



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
MARCH 18, 1991**

6-91

Board Package

AR:AR

The meeting was called to order at 10:15 a.m. with all Members being present with the exception of Supervisor McConnell, and with Chairman Moore presiding.

Supervisor McConnell arrived at 11:50 a.m.

Others present were Richard A. King, Acting County Executive; David T. Slitt, 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. EARLY DEPARTURE OF ANNANDALE DISTRICT
SUPERVISOR SHARON BULOVA (TAPE 1)

Chairman Moore announced that Supervisor Bulova would be leaving the Board Room shortly before noon today in order to attend a meeting on Capitol Hill.

3. REVIEW OF BOARD'S SCHEDULE FOR A-8 - PREALLOCATION
PUBLIC HEARING FOR VIRGINIA DEPARTMENT OF
TRANSPORTATION INTERSTATE, PRIMARY AND URBAN
FUNDS FOR FISCAL YEAR (FY) 1992 (COUNTYWIDE)
(TAPE 1)

Supervisor Hanley cited the necessity to state that, for the benefit of those constituents from the Providence and Mason Districts who are planning to be present for the Board's discussion on Action Item Eight - Preallocation Public Hearing for Virginia Department of Transportation Interstate, Primary and Urban Funds for Fiscal Year (FY) 1992 (Countywide), it was the desire of Supervisor Bulova to bring this item before the Board prior to her departure, rather than in its scheduled order.

Stressing the importance of her presence in the Board Room to register her vote on Action Item Eight, Supervisor Bulova noted that this is an action item by the Board, rather than a public hearing, and that a public hearing will be scheduled on this item, at which time citizens may express their opinions.

Chairman Moore stated that it would be helpful to bring this item up while Mr. Thomas J. Bulger, Consultant, Government Relations, Incorporated, is still present in the Board Room.

Supervisor Bulova asked unanimous consent that the Board bring forth Action Item Eight for discussion and information at this time, and defer its vote until her return around 4:00 p.m. this afternoon. Without objection, it was so ordered, with the stipulation that Action Item Eight will be discussed after Mr. Bulger's presentation.

(NOTE: Later in the meeting there was additional discussion regarding Action Item Eight. See Clerk's Summary Items CL#7 and CL#81.)

4. CERTIFICATE OF APPRECIATION PRESENTED TO
MR. E. DOUGLAS DENNY FOR SERVICE WITH
THE OFFICE OF GENERAL SERVICES (OGS),
EQUIPMENT MANAGEMENT TRANSPORTATION
AGENCY (EMTA) (TAPE 1)

Supervisor Alexander moved approval of the presentation of the Certificate of Appreciation presented to Mr. E. Douglas Denny for 30 years of dedicated service to the citizens and government of Fairfax County as an employee with the Office of General Services (OGS), Equipment Management Transportation Agency (EMTA). This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor McConnell not yet having arrived.

5. PROCLAMATION DESIGNATING "COMMUNITY
DEVELOPMENT WEEK" (TAPE 1)

Supervisor Davis moved approval of the Proclamation designating April 1 through April 7, 1991 as "COMMUNITY DEVELOPMENT WEEK" in Fairfax County, presented to Henry S. Rodriguez, Chairman, Project Selection Committee, and:

- Urging all citizens to recognize the outstanding work being done through Community Development Block Grants (CDBG) and its importance to Fairfax County; and
- Authorizing the transmittal of the Proclamation to the Congressional Members urging them to:

- * Support full funding for CDBGs directly to local governments; and
- * Preserve this resource in addressing the needs of low and moderate income residents.

This motion was jointly seconded by Supervisor Hanley and Supervisor Pennino and carried by a vote of seven, Supervisor Alexander being out of the room, Supervisor McConnell not yet having arrived.

6. 10:00 A.M. - PRESENTATION BY THOMAS J. BULGER,
GOVERNMENT RELATIONS, INCORPORATED, ON THE
STATUS OF REAUTHORIZATION OF THE FEDERAL
SURFACE TRANSPORTATION ACT (TAPES 1-2)

- (R) Following the presentation by Thomas J. Bulger and Jeffrey Parker, Government Relations, Incorporated (Legislative Liaison), on the status of reauthorization of the Federal Surface Transportation Act, a question-and-answer period ensued among Board Members, with input from Mr. Bulger, Mr. Parker, and Shiva K. Pant, Director, Office of Transportation.

Supervisor Alexander moved that the Board adopt the Resolution entitled "Fairfax, Virginia Federal Surface Transportation Reauthorization Recommendations", which reads as follows:

WHEREAS, The Federal Highway and Urban Mass Transportation Program authorizations expire on September 30, 1991 (Fiscal Year 1991); and

WHEREAS, the nation's largest public works program, the federal Interstate Highway program has been virtually completed; and

WHEREAS, the Administration is proposing a significant restructuring of the federal surface transportation programs (highways, transit and highway safety); and

WHEREAS, the United States Congress will be proposing new federal surface transportation legislation and policy for the post-interstate period; now, therefore, be it

RESOLVED by the County of Fairfax, Virginia, that the County's federal surface transportation reauthorization recommendations to the Congress, the County's Congressional delegation, the Commonwealth of Virginia, and the Virginia Department of Transportation (VDOT) for transmittal as follows:

- The County is firmly committed to enacting new federal transportation legislation and policies that are designed to move people, not just vehicles. The County believes that the new legislation must attack

some of our most pressing metropolitan problems -- congestion and the need to reduce vehicle miles travelled, energy dependence, and implementation of the federal Clean Air Act and Americans With Disabilities Act. To this end, the County will seek to achieve a reauthorization act that will preserve our highway and public transit investments and provide maximum program flexibility and local decision-making to choose in an unbiased manner between new highway and public transit investments that best meet the County's mobility needs and environmental considerations, e.g., Clean Air Act.

- Federal Highway Program - The County supports authorization levels that will spend down the current Highway Trust Fund balances, as well as the recently enacted five cent federal gasoline tax. The County believes that the State of Virginia and metropolitan areas like Northern Virginia should receive its fair share of federal transportation taxes versus the amount of these funds it contributes.
- National Highway System (NHS) - The proposed 165,000 mile National Highway System, which represents approximately 70 percent of the Administration's reauthorization proposal, should be reallocated to reflect other program requirements such as a Metropolitan Program at a 50 percent/50 percent split. The Interstate Highway component of the proposal National Highway System should be preserved and operational improvements, like High Occupancy Vehicle (HOV) lane projects, funded at a 90 percent federal share. Remaining program uses, such as new facilities, should be funded at 75 percent - federal so long as all programs, i.e. transit, are similar.
- Flexibility - The Administration has proposed that up to 15 percent of each state's NHS apportionment can be transferred to the Urban/Rural program and also eligible transit projects. The County recommends that additional highway program flexibility is necessary and federal match should be made consistent.
- Urban/Rural System - The Administration's Urban/Rural program should be increased to correspond to the proposed National Highway System and decoupled and renamed the Metropolitan System and Rural System. Allocations to the Metropolitan

System should be based on contributions to the Highway Trust Fund, with direct funding to metropolitan areas. Maximum flexibility and consistent federal matching ratios at a 75 percent federal share should be included.

- Public Transit Program - The County supports an increased federal transit program of \$6.7 billion (Fiscal Year 1992) versus the Administration's \$3.3 billion per year program proposal. Current UMIA funding equals \$3.2 billion. Continuation of federal General Fund support and a spend down in the Mass Transit Account of the Highway Trust Fund is required.
- Transit Formula Program - The County recommends that the current Section 9 formula block grant program be increased and balanced against the proposed highway program. The Administration's proposal does not support a balanced system as it increases highway funding from \$8 billion in Fiscal Year 1992 to \$12.75 billion in Fiscal Year 1996, while transit funding is held relatively constrained. The County supports continuation of federal operating assistance for urban areas over one million, which the Administration proposes to eliminate. This funding area is critical for bus and rail transit in order to comply with the Clean Air Act and Americans With Disabilities Act.

A level playing field between highway and transit, using uniform federal matching ratios of 75 percent federal, 25 percent State and local is recommended. The federal share for Capital projects for transit ranges from 75 percent to 90 percent under the Administration's proposal. In addition, the Administration's proposal offers 100 percent flexibility in the transit program, but only 20 percent flexibility in the highway program.
- Rail Modernization - The County supports the Administration's proposal to expand eligibility for WMATA to receive federal rail modernization funding at a 75 percent federal share.

As part of the same motion, Supervisor Alexander moved that the Board approve submission of the proposed letter to Transportation Secretary Milliken. This motion was jointly seconded by Supervisor Hyland and Supervisor Pennino.

Supervisor Alexander added the proviso indicating the Board's intention to address some of the discretionary money later in the meeting under Action Item Eight - Preallocation Public Hearing for Virginia Department of Transportation Interstate, Primary and Urban Funds for Fiscal Year (FY) 1992 (Countywide).

Supervisor Richards asked that the motion be amended to include changing the wording of the first sentence in the first bullet of the Resolution be changed to read: "The County is firmly committed to the enactment of new federal transportation legislation...", and this was accepted.

Following discussion of the bullet entitled, Federal Highway Program, Supervisor Richards asked that in the first sentence, the wording be changed to read: "...Highway Trust Fund balances as well as funds received from the recently enacted five cent federal gasoline tax.", and this was accepted.

With another reference to the bullet entitled, Federal Highway Program, Supervisor Pennino asked that the wording of the last sentence be changed to read, "The County believes that the State of Virginia and metropolitan areas like Northern Virginia should receive their fair share of federal transportation taxes in proportion to the amount of these funds they contribute." This change was accepted.

Chairman Moore suggested that efforts be made to simplify the wording so that the intent of the Resolution is made quite clear.

The question was then called on the motion, as amended, which carried by a vote of eight, Supervisor McConnell not yet having arrived, with the understanding that some wordsmithing will be done to clarify the County's position.

Following a query from Supervisor Hanley, Mr. Bulger stated that the Resolution was prepared at the request of the Transportation Advisory Commission and will be forwarded to the Congressional Delegation as a matter of course. He added that, as the County's Legislative Liaison on this matter, he needs this Resolution to proceed with his discussions on Capitol Hill.

7. A-8 - PREALLOCATION PUBLIC HEARING FOR VIRGINIA
DEPARTMENT OF TRANSPORTATION INTERSTATE,
PRIMARY AND URBAN FUNDS FOR FISCAL YEAR
(FY) 1992 (COUNTYWIDE) (TAPES 2-4)

Chairman Moore called the Board's attention to Action Item Eight-Preallocation Public Hearing for Virginia Department of Transportation Interstate, Primary and Urban Funds for Fiscal Year (FY) 1992 (Countywide) and asked Shiva K. Pant, Director, Office of Transportation, to give an overview of this item.

Following Mr. Pant's presentation, which included input from Katherine D. Ichter, Section Chief for Project Planning, Office of Transportation, there was a lengthy question and answer period between Board Members and staff on various projects throughout the County; however, all action on this item, which will include prioritization of projects, was deferred until the return of Supervisor Bulova later in the afternoon.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#81.)

8. UPDATE ON NASA SPACE STATION "FREEDOM"
PROGRAM IN RESTON (TAPE 4)

Chairman Moore called the Board's attention to a recent article written by Jack Anderson in the Washington Post concerning the fact that 22 members of the Texas delegation to Congress are actively seeking to remove the professionals from the NASA Space Station "Freedom" Program located in Reston and move them to Texas, at a substantial cost to the taxpayers.

Chairman Moore stated that she had arranged a meeting in Senator Robb's office with Mr. Thompson from NASA. Also present were representatives of the Economic Development Authority (EDA), the Center for Innovative Technology, and various businesses in Reston. She further stated that since that time, EDA has undertaken a study to determine, for NASA and for the Board, what it would cost for NASA to move this project. Chairman Moore noted that Mr. Gordon, Executive Director of EDA, should be commended for his efforts in regard to this issue.

Chairman Moore stated that the personnel costs plus the costs of moving the very specialized equipment of this project back to Texas include a "low" estimate of \$83.8 million (which is not the more realistic cost), and a "high" estimate of \$132.3 million. She added that this move would also involve a significant delay in the Space Station Program.

With a notation that it is in the best interest of everyone involved that this program remain in Fairfax County, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board direct staff to set up a meeting, as expeditiously as possible, with Fairfax County's Congressional Delegation, representatives of NASA, and the entire Board of Supervisors, if possible, for discussion of this issue. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Bulova and Supervisor Hanley being out of the room.

9. EDITORIAL ON THE WOMEN'S SHELTER (TAPE 4)

Supervisor Moore referred to a recent editorial in the Journal Newspapers which indicated that one Member of the Board of Supervisors was very anxious to keep the Women's Shelter for Battered Women. She added that the editorial seemed to imply that the Board of Supervisors,

as a whole, was not necessarily in agreement. Supervisor Moore stated that it was her understanding that there was a large meeting last Saturday at which there was some discussion of this matter, and her name and telephone number were given for persons who wished to call on this issue.

Supervisor Moore added that she has written a letter to the Editor of the Journal stating she does not wish to close the Women's Shelter and knows of no one on the Board who is in favor of the closing. She stated that she personally went to a meeting of various Human Services groups a couple of weeks ago and told them that she would not support such a move to close the Shelter, and that she didn't think a majority of the Board would either.

Therefore, Supervisor Moore asked unanimous consent to go on record opposing any efforts to close the Women's Shelter for Battered Women. Without objection, it was so ordered.

As a point of clarification, Supervisor Alexander stated that these are "proposed" suggestions for cuts by the Community Services Board, not by the Board of Supervisors, in view of the request by the County Executive to take a look at the tight budget situation.

Supervisor Davis noted his support for Alternative House, Enterprise School, and many other worthwhile projects; however, he cautioned Board Members against reacting to every single situation which comes regarding budget cuts. He added that the Board would be making some very, very difficult choices during the upcoming budget hearings.

10. I-7 - AFFIRMATIVE ACTION REPORT FOR FISCAL YEAR
(FY) 1990 (TAPES 4-5)

(BACs)

Supervisor Moore called the Board's attention to Information Item Seven - Affirmative Action Report for Fiscal Year (FY) 1990 and stated that, while there has been progress made over the years, Fairfax County has not met its goal. In order to speed up efforts in that direction, Supervisor Moore moved that the Board direct staff to:

- Analyze a proposal which would move the Equal Employment Opportunity/Affirmative Action Division from the Office of Personnel to the Office of the County Executive; and
- Return to the Board within two weeks with a recommendation.

