along side Glen Carlyn Drive on the eastern side to connect with the existing sidewalks.

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

21. INCOME TAX RELIEF (TAPE 5)

Supervisor Davis stated that Congress recently enacted legislation that would allow deferment of the filing of income taxes for members of the armed forces serving in the Persian Gulf. Therefore, Supervisor Davis moved that the Board direct staff to determine how the Board could implement a policy for deferring interest payments and/or penalty payments on property taxes due resulting from individuals being active members of the armed forces. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being absent.

22. REDISTRICTING PROCESS (TAPES 5-6)

(BACs)

(Verbatim)

(1:50 p.m.)

Supervisor Davis stated that the Board of Supervisors had held a public hearing regarding the redistricting process. He said that a number of groups had requested the Board to appoint a Commission to come forward with early drafts of redistricting proposals. Therefore, Supervisor Davis moved that the Board:

- Appoint a Commission to work with the County staff and report back at the earliest possible date on criteria;
- Direct the Commission to report with several different options;
- Compose the Commission as follows:
 - * One Member appointed from each Supervisor District;
 - * One Member from the Black Community who could be the joint recommendation of the Urban League, Countywide Black Citizens, NAACP;
 - * One Member from the Hispanic Community;
 - * One Member from the Asian Community;
 - * One Member from the Federation of Citizens Associations;
 - * One Member from the League of Women Voters;
 - * One Member from the Fairfax County Chamber of Commerce;
 - * One Member from the Republican Committee;
 - * One Member from the Democratic Committee; and
 - * One Member to be appointed by the Chairman.

Supervisor Hanley pointed out that this issue had been tabled until a full Board could be present.

Supervisor Davis moved to bring this issue off the table. This motion was seconded by Supervisor Pennino and carried by a recorded vote of six, Supervisor Hanley and Chairman Moore voting "NAY", Supervisor Alexander being absent.

Supervisor Davis moved that the Board establish this Commission and make appointments at the Board of Supervisors meeting scheduled for February 11, 1991. This motion was seconded by Supervisor Pennino.

Following discussion, Supervisor Bulova moved to amend the motion to direct the Task Force provide the Board with a number of recommendations with the understanding that the Board is not bound by those recommendations and to also "bring in" additional organizations that might be interested in contributing, and this was accepted.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the motion be amended so that the Board votes serialim on the concept of the Commission and then its composition.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Supervisor Hanley moved a substitute motion that the Board:

- Defer Supervisor Davis' suggestion on a Task Force;
- Direct staff to report at the Board of Supervisors' Meeting scheduled for February 11, 1991 with the protocols for making information available;
- Direct staff to report with the principles and guidelines that were previously established during the last redistricting so that they can be addressed;
- Once protocols and principles are established, direct staff to report at the next meeting to address the issue of the Commission and its composition.

This motion was seconded by Supervisor Richards.

Chairman Moore suggested that once the "figures" are available staff could hold workshops on Saturdays making this information available to anyone who requests it.

Supervisor Hanley amended the substitute motion to include Chairman Moore's suggestion.

Following additional discussion, Supervisor Pennino moved to amend the substitute motion (Supervisor Hanley's) to request the staff to go forward with the request for protocol and that the Board request the Federation to establish an independent group based on the Supervisor Richards' list.

Following discussion, Supervisor Hanley accepted the amendment to the motion provided that the Federation be asked if it would establish an independent group.

The question was called on the substitute motion, and as amended, FAILED by a recorded vote of four, Supervisor Hanley, Supervisor Pennino, Supervisor Richards, and Chairman Moore voting "AYE," Supervisor Alexander being absent.

The question was called on the main motion which carried by a recorded vote of seven, Supervisor Pennino voting "NAY," Supervisor Alexander being absent.

23. LEAF COLLECTION DISTRICTS (TAPE 6)

Supervisor Davis moved that the Board direct staff to review the letters that he had received from the Rock Spring Professional Center and the Carlyn Square Homeowners Association requesting exclusion from the leaf collection district. The second to this motion was inaudible. The motion carried by a vote of seven, Supervisor Hanley being out of the room, Supervisor Alexander being absent.

24. URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA) GRANT (TAPES 6-8)

Supervisor Richards briefed the Board on the Urban Mass Transportation Administration (UMTA) Grant as it related to a western facility.

Supervisor Richards moved that the Board endorse the County staff participation in the joint Loudoun, Herndon, Fairfax, Virginia Department of Transportation (VDOT) effort to provide park-and-ride facilities on the airport property or nearby properties for the purpose of serving Loudoun commuters. This motion was seconded by Supervisor Pennino.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved an amendment to the motion that it be the objective of Fairfax County in going through this process that the parking at Herndon be reduced to approximately 850 - 1,000 spaces and that it be the goal to have additional parking farther out and particularly on the airport property.

Supervisor Richards stated that without the advice of the professionals she could not agree to a specific number at this time.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Moore suggested that the Board endorse the concept and the process and additionally request the assistance of Congressman Frank Wolf, UMTA Administrator Bryan Clymer, and Secretary Milliken in bringing this about.

Supervisor Moore moved a substitute motion that the initial parking at Monroe Street be limited to between 850 - 1,000 spaces. This motion was seconded by Supervisor Davis.

Supervisor Moore reiterated that she was suggesting that the Board vote on a concept and then request the assistance of Congressman Wolf, Mr. Clymer, and Secretary Milliken to bring this about.

VLL:VLL

(TAPE 8)

Thomas Davis Rust, Mayor, Town of Herndon, briefly related to the Board the town's position regarding the UMTA Grant.

Following Mayor Rust's remarks and brief Board discussion, Vice-Chairman Pennino requested, for the purpose of clarity, that Supervisor Richards restate her motion and to include any previously-stated amendments of Supervisor Moore that she had accepted as part of her motion.

Supervisor Richards restated her motion as follows:

- That the Board of Supervisors formally endorse a joint effort by the Counties of Loudoun and Fairfax, the Town of Herndon, and VDOT to:
 - * Establish a scope of work;
 - * Seek funds from the CTB to hire a consultant;
 - * Report to the local governments (Counties of Loudoun and Fairfax and the Town of Herndon) for approval of a site west of the present sites included in the UMTA Grant;
 - * Seek funds from the CTB, from the surplus Toll revenues, for the construction of such a parking lot; and
 - * Consider, if the funds are not forthcoming, the second, third, and fourth options for financing:

- + A Loudoun gas tax;
- + A third UMTA grant specifically for Loudoun County, with assistance from Congressman Wolf, Mr. Clymer; and
- + The Developer proffers issue.

Supervisor Richards stated that when the Toll Road extension is constructed there will be significant amounts of property on master plans that will include changes to industrial and commercial uses and proffers may be obtained. She stated that the financing of the lot is the second part of the issue. The initial effort in the very near future, she stated, is to get underway the scope of work, a request for proposal (RFP), and the request to the CIB. She stated that the Chairman of the Board of Supervisors should send a letter to:

- The CIB requesting funding; and
- The Metropolitan Washington Airports Authority (MWAA) requesting that it officially place in writing its willingness to host such a parking lot on airport property.

Supervisor Richards stated that she did NOT accept Supervisor Moore's amendment regarding a specific number of parking spaces.

For the purpose of clarity, Supervisor Moore restated her amendment to Supervisor Richards' motion as follows:

- That the purpose of the study would be to arrive at a goal of reduced parking at Monroe Street, with additional parking beyond; and
- That the Board would seek, rather than adopting as an amendment to the UMTA grant application, assistance from Congressman Wolf, Mr. Clymer, and Secretary Milliken to bring the above to fruition.

Supervisor Richards stated that she could not accept Supervisor Moore's amendment to her motion because it is not yet known where the parking lot in the west will be located.

Supervisor Moore moved an amendment to the motion which includes the entire concept:

- That the purpose of this study would be to reduce the parking at Monroe Street initially to approximately 850 to 1,000 parking spaces;
- That there be parking further west; and
- That the Board would seek, rather than adopting as an amendment to the UMTA grant application, assistance from Congressman Wolf, Mr. Clymer, and Secretary Milliken in bringing the above to fruition.

This motion was seconded by Supervisor Davis.

The question was called on the amendment (Supervisor Moore's) to the motion which FAILED by a recorded vote of five, Supervisor Davis and Supervisor Moore voting "AYE," Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Following further Board discussion, the question was called on the main motion (Supervisor Richards') which carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

Supervisor Richards stated that it was her assumption that staff would set up a "fast-track" for the RFP and scope of work, and that the objective would be to place it in the Dulles Corridor Study as a proposed demonstration project by June 1, 1991.

Vice-Chairman Pennino retained the gavel because Chairman Moore left the Board Room to attend to pressing business in the Board Conference Room.

25. TYSONS CORNER TASK FORCE MEETING SCHEDULED
(TAPE 8)

Supervisor Richards announced that a meeting has been scheduled for the Tysons Corner Task Force for January 30, 1991. She announced that the "kick-off" meeting for the Task Force would be attended by Supervisor Hanley, Supervisor Pennino, and herself.

