



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS

OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

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**MONDAY
SEPTEMBER 16, 1991**

Board Package

29-91

SBE:SBE

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

Supervisor Alexander arrived at 10:15 a.m.

Supervisor Davis arrived at 10:20 a.m.

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

2. CERTIFICATES OF APPRECIATION CONGRATULATING
WEST SPRINGFIELD HIGH SCHOOL GIRLS SOCCER
TEAM (TAPE 1)

Supervisor McConnell moved approval of the presentation of the Certificates of Appreciation presented to Coach Sherry Diamonto and members of the West Springfield High School Girls Soccer Team congratulating the team for winning the 1991 State Championship. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

3. CERTIFICATES OF APPRECIATION CONGRATULATING
WEST SPRINGFIELD HIGH SCHOOL BASEBALL TEAM
(TAPE 1)

Supervisor McConnell moved approval of the presentation of the Certificates of Appreciation presented to Coach Ron Tugwell and members of the West Springfield High School Baseball Team congratulating the Team for winning the 1991 State Championship. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

4. ORDERS OF THE DAY (TAPE 1)

Chairman Moore announced that David T. Still, County Attorney, would be absent from a portion of today's meeting in order to participate in

hearings before the Supreme Court in Richmond, Virginia. She relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board change its Orders of the Day and, following "Matters Presented by the County Executive," immediately proceed to Executive Session to allow participation by Mr. Still. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

5. ADMINISTRATIVE ITEMS (TAPE 1)

Supervisor Davis moved approval of the Administrative Items. This motion was seconded by Supervisor Hanley.

In response to a query by Supervisor Hyland regarding Administrative Item Two - Authorization to Advertise an Amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6 (Adoption of State Law), David I. Still, County Attorney, responded that, to date, there have been no legal issues related to the typographical error in the text.

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

ADMIN 1 - ADDITIONAL TIME TO COMMENCE
CONSTRUCTION FOR SPECIAL EXCEPTION
APPLICATION SE 89-C-057 (MARRIOTT
CORPORATION) (SULLY DISTRICT -
FORMERLY CENTREVILLE DISTRICT)

- (ET) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 89-C-057 until March 12, 1993 pursuant to the provisions of Section 9-015 of the Zoning Ordinance, Sully District (formerly Centreville District).

ADMIN 2 - AUTHORIZATION TO ADVERTISE AN AMENDMENT
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82
(MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6
(ADOPTION OF STATE LAW)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on October 14, 1991 at 5:00 p.m. on the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6 (Adoption of State Law), to adopt actions of the 1991 General Assembly.

This amendment corrects a typographical error in the text of Section 82-1-6 which was previously adopted by the Board of Supervisors

on June 17, 1991. The effective date for those items adopted by reference at that time should be July 1, 1991 rather than the July 1, 1990 date which appears in the text.

In response to a query by Supervisor Hyland, David T. Stitt, County Attorney, responded that, to date, there have been no legal issues related to the typographical error in the text.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT/DE-CREATION/RE-CREATION AND RENAMING OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICES (BRADDOCK, LEE, MASON, MOUNT VERNON AND PROVIDENCE DISTRICTS)

- (As) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on October 14, 1991 at 4:30 p.m. on the following small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/Withdrawal/Renaming of Small or Local Sanitary Districts, Braddock, Lee, Mason, Mount Vernon, and Providence Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Type of Service</u>	<u>Staff Recommendation</u>
Small District Two within Annandale District	Rename to Braddock District	Refuse and Leaf	Approve
Small District Four within Lee District	Rename to Mason District	Refuse	Approve
Small District One within Mason District (Carlyn Square Townhouse Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Deny
Local District C within Small District One within Mason District (Carlyn Square Townhouse Subdivision)	Create	Refuse	Approve
Small District One within Mason District (The Palisades Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Deny

<u>Sanitary District</u>	<u>Action</u>	<u>Type of Service</u>	<u>Staff Recommendation</u>
Local District D within Small District One within Mason District (The Palisades Subdivision)	Create	Refuse	Approve
Small District One within Mason District (The Yacht Club Townhouse Subdivision)	De-Create/ Re-Create	Refuse and Leaf	Deny
Small District Six within Mason District (4429 Park Road)	Enlarge	Refuse	Approve
Small District Four within Mount Vernon District (Mount Vernon Park Subdivision)	Create	Refuse	Approve
Small District One within Providence District (6500 Arlington Boulevard, 2921 Linden Lane)	De-Create Re-Create	Leaf	Deny
Small District One within Providence District (The Willow Point Condominium Subdivision)	De-Create Re-Create	Leaf	Deny
Small District Twelve within Providence District (Hunter Road Subdivision Area)	Create	Refuse	Approve

**ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING ON THE CONVEYANCE OF COUNTY-OWNED
PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY
ON POPES HEAD PARK (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on October 14, 1991 at 5:00 p.m. on the proposed conveyance of a parcel of County-owned property located adjacent to Tax Map Number 67-4 ((1)) 22B to the Fairfax County Park Authority on Popes Head Park, Springfield District, and directed staff to notify the adjacent property owners of the public hearing by certified mail.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING ON THE CONVEYANCE OF COUNTY-OWNED
PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY
ON BRADDOCK ROAD (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on October 14, 1991 at 5:00 p.m. on the proposed conveyance of a portion of County-owned property located as Tax Map Number 66-2 ((1)) 004-C to the Fairfax County Park Authority on Braddock Road, Springfield District, and directed staff to notify the adjacent property owners of the public hearing by certified mail.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING ON THE ACQUISITION OF CERTAIN LAND
RIGHTS 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 October 14, 1991 at 4:30 p.m. on the proposed acquisition of certain land rights necessary for the construction of County Road Bond Project 064137 - Lawyers Road Extended, Centreville District.