This motion was seconded by Supervisor Hanley.

Supervisor Davis noted that the Board of Supervisors is entitled to make this type of decision, with input from everyone affected, and expressed his disassociation with any inference that the Board would need the County Executive's concurrence and agreement in order to approve this transfer.

With a reminder regarding his previous comments on the issue of complaints of discrimination, which are now handled by the Civil Service Commission, Supervisor Hyland moved that the motion be amended to include an analysis regarding the transfer of these complaints to the jurisdiction of the Human Rights Commission. This motion was seconded by Supervisor Davis.

Supervisor Hanley asked that the motion be amended to include a request that the Board direct staff to report on the staffing of the Civil Service Commission relative to the staffing of the Human Rights Commission, and this was accepted.

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

11. REPORT ON RECENT "TRASH SUMMIT" (TAPE 5)

Supervisor Moore stated that she and Supervisor Hyland recently met with representatives from the other jurisdictions in the area, and with Congressman Moran and other representatives from Capitol Hill, for a "Trash Summit." She noted that a lot was accomplished at this meeting.

In an effort to speed up recycling programs that are currently contemplated in Fairfax County, Supervisor Moore moved that the Board direct staff to:

- Begin the development of a Countywide curbside multi-material program, a non-processable program, and an extended yard waste effort; and
- Return to the Board as expeditiously as possible with a stepped-up calendar which is also practical.

This motion was seconded by Supervisor Hyland.

Supervisor Alexander asked that the motion be amended to include a notation that this will include all private collectors as well, and this was accepted.

Supervisor Hanley asked that the motion be amended to also include a response on what is going to happen to the tipping fee in order to accomplish this, and this was accepted.

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

Vice-Chairman Pennino returned the gavel to Chairman Moore.

PMH:PMH

12. LOAVES AND FISHES INCORPORATED - A GROWING SUCCESS STORY (TAPE 6)

Supervisor Hyland stated that approximately a year ago several concerned individuals initiated action to provide one hot nutritious meal a day to families housed in Route One motels. Thus, Loaves and Fishes, Incorporated was formed and began operation.

Supervisor Hyland said that Loaves and Fishes, Incorporated is a 100 percent total volunteer operation, staffed by Rose Marie Christensen, Program Coordinator, Marye Elizabeth Thomas and Lisa Albright, Area Church Coordinators. He said that 23 churches provide personnel and funds for the meals and various organizations contribute to cover expenses such as paper products and kitchen supplies.

13. CONGRATULATIONS TO STAFF FOR THEIR IMPLEMENTATION PLAN FOR HANDICAPPED PARKING ENFORCEMENT (TAPE 6)

Supervisor Hyland stated that he had recently received a memorandum from Colonel John E. Granfield, Chief of Police, responding to the Board's October 15 directive that plans be developed for including citizen volunteers in the enforcement of handicapped parking restrictions.

Supervisor Hyland congratulated Colonel Granfield and his staff for a job well done.

14. RESPONSE REQUESTED TO FAIRFAX COUNTY PROFESSIONAL FIRE FIGHTERS INQUIRY (TAPE 6)

Supervisor Hyland stated that in a recent letter to the County Executive from the Fairfax County Professional Fire Fighters, he learned that County insurance does not cover fire fighters and paramedics under sovereign immunity in certain situations.

Supervisor Hyland explained that under the recent Virginia Supreme Court ruling in the HEIDER versus CLEMONS case, the individual responsible will be held personally liable. He noted that the decision has the potential to have a devastating impact on fire fighters and paramedics when they are performing non-discretionary duties.

Supervisor Hyland said that the Professional Fire Fighters' letter poses some profound questions surrounding the issue of the County's protection

against suits; restrictions and limitations of coverage; and the County's position as it concerns requiring Fire Department employees to have personal insurance policies.

Supervisor Hyland asked unanimous consent that the Board direct staff to immediately draft a response to be sent to the Fairfax County Professional Fire Fighters to affirmatively address the concerns of their letter as the impact of the HEIDER versus CLEMONS case does not hinder these men and women in the performance of their duties whether it is an emergency or not. Without objection, it was so ordered.

15. A BOON TO THE CLEAN AIR ACT: THE COWTALYTIC CONVERTER -- IN THE MOO-OO-D (TAPE 6)

Supervisor Hyland stated that he had recently heard a report on Manure Management. He said that one of the major causes of global warming was due to flatulating livestock, particularly cows because of their propensity to dispel gases into the atmosphere. He noted that among the recommendations submitted, one was to include an antifatulent in the feed given to the bovines.

On the lighter side, Supervisor Hyland suggested that the Board refer the issue of consider recapturing the methane emitted by the dairy herd at the District of Columbia's Correctional Facility located in Lorton in a cooperative arrangement through the I-95 Energy Resource Recovery Plant to the Department of Public Works for "inappropriate action and response".

16. A-2 - ADOPTION OF BUSINESS RECYCLING IMPLEMENTATION PLAN (COUNTYWIDE) (TAPE 6)

- (P) Supervisor Hyland called to the Board's attention Action Item Two - Adoption of Business Recycling Implementation Plan and stated that on November 26, 1990 the Board approved the recodification with amendments to the Code of the County of Fairfax, Chapter 109 (Garbage, Trash and Refuse) to more adequately administer and enforce the collection, recycling and disposal of solid waste.

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the Business Recycling Implementation Plan to become effective July 1, 1991 with the following modification (Attachment B):

- The Director of the Department of Public Works will evaluate the effectiveness of this Plan, and may, after a period of public comment, and approval by the Board of Supervisors, amend the Plan, including requiring businesses falling below the mandatory threshold to recycle and/or major generators to recycle additional materials.

This motion was seconded by Supervisor Pennino.

Following discussion, with input from John diZerega, Director, Department of Public Works, Supervisor Hanley moved to amend the motion as follows (Amendment A):

- Require All Businesses to Report Recycling Data - All businesses, nonprofit institutions, federal, state and local government agencies operating in Fairfax County are required to report annually recycling data. Reporting on recycling activities is required even though a business, institution or government agency may not be required to establish a recycling system. In other words, even if a business has a voluntary recycling program, annual reporting to the Fairfax County Department of Public Works is mandatory. However, small businesses which fall below the mandatory thresholds for program development must file an initial report in order to establish exempt status. Annual reporting thereafter is not required. Where the property owner is required to implement the recycling system, the property owner shall report on behalf of the individual tenants for that material. Any other material being recycled outside the mandatory system shall be reported by the individual business which is recycling that material.

This is necessary to provide accurate reporting by the County to the Virginia Department of Waste Management, pursuant to Title 10.1-1411 Code of Virginia. This reporting requirement became effective January 1, 1991. The first mandatory report will be due on March 1, 1992 to report on recycling activities for the previous calendar year. The report shall be filed on the standardized reporting form distributed by the Fairfax County Department of Public Works. This agency will be responsible for management of the business reporting data base.

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

17. CHESAPEAKE BAY PRESERVATION ACT REGULATORY ACTION
COMMENT PERIOD (TAPE 6)

Supervisor Hyland distributed to Board Members a notice from the Chesapeake Bay Local Assistance Department (CBLAD) regarding intended regulatory action on the Chesapeake Bay Preservation Area Designation and Management Regulations.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the proposed regulation changes so that a position may be developed to present to the CBLAD before the March 27, 1991 deadline. Without objection, it was so ordered.

(NOTE: Later in the meeting there was additional discussion regarding this item. See Clerk's Summary Item CL#19.)

18. REQUEST STAFF TO EXPLORE NEWLY ANNOUNCED PROGRAM
FOR AFFORDABLE HOUSING (TAPE 6)

Supervisor Hyland said that a recent announcement by the Federal National Mortgage Association states that it plans to try to channel \$20 billion into low and moderate-income housing over the next three to four years.

Supervisor Hyland asked unanimous consent that the Board refer this item to staff to determine how the County may participate in this program with the Federal National Mortgage Association. Without objection, it was so ordered.

19. CHESAPEAKE BAY PRESERVATION ACT REGULATORY ACTION
COMMENT PERIOD (TAPE 6)

(NOTE: Earlier in the meeting, this item was discussed and action taken. See Clerk's Summary Item CL#17.)

Chairman Moore stated that staff had reminded her that the Board does not meet again until April 8, 1991. Therefore, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to:

- Send their comments regarding intended regulatory action on the Chesapeake Bay Preservation Area Designation and Management Regulations to Board Members and if there is no objection by Board Members, the comments will be forwarded to CBLAD.

Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

20. UPGRADE THE ENVIRONMENTAL ASSESSMENT TO A
FEDERAL ENVIRONMENTAL IMPACT STATEMENT AND
REQUEST THE BOARD OF SUPERVISORS TO DENY
THE APPEAL REQUEST ON I-95 LANDFILL
EXPANSION (TAPE 6)

Supervisor Hyland stated that he had intended to raise the issue regarding the upgrade of an environmental assessment to a Federal Impact Statement and request the Board of Supervisors to deny the appeal request on the I-95 Landfill. However, discussion on this issued had been tabled and it was not appropriate to discuss this issue at this time.

21. APPOINTMENTS TO THE ROUTE 28 DISTRICT TASK FORCE
(TAPE 6)

(APPT)

Supervisor Pennino moved the following appointments:

- Mr. Jack Gwynn as the Reston Community Association Representative to the Route 28 District Task Force; and
- Ms. Hettie Hervey as the Centreville District Plan Review Task Force Chairman's Representative to the Route 28 District Task Force.

The second to this motion was inaudible. The motion carried by a vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting additional action was taken regarding the Route 28 District Task Force. See Clerk's Summary Items CL#64 and CL#69.)

22. APPOINTMENT TO THE ATHLETIC COUNCIL (TAPE 6)

(APPT)

Supervisor Pennino moved the appointment of Ms. Margaret C. Hope as the Centreville District (Alternate) Representative to the Athletic Council. This motion was seconded by Supervisor Hanley and carried by a vote of five, Supervisor Bulova, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

23. APPOINTMENT TO THE COUNTYWIDE TRAILS COMMITTEE
(TAPE 6)

(APPT)

Supervisor Pennino moved the appointment of Mr. Larry Butler as the Centreville District Representative to the Countywide Trails Committee. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Bulova, Supervisor McConnell, and Chairman Moore being out of the room.

24. APPOINTMENT TO THE CITIZENS COMMITTEE ON SOLID WASTE AND DISPOSAL MATTERS (TAPE 6)

(APPT)

Supervisor Pennino moved the appointment of Mr. Mark Hubal as the Centreville District Representative to the Citizens Committee on Solid Waste and Disposal Matters. This motion was seconded by Acting-Chairman Alexander and carried by a vote of six, Supervisor Bulova, Supervisor McConnell, and Chairman Moore being out of the room.

25. MADISON GIRLS' BASKETBALL TEAM HAS A PERFECT SEASON (TAPE 6)

Supervisor Pennino announced that the Madison Girls' Basketball Team had had a perfect season. Therefore, Supervisor Pennino asked unanimous consent that the Board direct staff to invite the team members to appear before the Board of Supervisors to be recognized for their accomplishment. Without objection, it was so ordered.

26. WESTINGHOUSE SCIENCE TALENT SEARCH (TAPE 6)

Supervisor Pennino stated that Westinghouse has sponsored a Science Talent Search since 1942 and it is the oldest national high school science scholarship competition. She said that out of 40 finalists representing 18 states, the State of New York had the highest number of finalists with 14, Virginia was next with four, three of whom were from Fairfax County. She pointed out that all four individuals attended the Fairfax County Public School System, (Robinson and Thomas Jefferson High Schools).

Therefore, Supervisor Pennino moved that the Board direct staff to invite the students to appear before the Board at its meeting scheduled for April 8, 1991 to be honored and recognized. This motion was seconded and carried by a vote of five, Supervisor Bulova, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

27. SMITHSONIAN INSTITUTION'S AIR AND SPACE MUSEUM
(TAPE 6)

Supervisor Pennino referred to an article in Aviation Week and Space Technology regarding the location of the proposed Smithsonian

Institution's Air and Space Museum. She said that Denver, Colorado is putting pressure on the Smithsonian Institution officials to locate the facility at Stapleton Airport.

Therefore, Supervisor Pennino moved that the Board direct staff to prepare an appropriate Resolution and send it to the 10 Congressmen, two Senators and the Governor requesting their support in the effort to assure that the Smithsonian Institution's Air and Space Museum continues to be located at Dulles International Airport. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Bulova, Supervisor McConnell, and Chairman Moore being out of the room.

28. NEED BASED ASSESSMENT OF RESIDENTIAL PROPERTY
(TAPE 6)

Supervisor Pennino stated that it had been suggested that the Board consider a need based assessment of residential property for persons 65 years of age or older. Therefore, Supervisor Pennino moved that the Board direct staff to:

- Evaluate this concept from the humanitarian perspective which is need;
- Evaluate this concept from the legal issue as to whether it can be done;
- Determine if legislation is required; and
- Determine how this differs from the existing program of tax relief for the elderly.

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

29. TRANSPORTATION PLAN (TAPE 6)

Supervisor Pennino stated that Members of the Board had received a Resolution concerning transportation plans, programs and funding from the Federation.

Supervisor Pennino said that there was no disagreement of the Federation's position that the Board prepare and adopt a transportation plan for Fairfax County and that this plan identify priorities for funding and completion of designated mass transit road programs for the mid-term. She added that the plan should be used as the basis for the transportation portion of the CIP. She noted that the Federation requested the plan to be adopted by July 1, 1991.

Therefore, Supervisor Pennino moved that the Board direct staff to evaluate the Federation's Resolution and respond to the Board within

30 days concerning the request for development of a transportation plan with priorities. This motion was seconded by Supervisor Hanley.

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

30. CRITERIA FOR COUNTY EXECUTIVE (TAPE 6)

Supervisor Pennino stated that it was appropriate for the Board to start developing the criteria for what the County will need in the way of an Executive. Therefore, Supervisor Pennino moved that the Board adopt at its next meeting, the Blue Ribbon Committee to develop the criteria for an Executive search as well as develop the criteria the Executive would be expected to fill. This motion was seconded by Supervisor Hyland.

