



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
APRIL 29, 1991**

Board Package

13-91

JLD:JLD

The meeting was called to order at 10:40 a.m. with all members being present, with the exception of Supervisor McConnell and Supervisor Pennino, and with Chairman Moore presiding.

Supervisor Pennino arrived at 10:45 a.m.

Supervisor McConnell arrived at 10:50 a.m.

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

2. CERTIFICATE OF APPRECIATION TO BRIAN GREEN,
WINNER OF THE JOURNAL NEWSPAPER'S SPELLING
BEE COMPETITION (TAPE 1)

Supervisor Davis moved approval of the presentation of the Certificate of Appreciation, presented to Brian Green, congratulating him for winning the Journal Newspaper's Spelling Bee competition for two consecutive years. This motion was jointly seconded by Supervisor Alexander and Supervisor Hanley and carried by a vote of seven, Supervisor McConnell and Supervisor Pennino not yet having arrived.

3. PROCLAMATION DESIGNATING "LORTON HISTORY
MONTH" (TAPE 1)

Supervisor Hyland moved approval of the Proclamation, presented to Harry Lattimore, Chairman, Lorton History Committee, designating the month of April 1991, as "LORTON HISTORY MONTH" in Fairfax County, and urging all citizens to take a special interest in their heritage and the contribution of our ancestors to life in Fairfax County and the Lorton community. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Davis being out of the room, Supervisor McConnell not yet having arrived.

4. CERTIFICATES OF APPRECIATION TO THE FIRST
GRADUATING CLASS OF FAIRFAX COUNTY PLANS
EXAMINERS (TAPE 1)

Supervisor Alexander moved approval of the presentation of the Certificates of Appreciation and distribution of the certification documents, presented to the following individuals, congratulating them on being the first graduating class of Fairfax County Plans Examiners:

- | | |
|-------------------------|-----------------------------|
| • Edward R. Addicott; | • Jiri F. Kovats; |
| • Robert Almirall; | • Roy Linwood Lemon, Jr.; |
| • Gary P. Bowman; | • Gary P. Levi; |
| • Paul K. Brazier; | • Edward Ernest Manigold; |
| • Gregory J. Budnik; | • David Thomas McElhaney; |
| • Sidney O. Dewberry; | • Anthony C. Morse; |
| • David J. Donahue; | • William E. Nell; |
| • Stephen H. Donaldson; | • B. Stanley Orndorff; |
| • Reid Mitchell Dudley; | • James R. Philpot; |
| • Anthony R. Gaffey; | • Donald D. Ricketts; |
| • Arun Govind Gan; | • James Henry Scanlon; |
| • Bradley Richard Hutt; | • J. Keith Sinclair, Jr.; |
| • David M. Jensen; | • Carol P. Sinclair; |
| • Wilson L. Kirby; | • Kerry L. Skinner; |
| • Lynn M. Kotecki; | • Donald E. Strickhouser; |
| | • Michael R. Tucker; |
| | • Edward Guy Venditti; and |
| | • Barbara J. Vogel-Burnett. |

This motion was jointly seconded by Supervisor Davis and Supervisor Hyland.

Supervisor Alexander announced that the Engineers and Surveyors Institute (ESI) was honored as the 1990 Gold Medallion Winner of the United States Senate Productivity Award for Virginia in the Private Sector Service Category, and noted that the judges cited the uniqueness of the public/private partnership as a major factor in ESI's selection as the first place winner.

Following discussion among Board Members, the question was called on the motion which carried by unanimous vote.

5. CERTIFICATES OF APPRECIATION TO THE FAIRFAX MEDICAL SOCIETY FOUNDATION AND THE COMMUNITY FOUNDATION OF GREATER WASHINGTON, D.C., INCORPORATED (TAPE 1)

Supervisor Pennino moved approval of the presentation of the Certificates of Appreciation, presented to Dr. Rolando Santos, President, Fairfax Medical Society Foundation, and Anita Cooke, Vice President and Silvana Straw, Program Officer, Community Foundation of Greater Washington, Incorporated, expressing the Board's appreciation to these organizations for their support of the Department of Community Action's Medical Care for Children Project by donating generously to support indigent children's medical needs. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor McConnell being out of the room.

6. RECOGNITION FOR KERRIE L. KIRKPATRICK, FORMER CHAIRMAN, FAIRFAX COUNTY TREE COMMISSION (TAPE 1)

Supervisor Hanley announced that Kerrie L. Kirkpatrick, former Chairman, Fairfax County Tree Commission, has resigned from the Commission and asked unanimous consent that the Board direct staff to invite Ms. Kirkpatrick to appear before the Board and be recognized for her service. Without objection, it was so ordered.

7. 10:00 A.M. - PRESENTATION BY THE FAIRFAX COUNTY TREE COMMISSION OF FRIENDS OF TREES AWARDS (TAPE 1)

Phyllis S. Verhalen, Vice-Chairman, Fairfax County Tree Commission, and Chairman Moore presented the Commission's "Friends of Trees" Awards to the following individual and organizations:

- E.M. Risse;
- Navy Elementary School, Second Grade Class;
- Sugar Oak Corporation, Herndon; and
- Ben Franklin Park Homeowners Association.

8. 10:30 A.M. - PRESENTATION BY ROGER STOUGH ON THE NORTHERN VIRGINIA CHAIR IN LOCAL GOVERNMENT AT GEORGE MASON UNIVERSITY (NO TAPE)

(NOTE: The presentation by Roger Stough on the Northern Virginia Chair in Local Government at George Mason University has been postponed until May 6, 1991 at 10:15 a.m.)

9. 10:45 A.M. - BOARD ADOPTION OF THE PROPOSED
FISCAL YEAR (FY) 1992 FISCAL PLAN (TAPE 1)

(SARs)

(FPRs)

- (0) Supervisor Hanley asked unanimous consent that the Board direct staff to provide a report from the School Board on how much of the money in the Appropriation Resolution for the Schools has already been contractually obligated. Without objection, it was so ordered.

Supervisor Bulova moved approval of:

- Fiscal Year (FY) 1992 Resolution Adopting Tax Rates for FY 1992, as contained in Attachment I of the Memorandum to the Board dated April 29, 1991, which includes a real estate tax rate of \$1.11 per \$100 of assessed value; and
- The increase in the availability charges for residential, commercial and all other uses desiring to connect to the County sanitary sewer facilities. These increases are in accordance with Chapter 67 - (Sanitary Sewers and Sewage Disposal), Article 4 (Charges), Section 2 as amended by the Board of Supervisors on April 30, 1990.

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

Supervisor Bulova further moved approval of:

- FY 1992 Appropriation Resolution for County Agencies, as contained in Attachment II of the Memorandum to the Board dated April 29, 1991; and
- FY 1992 Appropriation Resolution for School Board Agencies, as contained in Attachment III of the Memorandum to the Board dated April 29, 1991.

This motion was seconded by Supervisor Pennino.

Following discussion, during which Supervisor Davis announced his intent to oppose the motion, the question was called on the motion which CARRIED by a recorded vote of seven, Supervisor Davis and Supervisor McConnell voting "NAY."

Supervisor Bulova moved approval of:

- FY 1992 Fiscal Planning Resolution, as contained in Attachment IV of the Memorandum to the Board dated April 29, 1991.

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

10. ADMIN 10 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADD NEW SECTION §4-6-8, TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SERVICE (TAPE 1)

- (A) Supervisor Pennino called to the Board's attention Administrative Item 10 - Authorization to Advertise Proposed Amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), To Add New Section §4-6-8, Tax for Enhanced 911 Emergency Telephone Service and moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on June 3, 1991 at 4:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to add a new Section §4-6-8 to the Utility Tax Article for tax for Enhanced 911 Emergency Telephone Service. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

11. SCHOOL ALLOCATION FOR 1992 SPRING BOND SALE (TAPE 2)

Supervisor Bulova moved that the portion of the 1992 Spring Bond Sale allocated to Schools be limited to \$94 million. This motion was seconded by Supervisor Hyland.

Discussion ensued among Board Members, with input from James P. McDonald, Deputy County Executive for Management and Budget, and it was noted that this action does provide the Board with the flexibility to readdress this and similar issues at a later date.

The question was then called on the motion which carried by unanimous vote.

12. FUNDING FOR REFEREE PROGRAM OF THE FAIRFAX COUNTY DEPARTMENT OF RECREATION AND COMMUNITY SERVICES (DRCS) (TAPE 2)

Supervisor Alexander noted that \$100,000 had been cut from the budget for the Fairfax County Department of Recreation and Community Services (DRCS) to fund referees for areas and teams not able to afford them. Accordingly, he moved that at Carryover, staff address funding for this program. This motion was seconded by Supervisor Pennino.

Supervisor Davis asked that the motion to be amended to request staff to report on which areas' programs are being funded now and which ones will lose funding as of July 1, 1991, and this was accepted.

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

Supervisor Hanley reiterated actions taken by the Board at the April 22, 1991, Board Meeting regarding requests to examine the Housing Trust Fund for the \$1.1 million necessary to match federal monies and to consider funding for the Hospice Program at Carryover.

13. CLERK'S BOARD SUMMARY FOR THE APRIL 22, 1991,
BOARD OF SUPERVISORS' MEETING ON MARK-UP OF
THE FISCAL YEAR (FY) 1992 BUDGET (TAPE 2)

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct the Office of Clerk to the Board of Supervisors, in compiling the April 22, 1991, Clerk's Board Summary, to work with the Office of Management and Budget (OMB) to ensure precision of the document. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

14. C-1 - APPLICATION OF NATIONAL CABLE SATELLITE
CORPORATION (TAPE 2)

(IDBs)

(R) Supervisor Alexander called to the Board's attention Consideration Item 1 - Application of National Cable Satellite Corporation.

The Board next considered the Item contained in the Memorandum to the Board dated April 29, 1991 requesting Board consideration of the issuance of Industrial Development Bonds (IDBs, the "Bonds") for the benefit of the National Cable Satellite Corporation d/b/a C-SPAN.

Vice-Chairman Pennino called for any disclosures by Board Members and there were none.

Supervisor Alexander moved adoption of the Resolution approving the issuance of IDBs for the benefit of the National Cable Satellite Corporation d/b/a C-SPAN, as provided for in the "Uniform Policy for Issuance of Economic Development Authority and Redevelopment and Housing Authority Industrial Development Bonds" adopted on March 7, 1983 by the Board of Supervisors, in the maximum amount of \$25,000,000, for the purpose of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended, and only for the purpose. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

15. FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)
TO PURSUE INDUSTRIES AND BUSINESSES RELOCATING FROM
SILICON VALLEY, CALIFORNIA (TAPE 2)

Supervisor Pennino noted that California has experienced a drought for several years now and industries, particularly in the Silicon Valley, are considering relocation to areas with more reliable water supplies. Accordingly, she asked unanimous consent that the Board direct the Fairfax County Economic Development Authority (EDA) to pursue those industries and businesses considering relocation emphasizing to them the benefits of locating in the County of Fairfax. Without objection, it was so ordered.

Supervisor Hanley expressed appreciation to the EDA for changing their advertisement.

Chairman Moore expressed her appreciation to the EDA, and its Director, Gerald L. Gordon, for its efforts in support of keeping the National Aeronautics and Space Administration's (NASA) Space Program in Fairfax County.

Supervisor Pennino also expressed appreciation to the EDA for all of its hard work for the County of Fairfax.

16. FAIRFAX COUNTY'S TESTIMONY BEFORE THE HOUSE
APPROPRIATIONS COMMITTEE ON THE FISCAL YEAR
(FY) 1992 DEPARTMENT OF TRANSPORTATION
APPROPRIATIONS BILL (TAPE 2)

Chairman Moore brought to the Board's attention a copy of testimony distributed which is to be presented by Fairfax County before the United States House of Representatives Committee on Appropriations on May 2, 1991, regarding the Fiscal Year (FY) 1992 Department of Transportation Appropriations Bill. She announced her intent to address this matter later in the meeting during Board Matters.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#21.)