ADMIN 7 - STREETS INTO THE SECONDARY SYSTEM
(BRADDOCK AND CENTREVILLE DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated September 16, 1991 be recommended for acceptance into the State Secondary System.

6. A-1 - MAPLE BRANCH ROAD CUT-THROUGH TRAFFIC
(SPRINGFIELD DISTRICT) (TAPE 1)

- (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 requesting the Virginia Department of Transportation (VDOT) to conduct a review and address possible solutions to the cut-through concerns on Maple Branch Road, Springfield District, and directed staff to provide the necessary documentation with the Resolution.

7. A-2 - AUTHORIZATION FOR THE DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT (DEM) TO IMPLEMENT
ADDITIONAL MEASURES TO MAINTAIN SATISFACTORY
SECURITY FOR DEVELOPMENT CONSTRUCTION
AGREEMENTS (TAPE 1)

- (P) Following discussion, with input from the Department of Environmental Management (DEM) staff, Supervisor Alexander moved that the Board:

- Concur in the recommendation of staff and authorize the Director of DEM to implement the following measures which are described more fully in the Staff Report contained in the Memorandum to the Board dated September 16, 1991.

Approval of the measures will provide the Director of DEM with authority to grant a deferral (not to exceed six months) of the requirement that a developer furnish satisfactory security, in a standard form acceptable to the County, to replace a disaffirmed Letter of Credit (LOC), Set-Aside Letter (SAL), or other unacceptable security. This deferral may be granted when, in the opinion of the Director, additional protective measures required and provided as condition of the deferral substantially improve the County's position under the agreement (contained as Exhibits One and Two of the Staff Report). As a condition of approval of a deferral, one or more of the following alternative or additional forms of security will be required:

- * A Deposit Assignment Agreement, in the general format included as Exhibit Three of the Staff Report, which assigns rights to other funds on deposit with the County as a secondary assurance. The agreement is offered by Developers/Applicants to provide the County with further assurance of performance. At the same time the Developer must continue good faith efforts to replace the unsatisfactory security with one of the standard forms of security or bond accepted by the County;
- * A Corporate Surety Bond from an insurance firm rated below A-VI in the latest available publication of the A.M. Best Company's Key Rating Guide, as replacement security in support of an existing Agreement, but only if:
 - (a) Through no fault of the Developer, the County has received a notice of

the disaffirmance, or its equivalent, of the LOC or SAL which supports the agreement; and

- (b) The proposed surety company is rated at least A (excellent) in the Best Company's most current Key Rating Guide. Because such a bond would not meet the County's ordinary standards, the Developer would have to replace it at the end of the deferral period if the project were not released;

* An amendment to the text of the County's standard LOC and SAL formats which provides that the full amount of the LOC or SAL shall automatically become due and payable upon the failure or insolvency of the issuing institution. This provision (included as Exhibit Four of the Staff Report) will be required as an amendment to all existing LOC or SAL, from issuers rated below 20c in the latest available publication of the Sheshunoff Quarterly Reports for Banks and Savings and Loans, prior to the extension of any development agreement for which the developer:

- (a) Cannot obtain confirmation of a second satisfactorily rated issuer, as evidenced by a sworn affidavit to that effect; and
- (b) Has requested a deferral in the manner prescribed above; and

- Concur in the recommendation of staff that all new LOC or SAL submitted after implementation of this policy provide that the full amount of the LOC or SAL shall automatically become due and payable upon the failure or insolvency of the issuing institution.

This motion was seconded by Supervisor Pennino.

Following further discussion, with input from DEM staff, the question was called on the motion which CARRIED by a recorded vote of eight, Chairman Moore voting "NAY."

8. A-3 - DESIGNATION OF PLANS EXAMINERS TO PARTICIPATE IN THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM (TAPE 1)

(BACs)

On motion of Supervisor Hyland, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and designated the following individuals, identified with their registration number, as Plans Examiners to participate in the Expedited Land Development Review Program:

- | | |
|-------------------------------|-----------------------------|
| • William R. Ackman, Jr. (75) | • Bruce G. Nassimbeni (72) |
| • Mirza Tugral Baig (70) | • Yong K. Paek (69) |
| • James L. Colton (73) | • George M. Rowzee (76) |
| • Ann Orrison Germain (80) | • David Henry Steigler (81) |
| • M. Reza Golampour (71) | • Dennis Iarnay, Jr. (74) |
| • Charles T. Henegar (79) | • Timothy W. Vaughan (77) |
| • David A. Kolecki (78) | |

9. A-4 - APPOINTMENT TO THE SECURITY ALARM SYSTEMS COMMISSION (TAPE 1)

(APPT)

(BACs)

Following discussion, Supervisor Hyland moved that the Board concur in the recommendation of staff and appoint Lieutenant William N. Brown, Aide to the Deputy Police Chief for Operations, to replace Lieutenant Dana S. Libby as the Police Department's Representative to the Security Alarm Systems Commission. This motion was seconded by Supervisor Pennino.

Supervisor Davis asked unanimous consent that the Board direct staff to report with a Consideration Item on September 23, 1991 to determine whether additional citizen representation can be added to the Security Alarm Systems Commission. Without objection, it was so ordered.