Following discussion, Supervisor Davis moved to amend the motion to direct staff to report with suggested criteria for Board consideration of a County Executive.

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

31. CENTRAL SPRINGFIELD LITTLE LEAGUE STARTS LITTLE LEAGUE CHALLENGER DIVISION FOR DISABLED CHILDREN (TAPE 6)

Supervisor Alexander announced that the Central Springfield Little League is starting a Little League Challenger Division for disabled children between the ages of six and 18.

Supervisor Alexander asked unanimous consent that the Board request the School System and direct the Department of Recreation and Community Services to get this information out in their various channels. The contacts from Central Springfield are Terry Shoemaker at (703) 971-7638 and John Hosler at (703) 569-2512. Without objection, it was so ordered.

32. LAST MEETING FOR RICHARD CARROLL, "SPRINGFIELD TIMES" (TAPE 6)

Supervisor Alexander announced that this was the last meeting for Richard Carroll, Springfield Times. Supervisor Alexander and Supervisor Davis expressed their appreciation for Mr. Carroll's years of work.

33. MEETING TO BE SCHEDULED REGARDING THE PARKWAY (TAPE 7)

Supervisor Alexander announced that he would be scheduling a meeting regarding the improvement to the High Occupancy Vehicle (HOV) lanes on I-95 in Springfield and Route 644 and the Parkway.

34. SCHOOLS' PARTICIPATION IN BUDGET WORKSHOP
ON APRIL 5, 1991 (TAPE 7)

Supervisor Alexander stated that Supervisor Bulova, Chairman, Budget Subcommittee, had requested the School Board and its staff to meet with the Board's Budget Subcommittee to discuss the critical budget crisis that Fairfax County is currently experiencing. He said that the School Board declined to meet with the Budget Subcommittee.

Therefore, Supervisor Alexander moved that the Board request the School Board and its staff to meet with the Board of Supervisors on April 5, 1991 to discuss the budget crisis. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Bulova being out of the room.

JLD:JLD

35. MOMENT OF SILENT MEDITATION FOR JACK DURHAM,
FORMER CHAIRMAN, FAIRFAX COUNTY HISTORY
COMMISSION (TAPE 8)

Supervisor Richards announced the passing of Jack Durham, former Chairman, Fairfax County History Commission, on Sunday, March 17, 1991, and asked unanimous consent that the Board observe a moment of silent meditation for him. Without objection, it was so ordered.

Supervisor Richards noted Mr. Durham's efforts to save Lord Fairfax's home at Tollston Grange and expressed her desire to have the County staff work with her to ensure that the property remain intact.

Supervisor Richards asked unanimous consent that the Board direct staff to prepare correspondence under the Chairman's signature, expressing the sympathy of the entire Board to be sent to Mrs. Durham. Without objection, it was so ordered.

36. SATELLITE TO BE PLACED IN SPACE CONTAINING PLAQUE
WITH BOARD MEMBERS' SIGNATURES (TAPE 8)

Supervisor Richards announced the Orbcomm-X Roll-Out Ceremony in support of the Vastar Satellite R&D Program at Virginia's Center for Innovative Technology on Wednesday, March 20, 1991, from 3:00-6:00 p.m., for the satellite which will transport to space the plaque containing Board Members' signatures.

37. EXPEDITIOUS PROCESSING REQUESTED FOR FINAL
PAPERWORK FOR MCLEAN LITTLE LEAGUE BOARD
OF ZONING APPEALS (BZA) PERMIT (TAPE 8)

Due to the fast approaching baseball season, Supervisor Richards asked unanimous consent that the Board direct staff to process, as

expeditiously as possible, the remaining paperwork for the Board of Zoning Appeals (BZA) permit for the McLean Little League, which has existed in McLean for more than 30 years and which has previously received a waiver of fees associated with the future submission of a Site Plan Waiver to the Department of Environmental Management (DEM). Without objection, it was so ordered.

38. COUNCIL OF THE ARTS OF HERNDON RECEIVES
RECOGNITION FROM THE FAIRFAX COUNTY
CHAMBER OF COMMERCE FOR ITS HISPANIC
FESTIVAL (TAPE 8)

Supervisor Richards brought to the Board's attention the Fairfax County Chamber of Commerce's recognition of a number of arts organizations throughout the County for distinguished performance. One of the organizations recognized was the Council of the Arts of Herndon which sponsored the Hispanic Fiesta.

39. LETTER FROM FAIRFAX COUNTY TAXPAYERS ALLIANCE
SUGGESTING CITIZENS' HOTLINE ON WASTEFUL
GOVERNMENT PRACTICES (TAPE 8)

Supervisor Richards discussed a letter received by Board Members from the Fairfax County taxpayers Alliance (F.C.T.A.) suggesting that the Board set up a citizens' hotline to report wasteful government practices. Supervisor Richards expressed her doubt that the current budget situation would allow for funding for such hotlines, and suggested that, instead, citizens feel free to call any Board Member to report findings of wasteful practices, which would be of particular importance this year due the necessity of budget constraints.

40. STAFF TO STUDY PROPOSAL TO AMEND THE SUBDIVISION
ORDINANCE REGARDING PROCEDURE TO ADJUST PERSONAL
PROPERTY BOUNDARY LINES (TAPE 8)

Supervisor Richards announced that her office has received a number of phone calls over the past three years from property owners wishing to adjust their present property line to accommodate such things as additions to homes, relocation of driveway, or gardens. She stated that under the current County Code, if a property abuts a public street, the homeowner is forced to come under the Subdivision Ordinance if they wish to shift their present lot line with their neighbor. This then forces the property owner to provide a host of public improvements that would be prohibitively expensive before changing the property line.

Therefore, Supervisor Richards moved that the Board direct staff to study the possibility of drafting an amendment to the Subdivision Ordinance which would allow boundary line adjustments to be approved as simple subdivisions as long as the density is not increased and each property still meets the minimum standards set forth under the Zoning

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

41. EFFECTS OF SWIMMING POOL MAINTENANCE ON AQUATIC LIFE IN STREAMS (TAPE 8)

Supervisor Richards explained that her office receives reports on the killing of fish in local streams which, after investigation, can be linked to improper swimming pool maintenance practices. Although each year, the Department of Health sends a memorandum to swimming pool owners and service companies, she stated that citizens have requested that the County help alert individuals and citizens associations, as well as swimming pool operators, to simple procedures to avoid the killing of aquatic life in streams.

Supervisor Richards also noted that procedures have been established by Fairfax County and the Environmental Protection Agency (EPA) on the proper discharge of chlorinated water or acid pool water and that the discharge of such water into storm drains or streams is a violation of the State Water control law which is punishable by a maximum civil penalty of \$25,000 per violation per day. Violations can be reported to the State Water Control Board via the Virginia Department of Emergency Services at 1-800-468-8892, and questions can be directed to Mark Howard of the Woodbridge office of the Virginia Water Control Board at 1-703-490-8922.

In conclusion, Supervisor Richards asked unanimous consent that the Board direct staff to publish information on proper pool maintenance and drainage in County publications. Without objection, it was so ordered.

42. STAFF REQUESTED TO WORK WITH ANDREW CHAPEL UNITED METHODIST CHURCH ON OFF-SITE STORM DRAINAGE EASEMENT (TAPE 8)

Supervisor Richards brought to the Board's attention a telephone call received from Reverend Jim Athern, Pastor, Andrew Chapel United Methodist Church, located at the intersection of 1rap Road and Route 7. She noted that Reverend Athern has been working with the County for a number of years to gain necessary permits to expand the present facility, and has experienced great difficulties in getting the County to sign off on an off-site storm drainage easement acquired from an adjacent property owner. Therefore, Supervisor Richards moved that the Board direct staff to study this matter to determine what changes can be made between the County Attorney's Office, the Department of Environmental Management (DEM) and the property owner in an effort to avoid unnecessary revisions and lengthy delays. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Bulova being out of the room.

43. APRIL 1, 1991 DEADLINE FOR HOMEOWNERS AND
BUSINESSES TO REGISTER SECURITY ALARM
SYSTEMS WITH FAIRFAX COUNTY POLICE
DEPARTMENT (TAPE 8)

Supervisor Richards reminded the Board that April 1, 1991 is the deadline for homeowners and businesspersons in Fairfax County to register existing security alarm systems with the Fairfax County Police Department. The registration is required by the County's security alarm ordinance which became effective January 1, 1991.

Supervisor Richards noted that the registration forms are available at all police district stations, 24 hours a day, and that the information on the forms is confidential, accessible only to authorized public safety personnel. There is no charge for alarm system registration.

Due to fines imposed for violation, Supervisor Richards stressed the importance of notifying businesses and homeowners about the registration requirement and asked unanimous consent that the Board direct staff to take appropriate action to advertise the requirement, mandated by law, to register alarm systems. Without objection, it was so ordered.

Richard A. King, Acting County Executive, noted that staff is in the process of preparing correspondence to send to homeowners to provide clarification on the registration of security alarm systems.

44. MEETING OF CITIZENS ADVISORY COMMITTEE FOR THE
NORTHERN VIRGINIA REGIONAL TRANSPORTATION PLAN
(TAPE 8)

Supervisor Richards announced that the Citizens Advisory Committee for the Northern Virginia Regional Transportation Plan has been reconstituted and its first meeting is scheduled for Friday, March 22, 1991.

45. SYMPOSIUM REGARDING INTERJURISDICTIONAL APPROACHES
TO GROWTH AND ENVIRONMENTAL MANAGEMENT (TAPE 8)

Supervisor Richards announced that a symposium regarding interjurisdictional approaches to growth and environmental management is scheduled for Wednesday, March 20, 1991 to be held at the Council of Governments (COG) office from 8:00 a.m. until 12:00 noon.

46. REGIONAL MEETING REGARDING THE DESIGN OF THE
WOODROW WILSON BRIDGE (TAPE 8)

Supervisor Richards announced that on April 17, 1991 a regional meeting is scheduled regarding the design of the Woodrow Wilson Bridge.

47. PROPOSED COMPACT TO STRENGTHEN REGIONAL ACTIVITY (TAPE 8)

Supervisor Richards asked unanimous consent that the Board direct staff to schedule time for discussion regarding the proposed compact to strengthen regional activity. Without objection, it was so ordered.

VLL:VLL

48. DUAL LEFT-TURN LANES ON ROUTE 236 AT PROSPERITY AVENUE (TAPE 9)

Supervisor Hanley recognized the presence in the Board Room of many constituents in attendance to hear the Board's discussion on Action Item Eight - Preallocation Public Hearing for Virginia Department of Transportation (VDOT) Interstate, Primary and Urban Funds for Fiscal Year (FY) 1992 (Countywide). She requested that the constituents stand and be recognized by the Board.

Supervisor Hanley stated that these constituents, primarily from the Pine Ridge Civic Association, were in opposition to the dual left-turn lanes proposed on Route 236 at Prosperity Avenue. She provided to Board Members background information concerning this proposal and stated that she would forward to the Clerk, for placement in the record, approximately 27 letters expressing concern and strong opposition to the dual left-turn lanes.

Supervisor Hanley expressed her appreciation to these constituents for taking the time to appear today in an effort to express their concern for this proposal.

49. INTENT TO DEFER BOARD DECISION ON REZONING APPLICATION RZ 89-P-084 (PROVIDENCE DISTRICT) (TAPE 9)

Supervisor Hanley stated her intent, at the appropriate time later in the meeting, to defer Board Decision on Rezoning Application RZ 89-P-084 until April 29, 1991.

50. STAFF REQUESTED TO REVIEW FILING FEES ASSOCIATED WITH APPLICATIONS THAT ARE MODIFIED TO A LESSER DENSITY (TAPE 9)

Supervisor Hanley read into the record a letter that she had received from an applicant currently working with the Office of Comprehensive Planning (OCP) staff on a rezoning application for a day care center. Originally, the application was filed to request a rezoning to the R-5 District in order to have a smaller front yard setback. At the request of staff, the applicant reduced the building size to provide a

greater front yard setback consistent with the provisions of the R-2 District and amended the application to the R-2 District. Even though the rezoning application amendment was requested by staff and is for a lesser zoning district which requires a simple modification to the application of the County records, filing fees are being charged to the applicant.

Supervisor Hanley moved that the Board direct staff to report with recommendations on better ways to handle filing fees associated with applications that are subsequently modified to a lesser density. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Bulova being out of the room.

(NOTE: Supervisor Hanley stated that later in the meeting she would discuss this issue further during the Board's discussion on Information Item Eight - Determination of Whether the Process for Obtaining Home Occupation Permits and Business Licenses Can Be Improved. See Clerk's Summary Item CL#100.)

51. WAIVER OF FILING FEES ASSOCIATED WITH MODIFICATIONS TO A LESSER DENSITY FOR REZONING APPLICATION RZ 90-P-063 (TAPE 9)

Supervisor Hanley moved that the Board direct staff to review the request for waiver of the filing fees associated with modifications to a lesser density (from the R-5 District TO the R-2 District) for Rezoning Application RZ 90-P-063. This motion was jointly seconded by Supervisor McConnell and Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Bulova being out of the room.

52. DETAILED CHART REQUESTED TO TRACK LEGISLATIVE ACTIONS THAT REQUIRE CHANGES TO COUNTY ORDINANCES (TAPE 9)

Supervisor Hanley stated that there are a number of bills which passed the recent Session of the General Assembly which require changes to County ordinances. Although one of the changes has already taken effect because it was passed as "emergency legislation," most of the ordinance changes will take effect July 1, 1991.

In an effort to assist the Board in tracking these changes to County ordinances, Supervisor Hanley moved that the Board direct its Legislative Liaison staff to create and distribute a chart which designates any new authority granted or changes to the Board's existing authority resulting from actions by the recent Session of the General Assembly. This motion was jointly seconded by Supervisor McConnell and Supervisor Richards and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, and Supervisor Davis being out of the room.

53. STATEMENT BY MR. WILLIAM E. GLOVER IN RESPONSE
TO MEMORANDUM DISTRIBUTED BY COUNTY
ATTORNEY'S OFFICE (TAPE 9)

Supervisor Davis asked unanimous consent that the Board permit William E. Glover, President, E.H. Glover Contractor, Incorporated, to briefly respond, on the record, to a memorandum distributed by the County Attorney's Office on October 5, 1990.