17. 11:00 A.M. - BOARD DECISION ON THE PROPOSED
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX
CREATING A NEW CHAPTER 118 (CHESAPEAKE BAY
PRESERVATION ORDINANCE) (TAPES 2-4)

- (0) (NOTE: The public hearing was held on March 18, 1991 and decision deferred until April 29, 1991.)

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.

Supervisor Pennino called to the Board's attention two flyers that used her name without her permission. One appeared to have been distributed by realtors and developers and the other distributed by citizens with the opposing view.

Main Motion:

Following discussion among Board Members, with input from Anthony H. Griffin, Deputy County Executive for Planning and Development, Supervisor Alexander moved that the Board:

- Endorse the proposed amendment to the Code of the County of Fairfax creating a new Chapter 118 (Chesapeake Bay Preservation Ordinance), as recommended by the Planning Commission and provided to the Board at the work session, subject to the modifications made hereafter.

This motion was seconded by Supervisor Hyland.

Substitute Motion:

Following additional discussion, Supervisor Pennino moved a substitute motion that the Board submit both the Chesapeake Bay Preservation Ordinance recommended by the Planning Commission and County staff, as well as an ordinance based on the State mandated requirements, noting that Fairfax County will continue Best Management Practices of stormwater drainage throughout the County during periods of precipitation and will protect its Environmental Quality Corridors (EQC). She further clarified that this motion would require the Board to send two documents to the Chesapeake Bay Local Assistance Board for its review and determination on whether Fairfax County has the authority to adopt the stronger proposed ordinance language recommended by the Planning Commission and staff or the County's authority is limited to the State mandates. This motion was seconded by Supervisor McConnell.

Discussion continued among Board Members clarifying the intent of Supervisor Pennino's substitute motion, with input from James P. Zook, Director, Office of Comprehensive Planning, and Bruce G. Douglas, Branch Chief, Environmental and Heritage Resources Branch, Office of Comprehensive Planning.

Request for Unanimous Consent:

Supervisor McConnell asked unanimous consent that the Board direct staff to report on her previous request regarding the economics of the proposed ordinance, i.e., the result that the ordinance will have on land values and whether taxes will be reduced on unusable land. Without objection, it was so ordered.

Supervisor Pennino WITHDREW her substitute motion for possible consideration after the mark-up of the Planning Commission and staff's proposed ordinance language. This was accepted by the seconder.

For the purpose of clarity, the main motion (Supervisor Alexander's) was restated: approve the Planning Commission version of the Chesapeake Bay Preservation Ordinance with the amendments agreed to by the Board during mark-up.

Amendments to the Main Motion (Supervisor Alexander's):

Supervisor Hanley moved to amend the main motion to include the following modification to Section 118-1-2 (Authority):

- "This ordinance is enacted pursuant to the authority and mandates of the Chesapeake Bay Preservation Act, Sections 10.1-2100, et seq., of the Code of Virginia."

This motion was seconded by Supervisor Davis, and was accepted as part of the main motion.

Supervisor Richards moved to amend the main motion to include staff's recommended modifications to Sections 118-1-6(f) and 118-1-6(h) and that the Board consider the modifications to the sections seriatim. This motion was seconded by Supervisor Hanley.

The question was then called on Supervisor Richards' amendment to the main motion to include the following modification to Section 118-1-6(f) which carried by unanimous vote:

- "(f) 'Chesapeake Bay Preservation Area' or 'CBPA' means any land designated by the County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area."

Supervisor Richards further moved that the Board support the Planning Commission's recommended language for Section 118-1-6(h). (It was noted that the main motion supported the Planning Commission recommendation.)

Supervisor Davis moved to amend the main motion to add the following at the end of Section 118-1-6(m) of the Planning Commission's recommended language:

- "'Impervious area' or 'impervious surface' does not include the water surface area of a swimming pool."

This motion was jointly seconded by Supervisor Alexander and Supervisor Pennino.

Supervisor Davis further clarified his motion: decks surrounding swimming pools would be included as an "impervious area" or "impervious surface."

Following discussion among Board Members, with input from Mr. Zook, the question was called on Supervisor Davis' amendment to the main motion which carried by unanimous vote.

Supervisor Davis then moved to amend the main motion to include the following modification to Section 118-1-6(n):

- "'Land disturbing activity' means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, permanent flooding associated with the impoundment of water, and filling of land."

This motion was seconded by Supervisor Alexander and following discussion, with input from Mr. Zook and Irving Birmingham, Director, Department of Environmental Management, was accepted as part of the main motion.

Supervisor Richards moved to amend the main motion to include the following modification to Section 118-1-6(r):

- "(r) 'Noxious weeds' means Johnson grass, kudzu, poison ivy, ragweed, poison oak, and multiflora rose."

This motion was seconded by Supervisor Davis.

Supervisor Bulova moved that the motion to amend (Supervisor Richards') be amended to include "poison sumac" in Section 118-1-6(r), and this was accepted.

The question was then called on the motion to amend (Supervisor Richards'), as amended, which carried by unanimous vote.

It was the consensus of the Board to support the language recommended by the Planning Commission for Section 118-1-6(v).

Following discussion among Board Members, with input from Mr. Douglas, Supervisor Pennino moved to amend the main motion to concur in the recommendation of staff on Section 118-1-6(ee) to delete the definition of "vegetative filter" and insert the definition of "watercourse" in its place, which modifies the section as follows:

- "(ee) 'Watercourse' means a stream with incised channel (bed and banks) over which waters are conveyed."

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

Following discussion among Board Members on Section 118-1-7(b), Supervisor Pennino moved to amend the main motion to modify the language of Section 118-1-7(b)(4) proposed by staff, as follows:

- "(4) That portion of a watercourse with a drainage shed of seventy (70) acres or more and with perennial stream flow."

Following further discussion among Board Members, with input from Mr. Birmingham and Mr. Zook on Section 118-1-7(b), it was the consensus of the Board to allow staff to report later in the meeting, prior to the completion of Board action on the proposed ordinance, on the effect Supervisor Pennino's motion would have on the ordinance.

Supervisor Pennino moved to amend the main motion to modify the language of Section 118-1-7(b)(6)(iv) proposed by staff, as follows:

- "(iv) Any land with a slope greater than or equal to fifteen (15) percent where such slope begins within fifty (50) feet of a stream."

Following discussion, Supervisor Pennino amended her motion to include "perennial" before "stream."

It was the consensus of the Board to recess briefly for lunch and continue its discussion on the proposed amendment to the Code of the County of Fairfax creating a new Chapter 118 (Chesapeake Bay Preservation Ordinance).

(NOTE: See Clerk's Summary Item CL#19 for the Board's continued discussion.)

18. BOARD RECESS (TAPE 4)

At 1:40 p.m., the Board recessed briefly for lunch and at 2:45 p.m., reconvened in the Board Room with all Board Members present, with the exception of Supervisor Hanley, and with Chairman Moore presiding.

19. CONTINUATION OF BOARD DECISION ON THE PROPOSED
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX
CREATING A NEW CHAPTER 118 (CHESAPEAKE BAY
PRESERVATION ORDINANCE) (TAPE 4)

[NOTE: Earlier in the meeting, various actions were taken to amend the main motion (Supervisor Alexander's) which, for the purpose of clarity, is restated as follows: approve the Planning Commission version of the Chesapeake Bay Preservation Ordinance with the amendments agreed to by the Board during mark-up. See Clerk's Summary Item CL#17.]

Requests for Unanimous Consent:

Supervisor Hyland asked unanimous consent that the Board direct staff to respond to the specific recommendations made at the public hearing by the League of Women Voters and the Citizens Committee on Land-Use and Transportation. Without objection, it was so ordered.

Supervisor Hyland also asked unanimous consent that the Board direct the County Attorney to respond to the question he had previously provided about the effect the tolling language in the ordinance would have on the review process. Without objection, it was so ordered.

Supervisor Pennino recommended that the Board adopt Option C, as recommended by staff, dealing with the date which plans must be filed in order to be grandfathered.

Substitute Motion:

Supervisor Pennino moved a substitute motion that further action by the Board on the proposed Chesapeake Bay Preservation Ordinance be deferred until Monday, May 6, 1991 at 8:30 a.m. for a work session and until Monday, May 13, 1991 at 10:00 a.m. for Board adoption. This motion was seconded by Supervisor Alexander.

Requests for Unanimous Consent:

Supervisor Richards listed concerns she had received from the Great Falls Citizens Association and asked unanimous consent that the Board direct staff to report on:

- Whether by including the 15 percent slope, RPA areas will be three to four times the EQC boundaries;
- Why Loudoun County will not have similar regulations;
- Whether the power vested in low level County employees will provide an opportunity for abuse;

- Whether the real cost will be in the building permit process;
- Whether the County will help citizens delineate RPA boundaries on their properties; and
- Why, if this is a water quality issue, set size limits at all and not just require mitigation of the impacts.

Without objection, it was so ordered.

For the purpose of clarity, Chairman Moore restated the substitute motion: defer mark-up of the Chesapeake Bay Preservation Ordinance to 8:30 a.m. on May 6 and defer further mark-up and action until May 13, 1991, at 10:00 a.m.

Vote on Substitute Motion:

The question was then called on the substitute motion to defer (Supervisor Pennino's) which CARRIED by a recorded vote of eight, Supervisor Hanley abstaining.

Vote on Main Motion:

The question was then called on the main motion, as substituted, which CARRIED by a recorded vote of eight, Supervisor Hanley abstaining.

PMH:PMH

20 . LADY FAIRFAX VISITS FAIRFAX COUNTY (TAPE 5)

Chairman Moore announced that Lady Fairfax of Sydney, Australia will be visiting Fairfax County on Friday, May 3, 1991. She said that Lady Fairfax would like to learn more about her family roots.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct the Office of Public Affairs to assist her office and Lady Fairfax in developing an appropriate schedule of events. Without objection, it was so ordered.

21. FAIRFAX COUNTY'S TESTIMONY BEFORE THE HOUSE
APPROPRIATIONS COMMITTEE ON THE FISCAL YEAR
(FY) 1992 DEPARTMENT OF TRANSPORTATION
APPROPRIATIONS BILL (TAPE 5)

(NOTE: Earlier in the meeting this issue was discussed. See Clerk's Summary Matter Item CL#16.)

Earlier in the meeting, Supervisor Moore distributed to Board Members a copy of the proposed testimony to be given before the House Appropriations Committee on the Fiscal Year (FY) 1992 Department of Transportation Appropriations Bill and she asked unanimous consent that the Board approve the proposed testimony. Without objection, it was so ordered.

22. FLAG DAY 1991 (TAPE 5)

Supervisor Moore stated that Flag Day 1991 will have a special meaning in view of the deep sense of pride and patriotism that everyone feels in the aftermath of Operation Desert Storm. Therefore, Supervisor Moore asked unanimous consent that the Board direct staff to request information from the National Flag Day Foundation and develop a program to assist in spreading the word for the June 14, 1991 activity. Without objection, it was so ordered.

23. TAX RELIEF FOR RECREATIONAL CLUBS
(TAPE 5)

Supervisor Moore stated that on several occasions, the Board has considered the tax problems of non-profit neighborhood recreation clubs, many of which, despite their enormous value to the community, are in danger of being taxed out of existence because the land is being assessed in the same way as surrounding residential or commercial property.

Supervisor Moore said that the Board previously directed staff to review this matter and report with a draft ordinance necessary to implement a program of use value taxation for non-profit neighborhood recreation clubs under the current authority provided by Article 4, Section 58.1-3233, of the Code of Virginia. She pointed out that staff has not yet responded to this request and she moved that the Board direct staff to report by May 20, 1991 on the progress that has been made on this issue. This motion was seconded by Supervisor Hanley.

Supervisor Hanley noted that the staff did respond to the Board's request in a report dated April 15, 1991. She said that the report indicated that staff is examining the revenue and land use implications of such a policy.

The question was called on the motion which carried by unanimous vote.