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

10. A-5 - PROPOSED CHANGES TO THE STANDARDS FOR ACCESSORY DWELLING UNITS (ADUS) IN THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (FAIRFAX COUNTY ZONING ORDINANCE) (TAPE 1)

For the record, Supervisor Pennino announced that, once staff drafts the proposed amendment, it will be returned to the Board for authorization

to advertise a public hearing to be held before the Planning Commission and before the Board of Supervisors.

Supervisor Pennino moved that the Board concur in the recommendation of staff and direct staff to prepare proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to incorporate the modifications to the Accessory Dwelling Unit (ADU) Program outlined in the Memorandum to the Board dated September 16, 1991 to improve the effectiveness of the provisions. This motion was seconded by Supervisor Hyland for the purpose of discussion.

Supervisor Hyland asked that staff brief Board Members on the status of Bullet Three contained on Page 26 of the Memorandum to the Board:

- "3. The subcommittee recommended ADU's be allowed as a matter of right for immediate family members (parents, grandparents, adult children) and full-time caregivers with only registration of the unit and no special permit requirement."

Peter Clark, Staff Coordinator, Commission for Disabled Persons, responded that, following a review by the County Attorney's Office, issues concerning enforceability of specific family member restrictions made family registration questionable. Therefore, while retaining the critical component of owner occupancy, yet to allow easier access to moderate income housing, it had been recommended that the ADU requirement for elderly or disabled occupancy should be eliminated and that staff proceed to draft an amendment to incorporate the first two bullets (excluding Bullet Three above).

Further discussion ensued between Supervisor Hyland and Karen Harwood, Assistant County Attorney, regarding the enforcement issue for Bullet Three.

Supervisor Davis asked unanimous consent that the Board direct staff, in its preparation of the draft amendment, to contact and receive input from affected civic groups. Without objection, it was so ordered.

In order to attend to business in Board Conference Room, Chairman Moore relinquished the Chair to Vice-Chairman Pennino.

Following a brief question-and-answer period among Board Members and Ms. Harwood, the question was called on the motion which carried by a vote of eight, *Chairman Moore being out of the room.*

(*Upon her return to the Board Room, Chairman Moore asked unanimous consent to be recorded as voting "AYE" on this matter; and without objection, it was so ordered. See Clerk's Summary Item CL#13.*)

11. ORDERS OF THE DAY (TAPE 1)

Supervisor Davis asked unanimous consent that the Board change its Orders of the Day and proceed now with its consideration of Action Item 18 - Homeless Policy Implementation Task Force Report, Strategies For Serving the Homeless in Fairfax County. Without objection, it was so ordered.

12. A-18 - HOMELESS POLICY IMPLEMENTATION TASK FORCE REPORT, STRATEGIES FOR SERVING THE HOMELESS IN FAIRFAX COUNTY (TAPE 1)

(BACs)

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

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

- Approve the report entitled, "Strategies for Serving the Homeless in Fairfax County," prepared by the community-wide Homeless Policy Implementation Task Force; and
- Direct the Deputy County Executive to initiate appropriate action for implementation of the proposed strategies.

This motion was seconded by Supervisor Davis.

Supervisor Pennino requested staff to work diligently on this item.

Supervisor Richards clarified that the Homeless Policy Implementation Task Force requested the Board to direct the Acting County Executive to review the Task Force report and:

- Recommend strategies that could be implemented as soon as possible that have no or minimal budgetary implications; and no or minimal staffing consequences for the current programs;
- Report on transitional housing within an appropriate time; and

- Place the policy into effect no later than October 1, 1991.

Supervisor Richards called the Board's attention to the recommendation that the Task Force consist of no more than 11 members.

Supervisor Hanley acknowledged that the comments by Supervisor Richards were included in the intent of her motion.

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

13. REQUEST TO RECORD VOTE ON A-5 - PROPOSED CHANGES TO THE STANDARDS FOR ACCESSORY DWELLING UNITS (ACUS) IN THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (FAIRFAX COUNTY ZONING ORDINANCE) (TAPE 1)

[NOTE: Earlier in the meeting, action was taken to direct staff to prepare proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to incorporate the modifications to the Accessory Dwelling Unit (ADU) Program outlined in the Memorandum to the Board dated September 16, 1991 to improve the effectiveness of the provisions. See Clerk's Summary Item CL#10.]

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that she be recorded as voting "AYE" on Action Item Five because she had not been present when action was taken. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

14. A-6 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (FAIRFAX COUNTY ZONING ORDINANCE) REGARDING FENCES AND WALLS APPROVED BY THE BOARD OF SUPERVISORS IN CONJUNCTION WITH A PUBLIC USE (TAPE 1)

(A)

(R)

Supervisor Hanley moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 2, 1991 and before the Board of Supervisors on October 28, 1991 at 5:00 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow a modification to the height and location regulations for fences or walls approved by the Board of Supervisors in conjunction with the establishment of a public use. This motion was seconded by Supervisor Davis.

In response to a query by Supervisor Hyland regarding the limit of the height for fences, Anthony H. Griffin, Deputy County Executive for Planning and Development, responded that the Board of Supervisors would determine the height and location.

For the record, Supervisor Hyland directed staff to include civic and homeowners associations in the notification requirements.