26. APPOINTMENT TO THE TYSONS CORNER TASK FORCE
(TAPE 8)

(APPT)

Supervisor Richards moved the appointment of Ms. Sally Liff to replace Mr. S. Branson Marley, Dranesville District Representative to the Tysons Corner Task Force. She announced that Mr. Marley had moved to North Carolina. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor McConnell and Chairman Moore being out of the room, Supervisor Alexander being absent.

27. CITIZENS BUDGET OVERVIEW COMMITTEE (CBOC)
REQUESTED TO CONDUCT AN APPRAISAL OF THE
COUNTY'S ASSESSMENT PROCEDURES (TAPE 8)

Supervisor Richards stated that all Board Members receive a great many complaints regarding assessment procedures. For example, when one property owner greatly improves his or her property prior to selling, other property owners in the neighborhood feel that they are being treated unfairly when their assessment is based on an action that is not common to the entire neighborhood.

Supervisor Richards asked unanimous consent that the Board request the Citizens Budget Overview Committee (CBOC) to conduct an appraisal of the County's assessment procedures. Without objection, it was so ordered.

28. STAFF REQUESTED TO DETERMINE WHETHER VIDEO
TAPES OF BOARD MEETINGS COULD BE OVERLAPPED
TO ENSURE THAT ALL PORTIONS OF THE MEETINGS
ARE COVERED (TAPE 8)

Supervisor Richards asked unanimous consent that the Board direct staff to determine whether the cable video tapes of the Board meetings could be overlapped in a manner similar to that by which audio recordings for the meetings are overlapped. She stated that many times during the rebroadcasting of the meetings on Tuesdays and Saturdays on cable television, there are brief video tape changes where portions of critical discussions are not shown. Without objection, it was so ordered.

29. CLEARING OF THE COLONIAL PIPELINE EASEMENT
THROUGH THE ANNANDALE DISTRICT (TAPE 8)

Supervisor Bulova called to the Board's attention the fact that the Colonial Pipeline Company plans to clear its entire 50-foot easement in the Annandale District from Pickett Road, south of Route 236 to the University Shopping Center on Route 123, a distance of approximately three miles. She stated that the pipeline winds through a number of

subdivisions, including Starlit Ponds, Chestnut Hills West, Somerset Old Creek, Olde Forge, Braddock Green, Somerset South, Briarwood, Kings Park West, and the Park West Townhouses.

Supervisor Bulova stated that because Colonial Pipeline has made no attempt to clear the easement for the past 25 years, beautiful, mature trees have grown within the easement. She stated that the easement runs, in some cases through front yards, right up to the front porch of some dwellings.

While public safety is a first priority, Supervisor Bulova questioned whether it should always be necessary to remove all trees within the easement if:

- The location and species of the tree and the root structure are not of the type that will grow loward and touch the pipeline;
- The tree will not interfere with emergency access; and
- The easement can still be seen by the air or can be patrolled by foot or vehicle.

Supervisor Bulova moved that the Board fully support the following requests that she has previously made to the Colonial Pipeline Company:

- To refrain from clearing until the Company has met individually with each affected homeowner; and
- To try to reach a reasonable settlement regarding the extent of clearing or mitigating measures that can be taken to offset the damage this project will cause.

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

Supervisor Bulova expressed her appreciation to Richard L. Hoff, Chief, Arborist Branch, Design Review Division, Department of Environmental Management, and Steve Sinclair, Department of Consumer Affairs, for their invaluable assistance with this very difficult matter.

30. STARLIT PONDS - MAINTENANCE OF WET PONDS
(TAPE 8)

Supervisor Bulova stated that her office has been trying to assist residents of Starlit Ponds with problems associated with their wet ponds. She said that the homeowners association does not have the \$75,000 it would cost to dredge the ponds. She added that they have explored converting the ponds from wet to dry ponds, but there is a \$275,000 price tag to do this. According to the president of the association, their insurance company is now suggesting that they may begin charging \$100 per house per year to cover the liability of having the wet ponds. This would equate to a cost of \$13,000 per year.

Following discussion among Board Members, Supervisor Bulova asked unanimous consent that the Board direct staff to assist in finding creative solutions to this problem. Without objection, it was so ordered.

31. FOURTH ANNUAL TOWN MEETING SCHEDULED FOR
MOUNT VERNON DISTRICT (TAPE 8)

Supervisor Hyland announced that the Fourth Annual Town Meeting for Mount Vernon District has been scheduled for Saturday, February 2, 1991 from 9:00 a.m. until 2:00 p.m. at the Old Walt Whitman Intermediate School/Mount Vernon High School located at 8333 Richmond Highway. The following individuals are scheduled to respond to citizen concerns:

- Audrey Moore,
Chairman, Board of Supervisors;
- Richard A. King,
Acting County Executive;
- Anthony H. Griffin, Deputy County Executive
for Planning and Development;
- Verdian A. Haywood, Deputy County Executive
for Human Services;
- James P. McDonald, Deputy County Executive
for Management and Budget;
- John R. Byers, Planning Commissioner,
Mount Vernon District Representative;
- Armando M. Rodriguez, School Board Member,
Mount Vernon District Representative;

- Dr. Robert R. Spillane, Division Superintendent,
Fairfax County Public Schools;
- Donald Sheldon, Area One Superintendent,
Fairfax County Public Schools;
- Patricia S. Ticer,
Mayor, City of Alexandria;
- General Avid E. West,
Deputy Commander for Development, Fort Belvoir;
- O. Davis Brown, Transportation Advisory Commission,
Mount Vernon District Representative; and
- Sy Burdoux, Co-Chairman, Grist Mill Task Force;

Supervisor Hyland urged all interested persons to attend the meeting.

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

32. FAIRFAX COUNTY SCHOOL STUDENTS' RIGHT TO RALLY
IN SUPPORT OF THE TROOPS IN OPERATION DESERT
STORM AND BOARD POLICY REGARDING EMPLOYEES'
RIGHT TO DISPLAY THE FLAG OF THE UNITED
STATES OF AMERICA OR WEAR EMBLEMS THAT
SIGNIFY EMPLOYEE'S SUPPORT FOR SERVICE
MEN AND WOMEN WHILE ENGAGED IN CONFLICT
(TAPE 8)

(R)

- (P) Supervisor Hyland distributed to Board Members copies of a recent article headlined, "School Calls Off Rally for Troops." As a result of the article, he stated that his office has been inundated with telephone calls from citizens vehemently protesting the alleged action by officials in the Area One School District who, after originally granting support, cancelled Mount Vernon High School students' attempt to make and distribute free to its 1,500 student body buttons reading, "Keep America Free" and "DECA (Distributive Education Clubs of America) Supports the Troops in Saudi Arabia."

In light of the events during the past several days, Supervisor Hyland expressed his concern that young people's rights to speak out in support or against the war cannot and should not be abridged.

Accordingly, Supervisor Hyland moved that the Board request the Fairfax County School Board to:

- Review its current procedures applicable to student rallies and demonstrations, and the right of students to exercise freedom of speech while at school; and
- If found to be necessary, make changes to ensure that students have the chance to make their views known.

This motion was seconded by Supervisor Davis.

Supervisor McConnell asked that the motion be amended to include that the Board adopt the following Resolution and Board Policy:

In recognition of the many men and women from Fairfax County who are serving their country in the Persian Gulf and whose actions deserve our full support and prayers;

Be It Resolved that the Fairfax County Board of Supervisors make known that it fully endorses the action of the United States Government and its allies in the Persian Gulf, and such endorsement may be evidenced by the displaying of the Flag of the United States of America on all Fairfax County property; and

Furthermore, by this Resolution, the Board establishes the Policy that all Fairfax County employees shall have the right, while at work, to display the Flag of the United States of America or wear emblems that signify that individual's support for our service men and women while they are engaged in conflict.

This amendment was accepted.

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

33. PARK AUTHORITY REQUESTED TO NOTIFY
ADJOINING/ADJACENT PROPERTY OWNERS
DURING MASTER PLANNING PROCESS (TAPE 8)

Supervisor Hyland called to the Board's attention that recently, the Fairfax County Park Authority began its master planning process for Westgrove Park located on Fort Hunt Road. A resident, whose property abuts the Park, contacted Supervisor Hyland's office to advise him that

he had not been notified of the Park Authority's intentions to begin the planning process for the site even though the notices were sent to surrounding civic associations, baseball league officials, and other individuals.

Supervisor Hyland stated that while it is not a standard procedure to notify property owners until the process has reached the public hearing phase, he feels that this is a great disservice to the residents who will be most affected by the park development.

Following Board discussion, with input from William C. Beckner, Director, Fairfax County Park Authority, Supervisor Hyland moved that the Board request the Park Authority to review its notice policy and implement procedures for notification of adjoining/adjacent property owners during the initial planning phases of any prospective park development. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

34. COMMENDATION FOR MEMBERS OF FIRE AND
RESCUE DEPARTMENT'S EMERGENCY SERVICES
PERSONNEL (TAPE 8)

Supervisor Hyland distributed to Board Members copies of a letter that he had received from Mr. Robert Rudich. Mr. Rudich recently experienced a medical emergency when his wife was found comatose in their home. He stated that the personnel who responded to his 911 call had responded professionally and quickly and were extremely compassionate. Mr. Rudich expressed his appreciation to the following personnel for their outstanding performance during his difficult time:

- Lieutenant Richards, Medic 11;
- Sergeant Derricott, Medic 11;
- Sergeant Thompson, Squad 11;
- Technician Williams, Medic 11;
- Technician Schaeffer, Squad 11; and
- Technician Simcoe, Squad 11.