David T. Stitt, County Attorney, stated that it would be unprecedented for an individual to appear before the Board to discuss a matter currently in litigation, i.e., the general conditions to the County's construction contracts are in litigation. He stated that Mr. Glover had informed him earlier this morning that if he were permitted to address the Board, he did not intend to address the merits of the general conditions and merely would respond to his role in the dispute. With that understanding, Mr. Stitt stated, from his point of view, that he did not have an objection to Mr. Glover presenting a statement.

Without objection, it was so ordered.

Mr. Glover distributed to Board Members a package of materials which included:

- Mr. Glover's response to the memorandum distributed by the County Attorney's Office;
- Memorandum distributed by the County Attorney's Office dated October 5, 1990; and
- Various memorandums and letters provided as background material dating from November 1983 to November 1988.

Supervisor Pennino stated her objection to Mr. Glover being permitted to address the Board. She stated that the Board adopted a policy whereby citizens of Fairfax County are invited to present their views on issues of concern on "Open Mike Night." She stated that citizens are not permitted to comment on "....any issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals...." She moved that the Board not grant the request to permit Mr. Glover's statement; however, this motion died for lack of a second.

Following the statement by Mr. Glover, Supervisor Davis expressed his appreciation to him for appearing before the Board.

Mr. Still briefly responded to Mr. Glover's statement in defense of the author of the memorandum. He called to the Board's attention that the memorandum, in essence, states that the issues raised by the council are virtually identical to those raised by Newberg in the federal court case which is an absolute fact.

54. STATUS REQUESTED ON TRANSFER OF BAILEY'S
CROSSROADS REVITALIZATION FUNDS IN
COUNTY GENERAL FUND TO THE BAILEY'S
CROSSROADS REVITALIZATION
CORPORATION (TAPE 9)

Supervisor Davis referred to a memorandum that he had sent to Richard A. King, Acting County Executive, on February 8, 1991, transmitting the request for the transfer of Bailey's Crossroads Revitalization funds in the County's General Fund TO the Bailey's Crossroads Revitalization Corporation. The Corporation, formerly the Bailey's Crossroads Revitalization Task Force, is a duly formed corporation with an elected Board of Directors and Officers. The Corporation has requested that funds in the County's General Fund, earmarked for improvements in the Bailey's Crossroads area, be transferred into its account.

To date, Supervisor Davis stated that he has yet to receive a response from staff on this request and he asked unanimous consent that the Board direct staff to review and report with a recommendation on the Corporation's request to transfer the funds. Without objection, it was so ordered.

55. STAFF TO RESEARCH BOARD POLICY ON MEMBERSHIP
REQUIREMENTS FOR THE BOARD OF EQUALIZATION
(TAPE 9)

(BACs)

Supervisor Davis announced that the recent death of James F. Neville, At-Large (Attorney) Representative and Chairman, Board of Equalization (BOE), had created a vacancy on the BOE. He asked unanimous consent that the Board direct staff to determine whether it was legally required that the BOE maintain two attorney positions or whether it was possible to allow a citizen representative to serve in one of the two attorney positions as long as one position is filled by an attorney. Without objection, it was so ordered.

56. APPOINTMENT TO THE FAIRFAX COUNTY ATHLETIC
COUNCIL (TAPE 9)

(APPI)

Supervisor Davis moved the appointment of Ms. Susan Williams as the Fairfax Women's Soccer Association Representative to the Fairfax County Athletic Council. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Bulova and Supervisor Hanley being out of the room.

57. TAXICAB COMPANIES CURRENTLY CHARGING
SURCHARGE FOR HIGHER GASOLINE PRICES
EVEN THOUGH PRICES HAVE DROPPED
(TAPE 9)

Supervisor Davis called to the Board's attention the fact that some taxicab companies are currently charging a surcharge on their fares for higher gasoline prices. Inasmuch as gasoline prices have fallen dramatically since the recent occurrences in Kuwait, Supervisor Davis stated that the surcharge should be removed. He stated that the additional charge is particularly hard on handicapped and elderly citizens who depend on taxi service.

Supervisor Hyland stated that at the public hearing held to adopt the surcharge, assurances had been given that staff would monitor the situation and act accordingly to remove the surcharge when gasoline prices were reduced. He asked unanimous consent that the Board direct staff to report on the "breakdown" that occurred in the process. Without objection, it was so ordered.

Supervisor Davis moved that the Board direct staff to report at the Board of Supervisors' meeting scheduled for April 8, 1991 with recommendations for Board action to remove the surcharge adopted on an emergency basis on November 5, 1990 and on a permanent basis on December 3, 1990. This motion was jointly seconded by Supervisor McConnell and Supervisor Richards and carried by a vote of seven, Supervisor Bulova and Supervisor Hanley being out of the room.

58. REQUEST BY LAZARUS AT THE GATE FOR A VAN TO ASSIST
THE GEORGE MCMANMON'S FOOD PROGRAM (TAPE 9)

Supervisor Davis called to the Board's attention the request of Lazarus at the Gate for a van for food delivery and pick-up to assist in the George McManmon's Food Program. He stated that the food is obtained from private sources and redistributed to needy individuals. Without the assistance of a van, the food will not be distributed in the Northern Virginia area. He asked unanimous consent that the Board refer the request to the Acting County Executive for review and recommendation. Without objection, it was so ordered.

Chairman Moore stated that the request should be included with the appropriate background material as a consideration item in the budget.

59. APPLICABILITY OF BUSINESS PERSONAL PROPERTY TAXES
TO CONDOMINIUM AND HOMEOWNER ASSOCIATIONS (TAPE 9)

Supervisor Davis called to the Board's attention a letter that he had received from Strean, Ahlberg and Company, P.C., Certified Public Accountants, serving as auditors for over 200 condominium and homeowner associations in the Northern Virginia area. He stated that Strean,

Ahlberg calls his attention to the fact that over the past few years a question has arisen regarding the applicability of the business personal property tax to some but not all of those associations, and the application thereof which is not consistent.

Supervisor Davis stated that condominium and homeowner associations are not businesses but simply organizations of owners who pool a certain amount of money for the collective upkeep of their property and non-profit organizations formed for the purpose of administering and managing the common area on which they exist.

Supervisor Davis moved that the Board refer the letter to staff for its review and direct staff to report with recommendations for Board consideration to exempt condominium and homeowner associations from the requirement to file and pay business personal property tax. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland being out of the room.

60. REQUEST OF FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE (FCAAC) TO EXPAND THE COMMITTEE'S JURISDICTION (TAPES 9-10)

(BACs)

Supervisor Davis called to the Board's attention a letter that he had received from General Earl C. Hedlund, Mason District Representative to the Fairfax County Airports Advisory Committee (FCAAC), requesting Board consideration to expand the Committee's jurisdiction from the Dulles and National Airports to cover all aviation matters within Fairfax County. He asked unanimous consent that the Board refer the FCAAC's request to staff for its review and recommendation. Without objection, it was so ordered.

61. STATUS REQUESTED ON ANNUAL FEE FOR FIRE INSPECTION OF CHURCHES (TAPE 10)

Supervisor Davis stated that at the Board of Supervisors' meeting held on January 14, 1991, action had been taken to direct staff to report with a Consideration Item on the issue regarding whether the County should require churches to annually pay an \$88.50 fee for fire inspections. To date, he stated he is yet to receive a response from the County Attorney's Office and he asked unanimous consent that staff report as expeditiously as possible on this matter. Without objection, it was so ordered.

62. APPOINTMENT TO THE CITIZENS REAPPORTIONMENT
ADVISORY TASK FORCE (TAPE 10)

(Verbatim)
(2:05 p.m.)
(APPT)

Supervisor McConnell moved the appointment of Mr. Ken Winslow as the Springfield District Representative to the Citizens Reapportionment Advisory Task Force to replace Mr. Robin Gray who had resigned. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland being out of the room.

(2:06 p.m.)

63. STATEMENT BY GENERAL JAMES JOHNSON CONCERNING THE
PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF
FAIRFAX CREATING A NEW CHAPTER 118, CHESAPEAKE
BAY PRESERVATION ORDINANCE (TAPE 10)

Supervisor McConnell asked unanimous consent that the Board, in lieu of her Board Matter time, permit General James Johnson, an expert on water waste, to briefly address the Board concerning the proposed amendment to the Code of the County of Fairfax creating a new Chapter 118, Chesapeake Bay Preservation Ordinance, scheduled for public hearing later in the meeting. Without objection, it was so ordered.

Following the statement by General Johnson, Supervisor McConnell expressed her appreciation for his outstanding presentation.

Chairman Moore relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to report with a reaction to General Johnson's comments. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Moore.

Supervisor Richards asked unanimous consent that the Board direct staff to forward to General Johnson a copy of the proposed Grandfather Provisions. Without objection, it was so ordered.

64. APPOINTMENT AND REQUEST FOR ADDITIONAL
REPRESENTATION ON THE ROUTE 28 DISTRICT
TASK FORCE (TAPES 10-11)

(BACs)
(APPT)

(NOTE: Earlier in the meeting action was taken regarding the Route 28 District Task Force. See Clerk's Summary Item CL#21.)

Chairman Moore relinquished the Chair to Acting-Chairman Alexander and moved the appointment of Ms. Barbara Cohen as the At-Large Representative on the Route 28 District Task Force. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Bulova, Supervisor McConnell, and Supervisor Pennino being out of the room.

At the request of the Poplar Tree Estates Homeowners Association, the Greenbriar Civic Association, the Brookfield Citizens Association, the Franklin Farm Foundation, and the Chantilly High Parents-Teachers-Students Association (PTSA), Supervisor Moore moved that the Board:

- Include additional representation by the Route 50 Council of Community Associations, comprised of communities south of Route 50, on the Route 28 District Task Force; and
- Appoint Ms. Beatrice Garcia as the Representative for this group.

Following discussion by Board Members regarding the composition of the Task Force and the fact that all Task Force meetings are open to the public, the motion died for lack of a second.

Supervisor Moore asked unanimous consent that the Board direct staff to notify Ms. Garcia of all Task Force meetings and inform her that she is eligible to attend the meetings even though she was not appointed.

Supervisor Davis asked that the request be amended that the Board direct staff to notify all community associations in the area of the upcoming meetings and advise them that the meetings are public, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Moore.

Following additional discussion, with input from James Zook, Director, Office of Comprehensive Planning, the request was amended that the Board request the Task Force to determine the appropriate notification process for upcoming meetings, and this was accepted.

Mr. Zook announced that meetings have been scheduled for March 25, April 1, and April 6, 1991. He stated that Board Members should contact his staff with specific associations to add to the present notification list.

Without objection, the amended request was so ordered.

(NOTE: Later in the meeting, additional action was taken to appoint Ms. Garcia to the Task Force. See Clerk's Summary Item CL#69.)

65. RECOGNITION OF BOY SCOUT TROOP 146, SAINT TIMOTHY'S (TAPE 11)

Supervisor McConnell recognized the presence of Boy Scout Troop 146, Saint Timothy's and warmly welcomed them to the Board Room.

66. ADVERTISEMENT PUBLISHED BY THE ECONOMIC DEVELOPMENT AUTHORITY (TAPE 11)

Supervisor Hanley called to the Board's attention the Economic Development Authority's (EDA) advertisement which appeared in the March 4, 1991 edition of the Wall Street Journal. To her dismay, she stated that eight caucasian individuals were used in the advertisement to represent Fairfax County. She stated that this particular advertisement had been designed in 1985 and she had been informed, unofficially, that the ad has been revised. She asked unanimous consent that the Board direct staff to determine whether the advertisement has been changed and to take the following actions:

- Express to the EDA the Board's strong dismay if the advertisement has NOT been changed or if it has been changed, congratulate the EDA for having made a sensible change; and
- Report its findings to the Board.

Without objection, it was so ordered.

Supervisor Richards stated that on numerous occasions she had requested reporting on the effectiveness of previous advertisements by the EDA; however, to date, she has yet to receive any information. For the record, she stated that she would continue to oppose any funding for EDA advertisements until she receives her requested reports. Again, Supervisor Richards asked unanimous consent that the Board direct staff to request the EDA to provide additional information regarding the effectiveness of the advertisements in bringing prospects into the County. Without objection, it was so ordered.

CM:CM

67. ADMINISTRATIVE ITEMS (TAPE 12)

Supervisor Pennino moved approval of the Administrative Items with the exception of Administrative Item Five and Administrative Item Six. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Bulova being out of the room.

(NOTE: Later in the meeting, action was taken on Administrative Items Five and Six. See Clerk's Summary Items CL#67A and #67B.)

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM
(CENTREVILLE, PROVIDENCE AND SPRINGFIELD
DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated March 18, 1991 be recommended for acceptance into the State Secondary System.

ADMIN 2 - APPROVAL OF BACKLICK ROAD PUMPING
STATION EXPANSION AND MODIFICATION (MASON
DISTRICT)

Approved the request for expansion and modification of the Fairfax County Water Authority (FCWA) Backlick Road Pumping Station located on the east side of Backlick Road, approximately 2,700 feet north of the intersection of Backlick Road and Braddock Road, to enable the FCWA to provide a reduced water supply from Occoquan Reservoir for the portion of the County located north and west of the Tysons Corner area in the event of disruption of normal supply from the Potomac River through the Corbalis Plant, Mason District.

ADMIN 3 - ADDITIONAL TIME TO ESTABLISH THE USE FOR
SPECIAL EXCEPTION APPLICATION SE 87-D-084 (STANLEY
MARTIN COMMUNITIES/HDC II LIMITED PARTNERSHIP)
(DRANESVILLE DISTRICT)

- (ET) Approved the request for 12 months of additional time to establish the use for Special Exception Application SE 87-D-084 until February 1, 1992 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 82-D-038-1 (HADID INVESTMENT GROUP,
INCORPORATED) (DRANESVILLE DISTRICT)

- (ET) Approved the request for 30 months of additional time to commence construction for Special Exception Amendment Application SEA 82-D-038-1 until May 25, 1992 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 87-P-100,
(JERMANTOWN CHILD CARE ASSOCIATES) (PROVIDENCE
DISTRICT)

(NOTE: Later in the meeting, action was taken to extend the request for additional time to commence construction for Special Exception Application SE 87-P-100 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. See Clerk's Summary Item CL#67A.)