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

15. A-7 - AUTHORIZATION TO ADVERTISE PROPOSED
AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 112 (FAIRFAX COUNTY
ZONING ORDINANCE) REGARDING REVOCATION
OF SPECIAL PERMITS AND SPECIAL EXCEPTIONS
(TAPES 1-2)

(A)

(R) In response to a query by Supervisor Hyland, Jane W. Gwinn, Zoning Administrator, Office of Comprehensive Planning (OCP), responded that there is currently no requirement for a notification process prior to the issuance of a notice of revocation of either a Special Permit or Special Exception.

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

- Adopt a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 9, 1991 and before the Board of Supervisors on October 28, 1991 at 3:30 p.m. on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) concerning the revocation of Special Permits and Special Exceptions; and
- Incorporate procedures, administratively if possible, for a formal notification process that would serve as a "pre-notice" of a revocation hearing that will commence if the applicant does not comply to the conditions specified in the Special Permit or Special Exception. The procedure should include a written record showing that the applicant has been given the opportunity to comply prior to revocation of the permit.

In response to Supervisor Hyland's modification regarding the "formal notification process," Ms. Gwinn responded that she would work with the County Attorney's Office to determine whether the process needs to be incorporated into the specific amendment or whether the process could take place administratively. She stated that if revisions to the amendment were necessary, staff would report later in the meeting for Board action on the "modified proposed amendment."

This motion was seconded by Supervisor Davis, as clarified by Ms. Gwinn.

Supervisor Hyland asked that the motion be amended to include notification by staff to the complainant regarding compliance by the applicant, and this was accepted.

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

(NOTE: Staff did not report later in the meeting for additional Board action.)

16. A-8 - APPROVAL OF AN AGREEMENT FOR THE
INSTALLATION OF STORM DRAINAGE IMPROVEMENTS
BY THE WEST GATE LIMITED PARTNERSHIP ALONG
SCOTTS RUN (PROVIDENCE DISTRICT) (TAPE 2)

Supervisor Hanley expressed her appreciation to Karen Harwood, Assistant County Attorney, for her outstanding performance on this item.

Supervisor Hanley moved that the Board concur in the recommendation of staff and authorize the execution of an agreement for the installation of storm drainage improvements by the West Gate Limited Partnership along Scotts Run, Providence District. The improvements are intended to control stream bank erosion which threatens certain private improvements (lennis courts and sidewalk) at The Colonies Condominium at McLean. This motion was seconded by Supervisor Richards and carried by unanimous vote.

17. A-9 - OFFICE FOR CHILDREN APPLICATION FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
HEAD START/PUBLIC SCHOOL EARLY CHILDHOOD
TRANSITION DEMONSTRATION GRANT (TAPE 2)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the submission of the application for the Office for Children (OFC) to apply for a federal Head Start grant to serve as a Head Start/Public School Early Childhood Transition Demonstration Project. This grant will allow OFC and Fairfax County Public Schools (FCPS) to develop successful, collaborative strategies to provide

comprehensive services in education, health, parent involvement, and social services for low-income children and their families beginning in Head Start and continuing through third grade. This motion was seconded by Supervisor Pennino.

Following discussion regarding in-kind contribution requirements for years two and three, the question was called on the motion which carried by unanimous vote.

18. A-10 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 92023 FOR THE CONTINUATION OF THE
OFFICE FOR CHILDREN HEAD START PROGRAM GRANT
(TAPE 2)

(SAR) Supervisor Hanley moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution (SAR) AS92023, in the amount of \$1,133,637, for the continuation of the Federal Head Start Program. This grant will allow the Office for Children (OFC) to continue Head Start Services for three to five-year old children and to continue Parent and Child Center Program. Under this grant, comprehensive Head Start services are provided to pregnant mothers and to children aged birth through five years. This motion was seconded by Supervisor Pennino.

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

- Staff's response concerning the unobligated balance that had been transmitted to the United States Department of Health and Human Services (HSS); and
- Staff's response concerning the Program Information Report (PIR) that had been transmitted to HSS.

Without objection, it was so ordered.

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

19. A-11 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 92024 FOR YEAR TWO OF THE OFFICE FOR
CHILDREN FEDERAL HEAD START MULTICULTURAL
DEMONSTRATION NETWORK PROJECT GRANT (TAPE 2)

(SAR) On motion of Supervisor Hyland, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of

staff and approved Supplemental Appropriation Resolution (SAR) AS92024, in the amount of \$31,000, for year two of the three year Federal Head Start Multicultural Demonstration Network project. This grant award allows the Office for Children (OFC) to continue to demonstrate and document successful approaches which result in a variety of cultural enrichment modules, updated curricula, service delivery, and training approaches which can be used universally to meet the needs of culturally and linguistically diverse children and families.

20. A-12 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 92019 FOR THE DEPARTMENT OF HUMAN
DEVELOPMENT PROGRAM YEAR (PY) 1991 JOB
TRAINING PARTNERSHIP ACT (JTPA),
TITLE II-B, SUMMER YOUTH EMPLOYMENT
PROGRAM (TAPE 2)

(SAR) Supervisor Pennino moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution (SAR) AS92019 totalling \$13,500 to appropriate Title II-B Summer Youth Employment Program funds for the Department of Human Development for the period October 1, 1990 to September 30, 1991. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

21. A-13 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 92020 TOTALLING \$175,000 FOR THE
DEPARTMENT OF HUMAN DEVELOPMENT PROGRAM
YEAR (PY) 1991 ECONOMIC DISLOCATION AND
WORKER ADJUSTMENT ASSISTANCE (EDWAA)
PROGRAM (TAPE 2)

(SAR) On motion of Supervisor Pennino, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS92020, in the amount of \$175,000, for additional Economic Dislocation and Worker Adjustment Assistance (EDWAA) grant funds for the Department of Human Development to operate a rapid response project that serves primarily mid-level managers/high-tech professional area residents affected by business closings and job layoffs in the Northern Virginia area.