Supervisor Hyland moved that the Board direct the Office of Public Affairs to present the aforementioned individuals with Certificates of Appreciation and that an appropriate letter of transmittal from the Chairman be included in their personnel files. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

35. SPECIAL THANKS TO BELLEVIEW ELEMENTARY SCHOOL
(TAPE 8)

Supervisor Hyland stated that he had received a letter from a constituent describing a community service project that raised \$1,500 to help provide basic necessities, as well as toys, other gifts, and K-Mart gift certificates, for the most needy in the community - homeless families being sheltered in motels.

On behalf of the Board and the citizens of Fairfax County, Supervisor Hyland expressed his appreciation to the Belleview Elementary School Parents-Teachers Association (PTA), parents, students, faculty and staff, and in particular, Tommy Thompson, Principal, for their outstanding efforts.

Supervisor Hyland moved that the Board forward a letter of appreciation, under the Chairman's signature, to Mr. Thompson expressing the entire Board's congratulations on this special effort. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room, Supervisor Alexander being absent.

36. COMMENDATION TO THE DEPARTMENT OF PUBLIC
WORKS' STAFF (TAPE 8)

Supervisor Hyland stated that he had received a letter from the residents of Curtis and Braddock Avenues which provides specific, detailed and glowing praise for the staff of the Department of Public Works (DPW), Project Engineering Division, and Utilities, Planning and Design Division. In addition, Supervisor Hyland expressed his appreciation to the Project Foreman and work crew for General Excavation, Incorporated, for their leadership and concern for the residents' welfare.

Supervisor Hyland expressed his appreciation for a job well done to those already expressed in the letter.

Supervisor Hyland asked unanimous consent that the Board direct staff to place the letter of commendation in each of the individual personnel files for each staff person from DPW involved in the project. Without objection, it was so ordered.

37. INFORMATIONAL ITEM REGARDING DAVID M. GRIFFITH
AND ASSOCIATES, LIMITED (DMG) (TAPE 8)

Supervisor Hyland said that he received a letter from David M. Griffith and Associates, Limited (DMG), offering a variety of services in the storm water management field.

Supervisor Hyland said that the letter was addressed to Ms. Gerry Hyland and he stated for the record that there has been no biological metamorphosis of the elected representative in the Mount Vernon District.

Supervisor Hyland re-emphasized that minority male membership on the Board remains at three and he suggested that DMG stands for "Dig My Gender."

38. BUSINESS RECYCLING SYMPOSIUM (TAPE 8)

Supervisor Hyland stated that commercial refuse comprises 55 percent of the waste stream in Fairfax County. He said that in order to further reduce the waste stream and to better educate the business community on the benefits and methods of recycling, the Department of Public Works, in association with the National Wildlife Federation and Northern Virginia Planning District Commission (NVPDC), will be hosting a free one-day business recycling symposium this Wednesday, January 30, 1990 from 9:00 a.m. to 4:30 p.m. The symposium will be held at the National Wildlife Federation located at 8925 Leesburg Pike, Vienna. For further information please contact Tanis Skislak, Recycling Coordinator at 246-5436.

Chairman Moore expressed her appreciation to Ms. Skislak for her outstanding staff performance.

39. CONGRATULATIONS TO MICHAEL JOHNSON,
FAIRFAX COUNTY ARCHAEOLOGIST, FOR
RECEIVING NATIONAL RECOGNITION (TAPE 8)

Supervisor Hyland announced that Michael Johnson, Fairfax County's Archaeologist, has just been chosen by the Archaeological Society of Virginia as its Professional Archaeologist of the Year. This honor is given to one outstanding professional for contributions to historical preservation.

Supervisor Hyland noted that Michael has been with the Fairfax County Heritage Resources Branch for more than 12 years and has developed outstanding volunteer and training programs which have led people to change careers to go into archaeological work full time. Because of the expertise gained in this training program, volunteers are sought by the United States Fish and Wildlife Service, the National Park Service, and the Mount Vernon Estate, as well as from the private sector. Michael is now being sought after nationally to speak about his suburban archaeological volunteer program.

Supervisor Hyland asked unanimous consent that the Board:

- Express its gratitude to Michael Johnson for his commitment to preserving Fairfax County's heritage;
- Transmit a letter, under the Chairman's signature, congratulating Mr. Johnson, for receiving this national recognition; and
- Direct staff to place the letter of commendation in his individual personnel file.

Without objection, it was so ordered.

40. SAFE DISPOSAL OF FIRE RETARDANT PLYWOOD
(TAPE 8)

Supervisor Hyland distributed to each Board Member a copy of a resolution passed on January 23, 1991 by the Mount Vernon Council of Citizens Associations outlining the Council's grave concerns about the safe disposal of fire retardant plywood.

Noting that thousands of attached dwelling units and commercial buildings have been built with fire retardant plywood, Supervisor Hyland stated that it is now known that the chemicals used in treating the fire retardant plywood are not "locked in" and that the treatment industry is unregulated and their formulas are proprietary. He further stated that chemicals can migrate into ground water when disposed of in a debris landfill and that the Environmental Protection Agency (EPA) precludes this material from being burned because of its toxicity.

Therefore, because of these concerns, Supervisor Hyland moved that the Board direct staff to:

- Identify ways to safely dispose of fire retardant plywood; and
- Report back to the Board within two weeks with its recommendations.

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

41. ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) -
RECYCLING REDUCTION (TAPE 8)

Supervisor Hyland called the Board's attention to a resolution recently passed by the Environmental Quality Advisory Council (EQAC) regarding environmental education and practices in Fairfax County's school system. He noted that this resolution offers viable ways of raising the public awareness on environmental issues.

Therefore, Supervisor Hyland moved that the Board:

- Support the EQAC resolution;
- Notify the Fairfax County School Board of its support; and
- Encourage the School Board to consider the options presented by EQAC.

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

42. POSSIBLE MASS BURN INCINERATOR ASH EMISSION
(TAPE 8)

Supervisor Hyland stated that he has received telephone inquiries regarding the, "big plume of black smoke coming out of the stack of the mass burn incinerator." He further stated that he was told, upon investigation into the matter, that when the baghouse is being changed there is an approximate five to six minute particle emission. When the black smoke is visible, the baghouse is being changed, which cannot be avoided. He was also reminded that there is constant monitoring of the stack by the State Air Pollution Control Board, and that whenever there is a violation, it is automatically recorded and reported.

Displaying a sample of what is believed to be a stack emission during the night of January 25-26, 1991, Supervisor Hyland moved that the Board direct staff to:

- Investigate these events to determine the site from which the emission originated;
- Analyze the ash to determine what toxics are present;
- Determine how often and how long each event lasted, and how and when it can be rectified;

- Describe the ongoing training and experience of each employee who operates the controls of the Ogden Martin facility; and
- Report back to the Board with this information on February 11, 1991.

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

John W. diZerega, Director, Department of Public Works, and Joyce M. Doughty, Deputy Director, Solid Waste Division, briefly addressed the Board concerning this matter. Staff stated that following a review of the data, it had been determined that the residue had NOT been emitted from the mass burn incinerator.

Staff was directed to investigate and determine where the residue had been emitted from and report with its findings on February 11, 1991.

43. INTENT TO DEFER PH ON SPECIAL EXCEPTION
APPLICATION SE 89-P-079 (ORVAL E. GOODSEL)
(PROVIDENCE DISTRICT) (TAPE 8)

Supervisor Hanley announced her intent, at the appropriate time later in the meeting, to defer indefinitely the public hearing on Special Exception Application SE 89-P-079 due to the Planning Commission's indefinite deferral of its decision on this application.

(NOTE: Later in the meeting, this public hearing was deferred indefinitely. See Clerk's Summary Item CL#101.)

44. MATERIALS TESTING LABORATORY RECEIVES
NATIONAL CERTIFICATION (TAPE 8)

Supervisor Hanley announced that the Department of Environmental Management's (DEM), Design Review Division, Public Utilities Branch, Materials Testing Laboratory had been designated as the only such county government facility in the United States (U.S.) to be certified by the U.S. Department of Commerce's National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program.

Individual Board Members commended the outstanding performance of the Materials Testing Laboratory.

45. ELIMINATION OF FLYOVER PROFFERED BY
THE FRIENDSWOOD DEVELOPMENT COMPANY
(TAPE 8)

Supervisor Hanley called to the Board's attention a memorandum that she had received regarding the flyover proffered by the Friendswood

Development Company, Springfield District side of Route 50 at Waples Mill Road. She stated that the proffered flyover was to be eliminated and she asked unanimous consent that the Board direct staff to respond on how the elimination of the flyover will affect Rezoning Application RZ 90-P-040 which has additional items proffered on the opposite side of the road. In addition, she questioned whether there is any action that the Board could take to prevent the elimination of the flyover proffer. Without objection, it was so ordered.