24. PROPOSED ORDINANCE CHANGE TO STRENGTHEN THE
CURRENT OCCUPANCY LAWS (TAPE 5)

Supervisor Moore stated that as a result of a meeting with citizens in the Broyhill area, the Board had directed staff to:

- Report with a Board Package Item for authorization to advertise a public hearing on recommended ordinance changes to strengthen the current occupancy laws to limit the maximum number of individuals who can occupy one dwelling.

Supervisor Moore stated that the Board has not yet received a response from staff and she asked unanimous consent that the Board direct staff to give priority attention to this request and advise the Board by May 20, 1991 when the response will be forthcoming. Without objection, it was so ordered.

Supervisor Moore stated for the record, that she has had discussions with staff since the original request and staff believes that there are limits under the Zoning Ordinance as it exists to the number of people who may occupy a dwelling. She said that that was not what the citizens were told at the Broyhill meeting.

25. RECOMMENDATIONS OF THE CITIZENS ADVISORY COMMITTEE
ON SOLID WASTE AND DISPOSAL MATTERS (TAPE 5)

Supervisor Moore stated that the Citizens Advisory Committee on Solid Waste and Disposal Matters had made some recommendations regarding the program whereby individuals are required to recycle.

Therefore, Supervisor Moore asked unanimous consent that the Board direct staff to consider the following recommendations in their consideration of the Solid Waste Plan:

- That the Office of Comprehensive Planning (OCP) be directed to expedite the processing of zoning actions for recycling collection and processing centers whenever possible;
- That the Economic Development Authority (EDA) be requested to consider making every effort to encourage the establishment of businesses using recycled materials; and
- That the Office of Solid Waste, Department of Public Works, be directed to consider defining and scheduling of a variable rate fee structure for the collection of residential waste.

Without objection, it was so ordered.

26. RECYCLING IN SEATTLE, WASHINGTON (TAPE 5)

Supervisor Moore announced that she had received a letter from a constituent enclosing a copy of an article from Garbage Magazine regarding the success of the recycling program in Seattle, Washington.

Supervisor Moore distributed a copy of the article to Board Members for their review.

Supervisor Hanley noted that she had recently seen an article regarding recycling in the region. She said that a chart was included in the article and it indicated that Fairfax County was leading the region in recycling efforts. She requested the Office of Public Affairs to try and locate the article.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

27. PARKING TOO CLOSE TO DRIVEWAYS (TAPE 5)

Supervisor Bulova stated that the Code of Virginia (Section 46.2-1239) prohibits parking in certain locations. She said that according to the Police Traffic Safety Division, approximately 30 to 40 times each year, they must investigate complaints of parking by high school students on neighborhood streets near the high school. The sole remedy presently is for the residents to apply for designation as a Residential Parking Permit District (RPPD). She added that many neighborhoods do not qualify for RPPD and sometimes there is not unanimity within a neighborhood to support a RPPD.

Supervisor Bulova said that most of the complaints stem from residents not being able to safely exit their driveways due to sight obstruction by the parked vehicles. The second most often heard complaint is that vehicles block private mail boxes and Postal employees may not deliver mail.

Supervisor Bulova explained that the Traffic Division would like a change in legislation to prohibit parking within 10 feet of a driveway. She noted that the police believe that, by enacting this amendment, the requests for RPPDs would diminish, complaints would be more readily resolved through parking ticket enforcement, and safety would be enhanced for all motorists.

Supervisor Bulova said that the Transportation Safety Commission voted unanimously earlier this month to request the Board to seek enabling legislation that would allow the County to restrict parking within 10 feet of a private driveway. Supervisor Bulova moved that the Board:

- Direct staff to determine whether the Board currently has the authority to do this; and if not

- Refer this item to the Legislative Subcommittee so that the Board can consider including this issue in the next legislative package.

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

28. APPOINTMENT TO THE COMMISSION FOR DISABLED PERSONS (TAPE 5)

(Appt)

Supervisor Bulova moved the appointment of Ms. Jeanne Houghton as the Annandale District Representative to the Commission for Disabled Persons. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Davis being out of the room.

29. GYPSY MOTH PROGRAM UPDATE (TAPE 5)

Supervisor Hyland stated that at the Board's Environmental Subcommittee meeting, the Gypsy Moth Program was discussed. He said that it was determined that staff needed to obtain additional information as well as to pull together representatives of the Federation, the Fairfax County Chamber of Commerce, Delegate Mayer, and staff to discuss how the proposal could work to ensure that the Gypsy Moth Program is funded in the future.

30. POTOMAC EMBAYMENT STANDARDS TASK FORCE RECOMMENDATION (TAPE 5)

- (R) Supervisor Hyland referred to a Resolution concerning the Potomac Embayment Standards. Supervisor Hyland moved that the Board adopt the following Resolution:

WHEREAS, a commitment to the restoration and protection of the Potomac River has been made in perpetuity by the Fairfax County Board of Supervisors; and

WHEREAS, investments in advanced wastewater treatment over the past two decades have resulted in rejuvenation of the Potomac that is considered a nationally recognized success story; and

WHEREAS, in 1971 the Virginia State Water Control Board issued special Potomac Embayment Standards based upon the available knowledge at that time; and

WHEREAS, in 1978 the Virginia State Water Control Board concluded it was "time to re-evaluate the treatment levels required special standards for the Virginia embayments" due to uncertainty regarding their scientific validity and need; and

WHEREAS, the Northern Virginia Planning District Commission (NVPDC), under contract to the Virginia State Water Control Board completed a re-evaluation study in 1988 which utilized state-of-the-art embayment and Potomac mainstem water quality models to develop wastewater treatment plant effluent limitations which met Potomac River water quality standards and goals; and

WHEREAS, the process followed in the NVPDC Embayment Study utilized the generally recognized Virginia, metropolitan Washington region, and national practice for establishing water quality based effluent limitations for protection of Potomac estuary water quality; and

WHEREAS, a special regional "Potomac Embayment Standards Task Force" (the Task Force) consisting of senior staff from the affected Northern Virginia jurisdictions, the Executive Director of NVPDC, and regional water quality experts was convened in December 1990 to review the Potomac embayment standards and consider any needed modifications; and

WHEREAS, the Task Force has recommended replacement of the existing Potomac Embayment Standards with a water quality-based process for protection of the beneficial uses of the Potomac River and embayments that is further designed to ensure compliance with present and future Virginia State water quality standards and recognizes the unique interstate nature of the Potomac; and

WHEREAS, the Task Force recommendations provide a sound technical basis for establishment of water quality based effluent limitations for dischargers to Virginia's Potomac embayments; and

WHEREAS, on March 28, 1991 the NVPDC and on April 14, 1991 the Environmental Policy Committee of the Council of Governments endorsed the Task Force recommendations;

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS THAT:

- The Fairfax County Board of Supervisors endorses the recommendations of the Potomac Embayment Standards Task Force February, 1991 report; and
- The Board of Supervisors hereby respectfully petitions the Virginia State Water Control Board to consider and act favorably upon the recommendations of the report.

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

31. REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT
FOR VULCAN OCCOQUAN QUARRY (TAPE 5)

Supervisor Hyland distributed to Board Members a copy of a request for an Out-of-Turn Plan Amendment for the Vulcan Occoquan Quarry which is located in the Lorton community. He explained that the Quarry has an additional 115 acres of land and it proposes to expand its quarrying operation.

Supervisor Hyland stated that it was staff's opinion that additional time was necessary to examine the impact of the expanded quarrying operation on the surrounding residential communities. He said that staff has requested that this item not be included in the present Comprehensive Plan review process, but consider taking it on an out-of-turn basis with expedited processing. Therefore, Supervisor Hyland moved that the Board direct staff to expedite an Out-of-Turn Plan Amendment for the Vulcan Occoquan Quarry and set dates certain for the public hearing before the Planning Commission and Board of Supervisors.

The motion died due to the lack of a second.

Following discussion, Supervisor Hyland restated the motion that the Board direct staff to expedite an Out-of-Turn Plan Amendment for the Vulcan Occoquan Quarry and set dates certain for the public hearing before the Planning Commission and Board of Supervisors. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

32. RESIGNATION OF THE MOUNT VERNON DISTRICT
REPRESENTATIVE TO THE SCHOOL BOARD
(TAPE 5)

Supervisor Hyland announced that Armando Rodriguez, Mount Vernon District Representative to the School Board had submitted his resignation effective June 1, 1991.

Supervisor Hyland stated that he has invited public participation in the selection process for a successor. He asked any interested individuals to submit to his office a resume by the close of business, May 9, 1991. He said that a public screening meeting would be held on:

SATURDAY, MAY 18, 1991
9:00 a.m. - 12:30 p.m.
Mount Vernon Government Center
2511 Parkers Lane
Alexandria, Virginia 22306

Supervisor Hyland noted that there would be a citizens screening meeting as well as a public forum which will be reviewing the resumes of candidates. He said that the names of the candidates who have come through the selection process will be submitted for Board consideration on June 3, 1991 and selection will take place on June 17, 1991.

VLL:VLL

33. HERNDON HIGH SCHOOL RECEIVES THE SUDLER
FLAG OF HONOR (TAPE 6)

Supervisor Richards announced that the Herndon High School Band has been awarded the Sudler Flag of Honor, the nation's most prestigious award for high school concert bands. She stated that this year Herndon High School Band was the only band in the entire nation to receive the award. The purpose of the flag is to identify, recognize, and honor high school band programs throughout the United States that have demonstrated particularly significant high standards of excellence in concert activities over a period of several years.

34. APPRECIATION EXPRESSED TO THE VOLUNTEERS
INVOLVED IN "CHRISTMAS IN APRIL" (TAPE 6)

Supervisor Richards expressed her appreciation to those volunteers who participated in this year's "Christmas in April." She commended the volunteers' tremendous efforts and outstanding performance.

35. CANDIDATES ANNOUNCED FOR THE MCLEAN COMMUNITY
CENTER GOVERNING BOARD (TAPE 6)

(BAC's)

Supervisor Richards announced that the following residents of Small District One have petitioned to become candidates for election to the McLean Community Center Governing Board:

- Three adult residents of Special Small District Number One of Dranesville District, being 18 years of age or older will serve terms of three years:

- * Ms. Diane Alden;
- * Ms. Mary Jane DeCorps;
- * Mr. Joseph T. Gilmore;
- * Ms. Julie O. Kerlin;
- * Mr. Christopher R. Kloman;

- * Mr. James A. Morrill;
- * Ms. Gail Tenney Nields; and
- * Mr. Issam Saliba.

- Two youth residents of Special Small District Number One of Dranesville District, being 15 years through 17 years of age, will serve one year terms. One shall be elected from the area served by McLean High School and one shall be elected from the area served by Langley High School:

McLean High School Area:

- * No candidate; and

Langley High School Area:

- * Miss Stephanie Swift.

Supervisor Richards stated that she would announce the results following the election scheduled for Saturday, May 18, 1991, from 9:00 a.m. - 5:00 p.m., at Lewinsville Park, 1659 Chain Bridge Road, McLean.

36. GREAT FALLS FRIENDS HOLD PICNIC AS AN ORGANIZING EFFORT (TAPE 6)

Supervisor Richards announced that, as an organizing effort, Great Falls Friends held a picnic on the Green at the Village Center on Sunday, April 28, 1991. She stated that any individual who cares about the community may join Great Falls Friends, whose purpose is to bring together and enhance the spirit of community and to work together on a wide variety of projects to enhance the town center. She urged all individuals interested in becoming members to mail their names and addresses to:

Great Falls Friends
Post Office Box 685
Great Falls, Virginia 22066

37. WETLANDS SEMINAR SCHEDULED (TAPE 6)

Supervisor Richards announced that a wetlands seminar has been scheduled to educate the general public about Virginia's wetlands and the impact individuals have on the Chesapeake Bay. The seminar, sponsored by the Northern Virginia Soil and Water Conservation District (NVSWD), will be held on:

Saturday, June 8, 1991

9:30 a.m. to 4:00 p.m.