22. A-14 - SUPPLEMENTAL APPROPRIATION RESOLUTION
(SAR) AS 92021 TOTALLING \$127,100 FOR THE
DEPARTMENT OF HUMAN DEVELOPMENT TRANSITIONAL
HOUSING PROGRAM GRANT AWARD TWO FROM THE
UNITED STATES (US) DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT (HUD) - PROGRAM YEAR
FOUR (TAPE 2)

(SAR) On motion of Supervisor Bulova, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of

staff and approved Supplemental Appropriation Resolution (SAR) AS92021, in the amount of \$127,100, for the continuation of the Transitional Housing Program Grant Award Two, Program Year Four for the period starting November 1, 1991 through October 31, 1992.

23. A-15 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 92022 TALLING \$1,214,352 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT TRANSITIONAL HOUSING PROGRAM GRANT AWARD THREE FROM THE UNITED STATES (US) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) - PROGRAM YEAR THREE (TAPE 2)

(SAR) On motion of Supervisor Hyland, seconded by Supervisor Pennino, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS92022, in the amount of \$1,214,352 for the continuation of the Transitional Housing Program Grant Award Three for the period of November 1, 1991 through October 31, 1992.

24. A-16 - OFFICE FOR CHILDREN REQUEST FOR SIX NEW POSITIONS FOR THE CHILD CARE ASSISTANCE PROGRAM (TAPE 2)

Supervisor Hanley moved that the Board concur in the recommendation of staff and approve the establishment of 6/6.0 SYE regular-merit positions within the Office for Children (OFC) to address the increased service level associated with the Child Care Assistance Program (CCAP), with the following modification:

- That the Board direct the Acting County Executive to meet the request of the OFC for six additional positions by reassigning positions throughout the County government (not just from the Human Services area), but wherever he deems necessary.

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

25. A-17 - FAIRFAX COUNTY TESTIMONY REGARDING REVISED CRITERIA FOR COUNTY PROGRAMS SUBJECT TO CHILD CARE LICENSURE (TAPE 2)

Supervisor McConnell asked unanimous consent that the Board defer its consideration of Action Item 17 - Fairfax County Testimony Regarding Revised Criteria for County Programs Subject to Child Care Licensure

until later in the meeting to allow additional discussion with the County Attorney's Office. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on this issue. See Clerk's Summary Item CL#43.)

26. A-18 - HOMELESS POLICY IMPLEMENTATION TASK
FORCE REPORT, STRATEGIES FOR SERVING THE
HOMELESS IN FAIRFAX COUNTY (TAPE 2)

(NOTE: Earlier in the meeting, action was taken on Action Item 18 - Homeless Policy Implementation Task Force Report, Strategies for Serving the Homeless in Fairfax County. See Clerk's Summary Item CL#12.)

AR:AR

27. C-1 - 1991 VIRGINIA MUNICIPAL LEAGUE (VML)
ANNUAL CONFERENCE (TAPE 3)

The Board next considered an Item contained in the Memorandum to the Board dated September 16, 1991 regarding the 86th Annual Virginia Municipal League (VML) Conference to be held in Roanoke, Virginia, October 6 through October 8, 1991 at the Roanoke Airport Marriott Inn and the Sheraton Airport Inn.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the Board designate Supervisor Hanley as the Voting Delegate and Supervisor McConnell as the Alternate Delegate to represent Fairfax County at the VML Conference. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

28. C-2 - AUTHORIZATION TO ADVERTISE PROPOSED
AMENDMENT TO THE CODE OF THE COUNTY OF
FAIRFAX TO ADD A NEW CHAPTER 118 (CHESAPEAKE
BAY PRESERVATION ORDINANCE) (TAPE 3)

The Board next considered an Item contained in the Memorandum to the Board dated September 16, 1991 requesting authorization for staff to advertise a public hearing before the Board of Supervisors on October 14, 1991 a proposed amendment to the Code of the County of Fairfax to add a new Chapter 118 (Chesapeake Bay Preservation Ordinance) to implement the State Chesapeake Bay Preservation Act.

Following a lengthy Board discussion, with input from Karen J. Harwood, Assistant County Attorney, Supervisor Alexander moved that the Board TABLE the motion authorizing advertisement of the proposed amendment to the Code of the County of Fairfax to add a new Chapter 118 (Chesapeake Bay Preservation Ordinance), until such time as information is forthcoming from the Chesapeake Bay Local Assistance Department (CBLAD). This motion, jointly seconded by Supervisor McConnell and Supervisor Pennino, CARRIED by a recorded vote of five, Supervisor Hanley, Supervisor Hyland, Supervisor Richards, and Chairman Moore voting "NAY."

For purposes of further dealings with the Chesapeake Bay Local Assistance Board and Department, Supervisor Hyland moved that the Board direct County staff to:

- Adhere to the Resource Protection Area (RPA) definition contained in the Board endorsed Chesapeake Bay Preservation Ordinance; and
- Negotiate to add the phrase, "Shall comply to the extent possible," to Paragraphs Three through Nine of the Board endorsed Grandfather Provisions.