ADMIN 6 - ADDITIONAL TIME TO ESTABLISH THE USE FOR
SPECIAL EXCEPTION APPLICATIONS SE 87-S-011,
SE 87-S-047, AND SE 87-S-048 (THE ASSEMBLAGE
LIMITED PARTNERSHIP) (SPRINGFIELD DISTRICT)

(NOTE: Earlier in the meeting action was taken to extend the request for additional time to establish the use for Special Exception Applications SE 87-S-011, SE 87-S-047, and SE 87-S-048 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. See Clerk's Summary Item CL#67B.)

ADMIN 7 - ADVERTISEMENT FOR A PUBLIC HEARING TO
AMEND THE CURRENT APPROPRIATION LEVEL IN THE
FISCAL YEAR (FY) 1991 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on April 8, 9 and 10, 1991 at 7:30 p.m. to increase the Fiscal Year (FY) 1991 appropriation level. The advertisement encompasses both the County and the School's Third Quarter Review.

ADMIN 8 - AUTHORIZATION TO ADVERTISE THE FISCAL
YEAR (FY) 1992 - FY 1996 CAPITAL IMPROVEMENT
PROGRAM (CIP)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on April 22, 1991 at 3:00 p.m. on the proposed adoption of the proposed Fiscal Year (FY) 1992 - 1996 Capital Improvement Program (CIP).

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
FOR THE CREATION/ENLARGEMENT/DE-CREATION/RE-CREATION
OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE
AND LEAF COLLECTION SERVICES (DRANESVILLE, LEE,
MASON AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on April 29, 1991 at 3:30 p.m. on the following proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>SANITARY DISTRICT</u>	<u>TYPE OF ACTION</u>	<u>STAFF SERVICE</u>	<u>STAFF RECOMMENDATION</u>
Local District A-2 within Small District One within Dranesville District (Merrimac Estates)	Enlarge	Refuse	Approve
Local District B within Small District One within Lee District	Enlarge	Leaf	Approve
Small District One within Mason District (Best Western Hotel)	De-Create/ Re-Create	Leaf	Deny
Small District One within Mason District (Rock Springs Professional Center)	De-Create/ Re-Create	Leaf	Deny
Small District One within Mason District (Barcroft Mews Townhouse Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Deny
Small District Three within Mason District (Englandboro)	De-Create	Refuse	Approve
Small District One within Mason District (Englandboro)	Enlarge	Refuse and Leaf	Approve
Small District Four within Mason District	Enlarge	Refuse and Leaf	Approve
Small District One within Providence District (Quality Inn Governor)	De-Create/ Re-Create	Leaf	Deny

67A. ADMIN 5 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 87-P-100.
(JERMANTOWN CHILD CARE ASSOCIATES) (PROVIDENCE
DISTRICT) (TAPE 12)

- (ET) Supervisor Hanley moved to extend the request for additional time to commence construction for Special Exception Application SE 87-P-100 pursuant to the provisions of Section 9-015 of the Zoning Ordinance for 12 months. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Bulova being out of the room.

67B. ADMIN 6 - ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATIONS SE 87-S-011, SE 87-S-047, AND SE 87-S-048 (THE ASSEMBLAGE LIMITED PARTNERSHIP) (SPRINGFIELD DISTRICT) (TAPE 12)

(ETs) Supervisor McConnell moved approval of the request for additional time for a period of 17 months from the original expiration date of October 19, 1990, to establish the use for Special Exception Applications SE 87-S-011, SE 87-S-047, and SE 87-S-048 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Bulova being out of the room.

68. CHANGE IN THE ORDERS OF THE DAY (TAPE 12)

Supervisor Hyland asked unanimous consent that the Board change the Orders of the Day to go into Executive Session and then proceed with the County Executive matters when all Board Members are present. Without objection, it was so ordered.

ADDITIONAL BOARD MATTER

69. APPOINTMENT TO THE ROUTE 28 DISTRICT TASK FORCE (TAPE 12)

(NOTE: Earlier in the meeting, there was additional discussion regarding the Route 28 District Task Force. See Clerk's Summary Items CL#21 and CL#64.)

Supervisor Pennino stated that staff had answered her question regarding the membership of the Route 28 District Task Force and moved that Ms. Beatrice Garcia be appointed to the Task Force and that her appointment be the cutoff point for the membership. This motion was seconded by Chairman Moore and carried by a vote of eight, Supervisor Bulova being out of the room.

70. RECESS/EXECUTIVE SESSION (TAPE 12)

At 2:45 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:

- N.V. Land, Incorporated versus Fairfax County Board of Supervisors in Chancery Number 105959; and
- Related issues regarding sewer service areas.

This motion was seconded by Supervisor Hyland and carried by a vote of eight Supervisor Bulova being out of the room.

At 4:30 p.m., the Board reconvened in the Board Room with all Board Members present, with the exception of Supervisor Bulova, and with Chairman Moore presiding.

71. ACTIONS FROM EXECUTIVE SESSION (TAPE 13)

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

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

(NOTE: Later in the meeting, there were additional actions from Executive Session. See Clerk's Summary Item CL#128B.)

72. A-1 - BOARD ACTION CONCERNING THE PLANNING
COMMISSION'S DECISION ON EXPANSION OF THE
I-95 LANDFILL (MOUNT VERNON DISTRICT)
(NO TAPE)

(NOTE: Board action on this item was deferred until later in the meeting. See Clerk's Summary Item CL#76.)

73. A-2 - ADOPTION OF BUSINESS RECYCLING IMPLEMENTATION
PLAN (COUNTYWIDE) (NO TAPE)

(NOTE: Earlier in the meeting action was taken on this item. See Clerk's Summary Item CL#16.)

74. A-3 - SPRING 1991 BOND SALE (TAPE 13)

(Bonds)

(Rs)

- (A) Supervisor Alexander moved that the Board concur in the recommendation of staff and take the following actions authorizing a Bond Sale in the amount of \$150 million to be held on April 3, 1991 at 12:00 o'clock noon for the purposes listed below:

<u>PURPOSE</u>	<u>SALE AMOUNTS REQUIRED THROUGH JUNE 1991</u>	
	<u>(\$ in millions)</u>	
- School Improvements	\$	59.40
- Preliminary and Secondary Roads (1985 Referendum)		27.80
- Parks and Park Facilities		15.40
- Human Services Facilities		4.90
- Neighborhood Improvements		11.01
- Transportation Facilities (1988 Referendum)		12.20
- Commercial and Redevelopment Area Improvements		.40
- Library Facilities		6.40
- Adult Detention Facilities		4.00
- Public Safety Facilities		2.00
- Storm Drainage		1.90
- Correctional Camp		<u>4.59</u>
<u>TOTAL</u>	\$	150.00

This motion was seconded by Supervisor Pennino.

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

(*NOTE: Upon her return to the Board Room, Supervisor Pennino asked unanimous consent to be recorded as voting "AYE" on Action Item Three. Without objection, it was so ordered. See Clerk's Summary Item CL#75.*)

ACTIONS TAKEN BY THE BOARD

- Approved the Resolution authorizing the issuance of the bonds;

- Approved the Resolution authorizing the Notice of Sale, the form of the Official Statement, and the Chairman's signature on the final Official Statement;
- Approved the Resolution providing for the printing of the Bond Counsel's Opinion; and
- Approved the Resolution delegating authority to the Acting County Executive, or, in his absence, the Deputy County Executive for Management and Budget, to award the sale in the absence of a Board quorum.

(NOTE: The Board is reminded that a quorum is necessary the day of the sale, April 3, 1991. Bids will be received until noon Eastern Standard Time on Wednesday, April 3, 1991.)

Chairman Moore relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to report with a clarification regarding the quarterly process of the appropriation of funds to the School System for bond funded projects prior to the sale of bonds. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Moore.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide information regarding the method Dallas, Texas used to maintain its Triple A Bond rating and how its budget was managed during the recession. Without objection, it was so ordered.

Supervisor Richards asked unanimous consent that the Board direct staff to report with a timeline regarding delays in the construction of the Herndon Library because of the bonds sales. Without objection, it was so ordered.

Following further discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide information as to whether the Holland Hall Storm Drainage Phase II is included in this Bond sale. Without objection, it was so ordered.

75. REQUEST TO RECORD VOTE ON A-3 - SPRING
1991 BOND SALE (TAPE 13)

Supervisor Pennino asked unanimous consent that she be recorded as voting "AYE" on Action Item Three - Spring 1991 Bond Sale because she was out of the room when action was taken. Without objection, it was so ordered.

76. A-1 - BOARD ACTION CONCERNING THE PLANNING
COMMISSION'S DECISION ON EXPANSION OF THE
I-95 LANDFILL (MOUNT VERNON DISTRICT)
(TAPE 13)

(NOTE: On March 4, 1991, the Board of Supervisors tabled further discussion on the Appeal of the Planning Commission's 456 decision on the proposed expansion of the I-95 Landfill, Mount Vernon District.)

Supervisor Alexander moved that this item be taken off the table for discussion at this time. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

Following a lengthy discussion, with input from David T. Still, County Attorney, and John W. diZerega, Director, Department of Public Works, Supervisor Hyland moved that the Board concur in the recommendation of staff on Policy Option Three - Pursue Use of Out-of-County Landfill which provides for the following:

- Each jurisdiction that is party to the I-95 Agreement will continue toward meeting recycling goals and increase their recycling goals in terms of stepping up or curbside recycling;
- All of the County's processable waste and a portion of the District of Columbia's waste will continue to be disposed of in the Energy Resource Recovery Facility;
- The District of Columbia will pursue additional resource recovery capacity with help from the Congress to repair their existing facility;
- At the close of the existing landfill in the timeframe 1992-1995, nonprocessable and excess-processable waste from the counties and towns and cities within the county are hauled out of the county;
- Ash from Fairfax County, the District of Columbia, and the City of Alexandria facilities will be landfilled at the I-95 Complex pursuant to the existing contract that will provide a lined landfill at the I-95 site; and

- The District of Columbia, the City of Alexandria, and the Arlington landfill disposal options at this point remain uncertain although Option 3 will not preclude Fairfax County from continuing to work with those jurisdictions to assist them in disposing of their nonprocessable waste elsewhere if that is possible.

This motion was seconded by Supervisor Pennino.

Following further discussion, Supervisor Alexander asked unanimous consent that the Board direct staff to report with information "in a reasonable time" regarding the additional cost of the "hauling out." Without objection, it was so ordered.

Supervisor Hanley moved to amend the motion to include the additional actions at the bottom of Page Six contained in the Board Package backup material as follows:

- Initiates selection process for out-of-County landfill capacity;
- Deny current 456 appeal; and
- Stop efforts related to the Environmental Study on the 147 acre expansion area.

This was accepted.

The question was called on the motion, and as amended, carried by unanimous vote.

Supervisor Alexander further moved to amend the motion to include that Fairfax County continue to work with the District of Columbia and other jurisdictions to develop cooperatives and arrangements to assist them in their disposal of solid waste that cannot be burned and this was accepted.

77. A-4 - PAY DIFFERENTIAL AND DONATED LEAVE FOR
EMPLOYEES ON ACTIVE DUTY FOR DESERT SHIELD
AND DESERT STORM OPERATIONS (TAPE 13)

On motion of Supervisor Pennino, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the implementation of a paid salary differential between County base salary and military pay and directed staff to expand the transferred leave program for employees who volunteer or are called to active duty for Operation Desert Shield and/or Operation Desert Storm.

78. A-5 - AUTHORIZATION TO PUBLISH A REDISTRICTING GUIDE FOR THE 1991 COUNTY REAPPORTIONMENT (TAPE 13)

(VERBATIM)

(5:15 p.m.)

On motion of Supervisor Hanley, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the publication of the redistricting guide contained in the Memorandum to the Board dated March 18, 1991 for those individuals who may wish to submit plans for the reapportionment of the County.

(5:15 p.m.)

79. A-6 - AUTHORIZATION TO PAY FISCAL YEAR (FY) 1991 FOURTH QUARTER TRANSIT OPERATING SUBSIDY TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (COUNTYWIDE) (TAPE 13)

(R) On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution contained in Attachment Two of the Memorandum to the Board dated March 18, 1991 authorizing payment to the Washington Metropolitan Area Transit Authority (WMATA) of the Fiscal Year (FY) 1991 fourth quarter transit operating and capital assistance subsidy billing in the amount of \$10,395,651.

80. A-7 - COUNTYWIDE BUS SERVICE REDUCTIONS AND EXPANSIONS FOR FISCAL YEAR (FY) 1992 (COUNTYWIDE) (TAPES 13-14)

On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Requested that Washington Metropolitan Area Transit Authority (WMATA) hold public hearings regarding 27 Metrobus service reductions contained in Attachment A of the Memorandum to the Board dated March 18, 1991;
- Directed staff to conduct a public meeting to obtain public input regarding the five FAIRFAX CONNECTOR service reductions included in Attachment A. Final staff recommendations regarding these Metrobus and FAIRFAX CONNECTOR service reductions will be provided to the Board after the completion of the public input process;

- Approved the implementation of the three Metrobus service reductions to rush-hour Metrobus Routes 16L, 17M, and 20P which do not require a public hearing but may be implemented in June 1991 under the WMA1A General Manager's authority because these reductions are more minor in nature; and
- Directed staff to schedule public hearings/public meetings regarding the bus service expansions included in Attachment B so that the Board of Supervisors may consider these service enhancements at the time that the Board makes a final decision on bus service reductions. These limited expansions would be contingent on realizing cost savings through bus service reductions. The Fiscal Year (FY) 1991 Advertised Fiscal Plan does not fully fund FY 1992 WMA1A funding requirements.