National Wildlife Federation's Educational Center
Vienna (Route 7 at Lewinsville Road)

Cost for attending the seminar is \$15 in advance (before June 1) and \$20 at the door. Speakers from federal, state, and local agencies, as well as citizens who are environmentally aware will cover a variety of topics. Individuals are encouraged to bring a brown bag lunch.

For additional information, individuals may contact NVSWCD at (703) 591-6660. To register for the seminar, individuals should mail checks (made out to NVSWCD) to:

NVSWCD
11216 Waples Mill Road
Fairfax, Virginia 22030

38. STAFF REQUESTED TO REPORT ON ATWOOD DRIVE
INCIDENT INVOLVING EROSION AND HAZARDOUS
WASTE (TAPE 6)

Supervisor Richards asked unanimous consent that the Board direct the Fairfax County Fire and Rescue Department's staff to report on the incident that occurred on Atwood Drive during the weekend of April 13 and 14, 1991. She stated she had been told that three fire engines, as well as the HAZMAT team, responded to an oil spill on Atwood Drive. The hazardous waste problem, coupled with the significant amount of erosion resulting from approximately four days of rain, caused a tremendous quantity of silt to run down the roadway which was very destructive and disturbing to the community. Without objection, it was so ordered.

39. STAFF TO DETERMINE WHETHER A PLANT NURSERY
CAN BE A "BY-RIGHT" USE IN THE R-A ZONING
DISTRICT (TAPE 6)

Supervisor Richards called to the Board's attention that Rezoning Application RZ 91-D-005, Hill's Nursery, is a request to rezone 36 acres from the R-1 District to the Rural Agricultural (R-A) District. She questioned whether a Special Exception Application would be required of the applicant under the Zoning Ordinance in order to allow this plant nursery to operate in the R-A District. The applicant has called to her attention that the Code of Virginia states that "...a nursery shall be classified the same as any other farm..."

Accordingly, Supervisor Richards asked unanimous consent that the Board direct staff to determine whether a plant nursery can be a "by-right" use in the R-A zoning district.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked that the request be amended to also include that staff report on exactly what an individual is permitted to do in an R-A District, and this was accepted.

Without objection, the amended request was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

40. SIMULTANEOUS AND EXPEDITED PROCESSING REQUESTED
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 84-D-086-3 (THE LANGLEY SCHOOL)
(DRANESVILLE DISTRICT) (TAPE 6)

Supervisor Richards moved that the Board direct staff to review the Site Plan simultaneously with the processing of Special Exception Amendment Application SEA 84-D-086-3 and direct staff to expedite the processing of the application so that the public hearing is scheduled before the Board of Supervisors prior to its August recess. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

41. BOARD CONCURRENCE IN REZONING APPLICATION RZ 90-D-051
(EMERSON AVENUE PARTNERSHIP) (DRANESVILLE DISTRICT)
(TAPE 6)

Supervisor Richards called to the Board's attention that Rezoning Application RZ 90-D-051 is a request to rezone property from the R-4 and R-8 Districts to the PDC District. Part of the application includes an unimproved right-of-way to be vacated. Because the fee for the underlying title of the right-of-way to be vacated is owned by the Board of Supervisors, the Board must concur with Rezoning Application RZ 90-D-051 in order for the application to proceed.

Accordingly, Supervisor Richards moved that the Board concur in Rezoning Application RZ 90-D-051 so that the application can be evaluated by County staff and scheduled for public hearings. She stated, for the record, that this action does not provide a prejudgment as to the outcome of Rezoning Application RZ 90-D-051 and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room.

42. COMPLETION OF RESTORATIONS AT COLVIN RUN MILL
PARK (TAPE 6)

Supervisor Richards announced that restorations on the waterwheel at Colvin Run Mill Park are now complete. She stated that the waterwheel was restarted on Saturday, April 27, 1991 and individuals may again purchase the wonderful corn meal produced by the Mill.

43. DISCUSSION ON REFERENDUM FOR THE FAIRFAX COUNTY PARKWAY (TAPE 6)

Supervisor Alexander stated at the Board of Supervisors' meeting held on April 22, 1991, he announced his intent to discuss at today's meeting the possibility of a referendum to provide funds for the Fairfax County Parkway. He requested James P. McDonald, Deputy County Executive for Management and Budget, to present the staff's position on whether the Board should place this question on the ballot for November 1991.

Dr. McDonald stated that it is his recommendation, taking into consideration the existing commitment that the Board has for next spring (i.e., school bonds set to be sold, plus others in the pipeline), that:

- It would clearly be impossible for Fairfax County to sell any of the bonds in Fiscal Year (FY) 1992;
- Adding an increment of debt service at that level onto the existing budget would be impossible; and
- It would take the authorized but unissued bonds above the billion dollar limit which, clearly, in terms of the commitment made to the rating agencies, Moody's and Standard and Poor's, would be completely out of the question.

In summary, Dr. McDonald stated that it is his judgment that to have authorized but unissued bonds in Fairfax County above one billion dollars is not palatable to the rating agencies. He stated that, in recent communications with the rating agencies, concern was expressed that the Board of Supervisors stay within its annual guidelines of \$150,000,000 worth of sales each year, particularly in light of the direction in which the general economy is heading.

Discussion ensued among Board Members, with input from Dr. McDonald, however, there was no Board action taken on this issue.

44. ELECTRONIC INFORMATION RETRIEVAL SYSTEM IMPLEMENTED TO PROVIDE INFORMATION TO CITIZENS (TAPE 6)

Supervisor Alexander announced that his office has implemented an electronic information retrieval system to provide information to citizens. Citizens may use a computer modem or a TDD device to call the PC in his office at 971-0640. The system currently provides:

- News regarding current happenings in the Lee District;

- The ability to leave direct electronic messages for Supervisor Alexander and his staff; and
- The ability to electronically "download" the text of several brochures and news releases, which will assist those individuals who publish civic association newsletters and want to reprint helpful County information.

Supervisor Alexander stated that citizens will be able to directly enter pothole reports into the electronic tracking system. These reports will be automatically faxed to the appropriate headquarters of the Virginia Department of Transportation (VDOT) and logged into his office books. He stated that his staff will subsequently follow-up these reports with VDOT.

Supervisor Alexander stated that as citizen response to this system grows, he plans to add several "forums" or "electronic bulletin boards" for citizens to trade messages on matters of concern in the Lee District.

Finally, Supervisor Alexander announced that he is especially proud that he has been able to implement this service without extra expenditures to the citizens:

- The system runs on the same PC that is used for word processing, mailing list maintenance, and desktop publishing;
- The modem, cabling, and other necessary hardware were donated to Fairfax County by a local business; and
- His staff, Robert Heittman, has written the program so that it runs concurrently with the office's other programs. His office can continue to use the computer at the same time that a citizen is calling. His office is able to keep the information line active 24 hours a day without having to buy a dedicated PC to service it.

Again, Supervisor Alexander announced that citizens may use the system by calling 971-0640. He urged all interested individuals who have access to a computer modem to use the system and then contact his office to let him know how they feel the system works.

In conjunction with Supervisor Alexander's Board Matter, Supervisor Hyland called to the Board's attention that he had previously requested staff to determine whether a system, very similar to the one described

by Supervisor Alexander, could be implemented among County agencies and Board Members' offices. He urged staff to continue working on this concept and report with any progress.

Chairman Moore stated that, with the computer capacity available, she felt Board Members should have access to information such as financial and assessment data. She urged staff to also continue researching this project.

45. METROBUS SERVICE CHANGES PROPOSED BY THE
WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY'S (WMATA) GENERAL MANAGER
(TAPE 6)

Supervisor Alexander called to the Board's attention that the Washington Metropolitan Area Transit Authority's (WMATA) newly-appointed General Manager, David L. Gunn, has recently proposed 27 service changes to Metrobus routes in the Northern Virginia area. Many of these proposals are consistent with the Metrobus reductions which the Board of Supervisors, at its meeting held on March 18, 1991, agreed should be considered for implementation and will be the subject of public hearings in early June. He stated, however, that General Manager Gunn has proposed two cuts to service in Fairfax County which were not included in the County's reduction package. These two proposals would cut back Route 5N,P at the West Falls Church Metrorail Station and cut back Route 11Y at the National Airport Metrorail Station.

As neither of these proposals was included in the County's Service change package of March 18, 1991, Supervisor Alexander moved that the Board:

- Oppose these two cuts;
- Request that WMATA delete these two proposals to cut back Routes 5N,P and Route 11Y; and
- Direct County staff to convey the Board's position to WMATA's General Manager Gunn.

This motion was seconded by Supervisor Hyland.

Following brief Board discussion, the question was called on the motion which carried by a unanimous vote.

46. PROJECT BY PROJECT RECOMMENDATIONS FOR THE VIRGINIA
DEPARTMENT OF TRANSPORTATION'S (VDOT) ACTIVE DESIGN
PROJECTS (TAPE 6)

Supervisor Alexander distributed to Board Members copies of a letter dated January 15, 1991 addressed to Andrew V. Bailey, II, Resident Engineer, Virginia Department of Transportation (VDOT), from Shiva K. Pant, Director, Office of Transportation. The letter transmitted the

Board's actions from its meeting held on January 14, 1991 approving project by project recommendations for VDOT active design projects.

Supervisor Alexander stated that last week he met with VDOT staff to discuss various road projects in Lee District. In discussing the Telegraph Road project, it was realized that the Policy Plan shows the project to be expanded to a six lane cross section between Van Dorn Street and Route One, however, VDOT's active design plans show the project as four lanes. He stated that staff indicated that VDOT should change the project to six lanes because of the Board's action on January 14, 1991 and steps were being taken to change the contract to reflect six lanes.

Supervisor Alexander stated that the public hearings on the Area Plans are scheduled before the Board of Supervisors during May 1991 and some of the projects would be changing. He urged Board Members and the Office of Transportation staff to take notice of any changes that may occur when the Policy Plan is adopted and ensure that VDOT is aware of the same changes.

47. CLARIFICATION OF ACTIONS TAKEN ON THE PROPOSED FISCAL YEAR (FY) 1992 FISCAL PLAN (TAPE 6)

[NOTE: Earlier in the meeting, actions were taken on the Fiscal Year (FY) 1992 Fiscal Plan.]

Supervisor Alexander stated that earlier in the meeting, during the Board's actions on the budget, \$200,000 was included for a "transit" study. He clarified, for the record, that the funding was included for a "transportation" (not transit) study and that it is all inclusive, i.e., roadways, bus, rail, carpool, etcetera.

48. "PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM FOR THE NATIONAL CAPITAL REGION" (TAPE 6)

Supervisor Hanley stated that the Metropolitan Washington Council of Governments (COG) had recently forwarded to her a copy of the "Proposed Federal Capital Improvements Program for the National Capital Region." She stated that "...the Commission would appreciate receiving written comments as soon as possible but no later than May 24, 1991..."

Supervisor Hanley called to the Board's attention the following comment contained in the "Proposed Federal Capital Improvements Program for the National Capital Region" with regard to the Air and Space Museum extension:

- "...to defer at this time, without prejudice, pending the outcome of the Congressional hearings on possible alternative sites for this project and any Congressional action..."

Because this comment is contrary to the Board's existing position on the Air and Space Museum, Supervisor Hanley moved that the Board communicate to the National Capital Region Planning Commission, prior to May 24, 1991, the Board's position on the importance of the location of the Air and Space Museum and the Board's opposition to "...possible alternative sites..." This motion was seconded by Supervisor Richards and carried by a vote of seven, Supervisor Alexander and Chairman Moore being out of the room.

49. STAFF REQUESTED TO REPORT WITH PROPOSED ORDINANCES
REGARDING WRONGFUL DEMOLITION OF HISTORIC
STRUCTURES AND GRASS CUTTING (TAPE 6)

Supervisor Hanley stated that at the Board of Supervisors' meeting held on March 18, 1991, action was taken to direct the County's Legislative Liaison staff to create and distribute to Board Members 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. She stated that the Board's priorities included open space issues, specifically, the ability of the governing body to adopt ordinances regarding the wrongful demolition of historic structures and grass cutting. She requested staff, as the Board begins the process to comply with the recent legislative actions, to place these issues very high on the list.