This motion was seconded by Supervisor Richards.

Following further discussion, the question was called on this motion which carried by unanimous vote.

29. I-1 - STAFF SUMMARIES OF JUNE AND JULY,
1991 TRANSPORTATION ADVISORY COMMISSION
(TAC) MEETINGS (COUNTYWIDE) (TAPE 3)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 16, 1991 presenting the Staff Summaries of the Transportation Advisory Commission (TAC) meetings for June and July 1991.

30. I-2 - ASSESSMENT POLICY FOR MOTOR HOMES
(TAPE 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 16, 1991 presenting a response to the Board's request of July 1, 1991 concerning a review of the assessment policy for motor homes.

There was a brief discussion regarding this item.

31. I-3 - PROVISION OF INFORMATION ON CURRENT
COUNTY GOVERNMENT ACTIONS TO NON-INCUMBENT
CANDIDATES FOR BOARD OF SUPERVISORS (TAPE 3)

(CLERK)

(P) The Board next considered an Information Item contained in the Memorandum to the Board dated September 16, 1991 directing staff, beginning this week and continuing until the November election, that recurring information detailing County government actions will be made available to each non-incumbent candidate for the Board of Supervisors. This procedure was initiated by the Governing Body before the 1975 election and served to assist candidates by equalizing some of the informational advantages of incumbency.

Information available to be distributed included the following:

- Weekly Agenda;
- Board Package;
- News Releases;
- Clerk's Board Summary;
- Weekly News Summary; and
- Affidavit Listing of Parties Associated
with Land Use cases.

The information will be made available at the Massey Building.

In addition, basic information regarding the form of government, the adopted budget for Fiscal Year 1992 and boards, authorities and commissions will be made immediately available to interested candidates.

The staff was directed administratively to proceed as proposed.

32. I-4 - SCHEDULE FOR JANUARY - DECEMBER, 1992
BOARD MEETINGS (TAPE 3)

(CLERK)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 16, 1991 directing staff to implement the schedule for the Board of Supervisors' meetings for January through December 1992.

Supervisor Davis moved that the Board:

- Approve the Board Meeting Schedule for the first six months of 1992 only; and
- Direct staff to change the first Board Meeting date in 1992 from January 13, 1992 TO January 6, 1992.

This motion was seconded by Supervisor Richards.

Following discussion, Supervisor Hyland moved a substitute motion that the Board:

- Defer action on the Board Meeting Schedule for January 1992 - December 1992 until September 23, 1991;
- Direct staff to respond to the issues in connection with the lack of time to receive Board Packages, not only for Board Members, but for the citizens; and
- Direct staff to respond to the possibility, if the Board Packages cannot be distributed earlier, as to what the impact would be if the Board considered changing the Board's meeting day from Monday to Tuesday.

This motion was seconded by Supervisor McConnell.

Supervisor Bulova asked that the motion be amended to request staff to address her concerns regarding the scheduling of the Board's Budget Markup Session on the Monday following Easter Sunday, and this was accepted.

Supervisor Davis asked that the motion be amended to include staff consideration of changing the first Board Meeting date in 1992 to January 6, 1992, and this was accepted.

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

33. I-5 - FINAL REPORT AND RECOMMENDATIONS OF THE
CITIZENS TASK FORCE ON NEW GOVERNMENT CENTER
BUILDING COSTS (TAPE 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated September 16, 1991 presenting the Final

Report and Recommendations of the Citizens Task Force on New Government Center Building Costs.

Supervisor Pennino moved that the Board:

- Accept the report of the Citizens Task Force on New Government Center Building Costs; and
- Direct staff to follow the directions as published in this report.

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

34. RECESS/EXECUTIVE SESSION (TAPE 3)

At 12 noon, Supervisor Davis moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- Chang versus Board of Supervisors in Chancery Number 103721 and related cases; and
- Christ College, Incorporated, versus the Board of Supervisors Number 90-2406.

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

35. RECOGNITION OF CLIFTON FOREST RESIDENTS IN THE BOARD ROOM (TAPE 3)

Supervisor McConnell called the Board's attention to the presence of a large group of residents from the Clifton Forest community. Chairman Moore welcomed these residents to the Board Room and acknowledged the Board's concerns about the problems this community is experiencing with regard to a lack of water.

36. ORDERS OF THE DAY (TAPE 3)

Chairman Moore announced that, following Executive Session, the Board would go directly into the scheduled afternoon public hearings.

PMH:PMH

At 1:10 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Moore presiding.

37. ACTIONS FROM EXECUTIVE SESSION (TAPE 4)

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. CLAIM OF TIMOTHY R. MCGOWAN

Supervisor Pennino moved that the Board disallow the claim of Timothy R. McGowan as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

C. REVIEW FEES FOR SITE PLAN 6857-SP-28

Supervisor Pennino moved that the Board not waive the review fees for Site Plan 6857-SP-28 as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and CARRIED by a recorded vote of eight, Supervisor McConnell voting "NAY."