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

81. A-8 - PREALLOCATION PUBLIC HEARING FOR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) INTERSTATE, PRIMARY AND URBAN FUNDS FOR FISCAL YEAR (FY) 1992 (COUNTYWIDE) (TAPE 14)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board concur in the recommendation of staff and:

- Request the Commonwealth Transportation Board (CTB) to approve funding for the projects listed in Tables One and Two, Attachment 1 of the Memorandum to the Board dated March 18, 1991. This listing includes Interstate projects on I-66 and the Capital Beltway prioritized pursuant to the direction of the Board of Supervisors on September 17, 1990;
- Request the CTB to use the funds programmed for the design of the permanent I-66 High Occupancy Vehicle (HOV) lanes and widening project between I-495 and Gainesville toward the funding of the recommended projects on I-66;

- Advise the CTB that the Board of Supervisors' priorities for improvements to Interstate and Primary roadways be made part of the Commonwealth's list of projects for inclusion in the process of reauthorization of the Federal Surface Transportation Act. It is understood that the County's list will be refined over the next several months;
- Request the CTB to establish a process whereby local officials can review and comment on the list of projects for federal funding that the State will submit to Federal officials as part of the new Surface Transportation Act; and
- Direct staff to schedule public hearings/public meetings regarding the bus service expansions included in Attachment B so that the Board of Supervisors may consider these service enhancements at the time that the Board makes a final decision on bus service reductions. These limited expansions would be contingent on realizing cost savings through bus service reductions. The Fiscal Year (FY) 1991 Advertised Fiscal Plan does not fully fund FY 1992 WMATA funding requirements.

Supervisor Moore further moved that the Board include the following two projects on the listing entitled, "Projects in Priority Order to be Added to Six Year Program":

- Under "Interstate Projects," Table Two, at the bottom of (handwritten) Page Three of the Board Package backup material:
 - * ADD new items Eight and Nine:
 - 8. The I-495, I-395, I-95 Improvement to the Interchange for right-of-way and construction; and
 - 9. The remaining Parkway sections for right-of-way and construction.

This motion was seconded by Supervisor Alexander.

Following discussion, Supervisor Davis moved to amend (Chairman Moore's) motion to make the following modifications on the listing entitled, "Projects in Priority Order to be Added to Six Year Program":

- Under "Primary Road Projects," Table Two, (handwritten) Pages Four and Five of the Board Package backup material:
 - * MOVE Items 14, 15, and 19 INTO Item Seven so that the items are included as part of the Comprehensive Study between the Fairfax City limits and Hummer Road.

This motion was seconded by Supervisor Hanley.

Supervisor Richards further moved to amend the amendment (Supervisor Davis') to the motion to:

- LEAVE the phrase in the third column "To provide funds for design and construction,";
- In the first two columns REPLACE "Little River Turnpike" with "Dolly Madison Boulevard"; and
- REPLACE "construct tandem left turn lanes at Prosperity Avenue" WITH "provide a ramp for northbound Dolly Madison Boulevard to eastbound Dulles Connector Road."

This was accepted.

The question was called on the amendment (Supervisor Davis') to the motion, as amended (Supervisor Richards'), which carried by a recorded vote of seven, Supervisor Bulova and Chairman Moore voting "NAY."

Supervisor Hanley moved to amend the motion to revise the language in the description for Lee Highway contained in "Projects in Priority Order to be Added to Six Year Program":

- Under "Primary Road Projects," Table One, on (handwritten) Page One of the Board Package backup material, Item One:

- * "Widen to six lanes from I-495 to Fairfax City limits. Priority within this project should be right-of-way and construction of an interim four lane section between Cedar Lane and Nutley Street and between Juniper and Merilee Drive followed by right-of-way and construction of six lanes between I-495 and Maple Lane."

Supervisor Hanley further moved to amend the motion to include the phrase "including noise walls," on the following items contained in Table Two of the Board Package backup material:

- ADD the phrase "including noise walls" to the following items:
 - * Items One, Four, and Five (Page Two);
 - * Items Two, Three, Four, Five, and Eight (Page Three); and
 - * Particularly Item Seven, I-495 (Page Three).

This was accepted.

Supervisor Bulova amended the motion to add the phrase "including noise walls" to the project at the top of (handwritten) Page Three, Item One, and this was accepted.

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

Supervisor Hanley moved to have the Chairman of the Transportation Committee present the position of the Board to Virginia Department of Transportation (VDOT) at the preallocation hearing. This motion was seconded by Supervisor Davis.

Following discussion Supervisor Pennino moved to table the motion. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

82. A-9 - AUTHORIZATION TO EXECUTE THE LORTON COMMUTER RAIL STATION AGREEMENT (MOUNT VERNON DISTRICT)
(TAPE 14)

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

- Approved the general form of the agreement contained in the Memorandum to the Board dated March 18, 1991 and authorized the Acting County Executive to execute a finalized version of the agreement when the property interest of the Fraziers is satisfactorily transferred to the Lorton 86 Partnership;
- Directed staff to apply to the Planning Commission for a Section 15.1-456 Public Facilities Determination for a commuter rail station on 8.6 acres of property located south of Lorton Road and east of the Richmond, Fredericksburg and Potomac (RF&P) Railroad (Tax Map 107-4((1)) parcels 53, 54, 55, 56, 57 and pt. 52) and request that the application receive early consideration by the Planning Commission. (The Planning Commission has indicated a public hearing could be scheduled in May 1991.);
- Directed staff to advise the Northern Virginia Transportation Commission (NVTC) of the location for Lorton Station; direct County staff to complete the design for the initial 200 space parking lot at the site in a timely manner and to seek ways to expedite construction of both the parking lot and the station platform;
- Directed the Director of the Department of Environmental Management (DEM) to conduct an expedited review and approval of the Site Plan and Subdivision Plat; and
- Directed County staff to conduct appropriate title examinations and feasibility studies required by the Lorton Commuter Rail Station Agreement in a timely manner. (The Board desires to complete these activities in 60 days, if practical).

83. A-10 - MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT AND THE UNITED STATES (U.S.) OFFICE OF FOREIGN DISASTER ASSISTANCE FOR JOINT TRAINING AND EMERGENCY DISASTER RELIEF AND RESPONSE
(TAPE 14)

On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved the Memorandum of Understanding between the Fairfax County Fire and Rescue Department (FCFRD) and the United States (U.S.) Office of Foreign Disaster Assistance (OFDA) to allow for joint training exercises in structural collapse search and rescue, as well as participation in international responses to disasters, including earthquakes, by international team members of the FCFRD's Technical Rescue Operations Team.

(NOTE: This agreement formalizes participation by Fairfax County in OFDA's International Disaster Assistance Response Team and provides a significant amount of technical rescue equipment and training in structural collapse and hazardous materials incident mitigation with minimal fiscal impact to the County.)

84. A-11 - EMERGENCY ORDINANCE TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 1 (GENERAL PROVISIONS), SECTION 1-1-14 (CLASSES OF MISDEMEANORS; DEFINITION; PUNISHMENTS) (TAPE 14)

(EO)
(A)

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

- Enacted, on an emergency basis, an amendment to the Code of the County of Fairfax, Chapter 1 (General Provisions), Section 1-1-14 (Classes of Misdemeanors; Definition; Punishments); and
- Authorized the advertisement of a public hearing to be held before the Board of Supervisors on April 29, 1991 at 4:00 p.m. to readopt, on a permanent basis, the emergency ordinance.

(NOTE: The effective date of this amendment will be the day of passage, on an emergency basis, by the Board of Supervisors.)

85. A-12 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING DWELLINGS IN THE PDC DISTRICT (TAPE 14)

(A)

- (R) On motion of Supervisor Pennino, seconded jointly by Supervisor Hanley and Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 24, 1991 and before the Board of Supervisors on May 20, 1991 at 3:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow an increase in the percentage of gross floor area for dwellings as a secondary use.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the issuance of temporary zoning permits for vendors who already have permanent locations along the Route One Corridor and continue to renew their temporary permits. Without objection, it was so ordered.

86. A-13 - AUTHORIZATION FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT PRETRIAL SERVICES PROGRAM TO APPLY TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR THE CONTINUATION OF A GRANT FOR A PRETRIAL SUPERVISED RELEASE PROGRAM (TAPE 14)

On motion of Supervisor Davis, seconded jointly by Supervisor Hyland and Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved the grant application by the Fairfax County General District Court Pretrial Services Program for Federal Bureau of Justice Assistance funds administered through the Virginia Department of Criminal Justice Services in the amount of \$119,984 to continue funding of the Pretrial Supervised Release Program.

87. A-14 - SUPPLEMENTAL APPROPRIATION RESOLUTION AS 91037 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT TO PARTICIPATE IN THE STATE MEDICAID PILOT PROJECT (TAPE 14)

(SAR)

On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by a vote of eight, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 91027, in the amount of \$8,659, from the Virginia Department of Social Services (VDSS) for the

Department of Human Development (DHD) to participate in the State Medicaid Pilot Project.

[Funding is requested for one Senior Eligibility Worker Position (S-17, 1.0 SYE) within the DHD to provide Medicaid eligibility intake and determination at the Fairfax County Health Department's Springfield and Falls Church District Offices. The pilot project will run for 12 months from inception and is expected to be conducted from April 1, 1991 through March 31, 1992. VDSS will reimburse Fairfax County for 100 percent of the salary and fringe benefit costs associated with this position during Fiscal Year (FY) 1991 and FY1992.]

88. A-15 - AUTHORIZATION TO TRANSMIT LETTERS TO CONGRESSIONAL MEMBERS ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND SUPPORT OF NATIONAL COMMUNITY DEVELOPMENT WEEK (TAPE 14)

(NOTE: Earlier in meeting, action was taken to approve the Proclamation designating April 1 through April 7, 1991 as "COMMUNITY DEVELOPMENT WEEK" in Fairfax County. See Clerk's Summary Item CL#5.)

Supervisor Hanley moved that the Board concur in the recommendation of staff and authorize the Chairman to transmit a letter to the Virginia Congressional Delegation and the Chairman of the Senate and House Budget and Banking, Housing, and Urban Affairs Committees urging support of "NATIONAL COMMUNITY DEVELOPMENT WEEK," and opposing reductions in Community Development Block Grant (CDBG) funding and the proposal to include CDBG in a block grant to the States.

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

Supervisor Pennino moved that the Board amend the letter as follows:

- Include: "The Fairfax County Board of Supervisors asks your support in urging U.S. Congress....";
- Change the third paragraph to read: "Many of the needs of the moderate income citizens could not be addressed were it not for....";
- Change the last paragraph to read: "Fairfax County Board of Supervisors is deeply concerned with...." instead of concerned "about";

- Page Two: "In addition the Board strongly oppose...."; and
- Last paragraph, delete "I am" and begin with "Enclosed please find...."

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

89. A-16 - DENSITY CREDIT FOR ADVANCE DEDICATION
OF LAND FOR PUBLIC PURPOSES (WALL ROAD WEST
OF CENTREVILLE ROAD) (CENTREVILLE DISTRICT)
(TAPE 14)

(DC)
(R)

On motion of Supervisor Pennino, seconded by Supervisor Hyland, and carried by unanimous vote, 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 at this time, 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>
24-4 ((1)) 6B	30,944 square feet
24-4 ((1)) 6C	24,163 square feet
<u>TOTAL</u>	55,107 square feet OR 1.2651 acres

Tax Map Parcels 6B and 6C are identified as Parcels B and C respectively on the Plat submitted with this request and contained in the Board Package.

JLD:JLD

90. C-1 - TAX AMNESTY PROGRAM FOR PENALTIES AND
INTEREST (TAPE 15)

(NOTE: At the Board of Supervisors' meeting held on February 25, 1991, discussion of the Board Item on "Increased Collection of Delinquent Taxes," staff was directed to report with additional information regarding the legality and possibility of instituting a tax amnesty program for penalty and interest.)

The Board next considered an item contained in the Memorandum to the Board dated March 18, 1991 requesting the Board's consideration of a Tax Amnesty Program for penalties and interest.

Following discussion among Board Members, with input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Davis moved that the Board move forward on Consideration Item C-2 - Deferment of Penalty and Interest for Late Filing and/or Late Payment on Property Taxes for Personnel Assigned to Operation Desert Shield/Desert Storm. This motion died for lack of a second.

Supervisor Hanley moved that the Board defer further consideration of the proposed Tax Amnesty Program for Penalties and Interest and refer this item to the Board's Legislative Subcommittee for review. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

91. C-2 - DEFERMENT OF PENALTY AND INTEREST FOR LATE FILING AND/OR LATE PAYMENT ON PROPERTY TAXES FOR PERSONNEL ASSIGNED TO OPERATION DESERT SHIELD/DESERT STORM (TAPE 15)

(NOTE: At the Board of Supervisors' meeting held on February 11, 1991, staff was directed to determine whether waivers could be granted for late payment and late filing of County taxes for citizens being called to active duty and to report to the Board with its findings.)

The Board next considered an item contained in the Memorandum to the Board dated March 18, 1991 requesting the Board's consideration of deferment of penalty and interest for late filing and/or late payment on personal property taxes for personnel assigned to Operation Desert Shield/Desert Storm.

Supervisor Davis moved that the Board approve the staff recommendation to defer the penalty and interest for late filing and/or late payment on property taxes for personnel assigned to Operation Desert Shield/Desert Storm and to issue temporary automobile decals. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

92. C-3 - CRITERIA FOR THE SELECTION OF EXISTING STREET LIGHT PROJECT REQUESTS TO BE IMPLEMENTED WHEN ADDITIONAL FUNDS BECOME AVAILABLE (TAPE 15)

(P) (NOTE: At the Board of Supervisors' meeting held on October 29, 1990, staff was directed to develop a new street light criteria for consideration to prioritize street light project requests based on the anticipated crime deterrence benefits.)

The Board next considered an item contained in the Memorandum to the Board dated March 18, 1991 requesting the Board's consideration of the

criteria for the selection of existing street light project requests for implementation when additional funds become available.

Supervisor McConnell moved that the Board approve the criteria for the selection of existing street light project requests to be implemented when additional funds become available. This motion was seconded by Supervisor Davis.

Supervisor Pennino moved that the Board adopt "Alternative Two: Method to Address Street Lights for Critical Areas," as outlined in the Memorandum to the Board dated March 18, 1991, as follows:

- Approved street light projects would be implemented sequentially based on the highest to lowest nighttime event rate as provided by the Fairfax County Police Department (FCPD) unless a critical traffic safety hazard exists and the lights are given a FCPD recommended high priority for installation.

This motion was seconded by Supervisor Bulova.