Supervisor Hanley asked unanimous consent that the Board direct staff to report with proposed ordinances regarding the wrongful demolition of historic structures and grass cutting as expeditiously as possible.

Supervisor Hyland asked that the request be amended to also include the proposed ordinance to consider an automobile "inoperable" if either its license plates or its inspection sticker has expired, and this was accepted.

Without objection, the amended request was so ordered.

50. RECERTIFICATION OF THE FAIRFAX COUNTY PARK AUTHORITY
(TAPE 6)

Supervisor Hanley stated that one of the issues for the Board to consider for May 1991 is to reach agreement with the Fairfax County Park Authority for recertification for continued operation. She stated that last week Supervisor Alexander met with Thomas "Bo" White, Chairman of the Park Authority, to discuss the draft agreement and it appears that only minor details need to be worked out.

Because the current agreement expires on May 19, 1991, Supervisor Hanley moved that the Board of Supervisors extend the existing Certification Agreement with the Park Authority to July 20, 1991.

David L. Stitt, County Attorney, reported that his office is currently drafting language for a motion to extend the Park Authority. He stated that the motion would be forwarded to Board Members for action at its meeting scheduled for May 6, 1991.

Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that action to extend the existing Certification Agreement with the Park Authority be deferred until May 6, 1991. Without objection, it was so ordered.

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

AR:AR

51. VIRGINIA RUN LOT LINES (TAPE 7)

Supervisor McConnell noted that in 1982 when the Board of Supervisors downzoned land in the Occoquan Basin, Section 8-913 was added to the Zoning Ordinance in an attempt to minimize the impacts on the existing community of Pleasant Valley. She explained that the homes were zoned R-2 for the most part, and since they were rezoned to RC, they would never be able to meet the yard requirements of the RC category. Therefore, Section 8-913 was adopted by the Board in order to allow those homeowners to apply for a variance.

Supervisor McConnell added that as part of the court order entered January 7, 1985, a provision was added to allow the existing minimum front and side yard setbacks to remain in effect for those lots grandfathered by the courts until a RUP (Residential Use Permit) was issued for that lot or until January 1, 1992. This recognized, as the Board had done with Pleasant Valley, that the grandfathered lots, mostly R-2, would not meet the RC requirements.

Supervisor McConnell stated that Virginia Run is a community consisting of several developments which were grandfathered by the courts and later consolidated by Kettler and Scott. It is approximately 80 percent complete and it is quite clear that it will not be completed by January 1, 1992, when the court order states that the RC yard requirements will take effect. This will create a situation where the lots that remain unbuilt may only have a house built on them which is significantly smaller than those houses presently existing in Virginia Run, a fact which is of great concern to the residents of Virginia Run.

Therefore, Supervisor McConnell moved that the Board direct staff to review the Virginia Run situation, recognizing the January 1, 1992 deadline, and return with its recommendation as expeditiously as possible. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

52. ADMIN 8 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATIONS SE 88-S-013, SE 88-S-014, AND SE 88-S-015 (CENTREVILLE PARTNERSHIP) (SPRINGFIELD DISTRICT) (TAPE 7)

- (E1) Supervisor McConnell called the Board's attention to Administrative Item Eight - Additional Time to Commence Construction for Special Exception Applications SE 88-S-013, SE 88-S-014, and SE 88-S-015 (Centreville Partnership) (Springfield District) and moved that the Board grant the request for the extension of nine months additional time to commence construction on Special Exception Applications 88-S-013, SE 88-S-014, and SE 88-S-015, until October 11, 1991. This motion was seconded by Supervisor Davis and carried by a vote of eight, Chairman Moore being out of the room.

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

- Review the portions of Section 9-015 of the Zoning Ordinance which address additional time for Special Exceptions;
- Review the portions of Section 8-015 which address additional time for special permits;
- Review the portions of Section 18-407 which address additional time for variances; and
- Recommend revised language which will provide the Board of Supervisors and the Board of Zoning Appeals (BZA) greater flexibility in considering these requests.

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

53. UPDATE ON SITUATION AT WEST SPRINGFIELD HIGH SCHOOL (TAPE 7)

With regard to the situation concerning the students fainting at West Springfield High School, Supervisor McConnell stated that she met this morning with Dr. Richard K. Miller, M.D., Director of Health Services at the Health Department, and School representatives to discuss this problem. Supervisor McConnell emphasized that nothing has been found thus far in the school building to cause any problems, and reassured the families of those students attending West Springfield that Fairfax County and the School system are doing everything possible to make sure that every avenue is explored in this situation.

54. DEFERRAL OF THE PUBLIC HEARING ON SPECIAL
EXCEPTION APPLICATION 90-M-033 (TAPE 7)

Supervisor Davis moved that the Board defer the public hearing on Special Exception Application 90-M-033 until September 16, 1991 at 3:30 p.m. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Chairman Moore being out of the room.

55. REQUEST FOR EXTENSION OF TIME TO COMPLY WITH
CONDITIONS OF SPECIAL EXCEPTION APPLICATION
SE 87-M-118 (TAPE 7)

Supervisor Davis asked unanimous consent that the Board direct staff to review the request by the applicant for an 18 month extension of time to comply with the conditions of Special Exception Application SE 87-M-118. Without objection, it was so ordered.

56. GERMAN DEFENSE MINISTRY TO MOVE ITS HEADQUARTERS
TO RESTON, VIRGINIA (TAPE 7)

Vice-Chairman Pennino announced that the German Defense Ministry is moving its headquarters to Reston, Virginia. With a notation that this Ministry has a business volume totaling \$4.3 billion a year, Vice-Chairman Pennino relinquished the Chair to Acting Chairman Alexander and asked unanimous consent that the Board direct staff to prepare a letter, for the Chairman's signature, welcoming the German Defense Ministry to Fairfax County. Without objection, it was so ordered.

Acting Chairman Alexander returned the gavel to Chairman Moore upon her return to the Board Room.

CM:CM

57. ADMINISTRATIVE ITEMS (TAPE 8)

[NOTE: Earlier in the meeting during Board Matters, action was taken to: approve Administrative Item Eight (Clerk's Summary Item CL#52); and approve Administrative Item 10 (Clerk's Summary Item CL#10.)]

Supervisor Davis moved approval of the Administrative Items with the exception of Administrative Item Three and Administrative Item Seven. This motion was jointly seconded by Supervisor Alexander and Supervisor Pennino and carried by unanimous vote.

[NOTE: Later in the meeting, the following actions were taken:

- Administrative Item Seven - Defer for three weeks (Clerk's Summary Item CL#59);

- Administrative Item Three - Approve (Clerk's Summary Item CL#58); and
- Administrative Item 13 - Reconsider its earlier action (Clerk's Summary Item CL#60).]

ADMIN 1 - APPROVAL OF WATER MAIN EXTENSION,
MEADOWMERE SUBDIVISION (CENTREVILLE DISTRICT)

Approved the request for extension of a 12-inch water main approximately 1,500 feet. The proposed extension will be located in the right-of-way of Meadowlark Road (Route 677) and Brookside Lane (Route 1003), and will provide public water to the proposed Meadowmere Subdivision located along the south side of Brookside Lane, Centreville District.

ADMIN 2 - STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND SPRINGFIELD DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated April 29, 1991 be recommended for acceptance into the State Secondary System.

ADMIN 3 - DONATION OF SURPLUS FURNITURE TO THE
LEARNING IN RETIREMENT (LIR) INSTITUTE IN
GEORGE MASON UNIVERSITY

(NOTE: Later in the meeting, action was taken to approve Administrative Item Three. See Clerk's Summary Item CL#58.)

ADMIN 4 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 88-D-100
(FLEETWOOD ASSOCIATES PARTNERSHIP C/O RANDOLPH
WILLIAMS, INCORPORATED) (DRANESVILLE DISTRICT)

- (ET) In lieu of the request for 18 months of additional time, approved additional time to commence construction for Special Exception Application SE 88-D-100 until June 1, 1991 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 88-L-052
(B.F. SAUL REAL ESTATE INVESTMENT TRUST)
(LEE DISTRICT)

- (ET) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 88-L-052 until January 31, 1992 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 84-M-075-2 (MOBIL OIL CORPORATION)
(MASON DISTRICT)

- (E1) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 84-M-075-2 until April 11, 1992 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 87-M-118
(EXXON COMPANY, U.S.A.) (MASON DISTRICT)

(NOTE: Later in the meeting, action was taken to defer Administrative Item Seven for three weeks. See Clerk's Summary Item CL#59.)

ADMIN 8 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATIONS SE 88-S-013,
SE 88-S-014, AND SE 88-S-015 (CENTREVILLE
PARTNERSHIP) (SPRINGFIELD DISTRICT)

(NOTE: Earlier in the meeting during Board Matters, action was taken to approve Administrative Item Eight with revisions. See Clerk's Summary Item CL#52.)

ADMIN 9 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 86-P-065
(HARDEE'S FOOD SYSTEMS, INCORPORATED)
(PROVIDENCE DISTRICT)

- (ET) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 86-P-065 until June 25, 1991 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 - AUTHORIZATION TO ADVERTISE PROPOSED
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,
CHAPTER 4 (TAXATION AND FINANCE), TO ADD NEW
SECTION §4-6-8, TAX FOR ENHANCED EMERGENCY
TELEPHONE SERVICE

(NOTE: Earlier in the meeting during Board Matters, action was taken to approve Administrative Item 10. See Clerk's Summary Item CL#10.)

ADMIN 11 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO VACATE AN UNIMPROVED ROAD RIGHT-OF-WAY LOCATED WITHIN LEE'S ADDITION TO THE WEDDERBURN HEIGHTS SUBDIVISION (PROVIDENCE DISTRICT)

- (A) Authorized the posting of the notice of intent and advertisement of a public hearing to be held before the Board of Supervisors on June 3, 1991 at 4:00 p.m. on the proposed adoption of an Ordinance and Plat vacating an unimproved road right-of-way located within Lee's Addition to the Wedderburn Heights Subdivision, Providence District.

ADMIN 12 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED ACQUISITION OF CERTAIN DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD BOND PROJECT - LAWYERS ROAD EXTENDED (CENTREVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on May 20, 1991 at 4:00 p.m. on the proposed acquisition of certain dedications and easements necessary for the construction of County Road Bond Project 064137 - Lawyers Road Extended, Centreville District.

ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE LEEHIGH VILLAGE SANITARY SEWER PROJECT (SPRINGFIELD DISTRICT)

Authorized the advertisement of a public hearing to be held before the Board of Supervisors on May 20, 1991 at 3:30 p.m. on the proposed acquisition of certain sanitary sewer easements necessary for the construction of Project X00818 (R00004), Leehigh Village Sanitary Sewer Project, Springfield District.

(NOTE: Later in the meeting, the Board reconsidered the above-stated action. See Clerk's Summary Item CL#60.)

58. ADMIN 3 - DONATION OF SURPLUS FURNITURE TO THE LEARNING IN RETIREMENT (LIR) INSTITUTE IN GEORGE MASON UNIVERSITY (TAPE 8)

Supervisor Pennino called to the Board's attention Administrative Item Three - Donation of Surplus Furniture to the Learning in Retirement (LIR) Institute in George Mason University. She pointed out that the LIR, after a three year search, had located space at George Mason University (GMU) but is short of furniture. She stated that after meetings with County staff she learned that there is furniture available that can be given to this group. Therefore, Supervisor Pennino moved approval of the staff recommendation as follows:

- Approved the donation of one surplus four-drawer metal file cabinet and 20 surplus plastic, stacking chairs to the Learning in Retirement (LIR) Institute in George Mason University. The above-mentioned furniture is donated to LIR contingent upon:
 - * The donation being on a strictly "as-is" basis with no additional cost to the County;
 - * The recipients release the County from any liability stemming from the condition of the furniture; and
 - * The understanding that there will be no further repairs, refurbishing and/or maintenance on the donated furniture, even on a chargeable basis, by any County agency.