D. BOARD OF SUPERVISORS OF FAIRFAX COUNTY
VIRGINIA, VERSUS LAUNDERS ET AL -
AT LAW NUMBER 98386

Supervisor Pennino moved that the Board authorize the filing of a notice of appeal in the Board of Supervisors of Fairfax County, Virginia, versus Launders et al, At Law Number 98386 and that the appeal be pursued only upon either: (1) full payment of sums owed the County; or (2) the posting of adequate security to the County to ensure full payment on or before September 30, 1991 as

recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

E. CLAIM OF BRANCRIS, INCORPORATED

Supervisor Bulova moved that the Board disallow the claim of Brancris, Incorporated as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

F. SETTLEMENT OF ESTELLA EDSALL SWINDELL
VERSUS PHILLIP JAMES, III - AT LAW
NUMBER 102091

Supervisor Davis moved that the Board authorize settlement of Estella Edsall Swindell versus Phillip James, III - At Law Number 102091 according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

G. ZONING ORDINANCE AMENDMENT TO ALLOW FOR
MODIFICATIONS OF THE YARD REQUIREMENTS
FOR VIRGINIA RUN

Supervisor Richards moved that the Board not amend the Zoning Ordinance to allow for modifications of the yard requirements for Virginia Run as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland.

Supervisor Davis moved a substitute motion that the County Attorney report to the Board with a draft order that would amend the January 1, 1992 date to January 1, 1994 for the setback requirements. This motion was seconded by Supervisor Alexander and **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino voting "AYE."

The question was called on the main motion (Supervisor Richards') which **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Supervisor Pennino voting "NAY."

H. CHANG; GEORGETOWN PIKE CORNER PARTNERSHIP;
AND SENECA PLACE LIMITED PARTNERSHIP,
VERSUS BOARD OF SUPERVISORS IN VARIOUS
CHANCERY NUMBERS

Supervisor Richards moved that the Board authorize settlement of the following cases according to terms and conditions outlined by the County Attorney in Executive Session:

- Dr. George Chang, et al versus the Board of Supervisors, et al in Chancery Number 103721;
- Georgetown Pike Corner Partnership, et al versus the Board of Supervisors, in Chancery Number 109341;
- Seneca Place Limited Partnership versus the Board of Supervisors, in Chancery Number 109342;
- Dr. George Chang, et al versus the Board of Supervisors, et al, in Chancery Number 114458;
- Georgetown Pike Corner Partnership, et al versus the Board of Supervisors, et al, in Chancery Number 114503; and
- Seneca Place Limited Partnership, versus the Board of Supervisors, et al, in Chancery Number 114504.

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

I. AUTHORIZATION TO ADVERTISE
ACQUISITION OF SANITARY SEWER
EASEMENT AND ASSOCIATED
EASEMENT ACROSS FROM
PROPERTY OF WILLIAM S. AND
ADRIAN T. BORNEMAN

(A)

Supervisor Richards moved that the Board authorize advertisement of a public hearing for October 14, 1991 commencing at 4:30 p.m. in order to acquire a 10-foot

sanitary sewer easement and associated temporary construction easement across the property of William S. and Adrian T. Borneman located at Tax Map 6-4((1))42. This motion was jointly seconded by Supervisor Hyland and Supervisor Pennino and carried by unanimous vote.

JLD:JLD

38. 11:45 A.M. - PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 1991 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 1992 BUDGET PLAN (TAPES 5-7)

(SARs)

(FPRs)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Following Speaker #24 (Bill Bestimt), Supervisor Hanley called to the Board's attention correspondence from the Chairmen of the Board of the Chamber of Commerce regarding the issuance or replacement of take-home vehicles and the motor vehicle program work plan. After a brief discussion among Board Members and Mr. Bestimt, Supervisor Hanley moved that the Board direct staff to provide the Chamber of Commerce with a copy of the Citizens Budget Overview Committee report in which this issue was addressed. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Pennino and Supervisor Richards being out of the room.

Following the public hearing on the County and Schools' Fiscal Year (FY) 1991 Carryover Review to Amend the Appropriation Level in the FY 1992 Budget Plan, which included testimony by 28 speakers, a question and answer period ensued among Board Members and staff.

Supervisor Bulova moved approval of Supplemental Appropriation Resolution AS 92018 and Amendment to the Fiscal Plan Resolution AS 92901 which includes expenditure authorization for Fiscal Year 1991 Carryover encumbrances, unencumbered items, unexpended capital project balances, and administrative adjustments identified in the County and School's Fiscal Year 1991 Carryover Review which results in a Combined General Fund balance of \$11.69 million. This motion was jointly seconded by Supervisor Alexander and Supervisor Pennino.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved to amend the motion that the unencumbered items not be appropriated at this time, but be held until the beginning of December, at which time staff would report with a recommendation based on the most current revenues. This motion was seconded by Supervisor Hyland.

For the purpose of clarity, Supervisor Moore stated that the unencumbered items referred to in her motion are listed on handwritten Page 6 of the Memorandum to the Board dated September 16, 1991.

Following discussion among Board Members, with input from Dr. James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Moore amended her motion to revise the date until which the unencumbered items would be held from December, 1991, to November 16, 1991, at which time staff would report with a revenue update. This was accepted.

Following additional discussion, the question was called on the amendment, as amended, to the main motion which FAILED by a recorded vote of seven, Supervisor Hyland and Supervisor Moore voting "AYE."

Vice-Chairman Pennino returned the gavel to Chairman Moore.

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

Supervisor Bulova moved appropriation of Federal/State grants including \$6.0 million in carryover of unexpended balances and additional adjustments. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

Supervisor Bulova moved approval of the four Mandated Consideration Items with a net Combined General impact of \$2.2 million. (It should be noted that this includes the mandated item associated with additional staffing for the Department of Human Development in order to comply with legal requirements forwarded to the Board from the Acting County Executive on August 28, 1991.) This motion was seconded by Supervisor Alexander.