Supervisor Richards moved a substitute motion that the Board defer further consideration of the proposed alternatives for the selection of existing street light project requests and direct staff to study other alternatives, for example:

- Alternative Three: To keep the ranking for the projects already accepted and use nighttime event rate to determine the order for new projects as accepted in the future; and
- Alternative Four: To consider the multitude of variables and rank the projects according to, for example, crime, type of street and the facilities on the street.

This motion was seconded by Supervisor Hanley.

Supervisor Bulova asked unanimous consent that the Board direct staff to determine the status of the application by Southport for the installation of street lights on Lake Braddock Drive. Without objection, it was so ordered.

Following discussion among Board Members, with input from staff, Chairman Moore, for the purpose of clarity, restated the motions, as follows:

- Supervisor Pennino moved that the Board adopt Alternative Two; and
- Supervisor Richards moved a substitute motion that the Board defer action on the criteria for the selection of existing street light projects to find additional criteria, which was also seconded.

The question was then called on the substitute motion (Supervisor Richards') which FAILED by a recorded vote of six, Supervisor Hanley, Supervisor Hyland, and Supervisor Richards voting "AYE."

Supervisor Hanley asked that the main motion (Supervisor Pennino's) be amended to ensure that Alternative Two include the prioritizing of the list according to the new criteria of these applications that have already been submitted. This was accepted.

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

93. I-1 - ROAD BOND PROGRAM - BOARD OF SUPERVISORS' MONTHLY STATUS REPORT FOR FEBRUARY 1991 (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the Road Bond Program - Board of Supervisors' Monthly Status Report for February 1991.

Supervisor Pennino commended staff for the excellent work done on Old Courthouse Road/Creek Crossing Road.

Following discussion with John W. diZerega, Director, Department of Public Works, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to expedite the project for the Pohick Road "S" Curve. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

94. I-2 - PARTICIPATION IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING ROAD CONSTRUCTION PROGRAM FOR FISCAL YEAR 1992 (COUNTYWIDE) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 requesting authorization for staff to inform the Virginia Department of Transportation (VDOT) of

The intent of Fairfax County to again participate in the VDOT Revenue Sharing Road Construction Program for Fiscal Year 1992.

The staff was directed administratively to proceed as proposed.

95. I-3 - PROPOSED ALIGNMENT SHIFT IN BRADDOCK ROAD BETWEEN ROUTE 123 AND FAIRFAX COUNTY PARKWAY (ANNANDALE AND SPRINGFIELD DISTRICTS) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991:

- Requesting authorization for staff to advise the Virginia Department of Transportation (VDOT) to proceed with the redesign of the plans for Braddock Road, between Route 123 and the Fairfax County Parkway, providing for an ultimate six lanes and shifting the alignment to the north between Route 123 and Bentonbrook Drive, Annandale and Springfield Districts; and
- Directing staff to report to the Board for action following the redesign of the project.

The staff was directed administratively to proceed as proposed.

96. I-4 - FISCAL YEAR (FY) 1990 OFFICE OF TRANSPORTATION ACCIDENT ANALYSIS GRANT CLOSE-OUT REPORT (COUNTYWIDE) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the Fiscal Year (FY) 1990 Office of Transportation Accident Analysis Grant Close-Out Report, Countywide.

Supervisor Pennino asked unanimous consent that the Board direct staff to provide her with further clarification of the Office of Transportation Accident Analysis Grant Close-Out Report. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff in the future, to analyze the data from traffic accident analysis reports in such a way that the information can be understood by Board Members and the Transportation Commission; and used to identify areas with traffic problems. Without objection, it was so ordered.

Discussion ensued, with input from Shiva K. Pant, Director, Office of Transportation, regarding staff actions.

97. I-5 - PREVENTABLE PEDESTRIAN ACCIDENT LOCATION STUDY (COUNTYWIDE) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the Preventable Pedestrian Accident Location Study, Countywide.

98. I-6 - WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PUBLIC HEARINGS FOR PROPOSED METROBUS AND METRORAIL FARE INCREASES FOR FY 1992 (COUNTYWIDE) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the Washington Metropolitan Area Transit Authority (WMATA) Public Hearings for proposed Metrobus and Metrorail fare increases for Fiscal Year (FY) 1992.

Supervisor Alexander announced that the WMATA public hearings on fare increases were scheduled for:

- Monday, April 1, 1991, 7:30 p.m., at Wakefield High School, 4901 S. Chesterfield Road, Arlington; and
- Tuesday, April 2, 1991, 7:30 p.m., in the Board Room, Massey Building, 4100 Chain Bridge Road, Fairfax.

99. I-7 - AFFIRMATIVE ACTION REPORT FOR FISCAL YEAR (FY) 1990 (TAPE 15)

(NOTE: Earlier in the meeting, action was taken on Information Item I-7 - Affirmative Action Report for Fiscal Year (FY) 1990. See Clerk's Summary Item CL#10.)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting Affirmative Action Report for Fiscal Year (FY) 1990.

Supervisor Hyland asked unanimous consent that the Board direct staff to pay particular attention to one of the three Equal Employment Opportunity (EEO) job categories for blacks, as outlined in the Memorandum to the Board dated March 18, 1991, which is significantly out of balance: Protective Services. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide a disposition of the 16 discrimination complaints filed in

Fiscal Year (FY) 1990 that have been adjudicated. Without objection, it was so ordered.

100. I-8 - DETERMINATION OF WHETHER THE PROCESS FOR OBTAINING HOME OCCUPATION PERMITS AND BUSINESS LICENSES CAN BE IMPROVED (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the staff report on the determination of whether the process for obtaining Home Occupation Permits and Business Licenses can be improved.

Supervisor Hanley asked unanimous consent that the Board direct staff to ensure that the handout proposed to accompany the Home Occupation Permit Application is received by Board Members. Without objection, it was so ordered.

101. I-9 - COORDINATION ON THE ISSUANCE OF BUSINESS LICENSES AND HOME OCCUPATION PERMITS (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the staff report on the review of the current system of issuing business licenses and home occupation permits.

(NOTE: Later in the meeting, additional discussion ensued regarding this item. See Clerk's Summary Item CL#103.)

102. I-10 - SITE PLAN REQUIREMENTS FOR LOCATING RECYCLING CONTAINERS ON COMMERCIAL AND INDUSTRIAL SITES (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 requesting authorization for the Department of Environmental Management (DEM) to implement the procedure as outlined in the Memorandum to the Board to ensure Site Plan requirements are met in connection with the Fairfax County Business Recycling Implementation plan.

Following discussion among Board Members, Supervisor Hyland moved that businesses not be charged \$784 to amend their Site Plans to place a container for recycling in their parking lots to comply with the County's recycling efforts. The second to this motion was inaudible. This motion carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

Following discussion among Board Members, with input from Irving Birmingham, Director, Department of Environmental Management (DEM), it was noted by Mr. Birmingham that it would be necessary to amend the DEM fee schedule.

103. ADDITIONAL CONSIDERATION OF INFORMATION ITEM I-9 -
COORDINATION ON THE ISSUANCE OF BUSINESS LICENSES
AND HOME OCCUPATION PERMITS (TAPE 15)

(NOTE: Earlier in the meeting, the Board noted this item. See Clerk's Summary Item CL#101.)

Supervisor Hanley asked unanimous consent that the Board direct staff to return with Information Item I-9 - Coordination on the Issuance of Business Licenses and Home Occupation Permits at the next meeting before the Board of Supervisors which is scheduled for April 8, 1991. Without objection, it was so ordered.

104. I-11 - BOARD POLICY ON THE EXPEDITED SCHEDULING
OF ZONING APPLICATIONS (COUNTYWIDE) (TAPE 15)

(P) The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 outlining the Policies concerning the processing of rezoning and special exception applications and the following procedure for the expedited scheduling of zoning applications:

- "Under referenced provisions (Section 18-201) of the Zoning Ordinance, the Board may expedite a public hearing for 'good cause shown'. In the case of a request for an expedited hearing by an applicant, 'good cause shown' may include those circumstances wherein the applicant can demonstrate that:
 - ** An advanced hearing date will benefit the County; or
 - ** Routine scheduling would create an undue hardship not of the applicant's own making.

In any event, where an expedited hearing is authorized by the Board, the hearing will be scheduled as an addition to the public hearing schedule for other applications so that applications assigned dates routinely are not delayed.

This policy is applicable to both rezoning and special exception applications."

105. I-12- GROSS FLOOR AREA (GFA) CALCULATION FOR
EXTENDED STAY HOTELS IN THE PDC DISTRICT
(TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting a review of the Gross Floor Area (GFA) calculation for extended stays in hotels in the PDC District. Based on the staff's review no further action will be taken on this request.

The staff was directed administratively to proceed as proposed.

106. I-13 - PROPOSED AMENDMENT TO THE CODE OF THE
COUNTY OF FAIRFAX, CHAPTER 108, (THE NOISE
ORDINANCE) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting a review of a proposed amendment to the Code of the County of Fairfax, Chapter 108 (The Noise Ordinance) regarding the provisions for refuse collection, construction activity, loading and unloading of trucks, and parking lot sweeping machines. Based on staff's review no further action will be taken on this request.

Supervisor Bulova moved that the Board direct staff to report with proposed amendments to the Code of the County of Fairfax, Chapter 108 (Noise Ordinance) as previously requested by the Board. This motion was seconded by Supervisor Richards.

Supervisor Hanley moved a substitute motion that the Board direct staff to provide the Board with the cost implications of delaying until 7:00 a.m. the start of the County's trash collection on the weekends. This motion was seconded by Supervisor Alexander.

Discussion ensued among Board Members, with input from James P. Zook, Director, Office of Comprehensive Planning.

For the purpose of clarity, Supervisor Hanley restated her substitute motion: That in April, the staff provide the Board with a fiscal analysis on changing trash collection times, which would include whether it would be necessary to add trucks and to increase the tax rate.

Chairman Moore restated Supervisor Bulova's motion: That staff report with a proposal to advertise a public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 108 (Noise Ordinance), in accordance with the Board's original request.

Chairman Moore also restated the substitute motion (Supervisor Hanley's): That action on the proposed amendments to the Code of the County of Fairfax, Chapter 108 (Noise Ordinance) be deferred pending additional fiscal information.

The question was called on the substitute motion which CARRIED by a recorded vote of five, Supervisor Bulova, Supervisor Richards, and Chairman Moore voting "NAY," Supervisor McConnell being out of the room.

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

107. I-14 - FAIRFAX COUNTY PARK AUTHORITY 1991 USER FEE SCHEDULE (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 presenting the Fairfax County Park Authority 1991 User Fee Schedule.

Supervisor Hyland congratulated the Fairfax County Park Authority for not raising fees.

108. I-15 - CPR CLASSES FOR THE BUSINESS COMMUNITY (TAPE 15)

Supervisor Hyland asked unanimous consent that the Board defer this item. Without objection, it was so ordered.

109. I-16 - ACTIVATION OF FAIRFAX COUNTY TRAINING NETWORK (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 announcing that the Cable Programming Division of the Department of Consumer Affairs will inaugurate the operation of Cable Channel 41, the Fairfax County Training Network (FCIN). The training network is planned to serve as a cost effective alternative for wide-scale employee communications and training.

110. I-17 - AWARD OF DESIGN CONTRACT ADDENDUM FOR WEST OX ROAD (PROVIDENCE AND SPRINGFIELD DISTRICTS) (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 requesting authorization for staff to award a contract addendum to Hayes, Seay, Mattern and Mattern in the amount of \$83,542 for the design and construction plan revision required for the Centerline shift, Project 006489, West Ox Road, in Subfund 463, Primary and Secondary Road Bond Construction.

Following discussion among Board Members, with input from John W. diZerega, Director, Department of Public Works, Supervisor Pennino asked unanimous consent that the Board direct staff to contact the Price Club Company to request contributions for the cost of this project. Without objection, it was so ordered.

111. I-18 - CONSULTING SERVICES CONTRACT AWARD TO
NOLAN, NORTON AND COMPANY FOR MANAGEMENT
CONSULTING IN INFORMATION TECHNOLOGY (IT)
(TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 requesting authorization for staff to award a contract to Nolan, Norton and Company for the fundamental redesign of key business processes in the County.

The staff was directed administratively to proceed as proposed.

112. I-19 - LANGUAGE BEING STAMPED ON PLANS SUBMITTED
TO THE COUNTY (TAPE 15)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 18, 1991 requesting authorization for the Department of Environmental Management (DEM) and the Office of Comprehensive Planning (OCP) to continue to place the appropriate note on approved plans and permits that do not satisfy the provisions of Zoning Ordinance Amendment #89-185.

Supervisor Alexander moved that the language placed on approved plans and permits that do not satisfy the provisions of Zoning Ordinance Amendment #89-185 be removed. This motion was seconded Supervisor Pennino and CARRIED by a recorded vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Richards, and Chairman Moore voting "NAY."

SBE:SBE

113. 3:30 P.M. - PH ON REZONING APPLICATION
RZ 88-S-117 (RICHARD E. WARD)
(SPRINGFIELD DISTRICT) (TAPE 15)

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

Supervisor McConnell disclosed that the property which was the subject of Rezoning Application RZ 88-S-117 is located across from her property and could possibly involve easements. Therefore, she stated that she would not participate in the actions regarding this case and that Supervisor Davis would be requesting the necessary actions.

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 Davis 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 six, Supervisor Bulova, Supervisor Hanley, and Supervisor McConnell being out of the room.

Supervisor Davis moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 88-S-117 be amended from the R-1 and R-2 Districts to the R-3 District subject to the executed proffers dated March 15, 1991, and consistent with those contained in Appendix One of the Staff Report. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Hanley, and Supervisor McConnell being out of the room.

114. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 83-L-029 (PENN DAW ASSOCIATES
LIMITED PARTNERSHIP) (LEE DISTRICT) (TAPE 15)

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

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

- In the amount of \$45.00 from Mr. David Sisson in her 1987 campaign.

Mr. Fagelson 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 one speaker, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 83-L-029 subject to the revised development conditions dated February 20, 1991 and as modified by the Planning Commission. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Davis and Supervisor Hanley being out of the room.