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

59. ADMIN 7 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 87-M-118 (EXXON COMPANY, U.S.A.) (MASON DISTRICT) (TAPE 8)

Supervisor Davis called to the Board's attention Administrative Item Seven - Additional Time to Commence Construction for Special Exception Application SE 87-M-118. He asked unanimous consent that the Board defer its consideration of this matter for three weeks. Without objection, it was so ordered.

60. RECONSIDERATION OF ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE LEEHIGH VILLAGE SANITARY SEWER PROJECT (SPRINGFIELD DISTRICT) (TAPE 8)

- (A) [NOTE: Earlier in the meeting, action was taken to authorize the advertisement of a public hearing to be held before the Board of Supervisors on May 20, 1991 at 3:30 p.m. on the proposed acquisition of certain sanitary sewer easements necessary for the construction of Project X00818 (R00004), Leehigh Village Sanitary Sewer Project, Springfield District. See Clerk's Summary Item CL#57.]

Supervisor Hanley moved that the Board reconsider its earlier action on Administrative Item 13. This motion was seconded by Supervisor Richards and carried by unanimous vote.

Following Board discussion, with input from John W. diZerega, Director, Department of Public Works, Supervisor Richards moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on May 20, 1991 at 3:30 p.m. on the proposed acquisition of certain sanitary sewer easements necessary for the construction of Project X00818 (R00004), Leehigh Village Sanitary Sewer Project, Springfield District. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of five, Supervisor Bulova, Supervisor Davis, Supervisor Hyland, and Supervisor McConnell voting "NAY".

61. A-1 - WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PROPOSED FARE INCREASE FOR FISCAL YEAR (FY) 1992 (COUNTYWIDE) (TAPE 8)

On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the following Metrobus and Metrorail general fare policies as a response to the public hearing testimony concerning the Washington Metropolitan Area Transit Authority (WMATA) Public Hearing Docket B91-5 contained in Attachment One of the Memorandum to the Board dated April 29, 1991:

- Implement a 12 percent average fare increase for Fiscal Year (FY) 1992 followed by a six percent average fare increase for FY 1993;
- Continue the 1/2 peak fare for elderly and disabled persons during peak periods;
- Simplify the Metrobus fare structure to make it more understandable to the passenger and increase fares comparable to the fare increases incurred by other Fairfax County passengers; and
- Retain "Four-zone" flash pass.

There was a brief discussion regarding this item.

62. A-2 - DEFERRAL OF IMPLEMENTATION OF SATURDAY SERVICE ON FAIRFAX CONNECTOR ROUTES 201, 202, AND 203 TO THE VAN DORN STREET METRORAIL STATION (LEE AND MOUNT VERNON DISTRICTS)
(TAPE 8)

On motion of Supervisor Hanley, seconded by Supervisor Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and deferred implementation of Saturday service on FAIRFAX CONNECTOR Routes 201, 202, and 203, until such times as the Board is provided with recommendations concerning the entire Countywide package of service reductions and expansions presented to the Board on March 18, 1991. These three routes are new FAIRFAX CONNECTOR routes which are being implemented to provide feeder bus service to the Van Dorn Street Metrorail Station which will open on June 15, 1991. Public hearings on the Countywide bus service reduction proposal will be held in early June 1991.

There was a brief discussion regarding this item.

63. A-3 - REVISIONS TO CHAPTER 9 OF THE PERSONNEL REGULATIONS REGARDING THE REDUCTION-IN-FORCE PROCEDURE (TAPE 8)

On motion of Supervisor Pennino, jointly seconded by Supervisor Alexander and Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapter 9 of the Personnel Regulations regarding the reduction-in-force procedure contained in Attachment One of the Memorandum to the Board dated April 29, 1991.

64. A-4 - SUPPLEMENTAL APPROPRIATION RESOLUTION AS 91040 TALLING \$475,095 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT TO ACCEPT ADDITIONAL STATE FUNDING FOR THE AID TO DEPENDENT CHILDREN (ADC) AND JOB OPPORTUNITY AND BASIC SKILLS (JOBS) DAY CARE PROGRAMS (TAPE 8)

(SAR) On motion of Supervisor Davis, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 91040 totalling \$475,095, which reflects revised State funding reallocations for Aid to Dependent Children (ADC) Day Care totalling \$303,000 and \$172,095 for Job Opportunity and Basic Skills (JOBS) Day Care.

65. A-5 - NORTHERN VIRGINIA LAW ENFORCEMENT MUTUAL AID AGREEMENT (TAPE 8)

On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Chairman of the Board of Supervisors and the

Chief of Fairfax County Police to execute the required documents for Fairfax County to participate in a Mutual Aid Agreement which would cover less than catastrophic events requiring police of one jurisdiction to support those of another.

66. A-6 - RECOMMENDATION OF A RESIDENTIAL CASH
PROFFER FORMULA TO THE FAIRFAX COUNTY
BOARD OF SUPERVISORS (TAPE 8)

- (A) Board discussion ensued regarding the recommendation of staff to approve the Residential Cash Proffer formula recommended by the Fairfax County Redevelopment and Housing Authority (FCRHA) contained in Memorandum to the Board dated April 29, 1991.

Supervisor Davis moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on May 20, 1991 at 3:00 p.m. to receive public comment on the Residential Cash Proffer formula recommended by the FCRHA contained in Memorandum to the Board dated April 29, 1991 [in accordance with the provisions of Criterion 8 of the Residential Development Criteria contained in The Policy Plan: The Countywide Element of The Comprehensive Plan for Fairfax County, Virginia ("The Policy Plan") which was adopted by the Board of Supervisors on August 6, 1990]. For rezonings at the High End of the Plan Range, a contribution to the Housing Trust Fund based on 1 percent of the Aggregate Sales Prices or Total Development Cost (for rental properties) could be required. This motion was seconded by Supervisor Richards and carried by unanimous vote.

67. A-7 - LOCAL NEEDS AND SUPPORT LETTER FOR TAX
CREDIT APPLICATION FOR STONEGATE APARTMENTS
(CENTREVILLE DISTRICT) (TAPE 8)

On motion of Supervisor Pennino, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized Acting County Executive Richard A. King to submit a letter to the Virginia Housing Development Authority (VHDA) supporting the need and application for tax credits for Stonegate Apartments in the form prescribed by VHDA.

68. A-8 - DEPARTMENT OF RECREATION AND COMMUNITY
SERVICES' GRANT APPLICATION TO THE UNITED
STATES DEPARTMENT OF AGRICULTURE (U.S.D.A.)
FOR THE SUMMER LUNCH PROGRAM FOR CHILDREN (TAPE 8)

On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Department of Recreation and Community Services' submission of a grant application, in the amount of \$64,889, to participate in the 1991 United States Department of Agriculture's (U.S.D.A.) Summer Lunch Program for Children.

(NOTE: By concurring in the recommendation of staff, the Board is authorizing the Department of Recreation to start the Summer Lunch Program as of June 19, 1991. When notification of the County's acceptance into this program is received from U.S.D.A., a Supplemental Appropriation Resolution will be submitted for Board approval.)

69. A-9 - OFFICE FOR CHILDREN APPLICATION FOR THE
FEDERAL HEAD START HOUSING CHILD CARE
DEMONSTRATION PROJECT GRANT (TAPE 8)

On motion of Supervisor Hyland, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Office for Children's (OFC) submission of a grant application for a 17-month demonstration project grant to extend service hours and days of care for children enrolled in part-day Head Start classrooms at the Gum Springs Children's Center and Higher Horizons Day Care Center. The grant will allow OFC to extend service hours and days of care for 90 children already enrolled in part-time Head Start programs at the aforementioned Centers.

70. A-10 - APPROVAL OF CERTIFICATION OF ZONING AND
SUBDIVISION ORDINANCE COMPLIANCE FOR CHEVRON
USA, INCORPORATED (CENTREVILLE DISTRICT) (TAPE 8)

On motion of Supervisor Davis, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized Acting County Executive Richard A. King to sign a certificate stating that the Chevron Service Station/Car Wash, located at 1818 Wiehle Avenue, Reston, Virginia, Tax Map Reference 17-4 ((5)) 4, Special Exception Amendment Application SEA 76-C-152-2, Centreville District, is consistent with the Fairfax County Zoning and Subdivision Ordinances so that an application for a Virginia Pollutant Discharge Elimination System (VPDES) Permit may be filed with the State Water Control Board (SWCB).

71. A-11 - APPROVAL OF CERTIFICATION OF ZONING AND
SUBDIVISION ORDINANCE COMPLIANCE FOR CARDINAL
CONCRETE (MOUNT VERNON DISTRICT) (TAPE 8)

On motion of Supervisor Hyland, seconded by Supervisor Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized Acting County Executive Richard A. King to sign a certificate stating that the Cardinal Concrete Facility, located at 8115 Mims Street, Lorton, Virginia, Tax Map Reference 113-2 ((4)) 1, Special Exception Application SE 88-V-002, Mount Vernon District, is consistent with the Fairfax County Zoning and Subdivision Ordinances so that an application for a Virginia Pollutant Discharge Elimination System (VPDES) Permit may be filed with the State Water Control Board (SWCB).

72. A-12 - APPOINTMENT TO THE SECURITY ALARM
SYSTEMS COMMISSION (TAPE 8)

(APPT)

On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and appointed Mr. Emil Wengel as the Alarm Industry Representative to the Security Alarm Systems Commission, as provided by the County of Fairfax, Chapter 8, Section 8-5-1, to replace Mr. Brad Shipp who had resigned.

Supervisor Pennino asked unanimous consent that a letter be sent to Mr. Brad Shipp expressing the Board's appreciation for his service on the Security Alarm Systems Commission. Without objection, it was so ordered.

73. A-13 - APPROVAL OF THE 1991 SCHEDULE AND THE
DESIGN AWARDS JURY FOR THE EXCEPTIONAL DESIGN
AWARDS PROGRAM; RECOMMENDATION TO ADD A NEW
CATEGORY FOR ENERGY EFFICIENT DESIGN, AND
EXPAND THE DESIGN AWARDS JURY MEMBERSHIP (TAPE 8)

(APPT)

(BACs)

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

- Approved the following implementation schedule for the 1991 Exceptional Design Awards Program:

June 5	Awards entry deadline;
June 19	Design Awards Jury selects winners;
July 1	Notify winners; and
November 18	Awards ceremony;

- Approved the following Design Awards Jury, as nominated by their respective organizations:

Mr. Mark R. Lewis, ASLA, Fairfax
County Architectural Review Board
Representative;

Mr. Joseph J. Wisniewski, AIA, Northern Virginia Chapter of the American Institute of Architects Representative;

Ms. Mary L. Albert, AIA, Northern Virginia Chapter of the American Institute of Architects Representative;

Mr. Roger G. Courtenay, ASLA, Potomac Chapter of the American Society of Landscape Architects Representative;

Mr. Robert W. Davis, AIA, Fairfax County Chamber of Commerce Representative; and

Ms. Elise Murray, Fairfax County History Commission Representative; and

- Approved the addition of a new category for Energy Efficiency in Site Design and the addition of two jury members to represent the Engineers and Surveyors Institute and the American Planning Association.

74. A-14 - AUTHORIZATION FOR CONDEMNATION OF A CERTAIN DEDICATION NECESSARY FOR THE CONSTRUCTION OF THE BURKE COMMUTER RAIL PARKING FACILITY (SPRINGFIELD DISTRICT) (TAPE 8)

- (R) On motion of Supervisor McConnell, seconded by Supervisor Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a Resolution authorizing staff to institute the necessary legal proceedings to acquire a dedication on one parcel of land necessary for the construction of Project 88A006 - Burke Commuter Rail Parking Facility, Springfield District.