46. CHANGE IN FAIRFAX COUNTY PUBLIC SCHOOLS POLICY ON THE EDUCATION OF EMPLOYEES FOR HIV ISSUES (TAPE 8)

Supervisor Hanley called to the Board's attention a memorandum dated January 17, 1991 that she had received from the Health Care Advisory Board (HCAB) indicating the change in the Fairfax County Public Schools (FCPS) policy on the education of the employees for HIV issues. As the designated advisory body, the HCAB recommended that the Board of Supervisors express its concerns to the FCPS regarding the change in education policies.

Supervisor Hanley moved that the Board express to the FCPS the concerns of the HCAB and request that the School Board provide additional information on the FCPS system current implementation plan for HIV education for its employees. This motion was seconded by Supervisor Hyland.

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

AR:AR

47. HOUSE BILL 1968 - AFFORDABLE HOUSING BILL
(TAPE 9)

With reference to line 45 of the last page of the Affordable Housing Bill which repeals Fairfax County's enabling authority, Supervisor Hanley moved that the Board of Supervisors:

- Oppose House Bill 1968; and
- Seek amendments which would leave Fairfax County's current enabling authority intact.

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

(NOTE: Earlier in the meeting, there was additional discussion regarding this item. See Clerk's Summary Items CL#12 and 15.)

48. CONCURRENCE WITH VACATION OF RIGHT-OF-WAY
FOR AMANDA PLACE (TAPE 9)

Supervisor Hanley moved that the Board of Supervisors concur with Rezoning Application RZ 89-P-002 so that the rezoning, including the proposed vacation of right-of-way for Amanda Place, which is a part of the application in which the Board owns the underlying fee to the title, may proceed. It is noted that this concurrence should not be construed as a favorable recommendation on the rezoning application by the Board of Supervisors, and does not relieve the applicant or owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room, Supervisor Alexander being absent.

49. PLAN AMENDMENT - ADDITIONAL PARCELS
(TAPE 9)

Supervisor Hanley referred to previous discussions regarding the Plan Amendment criteria and asked unanimous consent that the Board direct staff to address the issue of how additional parcels, which are included in the Plan, relate to the existing zoned parcels in that particular area. Without objection, it was so ordered.

50. INCREASE IN NUMBER OF TRUSTEES FOR THE
HOUSING TRUST FUND (TAPE 9)

Supervisor Davis asked unanimous consent that the Board request the Housing Subcommittee (Supervisor Hanley and Supervisor Hyland) to meet in order to discuss a possible increase in the number of trustees for the Housing Trust Fund. Without objection, it was so ordered.

51. STAFF TO BEGIN IMMEDIATELY TO WORK WITH
PRC TASK FORCE (TAPE 9)

(APPT)

Referring to the Board's earlier discussion with regard to the PRC Task Force, Supervisor Pennino asked unanimous consent that the Board:

- Direct staff to begin immediately working with the PRC Task Force in order that some action may come forth within a three or four month period; and

- Appoint Ms. Nancy Larson as the Chairman of the PRC Task Force.

Without objection, it was so ordered.

(NOTE: Earlier in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#16.)

52. SALUTE TO J. HAMILTON LAMBERT (TAPE 9)

Supervisor Pennino briefed Board Members on the upcoming "Salute to J. Hamilton Lambert" at the Tysons Sheraton. She announced that the Master of Ceremonies will be Former Governor Baliles. In addition, Supervisor Pennino noted that there will be an open reception, with a cash bar, beginning at 6 p.m., and that persons who wish to only attend the reception may do so without purchasing a dinner ticket.

53. CORRECTION OF THE RECORD TO REFLECT THE NEED FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF WAPLES MILL ROAD AND HISTORY DRIVE (TAPE 9)

Supervisor Pennino announced that the Virginia Department of Transportation (VDOT) had agreed to place a four-way stop sign at the intersection of Bronzedale Drive and History Drive.

In addition, Supervisor Pennino moved that the Board direct staff to:

- Correct the record to reflect that the citizens have requested a traffic signal at the intersection of Waples Mill Road and History Drive; and
- Prepare a letter to VDOT which includes this correction.

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

54. USE OF COUNTY-OWNED PROPERTY BY THE CHANTILLY YOUTH ASSOCIATION (TAPE 9)

Supervisor McConnell stated that she had been contacted by the Chantilly Youth Association (CYA) regarding the use of County-owned property at the Route 50/Stringfellow Road intersection on an interim basis for ball fields. She noted that Chantilly, like other parts of Fairfax County, suffers from a shortage of soccer and ball fields. The parcel in question is approximately 23 acres on which the Chantilly Library and other County facilities will be built.

Supervisor McConnell further stated that the CYA is interested in renting part of the 23 acres, on an interim basis, and is willing to contribute materials and labor to develop the facilities.

Therefore, Supervisor McConnell moved that the Board direct staff to evaluate this proposal and report back as expeditiously as possible with its recommendations. This motion was seconded by Supervisor Hanley and carried by a vote of five, Supervisor Bulova, Supervisor Davis, and Supervisor Pennino being out of the room, Supervisor Alexander being absent.

55. APPROVAL OF LOT LINE ADJUSTMENTS (TAPE 9)

Noting that certain homeowners have been unable to obtain approval of simple lot line adjustments due to a technicality in the existing provisions of Section 2-405 of the Zoning Ordinance, Supervisor McConnell asked unanimous consent that the Board direct the Zoning Administrator to review this problem and report back to the Board on February 11, 1991 with an explanation of this issue. Without objection, it was so ordered.

56. SHOW OF SUPPORT FOR VIRGINIA TROOPS IN THE PERSIAN GULF (TAPE 9)

Supervisor McConnell stressed the importance of a show of support by Virginia's elected officials for Virginia's troops stationed in the Persian Gulf. As a precedent for the entire nation, she suggested that it might be appropriate for the Board to request the State of Virginia to cooperate in the design of a little pin which is a cross of two flags, the American flag and the Virginia flag, with a little plaque under it which says, "Your elected official supports you." The military command would be requested to allow the men and women in our Armed Forces, who are from the State of Virginia, to wear this pin while in the Persian Gulf.

Following discussion, Supervisor McConnell asked unanimous consent that the Board direct staff to examine the costs involved in producing such a pin.

Supervisor Hanley asked that the request be amended to include a review of this suggestion by the Virginia Association of Counties (VACo).

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

SBE:SBE

57. ADMINISTRATIVE ITEMS (TAPE 10)

Supervisor Pennino moved approval of the Administrative Items.

Supervisor Hanley asked unanimous consent that the Board defer its action on Administrative Item Six until later in the meeting to allow additional time for staff to report with information on the Fire Prevention Code. Without objection, it was so ordered.

[NOTE: Later in the meeting action was taken on Administration Item Six - Authorization to advertise a Public Hearing on Proposed Amendments to the Code of The County of Fairfax, Chapter 62 (Fire Prevention) to Reflect the Adoption of the 1991 Virginia Statewide Fire Prevention Code. See Clerk's Summary Item CL#86.]

Supervisor McConnell asked unanimous consent that Administrative Item Three be pulled for separate consideration. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on Administrative Item Three - Additional Time to Commence Construction for Special Exception Application SE 88-L-071. See Clerk's Summary Item CL#58.)

The motion was seconded by Supervisor Hyland, with the amendments to pull Administrative Items Three and Six from consideration, which carried by a vote of six, Supervisor Bulova and Supervisor Davis being out of the room, Supervisor Alexander being absent.

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

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated January 28, 1991 be recommended for acceptance into the State Secondary System.

ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 88-L-071
(IMMANUEL CHRISTIAN SCHOOL, INCORPORATED)
(LEE DISTRICT)

- (ET) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 88-L-071 until October 17, 1991 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 87-S-026 (LA
PETITE ACADEMY, INCORPORATED) (SPRINGFIELD
DISTRICT)

(NOTE: Later in the meeting, action was taken on Administrative Item Three - Additional Time to Commence Construction for Special Exception Application SE 88-L-071. See Clerk's Summary Item CL#58.)

ADMIN 4 - REVIEW OF RESTON BRADLEES CENTER SITE
PLAN NUMBER 7496-SP-01-2 (CENTREVILLE DISTRICT)

Reviewed and authorized the Director of the Department of Environmental Management (DEM) to approve Reston Bradlees Center, Site Plan Number 7496-SP-01-2, Tax Map 17-1, Centreville District, in accordance with normal procedures.

ADMIN 5 - AMENDMENT TO MEMBERSHIP OF THE FAIRFAX
COUNTY PROJECT SELECTION COMMITTEE

(BACs)

Amended the membership of the Fairfax County Project Selection Committee (PSC) by DELETING the Zion Drive Community from representation.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING ON PROPOSED AMENDMENTS TO THE CODE OF
THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE
PREVENTION) TO REFLECT THE ADOPTION
OF THE 1991 VIRGINIA STATEWIDE FIRE
PREVENTION CODE

[NOTE: Later in the meeting action was taken on Administration Item Six - Authorization to advertise a Public Hearing on Proposed Amendments to the Code of The County of Fairfax, Chapter 62 (Fire Prevention) to Reflect the Adoption of the 1991 Virginia Statewide Fire Prevention Code. See Clerk's Summary Item CL#86.]

58. ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 87-S-026 (LA
PETITE ACADEMY, INCORPORATED) (SPRINGFIELD
DISTRICT) (TAPE 10)

(ET) Supervisor McConnell moved that the Board approve the request for additional time to commence construction for Special Exception Application SE 87-S-026 pursuant to the provisions of Section 9-015 of

the Zoning Ordinance. This motion was seconded by Supervisor Pennino and carried by a recorded vote of seven, Supervisor Hyland voting "NAY," Supervisor Alexander being absent.

In response to a query by staff, Supervisor McConnell clarified that the intent of her motion had been to approve six months additional time for the applicant.

59. A-1 - PUBLIC HEARING DOCKET FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PROPOSED FARE INCREASE FOR FY 1992 (COUNTYWIDE) (TAPE 10)

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

- Endorse the proposed Metrorail and Metrobus fare increases of the maximum level approximately 18 percent; and
- Direct staff to present the endorsement at the upcoming Washington Metropolitan Area Transit Authority (WMATA) public hearings prior to final decision on magnitude of fare increases for Fiscal Year (FY) 1992.

This motion was seconded by Supervisor Pennino.

Following Board discussion regarding the increase in fares, Supervisor Hanley stated that she would circulate to Board Members additional information regarding the elasticity of demand, the question was called on the motion which carried by a recorded vote of six, Supervisor Hyland and *Supervisor McConnell voting "NAY,"* Supervisor Alexander being absent.

(*NOTE: Later in the meeting, Supervisor McConnell asked unanimous consent to be recorded as voting NAY on this matter and, without objection, it was so ordered. See Clerk's Summary Item CL#64.*)

60. A-2 - AUTHORIZATION TO MAKE COMMUTER RAIL PAYMENT (ANNANDALE, LEE, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (TAPE 10)

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

- Authorized the payment of \$608,828 to the Northern Virginia Transportation Commission (NVTC); and

- Accepted the responsibility to pay an estimated cost of \$295,000 for the construction of the Burke Centre Commuter Rail Station Bus Loop.

These payments represent Fairfax County's share of the balance of the local match associated with the Virginia Railway Express (VRE) capital facilities grant. Fairfax County's share of the local match balance, which is due February 1, 1991, is \$904,828.

61. A-3 - AUTHORIZATION TO ENTER INTO A CONTRACT OF SALE AND A RIGHT-OF-ENTRY AGREEMENT WITH THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FOR THE BACKLICK ROAD COMMUTER RAIL STATION SITE (LEE DISTRICT) (TAPE 10)

On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and authorized the Acting County Executive to enter into a Contract of Sale and a Right-of-Entry Agreement with the Washington Metropolitan Area Transit Authority (WMATA) for the Backlick Road Commuter Rail Station Site, Tax Map Number 80-2 ((1)) 24, Lee District, consistent with the following parameters:

- Fairfax County will pay WMATA approximately \$1,000,000 for the property;
- Fairfax County will make an initial payment of \$500,000 to WMATA. The remaining \$500,000 will be paid in equal installments of \$100,000 over approximately a five-year period, subject to annual appropriations. The County will pay interest on the deferred balance at a rate equal to WMATA's investment portfolio;
- The property will revert to WMATA at no cost, if it ceases to be used for public transportation purposes for a period of six to 12 months; and
- WMATA will reserve the right to pursue Joint Development activities on the site, in accordance with the Fairfax County Zoning Ordinance, and would retain all resulting revenues.

62. A-4 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR ROUTE 7 IMPROVEMENTS FROM SEVEN CORNERS TO BAILEY'S CROSSROADS (MASON DISTRICT) (NO TAPE)

[NOTE: Earlier in the meeting, action was taken on Action Item Four - Virginia Department of Transportation (VDOT) Project plans for widening Route 7 between Bailey's Crossroads and Seven Corners, as presented at VDOT's October 23, 1990 public hearing, including the provisions for a five-foot sidewalk along the south side of Route 7 and subject to VDOT's consideration of other various concerns. See Clerk's Summary Item CL#20.]

63. A-5 - GUIDANCE TO STAFF REGARDING POSSIBLE BUS SERVICE CUTS (COUNTYWIDE) (TAPE 10)

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation staff, Supervisor Hanley moved that the Board concur in the recommendation of staff and take the following actions necessary to implement bus service reductions/enhancements in the context of Fiscal Year (FY) 1992 funding requirements:

- Direct staff to develop a bus service reduction package that saves \$500,000 to be used to either reduce the FY92 General Fund transfer required for public transportation or implement potential FY92 bus service enhancements; and
- Direct staff to develop an additional bus service reduction package to save an additional \$500,000 to be used to reduce the FY92 General Fund transfer required for public transportation.

This motion was seconded by Supervisor Pennino and carried by a recorded vote of seven, Supervisor Richards voting "NAY," Supervisor Alexander being absent.

64. REQUEST TO RECORD VOTE ON A-1 - PUBLIC HEARING DOCKET FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PROPOSED FARE INCREASE FOR FISCAL YEAR (FY) 1992 (COUNTYWIDE) (TAPE 10)

[NOTE: Earlier in the meeting, action was taken on Action Item One - Public Hearing Docket for Washington Metropolitan Area Transit Authority (WMATA) Proposed Fare Increase for Fiscal Year (FY) 1992. See Clerk's Summary Item CL#59.]

Supervisor McConnell referred to the Board's earlier action taken on Action Item One. She asked unanimous consent to be recorded as voting "NAY" on this matter. Without objection, it was so ordered.

65. A-6 - COMMUTER PARK-AND-RIDE AGREEMENT WITH THE HECHINGER COMPANY (MASON DISTRICT) (TAPE 10)

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:

- Approved the proposed Park-and-Ride Agreement with the Hechinger Company (as contained in Attachment One of the Memorandum to the Board dated January 28, 1991) for 56 commuter parking spaces at 6555 Little River Turnpike (near intersection with Braddock Road), Mason District; and
- Authorized the Acting County Executive to sign the agreement.

66. A-7 - BOARD APPROVAL OF PROPOSED REDUCTION OF MEDIA GENERAL CABLE PERFORMANCE BONDS (TAPE 10)

On motion of Supervisor Pennino, seconded by Supervisor Bulova, and carried by a vote of eight, Supervisor Alexander being absent, the Board concurred in the recommendation of staff and approved a restoration agreement and associated insurance riders to reduce Media General Cable's (MGC) two performance bonds (one each for the North County and South County franchise areas) from \$250,000 each to \$50,000 each, with the condition that they may be raised back to \$250,000 each upon 30 days notice by Fairfax County.

67. A-8 - APPROVAL OF A REVISED SERVICE AGREEMENT BETWEEN THE COUNTY AND THE FAIRFAX HOSPITAL SYSTEM (FHS) (TAPE 10)

On motion of Supervisor Pennino, seconded by Supervisor Bulova, and carried by a recorded vote of six, Supervisor Davis and Supervisor Hyland abstaining, 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 System (FHS). The revised service agreement continues the current placement

of senior eligibility workers from the DHD at Fairfax and Mount Vernon Hospitals on a full-time basis to accept and process applications for financial and medical assistance; and

- Approved one Eligibility Supervisor position (S-21, 1.0 SYE) and one Senior Eligibility Worker position (S-17, 1.0 SYE) for the DHD. These positions are in addition to the existing three staff positions and are necessary to meet increasing caseload demands at Fairfax Hospital. Total DHD staff to be assigned to FHS will be five positions. DHD will also purchase a computer with mainframe access for the onsite workers at Fairfax Hospital.

68. A-9 - SUPPLEMENTAL APPROPRIATION RESOLUTION
AS 91035 FOR THE OFFICE FOR CHILDREN HEAD
START EXPANSION GRANT AND PROGRAM
IMPROVEMENT FOR THE HEAD START
PARENT AND CHILD CENTER PROGRAM
(TAPE 10)

(SAR)

On motion of Supervisor Davis, 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 Supplemental Appropriation Resolution AS91035, in the amount of \$468,481, for a supplemental federal Head Start Expansion grant for preschool children, which also includes one-time only program improvement funds for the Head Start Parent and Child Center (PCC) program.

69. A-10 - AMEND COUNTY'S GENERAL RELIEF PLAN TO
TERMINATE THE PROVISION OF EMPLOYABLE ASSISTANCE
SERVICES TO HOUSEHOLDS WITHOUT MINOR CHILDREN AS
ADMINISTERED BY THE DEPARTMENT OF HUMAN
DEVELOPMENT (TAPE 10)

On motion of Supervisor Hanley, 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 an amendment to Fairfax County's General Relief Plan to allow for the termination of Employable Assistance services to households without minor children as administered by the Department of Human Development (DHD). (Pending Board approval and notification to the State on January 29, 1991, the DHD intends to terminate these services effective March 1, 1991.)

70. A-11 - FINAL SELECTION FOR THE AWARD OF FAIRFAX COUNTY HOUSING TRUST FUNDS FOR WESLEY HOUSING DEVELOPMENT CORPORATION AND DOUGLAS FRANK APPLICATIONS (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 for final selection the applications for the Wesley Housing Development Corporation (WHDC) and Douglas Frank for funding under Round One of the Fairfax County Housing Trust Funds.