Supervisor Alexander moved waiver of the transitional screening requirements along the southern boundary of the property line and modification of the transitional screening requirements on a portion of the northern boundary. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor Hanley being out of the room.

Supervisor Alexander moved waiver of the service drive along the North Kings Highway frontage of the property. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor Hanley being out of the room.

115. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-L-010 AND PROFFERED CONDITION AMENDMENT
APPLICATION PCA 78-L-082-2 (BURKE AND HERBERT
BANK AND TRUST COMPANY) (LEE DISTRICT) (TAPE 15)

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

Mr. Fagelson 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 Alexander moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room.

Supervisor Alexander moved approval of Proffered Condition Amendment Application PCA 78-L-082-2 subject to the execution of the proffers dated January 9, 1991 and as revised as of February 22, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 90-L-010 subject to the revised development conditions dated January 31, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room.

Supervisor Alexander moved waiver of the minimum lot width requirement along the Franconia Road frontage. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room.

Supervisor Alexander moved waiver of the barrier requirement along the western boundary of the property and modification of the transitional screening along the southern and western property boundaries. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Bulova, Supervisor Hanley, Supervisor Pennino, and Supervisor Richards being out of the room.

116. 4:00 P.M. - PH ON SPECIAL EXCEPTION RENEWAL
APPLICATION SER 78-P-122-2 (ROUBIN AND JANEIRO,
INCORPORATED) (PROVIDENCE DISTRICT) (TAPE 15)

Mr. Michael R. Vanderpool reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hanley moved approval of Special Exception Renewal Application SER 78-P-122-2 subject to the development conditions dated November 21, 1990, with the following modification to Condition Six:

"Take offs and landings shall occur to and from the east along Route 29 (Lee Highway) corridor to the extent permitted by safely and weather conditions."

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

117. 4:00 P.M. - PH ON AGRICULTURAL AND FORESTAL DISTRICT
APPLICATION AF 90-D-002 (MRS. BONNIE B. FOSTER)
(DRANESVILLE DISTRICT) (TAPE 15)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of March 1 and March 8, 1991.

Ms. Bonnie Foster reaffirmed the validity of the affidavit for the record.

Ms. Foster 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, which included testimony by two speakers, 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 six, Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Richards moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115, Appendix F (District Ordinances for Local Agricultural and Forestal Districts), to establish the Foster Local Agricultural and Forestal District (AF 90-D-002) subject to the ordinance provisions listed in Appendix One of the Staff Report dated January 16, 1991. This motion was seconded by jointly by Supervisor Alexander and Supervisor Pennino and carried by a vote of six, Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell being out of the room.

118. 4:00 P.M. - PH ON AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 90-D-003 (MR. AND MRS. FREEBORN G. JEWETT, JR.) (DRANESVILLE DISTRICT) (TAPES 15-16)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of March 1 and March 8, 1991.

Ms. Minerva Andrews reaffirmed the validity of the affidavit for the record.

Ms. Andrews 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, which included testimony by one speaker, Supervisor Richards moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Hanley and carried by a vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell being out of the room.

Supervisor Richards moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115, Appendix F (District Ordinances for Local Agricultural and Forestal Districts), to establish the Jewett Local Agricultural and Forestal District (AF 90-D-003) subject to the ordinance provisions listed in Appendix One of the Staff Report dated January 16, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell being out of the room.

119. 4:30 P.M. - PH ON REZONING APPLICATION RZ 90-V-030 (THIEVES MARKET ASSOCIATES LIMITED PARTNERSHIP) (MOUNT VERNON DISTRICT) (TAPE 16)

At the request of the applicant, Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 90-V-030 and remand the

application to the Planning Commission for rehearing. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Bulova, Supervisor Davis, and Supervisor McConnell being out of the room.

120. 4:30 P.M. - PH ON REZONING APPLICATION
RZ 90-C-045 (ROGER O. DEMARCO)
(CENTREVILLE DISTRICT) (TAPE 16)

Mr. Roger Demarco reaffirmed the validity of the affidavit for the record.

Mr. Demarco 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 one speaker, Supervisor Pennino moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

Supervisor Pennino moved:

- That the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-C-045 be amended from the R-1 District to the R-3 District subject to the executed proffers dated March 13, 1991;
- That the Subdivision Plan for Rezoning Application RZ 90-C-045 be returned to the Planning Commission for review prior to final approval; and
- That the Board request the Director of the Department of Environmental Management to give careful consideration to the waiver of a stormwater detention requirement in favor of piping the drainage through Outlot A.

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

121. 4:30 P.M. - PH ON REZONING APPLICATION
RZ 87-S-093 (RICHARD L. LABBE, TRUSTEE)
(SPRINGFIELD DISTRICT) (TAPE 16)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and left the Board Room to take care of important matters in the Board Conference room.

Mr. 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 McConnell moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

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

Supervisor McConnell moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 87-S-093 and Conceptual Development Plan CDP 87-S-093 be amended from the R-1 and Water Supply Protection Overlay Districts to the PDH-2 and Water Supply Protection Overlay Districts subject to the execution of the revised proffers dated February 5, 1991, and as contained in Attachment Two of Addendum Five to the Staff Report; the Planning Commission having previously approved Final Development Plan FDP 87-S-093 on March 4, 1991 subject to the revised development conditions contained in Attachment Three of Addendum Five. This motion was seconded by Supervisor Alexander and carried by a vote of six, Chairman Moore abstaining because she was not present during the public hearing, Supervisor Davis and Supervisor Hyland being out of the room.

122. 5:00 P.M. - PH ON PROPOSED AMENDMENT TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3
(COUNTY EMPLOYEES), ARTICLE 7 (FAIRFAX COUNTY
POLICE OFFICERS RETIREMENT SYSTEM),
SECTION 3-7-19 (MEMBERSHIP COMPOSITION)
(TAPE 16)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of March 1 and March 8, 1991.

Following the public hearing, Supervisor Alexander moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7 (Fairfax County Police Officers Retirement System), Section 3-7-19 (Membership Composition). The proposed ordinance amendment to Section 3-7-19(a)(6), which becomes effective upon adoption, will allow the purchase of service credit for Park Police Officers who transferred from the Uniformed Retirement System to the Police Officers Retirement System prior to 1983. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

123. 5:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (FAIRFAX COUNTY SUPPLEMENTAL RETIREMENT SYSTEM), SECTION 3-2-11, SUBSECTION (B) (MEMBERSHIP; TERM OF OFFICE)(BOARD OF TRUSTEES OF THE SUPPLEMENTAL RETIREMENT SYSTEM (TAPE 16)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of March 1 and March 8, 1991.

Following the public hearing, Supervisor Alexander moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Fairfax County Supplemental Retirement System), Section 3-2-11, Subsection (b) (Membership; Term of Office), to clarify existing ordinance language regarding whether separation from County service of an employee member of the Board of Trustees of the Supplemental Retirement System results in the vacation of his office of Trustee. The second to this motion was inaudible. The motion carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

124. 5:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (FAIRFAX COUNTY SUPPLEMENTAL RETIREMENT SYSTEM), SECTION 3-2-52 (LIMITATION ON ANNUAL RETIREMENT ALLOWANCE (TAPE 16)

- (0) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of March 1 and March 8, 1991.

Following the public hearing, Supervisor Alexander moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Fairfax County Supplemental Retirement System), Section 3-2-52 (Limitation on Annual Retirement Allowance).

The proposed ordinance amendment clarifies that the annual limits on retirement benefits imposed in Section 3-2-52 were not intended to apply to the Senior Executive Service Retirement Plan. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

125. 5:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (FAIRFAX COUNTY SUPPLEMENTAL RETIREMENT SYSTEM), ARTICLE 3 (FAIRFAX COUNTY UNIFORMED RETIREMENT SYSTEM), AND ARTICLE 7 (FAIRFAX COUNTY POLICE OFFICERS RETIREMENT SYSTEM) (NO TAPE)

[NOTE: The public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Fairfax County Supplemental Retirement System), Article 3 (Fairfax County Uniformed Retirement System), and Article 7 (Fairfax County Police Officers Retirement System), to permit, to the extent allowed by State law, the Retirement Systems to invest in a group trust, has been cancelled due to the withdrawal by the Bank of New York of the requirement for incorporation of the declaration of trust for the Bank's Short-Term Collective Investment Trust into the Retirement Systems' Ordinances.]

126. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-097 (MOBIL OIL CORPORATION) (LEE DISTRICT) (TAPE 16)

Ms. Marie Travesky reaffirmed the validity of the affidavit for the record.

Ms. Travesky 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, which included testimony by one speaker, Supervisor Alexander 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 and Supervisor Hyland being out of the room.

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 81-M-097 subject to the revised development conditions dated March 12, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

Supervisor Alexander moved modification of the transitional screening yard requirements and waiver of the barrier requirements along Bloomfield Drive in favor of the Site Plan. This motion was seconded by Supervisor Pennino and carried by a vote of seven Supervisor Davis and Supervisor Hyland being out of the room.

127. 5:00 P.M. - BOARD DECISION ON REZONING APPLICATION
RZ 89-P-084 (PROVIDENCE DISTRICT) (TAPE 16)

(NOTE: On January 28, 1991, the Board of Supervisors held the public hearing on Rezoning Application RZ 89-P-084, but decision was deferred to February 11, 1991. On February 11, 1991, the Board deferred decision to March 4, 1991, and again to March 18, 1991.)

Supervisor Hanley moved to defer Board Decision on Rezoning Application RZ 89-P-084 until April 29, 1991 at 4:00 p.m. This motion was seconded jointly by Supervisor Alexander and Supervisor Bulova and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

128. ADDITIONAL ACTION FROM EXECUTIVE SESSION
(TAPE 16)

(NOTE: Earlier in the meeting additional action was taken regarding this item. See Clerk's Summary Item CL#71A.)

B. BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA VERSUS AYLESTOCK, AT LAW
NUMBER 91459

Supervisor Bulova moved that the Board authorize settlement of Board of Supervisors of Fairfax County versus Aylestock, At Law Number 91459, according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hyland being out of the room.

129. RECESS (TAPE 16)

At 7:20 p.m., the Board recessed briefly for its dinner.

JLD:JLD

At 7:50 p.m., the Board reconvened in the Board Room with all Board Members present, with the exception of Supervisor Davis and Supervisor McConnell, and with Chairman Moore presiding.

130. 7:30 P.M. - PH ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX CREATING A NEW CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) (TAPES 17-22)

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, and March 1 and March 8, 1991.

Following the staff presentation by Bruce G. Douglas, Chief, Environmental and Heritage Resources Branch, Office of Comprehensive Planning, Supervisor Hanley asked unanimous consent that the Board direct staff to provide an analysis of the iterations of the grandfathering provisions to the proposed Chesapeake Bay Preservation Ordinance as presented by the Planning Commission. Without objection, it was so ordered.

Discussion ensued among Board Members, with input from James P. Zook, Director, Office of Comprehensive Planning, George A. Symanski, Jr., Senior Assistant County Attorney, and Mr. Douglas.

(NOTE: For additional action during the public hearing on the proposed Chesapeake Bay Preservation Ordinance, see Clerk's Summary Item CL#132.)

ADDITIONAL BOARD MATTER

131. WELCOME TO THE BOARD ROOM TO BOY SCOUT TROOP 1128 (TAPE 17)

Following Speaker Number Three of the public hearing, Chairman Moore recognized the presence of Boy Scout Troop 1128 from McLean and warmly welcomed them to the Board Room.

132. CONTINUATION OF PH ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX CREATING A NEW CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) (TAPES 17-22)

(VERBATIM)

(NOTE: For additional information on the public hearing on the proposed Chesapeake Bay Preservation Ordinance, see Clerk's Summary Item CL#130.)

(Tape 18)

Following Speaker Number Eight, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to respond to Mr. Mainland's testimony for the markup session. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following Speaker Number 21, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to provide a verbatim transcript of Mr. Lee's testimony, as well as an analysis. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

(Tape 19)

Following Speaker Number 22, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to provide a response to the testimony by Mr. DeNoyer. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following Speaker Number 27, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to provide an analysis of the suggestions raised during Ms. Coen's testimony. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following Speaker Number 28, Supervisor Davis asked unanimous consent that the Board direct staff to analyze the proposed Memorandum of Understanding which was included in Mr. Finley's testimony. Without objection, it was so ordered.

Following Speaker Number 30, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to respond to the questions raised in Mr. Fifer's (Speaker Number 30) and Mr. Rolband's (Speaker Number 29) testimony. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

(Tape 20)

Following Speaker Number 33, Supervisor Bulova asked unanimous consent that the Board direct staff to respond to the issue of swimming pools. Without objection, it was so ordered.

Following Speaker Number 36, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to respond to suggestions made by Ms. Hervey during her testimony. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following Speaker Number 37, Chairman Moore relinquished the Chair to Vice-Chairman Pennino asked unanimous consent that the Board direct staff to respond to recommendations made by Ms. Laffitte-Smith. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

Following Speaker Number 38, Supervisor Davis asked unanimous consent that the Board direct staff to report on the costs associated with pool installation by homeowners under the proposed ordinance. Without objection, it was so ordered.

(Tape 21)

Following Speaker Number 44, Supervisor Bulova asked unanimous consent that the Board direct staff to report on the cost to homeowners to file an application for a building permit exemption when the property is located in a Resource Protection Area (RPA). Without objection, it was so ordered.

Following Speaker Number 50, Supervisor Richards announced that there is a new edition of Mrs. Cooke's (Speaker Number 50) book on Old Georgetown Pike.

(Tape 22)

Following Speaker Number 53, Supervisor Davis asked unanimous consent that the Board direct staff to report on the number of Site Plans that have been filed recently and the status of the applications. Without objection, it was so ordered.

Chairman Moore announced that the public hearing record would be kept open until the April 1, 1991, the markup session for the proposed ordinance.

Following the public hearing, which included testimony by 54 speakers, Chairman Moore announced that a markup session on the proposed amendment to the Code of the County of Fairfax creating a new Chapter 118 (Chesapeake Bay Preservation Ordinance) will be scheduled for Monday, April 1, 1991 at 1:00 p.m. and the Board decision will be deferred until Monday, April 8, 1991 at 10:00 a.m.

133. BOARD ADJOURNMENT (TAPE 22)

At 12:45 a.m., the Board adjourned.