75. A-15 - EXPANSION OF THE APPROVED SEWER SERVICE AREA: TURKEY RUN SEWER SHED (DRANESVILLE DISTRICT) (TAPE 8)

On motion of Supervisor Richards, jointly seconded by Supervisor Bulova and Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of staff and DENIED the request for an addition of a portion of the Turkey Run Sewer Shed to the County's Approved Sanitary Sewer Service Area Map, Dranesville District.

76. A-16 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SIGN PERMIT APPLICATION FEE (TAPE 8)

(A)

(R) On motion of Supervisor Hyland, seconded by Supervisor Davis, and carried by unanimous vote, 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 May 23, 1991 and before the Board of Supervisors on June 17, 1991 at 3:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to increase the sign permit application fee.

77. A-17 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PAWNSHOPS (TAPE 8)

(A)

(R) On motion of Supervisor Hyland, jointly seconded by Supervisor Alexander and Supervisor Pennino, and carried by unanimous vote, 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 May 23, 1991 and before the Board of Supervisors on June 17, 1991 at 3:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to establish pawnshops as a Special Exception Use in the C-6, C-7, and C-8 Districts.

78. A-18 - CERTIFICATION OF COMPLIANCE WITH LOCAL GOVERNMENT ORDINANCES (TAPE 8)

On motion of Supervisor Pennino, seconded by Supervisor Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized Acting County Executive Richard A. King to issue a letter of certification of compliance with local government ordinances in the case of Lane Construction Corporation.

79. C-1 - APPLICATION OF NATIONAL CABLE SATELLITE CORPORATION (NO TAPE)

[NOTE: Earlier in the meeting, action was taken to approve the issuance of Industrial Development Bonds (IDBs, the "Bonds") for the benefit of the National Cable Satellite Corporation d/b/a C-SPAN ("C-SPAN"). See Clerk's Summary Item CL#14.]

80. I-1 - PUBLIC HEARING ON THE APPOINTMENTS OF
SCHOOL BOARD MEMBERS (TAPE 8)

(BACs)

- (A) The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 requesting authorization for staff to schedule a public hearing to be held before the Board of Supervisors on June 3, 1991 at 7:30 p.m. to receive views of the citizens on the appointment of School Board Members. The vacancies under consideration for appointment have been created by the expiring terms of representatives from Dranesville, Lee, Centreville, and Mason Districts, and two At-Large positions. In addition, the representative for the Mount Vernon District is resigning effective June 17, 1991.

(NOTE: School Board appointments will be made at the Board of Supervisors' meeting scheduled for June 17, 1991. By law, School Board appointments must be made by June 30, 1991.)

The staff was directed administratively to proceed as proposed.

81. I-2 - PROPOSED FARE STRUCTURE AND POLICY FOR
THE VIRGINIA RAILWAY EXPRESS (SPRINGFIELD,
ANNANDALE, LEE AND MOUNT VERNON DISTRICTS)
(TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 announcing that the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) accepted the recommendation of the Virginia Railway Express (VRE) Operations Board with respect to a proposed commuter rail fare structure for public hearings. The Commissions also endorsed holding four public hearings in late April and early May to receive comments on the proposed fares. One of these public hearings will be held in Fairfax County:

Wednesday, May 1, 1991

7:30 p.m.

West Springfield High School Auditorium
6100 Rolling Road

Subsequent to the public hearings, County staff will return to the Board with a recommendation regarding the VRE fare structure and policy.

82. I-3 - MOUNT VERNON COUNCIL OF CITIZENS
ASSOCIATIONS' RESOLUTION ON ZONING
CONTROLS IN THE COMMERCIAL
DISTRICTS (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 presenting the Family Day Care Recruitment Campaign.

83. I-4 - ROUTE 28 TAX DISTRICT TASK FORCE
ACCEPTANCE OF WORK PROGRAM (TAPE 8)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 presenting the Route 28 Tax District Task Force Work Program.

Supervisor Richards asked unanimous consent that the Board direct staff to circulate to the Route 28 District Task Force Members copies of the letter sent to Board Members by Richard A. King, Acting County Executive, regarding airport noise. Without objection, it was so ordered.

84. I-5 - STAFF SUMMARIES OF MARCH, 1991
TRANSPORTATION ADVISORY COMMISSION
MEETINGS (COUNTYWIDE) (TAPE 8)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 presenting the Staff Summaries of March, 1991 Transportation Advisory Commission Meetings.

85. I-6 - TEAM TRACKING OF ZONING APPLICATIONS
(COUNTYWIDE) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 requesting authorization for staff to continue implementation of the proposal for team tracking of zoning applications.

The staff was directed administratively to proceed as proposed.

86. I-7 - APPROVAL OF AN ENGINEERING DESIGN CONTRACT
FOR ROUTE 236/BEAUREGARD STREET INTERSECTION
(MASON DISTRICT) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 presenting the conclusions of the staff's review of the Mount Vernon Council of Citizens Associations' Resolution on zoning controls in the Commercial districts.

87. I-8 - CONTRACT AWARD - HUNTLEY MEADOWS PARK
VISITOR CENTER FABRICATION AND INSTALLATION
OF EXHIBITS (LEE DISTRICT) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 requesting authorization for staff to:

- Award a contract to Design and Production, Incorporated of Lorton, Virginia in the amount of \$247,500; and
- Reallocate funds in the amount of \$204,625 from Project 004534, Park Contingency TO Project 4700, Huntley Meadows Park.

The staff was directed administratively to proceed as proposed.

88. I-9 - CONTRACT AWARD - WESTGATE PARK ATHLETIC FIELD LIGHTING AND RELATED WORK (PROVIDENCE DISTRICT) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 presenting the Contract Award for Westgate Park Athletic Field Lighting and related work, Providence District.

In order to expedite the contract award to insure completion of the lighting for the July 1991 Virginia State Little League Championships to be played at Westgate Park, Richard A. King, Acting County Executive, signed the contract on March 28, 1991 to S. Rock/Estabrook Corporation for installation of athletic field lighting and related work for two baseball fields at Westgate Park under Project 474288, Athletic Field Lighting in Subfund 451, Park Authority Bond Construction.

89. I-10 - CONTRACT AWARD - REHABILITATION OF YACHT HAVEN, SPRINGFIELD ESTATES, AND WELLINGTON NUMBER ONE SEWAGE PUMPING STATIONS (LEE AND MOUNT VERNON DISTRICTS) (TAPE 8)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 29, 1991 requesting authorization for staff to award a contract to Kerr Contracting Corporation in the amount of \$499,500 for the rehabilitation of Yacht Haven, Springfield Estates, and Wellington Number One Sewage Pumping Stations, Project Number 100351 in Subfund 524, Sewer Bond Extension and Improvements.

The staff was directed administratively to proceed as proposed.

90. ORDERS OF THE DAY (TAPE 8)

Supervisor Hanley asked unanimous consent that the Board change its Orders of the Day and proceeding with the public hearings following the County Executive matters, and defer Executive Session until later in the meeting. Without objection, it was so ordered.

ADDITIONAL BOARD MATTER91. STATUS OF REQUEST REGARDING THE EMERGENCY
ORDINANCE AMENDMENT CONCERNING THE 21 DAY
NON-RESIDENTIAL USE PERMITS (TAPE 8)

Supervisor Hyland requested a response on a request that he made a few weeks ago in connection with the emergency ordinance amendment reference the 21 day temporary Non-Residential Use Permits (RUPS).

Following a brief discussion with input from James P. Zook, Director, Office of Comprehensive Planning and Jane W. Gwinn, Division Director, Zoning Administration Division, Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a draft ordinance by the next board meeting to show the Board what its options are. Without objection, it was so ordered.

SBE:SBE

92. 3:30 P.M. - PH ON 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)
(TAPE 9)

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

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 April 12 and April 19, 1991.

Following the public hearing, which included testimony by one speaker, Supervisor Davis moved APPROVAL of the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts (Mason District) for Best Western Hotel, Rock Springs Professional Center, and Braddock Mews Subdivision, as follows:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Small District One within Mason District (Best Western Hotel)	De-Create/ Re-Create	Leaf	Approve

Small District One within Mason District (Rock Springs Professional Center)	De-Create/ Re-Create	Leaf	Approve
Small District One within Mason District (Barcroft Mews Townhouse Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Approve

This motion was seconded by Supervisor Hanley.

Supervisor Hanley asked that the motion be amended to include the APPROVAL of the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/ Creation/ Enlargement/ Withdrawal of Small or Local Sanitary Districts (Providence District) for the Quality Inn Governor, as follows:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Small District One within Providence District (Quality Inn Governor)	De-Create/ Re-Create	Leaf	Approve

This amendment was accepted.

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

Supervisor Davis moved to defer for three weeks Board decision on the following:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Small District One within Mason District (Englandboro)	Enlarge	Refuse and Leaf	Deferred

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

Supervisor Davis moved APPROVAL of the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/ Creation/ Enlargement/ Withdrawal of Small or Local Sanitary Districts (Mason District) for Small District Three Englandboro and Small District Four, as follows:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Small District Three within Mason District (Englandboro)	De-Create	Refuse	Approve
Small District Four within Mason District	Enlarge	Refuse and Leaf	Approve

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

Supervisor Alexander moved APPROVAL of the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/ Creation/ Enlargement/ Withdrawal of Small or Local Sanitary Districts (Lee District) for Local District B Within Small District One, as follows:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Local District B within Small District One within Lee District	Enlarge	Leaf	Approve

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

Supervisor Richards moved APPROVAL of the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/ Creation/ Enlargement/ Withdrawal of Small or Local Sanitary Districts (Dranesville District) for Local District A-2 Within Small District One, as follows:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Local District A-2 within Small District One within Dranesville District (Merrimac Estates)	Enlarge	Refuse	Approve

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

Following is a complete list of actions taken by the Board with regard to this matter:

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</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	Approve
Small District One within Mason District (Rock Springs Professional Center)	De-Create/ Re-Create	Leaf	Approve
Small District One within Mason District (Barcroft Mews Townhouse Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Approve
Small District Three within Mason District (Englandboro)	De-Create	Refuse	Approve
Small District One within Mason District (Englandboro)	Enlarge	Refuse and Leaf	Defer for Three Weeks
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	Approve

93. 3:30 P.M. - PH ON REZONING APPLICATION
RZ 90-L-057 (FAIRFAX COUNTY BOARD OF
SUPERVISORS) (LEE DISTRICT) (TAPE 9)

Supervisor Alexander called to the Board's attention that this issue includes a request to rezone approximately 4.59 acres to permit the South County Human Services Building in Lee District.

Fred K. Kramer, Director, Office of General Services, reaffirmed the validity of the affidavit for the record.

Mr. Kramer 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, Lorrie Kirst, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Alexander moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-L-057 be amended from the R-2, C-8, and Highway Corridor Districts to the C-3 and Highway Corridor Districts subject to the executed proffers dated April 16, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Alexander moved modification of the barrier requirements along the western boundary. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Alexander moved waiver of the barrier requirements and a modification of the transitional screening requirements along the eastern boundary in favor of that shown on the Generalized Development Plan (GDP), as revised on March 21, 1991. This motion was seconded by jointly by Supervisor Hanley and Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Alexander moved waiver of the service drive requirement along the Route 1 frontage of the site. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Chairman Moore being out of the room.

94. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING
ORDINANCE) REGARDING SINGLE FAMILY DETACHED
CONDOMINIUM DWELLINGS (TAPES 9-10)

- (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 April 12 and April 19, 1991.

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

Following the public hearing, which included testimony by three speakers, Supervisor Richards moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to revise the provisions regarding single family detached condominium dwellings in accordance with the recommendation of the Planning Commission, to become effective on 12:01 a.m. on the day following adoption. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander abstaining, Supervisor Pennino being out of the room.