71. A-12 - ESTABLISHMENT OF THREE FEDERALLY FUNDED POSITIONS IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO ADMINISTER NEW ALLOCATIONS OF HOUSING CERTIFICATES AND VOUCHERS (TAPE 10)

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 approved the action by the Fairfax County Redevelopment and Housing Authority (FCRHA) to establish three (2.5 SYE) Section 8 funded positions, at an annual cost of \$82,258, within the Department of Housing and Community Development (HCD) to administer a new allocation of 120 Section 8 Housing Vouchers and Certificates. These Vouchers and Certificates assist low and moderate income residents, of which 50 are specifically designated for homeless families participating in Project Homes.

(NOTE: Because the federal Section 8 program pays fees necessary to administer new allocations, no County funding is required.)

72. A-13 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC PURPOSES (SILVERBROOK ROAD AND REALIGNED SILVERBROOK ROAD NORTH OF LORTON ROAD) (MOUNT VERNON DISTRICT) (TAPE 10)

(DC)

(R)

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 the density credit for the portion of the following lots or parcels that are to be dedicated for public use and for public street purposes in accordance with the deed of dedication which is to be recorded. Based on the information available, the following approximate amounts of land are to be dedicated from the following Tax Map Parcels:

<u>Tax Map Reference</u>	<u>Density Credit</u>
107-4 ((1)) 1	3.94 acres
107-4 ((9)) 4	0.01 acres
107-4 ((9)) 5	0.03 acres
<u>TOTAL</u>	3.98 acres

73. C-1 - APPEAL OF SITE PLAN NUMBER 7568-SP-01-2,
ASHLEY HOUSE, TAX MAP NUMBER 70-2-((14))-A-2
(ANNANDALE DISTRICT) (TAPE 10)

(LEGAL)

The Board next considered an Item contained in the Memorandum to the Board dated January 28, 1991 requesting the Board's consideration of an appeal of the Planning Commission's decision to uphold the denial of Site Plan Number 7568-SP-01-2, Ashley House, by the Director of the Department of Environmental Management (DEM). The basis for the Director's denial of this Site Plan was his decision that further review of the Site Plan was not justified as the issue of whether Parcel A-2 may be developed at all under the provisions of the Virginia Condominium Act (Va. Code 55-79.39 to 55-79.103, 1986, and Supp., 1988) has not been satisfactorily addressed.

Following Board discussion, with input from Thomas E. Helf, Attorney, Stauffer and Abraham, representing the appellant, Supervisor Bulova stated that the applicant has not shown that Parcel A-2 is properly withdrawn from the original condominium regime or has otherwise demonstrated that the parcel is developable. These factors, coupled with the fact that the Site Plan showed other ordinance deficiencies, including structures to be built within the recorded floodplain easement held by the Board contributes to her motion to uphold the decision.

Accordingly, Supervisor Bulova moved that the Board uphold the November 15, 1990 decision of the Planning Commission to affirm the decision of the Director of DEM to DENY Site Plan Number 7568-SP-01-2, Ashley House, Annandale District, for the reasons stated in the Staff Report, as well as the reasons stated in her closing remarks. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

74. I-1 - IMPLEMENTATION OF PHASE II VAPOR RECOVERY
IN COUNTY-OWNED GASOLINE SITES (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting:

- Authorization for Emergency Management Transportation Agency (EMTA) staff to proceed to schedule the implementation of Phase II Vapor Recovery at the 13 sites with throughput greater than 10,000 gallons per month, in the sequence noted in the Memorandum; and
- That the 10 remaining sites be considered for implementation on a case-by-case basis and implemented at a later date where practical.

Supervisor Hyland moved an amendment that the Board approve an additional \$14,000 to place the vapor recovery devices at ALL County-owned gasoline facilities that are to remain open. This motion was seconded by Supervisor Pennino.

Following Board discussion regarding consolidation of the facilities and the cost of the vapor recovery devices, the question was called on the motion which carried by a recorded vote of six, Supervisor Davis and Supervisor McConnell voting "NAY," Supervisor Alexander being absent.

75. I-2 - INCREASED COLLECTION OF DELINQUENT ACCOUNTS
(TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 regarding increased collection of delinquent accounts.

76. I-3 - EMERGENCY LIGHTING REQUIREMENTS FOR BUILDINGS
(TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 regarding emergency lighting requirements for buildings.

77. I-4 - CONSTRUCTION NOISE (TAPE 10)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 presenting the status of a proposed amendment to the Noise Ordinance concerning the issue of construction noise early on weekends and noise associated with a 6:00 a.m. start time for trash collection.

78. I-5 - DETAILS OF THE "MANAGEMENT INITIATIVES" IN
THE FISCAL YEAR (FY) 1991 MIDYEAR REVIEW
(TAPES 10-11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 presenting the details of the "Management Initiatives" included in the Fiscal Year (FY) 1991 Midyear Review.

Because of the lateness in the hour, Supervisor Hanley asked unanimous consent that the Board defer its discussion on Information Item Five until February 11, 1991.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, it was the consensus that staff report to the Board with significant issues for discussion.

Without objection, it was so ordered.

79. I-6 - REDUCTION OF TIME DURING WHICH COUNTY DECALS
ARE SOLD AT SATELLITE LOCATIONS (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Not open three satellite locations (Iysons Corner, McLean and Woodlawn) this year and the remaining satellite locations for decal sales will not open until April 1, 1991 (a three week delay).

The hours of operation will be changed to Monday through Friday, 12:30 p.m. to 7:30 p.m. and Saturday 9:00 a.m. to 2:00 p.m. (except Fort Belvoir). The time change allows the County to extend the evening hours, thus accommodating commuters, while not inappropriately inconveniencing other citizens.

The staff was directed administratively to proceed as proposed.

80. I-7 - CONTRACT AWARDS - OPEN-END SURVEY SERVICES
(COUNTYWIDE) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Add the firm of Rinker-Detwiler and Associates to the names of eight selected firms awarded a contract on December 3, 1990 for open-end survey services with the Fairfax County Park Authority.

The staff was directed administratively to proceed as proposed.

81. I-8 - CONTRACT AWARD - RELOCATION CONSULTANT FOR
MOVE OF FAIRFAX COUNTY GOVERNMENT OFFICES TO THE
NEW GOVERNMENT CENTER COMPLEX (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Award a contract to ORS Associates in the amount of \$258,885 contingent on annual appropriations to obtain a relocation consultant to assist with the New Government Center team in developing a move sequence analysis and detailed occupancy plans. Additionally, the relocation consultant will assist with coordinating and directing each phase of the move.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Davis moved, because of the lateness of the hour, that the Board defer its discussion on this item until February 11, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Alexander being absent.

82. I-9 - CONTRACT AWARD - FINANCIAL CONSULTING
SERVICES FOR FAIRFAX COUNTY INTEGRATED
SEWER SYSTEM (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Award a contract to Black and Veatch in the amount of \$80,000 to provide financial consulting services for the Fairfax County Integrated Sewer System.

The staff was directed administratively to proceed as proposed.

83. I-10 - ARCHITECTURAL CONTRACT AWARD TO GAUTHIER, ALVARADO AND ASSOCIATES, INCORPORATED, FOR THE DESIGN OF THE BOYS PROBATION HOME EXPANSION (SPRINGFIELD DISTRICT) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Award a contract to Gauthier, Alvarado and Associates, Incorporated, in the amount of \$232,778 for the design of the Boy's Probation Home Expansion, Project 89A006, Boys Probation Home Expansion, in Subfund 471, County Bond Construction.

The staff was directed administratively to proceed as proposed.

Supervisor McConnell asked unanimous consent that the Board direct staff to report with the final cost of the facility. Without objection, it was so ordered.

84. I-11 - CONTRACT AWARDS - OPEN END ARCHAEOLOGICAL SERVICES (COUNTYWIDE) (TAPE 11)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 28, 1991 requesting authorization for staff to:

- Award a contract to Engineering-Science, Incorporated, Polomac River Archaeology Survey, Incorporated and Christopher Goodwin and Associates for a period of two years in the amount of \$50,000.

The services required from the consulting firms include the following:

- Conduct Phase I and Phase II archaeological surveys on parkland designated for utility construction easements;
- Mitigate site specific archaeological resources necessitated by Park Development projects; and
- Comply with Park Authority Policy 601, Procedure for Adopting Master Plan Design.

The staff was directed administratively to proceed as proposed.

There was brief discussion on this item, with input from staff.

85. ORDERS OF THE DAY (TAPE 11)

Because of the lateness of the hour, Supervisor Davis asked unanimous consent that the Board proceed with the public hearing scheduled on the proposed adoption of a Resolution endorsing pending State legislation to provide a property tax exemption for certain property owned by the Greater Washington Jewish Community Foundation of Virginia, Incorporated. Without objection, it was so ordered.

(NOTE: The public hearing was held on this matter out of order. See Clerk's Summary Item CL#87.)

86. ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PREVENTION) TO REFLECT THE ADOPTION OF THE 1991 VIRGINIA STATEWIDE FIRE PREVENTION CODE (TAPE 11)

- (A) Following discussion regarding underground tank regulations, with input from staff, Supervisor Hanley moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on February 25, 1991 on proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection) to reflect the adoption of the 1991 Virginia Statewide Fire Prevention Code by the State Board of Housing and Community Development effective March 1, 1991. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor McConnell, Supervisor Pennino being out of the room and Supervisor Alexander being absent.

CM:CM

87. 3:30 P.M. - PH ON SPECIAL LEGISLATION TO PROVIDE TAX EXEMPTION FOR CERTAIN PROPERTY OWNED BY THE GREATER WASHINGTON JEWISH COMMUNITY FOUNDATION OF VIRGINIA, INCORPORATED (TAPE 11)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issue of January 22, 1991.

Following the public hearing, Supervisor Davis moved adoption of a Resolution endorsing pending State legislation to provide a property tax exemption for certain property owned by the Greater Washington Jewish Community Foundation of Virginia, Incorporated. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander being absent.

88. BOARD RECESS (TAPE 11)

At 5:10 p.m. the Board recessed briefly, and, at 5:30 p.m., reconvened in the Board Room with all Board Members present, with the exception of Supervisor Hanley, Supervisor McConnell, and Supervisor Alexander, and with Chairman Moore presiding.

89. 3:30 P.M. - ANNUAL MEETING OF THE FAIRFAX COUNTY
SOLID WASTE AUTHORITY (TAPE 12)

At 5:35 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Moore in accordance with Article III, Section 1 of the Bylaws.

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

OFFICERS

Audrey Moore Chairman, Fairfax County Board of Supervisors	Chairman
Martha V. Pennino Vice-Chairman, Fairfax County Board of Supervisors	Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	Secretary
Richard A. King Acting County Executive	Executive Director
David T. Stitt County Attorney	Attorney
Susan S. Planchon Director, Office of Finance	Treasurer
John W. diZerega Director, Department of Public Works	Authority Representative

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

Supervisor Pennino moved approval of:

- The minutes for the Fairfax County Solid Waste Authority from its meeting of January 29, 1990; and
- The financial report for the Authority as contained in the Memorandum to the Board dated January 28, 1991.

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

At 5:40 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority adjourned.

90. PH ON SPECIAL LEGISLATION TO PROVIDE TAX EXEMPTION FOR CERTAIN PROPERTY OWNED BY THE GREATER WASHINGTON JEWISH COMMUNITY FOUNDATION OF VIRGINIA, INCORPORATED (NO TAPE)

(NOTE: Earlier in the meeting action was taken to approve this item. See Clerk's Summary Item CL#87.)

91. 3:30 P.M. - PH ON REZONING APPLICATION RZ 89-P-042 (BRAR ASSOCIATES - TYSONS LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPE 12)

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

- In the amount of \$99.00 from Robert Sproles of Huntley, Nyce and Associates in 1987.

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

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

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

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-P-042 be amended from the R-1 District to the PDH-3 District subject to the execution of the revised proffers dated January 22, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

In addition, Supervisor Hanley moved:

- Waiver of the transitional screening and barrier requirements in favor of the barriers and landscape planting shown on the Final Development Plan (FDP);
- Waiver of the maximum length requirement for private streets in favor of the dimensions shown on the FDP and the submitted proffers; and
- Deviation of the minimum setback requirement for residential buildings from interstate highways, as shown on the FDP and subject to the submitted proffers.

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

Supervisor Hanley moved approval of the Final Development Plan FDP 89-P-042, as amended, subject to the Board's approval of Rezoning Application RZ 89-P-042. 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.

92. 3:30 P.M. - PH ON REZONING APPLICATION RZ 89-D-080
(JOHN W. VEATCH) (DRANESVILLE DISTRICT) (TAPE 12)

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

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

Following the public hearing, Supervisor Richards 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 seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

Supervisor Richards moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-D-080 be amended from the R-1 District to the PDH-1 District subject to the execution of revised proffers dated January 25, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

Supervisor Richards further moved approval of the Conceptual Development Plan (CDP) for Rezoning Application RZ 89-D-080 subject to the revised proffers dated January 25, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

93. 3:30 P.M. - PH ON REZONING APPLICATION RZ 89-P-084
(ANTONIO N. DIAS) (PROVIDENCE 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, Supervisor Hanley moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

Supervisor Hanley moved to defer Board decision on Rezoning Application RZ 89-P-084 until February 11, 1991 at 3:30 p.m. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor Alexander being absent.

94. 4:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT
S90-I-J1; ON THE SOUTH SIDE OF SHREVE ROAD
ADJACENT TO THE VEPCO STATION (PROVIDENCE
DISTRICT) (TAPE 13)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 11 and January 18, 1991.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino.

Following the public hearing, which included testimony by two speakers, Supervisor Hanley moved approval of Out-of-Turn Plan Amendment S90-1-J1 as recommended by the Planning Commission on January 17, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis and Chairman Moore being out of the room, Supervisor Alexander being absent.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

95. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 87-P-022 (KOURY COMMUNITIES,
INCORPORATED) (PROVIDENCE DISTRICT) (TAPE 13)

Mr. David O'Brien reaffirmed the validity of the affidavit for the record.

Mr. O'Brien 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, Kevin Guinaw, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 87-P-022 subject to the revised development conditions dated January 11, 1991 and contained in Appendix One of the Staff Report. 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.

Supervisor Hanley moved modification of the transitional screening in favor of the plantings shown on the Special Exception plat landscape plan and the revised development conditions in Appendix One. 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.

96. 4:00 P.M. - PH ON REZONING APPLICATION RZ 89-P-017
(PRISM DEVELOPMENT GROUP, LIMITED & PC LIMITED
PARTNERSHIP) (PROVIDENCE DISTRICT) (TAPES 13-14)

Mr. Stephen Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox 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 18 speakers, Regina Murray, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved DENIAL of Rezoning Application RZ 89-P-017. This motion was seconded by Supervisor Bulova and carried by a recorded vote of six, Supervisor McConnell abstaining, Supervisor Davis being out of the room, and Supervisor Alexander being absent.

97. INTENT TO DEFER PUBLIC HEARINGS

Chairman Moore announced that at the appropriate time in the meeting the public hearings on Special Exception Application SE 89-P-079 (Orval E. Goodsel) (Providence District) and the proposed amendment to the Code of the County of Fairfax, Virginia, creating a new Chapter 118, Chesapeake Bay Preservation Ordinance would be deferred.

(NOTE: Later in the meeting action was taken to defer these public hearings. See Clerk's Summary Items CL#101 and 106.)

98. 4:30 P.M. - PH ON REZONING APPLICATION RZ 89-M-058
AND SPECIAL EXCEPTION APPLICATION SE 89-M-051
(STAR ENTERPRISE) (MASON DISTRICT)
(TAPE 14)

Ms. Melanie Reilly reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Richards, on behalf of Supervisor Davis, moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-M-058 be amended from the C-5, R-2 and Highway Corridor Districts to C-6, R-2 and Highway Corridor Districts subject to the execution of revised proffers dated October 10, 1990, as amended December 19, 1990. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis and Supervisor Hanley being out of the room, Supervisor Alexander being absent.

Supervisor Richards, on behalf of Supervisor Davis, moved approval of Special Exception Application SE 89-M-051 subject to the revised development conditions dated October 11, 1990, as amended November 28, 1990, and contained in Appendix Two of the Staff Report. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis and Supervisor Hanley being out of the room, Supervisor Alexander being absent.

Supervisor Richards, on behalf of Supervisor Davis, moved modification of the transitional screening as proposed in the revised development conditions. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis and Supervisor Hanley being out of the room, Supervisor Alexander being absent.

99. 4:30 P.M. - PH ON REZONING APPLICATION RZ 87-C-042.
PROFFERED CONDITION AMENDMENT APPLICATION
PCA 85-C-091-2, PROFFERED CONDITION AMENDMENT
APPLICATION PCA 78-C-079 AND SPECIAL EXCEPTION
AMENDMENT APPLICATION SEA 84-C-076-3 (FAIRFAX
HOSPITAL SYSTEM, A DIVISION OF INOVA HEALTH
SYSTEMS) (CENTREVILLE DISTRICT) (TAPES 15-16)

Supervisor Hyland announced that he would disqualify himself from participating in this case on the basis that he serves on the Fairfax Hospital Systems Board.

Mr. Arthur Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh had filed the necessary notices showing that at least 25 adjacent and/or interested 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 eight speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Pennino moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 87-C-042 be amended from R-3 and Water Supply Protection Overlay Districts to C-3 and Water Supply Protection Overlay Districts subject to the execution of revised proffers dated January 25, 1991. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Davis and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

Supervisor Pennino moved approval of Proffered Condition Amendment Application PCA 85-C-091-2 subject to the execution of the revised proffers dated January 25, 1991. This motion was seconded jointly by

Supervisor Hanley and Supervisor McConnell and carried by a vote of six, Supervisor Davis and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

Supervisor Pennino moved approval of Special Exception Amendment Application SEA 84-C-076-3 subject to the revised development conditions contained in Attachment Three of Addendum IV to the Staff Report dated October 10, 1990 with the following condition:

- Add Condition Number Five, which reads "The structure identified on the Generalized Development Plan and Special Exception Plat as proposed hospital administrative offices shall be constructed with a brick similar in color and size to those used in the existing hospital and medical office building."