Supervisor Richards further moved that the Board adopt the Grandfather Provisions contained on Page 98 of the Memorandum to the Board dated April 29, 1991, with a modification to DELETE "(a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date," and reletter accordingly so that the Grandfather Provision reads as follows:

- "Preliminary subdivision plats approved prior to the effective date of the amendment, provided that (a) the subsequent subdivision construction plan associated with the development is approved within 12 months of the approval or reapproval of the preliminary subdivision plat, as the case may be, and (b) the final subdivision plat is recorded in accordance with Section 101-2-5(d)(2) of the Subdivision Ordinance."

This motion was seconded by Supervisor Hanley.

Following Board discussion, with input from Jane W. Gwinn, Zoning Administrator, Zoning Administration Division, Office of Comprehensive Planning (OCP), the question was called on the motion which carried by a vote of eight, Supervisor Pennino being out of the room.

Supervisor Davis moved a substitute motion that the Board adopt the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to revise the provisions regarding single family detached condominium dwellings in accordance with the recommendation of the Planning Commission, to become effective on 12:01 a.m. on the day following adoption, and adopt the Grandfather Provisions contained on Page 98 of the Memorandum to the Board dated April 29, 1991, with the INCLUSION of "(a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date," so that the Grandfather Provision reads as follows:

- "Preliminary subdivision plats approved prior to the effective date of the amendment, provided that (a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date, (b) upon application, the subsequent subdivision construction plan associated with the development is approved within 12 months of the approval or reapproval of the preliminary subdivision plat, as the case may be, and (c) the final subdivision plat is recorded in accordance with Section 101-2-5(d)(2) of the Subdivision Ordinance."

This motion was seconded by Supervisor McConnell and CARRIED by a recorded vote of seven, Supervisor Richards voting "NAY," Supervisor Pennino being out of the room.

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

Supervisor Richards called to the Board's attention that a review was needed of the staffing levels in OCP so that ordinance amendments could be handled in a more timely fashion.

95. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING INFRACTIONS AND CIVIL PENALTIES (TAPE 10)

- (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 April 12 and April 19, 1991.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112, (Zoning Ordinance) to revise the fines for civil penalties, the violations subject to the civil penalty process, and procedures for service of a civil penalty summons to become effective at 12:01 a.m. on April 30, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor McConnell and Supervisor Pennino being out of the room.

96. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING MAINTENANCE OF COMMON OPEN SPACE (TAPE 10)

- (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 April 12 and April 19, 1991.

Following the public hearing, which included testimony by one speaker, Supervisor Hanley moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow routine maintenance of common open space without County review and approval to become effective at 12:01 a.m. on April 30, 1991. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

Supervisor Hanley further moved:

- In accordance with the staff recommendation: to reference proffered conditions, special permit and special exception conditions, as well as all other applicable laws and ordinances which could also contain limitations on the maintenance of common open space, as set forth in the Staff Report; and
- In accordance with the Planning Commission recommendation: that routine maintenance allowed without the Director's approval should not apply to Best Management Practices (BMP) such as floodplains and conservation easements located in common space since removal of vegetation in these areas could adversely impact the function of the BMP.

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

97. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING OFF-STREET PARKING FOR PARKS (TAPE 10)

- (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 April 12 and April 19, 1991.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to establish an off-street parking requirement for parks, to include provisions for neighborhood parks, and to allow for a modification or waiver of the dustless surface requirement for neighborhood parks to become effective at 12:01 a.m. on April 30, 1991. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

98. 4:00 P.M. - PH ON THE PROPOSED VACATION OF A PORTION OF D'EVEREUX CIRCLE DRIVE (LEE DISTRICT) (TAPE 10)

- (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 April 12, 1991 and April 19, 1991.

Following the public hearing, which included testimony by one speaker, Supervisor Alexander moved that the Board adopt an Ordinance vacating a portion of d'Evereux Circle Drive, Lee District, as contained in Attachment Two of the Memorandum to the Board dated April 29, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

99. 4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 1 (GENERAL PROVISIONS), SECTION 1-1-14 (CLASSES OF MISDEMEANORS; DEFINITION; PUNISHMENTS) (TAPE 10)

- (0) (NOTE: This amendment was adopted by the Board on an emergency basis on March 18, 1991, with adoption on a permanent basis scheduled for April 29, 1991.)

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 April 5 and April 12, 1991.

Following the public hearing, Supervisor Bulova moved adoption, on a permanent basis, of the proposed amendment to the Code of the County of Fairfax, Chapter 1 (General Provisions), Section 1-1-14, Classes of Misdemeanors; Definition; Punishments. This amendment was adopted by the Board of Supervisors, on an emergency basis, on March 18, 1991 and aligns the County Code with the State Code provisions. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

100. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 85-L-036 (WORD OF LIFE ASSEMBLY
OF GOD AND ACADEMY) (LEE DISTRICT) (TAPE 10)

Pastor D. Wendel Cover reaffirmed the validity of the affidavit for the record.

Pastor Cover 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 six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 85-L-036 subject to the revised development conditions dated April 16, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

Supervisor Alexander moved:

- Waiver of the barrier requirements along the Backlick Road and Edsall Road frontages in favor of the development conditions dated April 16, 1991, as amended; and
- Modification of the barrier on the east side along the proposed trail in favor of the recommendations for split rail fence and screening referred to in Condition Number Seven.

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

Supervisor Alexander moved that the Board direct the Director of the Department of Environmental Management, upon submission of an appropriate Site Plan with all other development conditions being met, to approve said Plan for SEA 85-L-036 with the highway dedications as shown on the Special Exception plat as revised dated March 22, 1991. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

101. 4:00 P.M. - BOARD DECISION ON REZONING APPLICATION
RZ 89-P-084 (ANTONIO N. DIAS) (PROVIDENCE DISTRICT)
(TAPE 10)

(NOTE: On January 28, 1991, the Board of Supervisors held a public hearing on this application, but deferred decision.)

Supervisor Hanley moved that the Board direct staff to readvertise Rezoning Application RZ 89-P-084 for a new public hearing to be held before the Board of Supervisors on May 20, 1991 at 4:00 p.m. to allow the Board to consider the applicant's revised GDP and Proffers. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

102. 4:30 P.M. - PH ON THE ACQUISITION OF CERTAIN
EASEMENTS NECESSARY FOR THE CONSTRUCTION OF
THE OLD KEENE MILL COUNTY ROAD BOND PROJECT -
OLD KEENE MILL ROAD (LEE DISTRICT) (TAPE 10)

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 April 12 and April 19, 1991.

Following the public hearing, Supervisor Alexander moved *adoption* of the Resolution authorizing the acquisition of certain easements necessary for the construction of the Old Keene Mill County Road Bond Project 064136 - Old Keene Mill Road, Lee District. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino being out of the room.

(NOTE: Later in the meeting, Supervisor McConnell asked unanimous consent to be recorded as voting "AYE" on this matter. See Clerk's Summary Item CL#106.)

(NOTE: Due to improper notification, subsequent action was taken at the Board of Supervisors' meeting held on May 6, 1991, to readvertise this public hearing. Accordingly, the action adopting this resolution was rescinded.)

103. 4:30 P.M. - PH ON THE ACQUISITION OF CERTAIN
EASEMENTS NECESSARY FOR THE CONSTRUCTION OF
COUNTY ROAD BOND PROJECT - WEST OX ROAD
(SPRINGFIELD AND PROVIDENCE DISTRICTS)
(TAPE 10)

- (R) Certificates of Publication were filed from the Editors of the Journal and Northern Virginia Sun showing that notice of said public hearing had been duly advertised in those Newspapers in the issues of April 12 and April 19, 1991.

Following the public hearing, Supervisor Hanley moved adoption of the Resolution authorizing the acquisition of certain easements necessary for the construction of County Road Bond Project 006489- West Ox Road, Springfield and Providence Districts. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Davis and Supervisor Pennino being out of the room.

104. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-M-033 (MEAD PROPERTIES, INCORPORATED)
(MASON DISTRICT) (TAPE 10)

(NOTE: Earlier in the meeting during Board Matters, action was taken to defer the public hearing on Special Exception Application SE 90-M-033. See Clerk's Summary Item CL#54.)

Supervisor Richards, on behalf of Supervisor Davis, moved to defer the public hearing on Special Exception Application SE 90-M-033 until September 16, 1991 at 3:30 p.m. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Davis and Supervisor Pennino being out of the room.

ADDITIONAL BOARD MATTERS

105. DEFERRAL OF PUBLIC HEARING SCHEDULED ON SPECIAL
EXCEPTION APPLICATION SE 91-V-001 (LONG
SIGNATURE HOMES, INCORPORATED) (MOUNT
VERNON) (TAPE 10)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 91-V-001, previously scheduled before the Board of Supervisors on May 6, 1991, until June 3, 1991 at 4:30 p.m. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Davis and Supervisor Pennino being out of the room.

106. REQUEST TO RECORD VOTE ON THE PROPOSED ACQUISITION
OF CERTAIN EASEMENTS NECESSARY FOR THE CONSTRUCTION OF
THE OLD KEENE MILL COUNTY ROAD BOND PROJECT -
OLD KEENE MILL ROAD (LEE DISTRICT) (TAPE 10)

(NOTE: Earlier in the meeting, the public hearing was held and action taken to adopt the Resolution authorizing the acquisition of certain easements necessary for the construction of the Old Keene Mill County Road Bond Project 064136 - Old Keene Mill Road, Lee District. See Clerk's Summary Item CL#102.)

Because she was not present in the Board Room when action was taken, Supervisor McConnell asked unanimous consent to be recorded as voting "AYE" on the Board's action to adopt the Resolution authorizing the acquisition of certain easements necessary for the construction of the Old Keene Mill County Road Bond Project 064136 - Old Keene Mill Road, Lee District. Without objection, it was so ordered.

107. RECESS/EXECUTIVE SESSION (TAPE 10)

At 6:00 p.m., Supervisor Hanley 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. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Davis and Supervisor Pennino being out of the room.

At 6:40 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Moore presiding.

108. ACTIONS FROM EXECUTIVE SESSION (TAPE 10)A. CERTIFICATION BY BOARD MEMBERS
REGARDING ITEMS DISCUSSED IN
EXECUTIVE SESSION

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

B. SETTLEMENT OF BOARD OF SUPERVISORS
VERSUS C. DANIEL CLEMENTE, ET AL
AT LAW NUMBER 96903

Supervisor Davis moved that the Board authorize settlement of Board of Supervisors versus C. Daniel Clemente, et al, At Law Number 96903 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

C. SETTLEMENT OF BOARD OF SUPERVISORS
VERSUS WILLIAM EDWARD SUTHERLAND, ET AL,
AT LAW NUMBER 93133

Supervisor Alexander moved that the Board authorize settlement of Board of Supervisors versus William Edward Sutherland, et al, At Law Number 93133 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

109. BOARD RECESS (TAPE 10)

At 6:45 p.m., the Board recessed briefly for dinner.

JLD:JLD

At 7:35 p.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Davis, Supervisor Hyland, Supervisor McConnell, Supervisor Pennino, and Supervisor Richards, and with Chairman Moore presiding.

110. 7:30 P.M. - PH ON THE 1991 REAPPORTIONMENT OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
(TAPES 11-13)

TIME START 7:35 P.M.

(Verbatim)

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 April 15 and April 22, 1991.

The public hearing began with a presentation by Sue Anderson, Chairman, Citizens Advisory Task Force on Reapportionment of the Board of Supervisors.

Following Speaker #3 (Donald Grant), Supervisor Richards asked that Mr. Grant, President, Fairfax County Branch, National Association for the Advancement of Colored People (NAACP), on behalf of the NAACP, provide the Board with preferred plans for eight and nine member districts.

Following the public hearing, which included testimony by 44 speakers, Supervisor Richards asked unanimous consent that the public hearing record to receive testimony remain open until the Board's action on reapportionment scheduled for May 13, 1991. Without objection, it was so ordered.

Chairman Moore announced that the Board decision on the reapportionment of the Fairfax County Board of Supervisors is scheduled for May 13, 1991 at 2:00 p.m. and thanked County staff for their diligent efforts on this matter.

TIME END 10:10 P.M.

111. BOARD ADJOURNMENT (TAPE 13)

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