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

Supervisor Pennino moved:

- Modification of the transitional screening yard requirements for all four applications along all boundaries in accordance with Section 13-104 of the Zoning Ordinance; and
- Modification of the barrier requirement in accordance with the January 25, 1991 proffer statement.

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

Supervisor Pennino moved approval of Proffered Condition Amendment Application PCA 78-C-079 subject to the execution of the revised proffers dated January 21, 1991, as modified to include the term "public natural" before the term "open space". This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

Supervisor Pennino asked unanimous consent that the Board direct staff to notify the Board when the deed is recorded and that it be done within 90 days. Without objection it was so ordered.

Supervisor Pennino moved that if the additional storm water management facility required by Proffer 10 is located off-site that those plans be coordinated with representatives from the Navy Vale Community League and Fair Oaks Estate Homeowners Association as specified in Proffer 16. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

Following discussion, with input from Barbara Byron, Division Director, Office of Comprehensive Planning, Zoning Evaluation Division, Supervisor Pennino further moved that the letter from Mr. Walsh dated January 28, 1991, clarifying Proffer 17 regarding condemnation be made a part of the official record. This motion was seconded by Supervisor McConnell and carried by vote of six, Supervisor Davis and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

100. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-L-023 (WILLIAM B. WRENCH) (LEE DISTRICT)
(TAPE 16)

Mr. John Cahill reaffirmed the validity of the affidavit for the record.

Mr. Cahill 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, Robby Robinson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hyland, on behalf of Supervisor Alexander, moved DENIAL of Special Exception Application SE 90-L-023. (The Planning Commission cited the rationale set forth in the Staff Report, particularly the environmental constraints of the site which violate the recently adopted Policy Plan provisions.) This motion was seconded by Supervisor Richards and carried by a vote of four, Supervisor McConnell abstaining, Supervisor Davis, Supervisor Hanley, and Supervisor Pennino being out of the room, Supervisor Alexander being absent.

101. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 89-P-079 (ORVAL E. GOODSEL) (PROVIDENCE
DISTRICT) (TAPE 16)

Supervisor Davis moved to defer indefinitely the public hearing on Special Exception Application SE 89-P-079 due to the Planning

Commission's indefinite deferral of its decision on this application. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Hanley and Supervisor Pennino being out of the room, Supervisor Alexander being absent.

102. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 89-S-034 (QUALITY CONSTRUCTION OF AMERICA,
INCORPORATED) (SPRINGFIELD DISTRICT) (TAPE 16)

Mr. Shanker Patel reaffirmed the validity of the affidavit for the record.

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

Chairman Moore relinquished the gavel to Acting-Chairman Hyland.

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

Supervisor McConnell moved approval of Special Exception Application SE 89-S-034 subject to the revised development conditions dated November 15, 1990. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Hanley, Supervisor Pennino and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved modification of the transitional screening and barrier requirements on the northeastern boundary of the subject property. This motion was seconded by Supervisor Bulova and carried by a vote five, Supervisor Hanley, Supervisor Pennino and Chairman Moore being out of the room, Supervisor Alexander being absent.

103. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 85-S-076 (TRANSCONTINENTAL GAS PIPE LINE
CORPORATION, A DELAWARE CORPORATION)
(SPRINGFIELD DISTRICT) (TAPE 16)

Mr. Randolph Suttiff reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved approval of Special Exception Application SE 85-S-076 subject to the revised development conditions dated November 14, 1990. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Hanley, Supervisor Pennino and Chairman Moore being out of the room, Supervisor Alexander being absent.

Supervisor McConnell moved modifications of the transitional screening and barrier requirements on all sides in favor of the planting plan shown on the Special Exception plat dated June 28, 1989, prepared by Runyon, Dudley, Anderson and Associates, Incorporated. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Hanley, Supervisor Pennino and Chairman Moore being out of the room, Supervisor Alexander being absent.

104. 5:00 P.M. - PH AND ADOPTION OF THE COMMUNITY PLAN
FOR THE MOUNT VERNON MANOR COMMUNITY (MOUNT
VERNON DISTRICT) (TAPE 16)

(R) Acting-Chairman Hyland returned the gavel to Chairman Moore.

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 11 and January 18, 1991.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Resolution authorizing staff to proceed with the design of improvements such as curbs and gutters, sidewalks, storm drainage, and new roads in the Mount Vernon Manor Community Plan. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor Hanley being out of the room, Supervisor Alexander being absent.

105. 5:00 P.M. - PH ON THE ACQUISITION OF DEDICATIONS
AND EASEMENTS NECESSARY FOR THE VILLA STREET
ROAD IMPROVEMENT PROJECT (LEE DISTRICT)
(TAPE 16)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 11 and January 18, 1991.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland, on behalf of Supervisor Alexander, moved to defer Board decision on the Resolution authorizing the acquisition of certain dedications and easements necessary for construction of Project V00000, Villa Street Road Improvement in Lee District until February 25, 1991 at 5:00 p.m. This motion was seconded by Supervisor Davis and carried by a vote of seven, Supervisor McConnell being out of the room, Supervisor Alexander being absent.

106. 7:30 P.M. - PH ON PROPOSED AMENDMENT TO THE
CODE OF THE COUNTY OF FAIRFAX, VIRGINIA.
CREATING A NEW CHAPTER 118, CHESAPEAKE
BAY PRESERVATION ORDINANCE (TAPE 16)

Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of January 11 and January 18, 1991.

Supervisor Pennino moved to defer the public hearing on the proposed amendments to the Code of the County of Fairfax, Virginia, creating a new Chapter 118, Chesapeake Bay Preservation Ordinance, until March 18, 1991 at 7:30 p.m. 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. This action is necessary due to the Planning Commission's scheduling of a mark-up session on this ordinance for March 6, 1991.

ADDITIONAL BOARD MATTERS

107. APPOINTMENT TO THE ELECTRICAL ADVISORY
AND LICENSING BOARD (TAPE 17)

(APPI)

(NOTE: Earlier in the meeting, action was taken to defer the appointment to the Electrical Advisory and Licensing Board to allow additional time for staff to respond on the question of establishing an alternate representative. See Clerk's Summary Item CL#11.)

Supervisor Richards moved the appointment of Ms. Shirley Stewart to fill the unexpired term of Mr. Bert Grena as the At-Large (Citizen) PRINCIPAL Representative.

Supervisor Davis moved the appointment of Mr. David Manyard as the At-Large (Citizen) ALTERNATE Representative.

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.

108. REQUEST FOR WAIVER OF FEES FOR THE SEVEN OAKS II TOWNHOUSE COMMUNITY (TAPE 17)

Supervisor Davis moved that the Board refer to staff for its review the request for waiver of fees for the filing of a Proffered Condition Amendment Application by the Seven Oaks II Townhouse Community. 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.

109. ADDITIONAL LEGISLATIVE ACTIONS (TAPE 17)

Supervisor Hanley distributed to Board Members the 1991 General Assembly Status Report Number Two dated January 28, 1991. She moved that the Board:

- 1. Oppose - House Bill Number 1663;
- 2. Support - House Bill Number 1664;
- 3. Oppose - House Bill Number 1945; and
- 4. Oppose - Senate Bill Number 504.

Supervisor Davis moved that the motion be amended to include:

- 5. Support - Senate Joint Resolution Number 180.

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

The main motion, as amended, was seconded by Supervisor Richards.

Chairman Moore asked the she be recorded as abstaining on House Bill Number 1664, 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.

Supervisor Hanley moved that the Board refer to staff the following Bills for its analysis:

- House Bill Number 1940 (Transportation Trust Fund); and
- House Joint Resolution Number 424 (Establishment of a Joint Subcommittee to Study Funding for Virginia Transportation Programs).

Following Board discussion, with input from Michael H. Long, Assistant County Attorney, Supervisor Hanley amended her motion that the Board endorse the above-stated Bills, with the caveat that a review be conducted on the distribution of the funding, and this was accepted.

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

110. RECESS/EXECUTIVE SESSION (TAPE 17)

At 10:40 p.m., Supervisor Davis moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- Fletcher Versus Smith, At Law Number 90534.

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.

At 10:50 p.m., the Board reconvened in the Board Room with all Board Members present, with the exception of Supervisor Alexander, and with Chairman Moore presiding.

111. ACTIONS FROM EXECUTIVE SESSION (TAPE 17)

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 and carried by a vote of eight, Supervisor Alexander being absent.

B. FLETCHER VERSUS SMITH AT LAW
NUMBER 90534

Supervisor Pennino moved that the Board authorize settlement of Fletcher Versus Smith At Law Number 90534 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

C. JOHN H. MCCONNELL AND KAREN N. MCCONNELL
VERSUS BOARD OF SUPERVISOR IN CHANCERY
NUMBER 108705

Supervisor McConnell moved that the Board authorize settlement of John H. McConnell and Karen N. McConnell Versus Board of Supervisor in Chancery Number 108705 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Davis and carried by a vote of eight, Supervisor Alexander being absent.

112. BOARD ADJOURNMENT (TAPE 17)

At 11:00 p.m., the Board adjourned.