Supervisor Richards asked that the motion be amended as follows: "...the four Mandated Consideration Items with a net Combined General Fund impact of \$2.2 million," and this was accepted.

Supervisor Hyland moved to amend the motion to eliminate the \$284,760 for the Parkout program. This motion was seconded by Supervisor Bulova and FAILED by a recorded of seven, Supervisor Bulova and Supervisor Hyland voting "AYE."

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

Supervisor Bulova moved approval of maintaining the remaining \$9.59 million balance in a set aside reserve, which is consistent with the Budget Guidelines for Fiscal Years 1992 and 1993. This motion was jointly seconded by Supervisor Alexander and Supervisor Pennino.

Supervisor Alexander moved to amend the motion to restore \$100,000 for the Department of Recreation and Community Services sports subsidy program. The second to this motion was inaudible.

Supervisor McConnell moved to amend the motion to provide \$100,000 for the Clifton Forest water problem. The second to this motion was inaudible.

Supervisor McConnell moved to amend the motion to provide \$450,000 for vocational services. The second to this motion was inaudible.

Supervisor McConnell moved to amend her amendment to revise the amount for vocational services from \$450,000 to \$250,000. This motion was seconded by Supervisor Pennino.

Supervisor Davis moved to amend the motion to provide \$100,000 to Hospice. This motion was jointly seconded by Supervisor Pennino and Supervisor Richards.

Supervisor Davis moved to amend the motion to provide \$4000 for the Clean Fairfax program. The second to this motion was inaudible.

Supervisor Pennino clarified, for the record, that the funds for the Food Stamp program are included in the Mandated Consideration Items.

Following discussion among Board Members, the question was called on the amendment (Supervisor Alexander's) to the motion to restore \$100,000 for the Department of Recreation and Community Services sports subsidy program which FAILED by a recorded vote of six, Supervisor Alexander, Supervisor McConnell, and Supervisor Pennino voting "AYE."

The question was then called on the amendment (Supervisor McConnell's), as amended, to the motion to provide \$250,000 for vocational services which FAILED by a recorded vote of seven, Supervisor McConnell and Supervisor Pennino voting "AYE."

The question was then called on the amendment (Supervisor McConnell's) to the motion to provide \$100,000 for the Clifton Forest water problem which FAILED by a recorded vote of six, Supervisor McConnell, Supervisor Pennino, and Chairman Moore voting "AYE."

The question was then called on the amendment (Supervisor Davis') to the motion to provide \$100,000 to Hospice which CARRIED by a recorded vote of six, Supervisor Bulova, Supervisor Hanley, and Chairman Moore voting "NAY."

The question was then called on the amendment (Supervisor Davis') to provide \$4000 for the Clean Fairfax program which FAILED by a recorded vote of seven, Supervisor Davis and Supervisor Hyland voting "AYE."

The question was then called on the main motion (Supervisor Bulova's), as amended, to maintain \$9.49 million in reserve which carried by unanimous vote.

Supervisor Bulova moved approval of adjusting the Managed Reserve to maintain the reserve at two percent of total Combined General Fund Disbursements based on the actions taken by the Board as part of the Fiscal Year 1991 Carryover Review. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

39. ORDERS OF THE DAY (TAPE 7)

It was the consensus of the Board to proceed with the land use public hearings after the recess, and then to consider the Board Matters of the individual Board Members.

Supervisor McConnell requested that Board Members adhere to the five minute limitation when presenting their Board Matters.

40. BOARD RECESS (TAPE 7)

At 4:15 p.m., the Board recessed briefly, and at 4:45 p.m., reconvened in the Board Room with all Board Members present, with the exception of Supervisor Hanley and Supervisor McConnell, and with Chairman Moore presiding.

CM:CM

41. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-M-033 (MEAD PROPERTIES, INCORPORATED)
(MASON DISTRICT) (TAPE 8)

Mr. Michael McHugh reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Davis moved approval of Special Exception Application SE 90-M-033 subject to the revised development conditions dated September 4, 1991. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of seven, Chairman Moore abstaining, Supervisor Hanley being out of the room.

42. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 90-M-056 (AMOCO OIL COMPANY) (MASON DISTRICT)
(TAPE 8)

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

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

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

Supervisor Davis moved approval of Special Exception Application SE 90-M-056 subject to the proposed development conditions dated September 2, 1991. This motion was seconded by Supervisor McConnell and CARRIED by a recorded vote of six, Supervisor Bulova abstaining, Supervisor Hanley and Chairman Moore being out of the room.

Supervisor Davis also moved approval of the waiver of the minimum lot width and waiver of the minimum lot area in accordance with Section 2-405 of the Zoning Ordinance. This motion was seconded by Supervisor McConnell and CARRIED by a recorded vote of six, Supervisor Bulova abstaining, Supervisor Hanley and Chairman Moore being out of the room.

Supervisor Davis further moved that the Board of Supervisors direct the Director of the Department of Environmental Management (DEM) to grant a waiver of the service drive requirement along Leesburg Pike frontage. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of six, Supervisor Bulova abstaining, Supervisor Hanley and Chairman Moore being out of the room.

43. A-17 - FAIRFAX COUNTY TESTIMONY REGARDING
REVISED CRITERIA FOR COUNTY PROGRAMS SUBJECT
TO CHILD CARE LICENSURE (TAPE 8)

Supervisor Bulova called the Board's attention to Action Item 17 and moved that the Board concur in the recommendation of staff and approve the County's response to revised regulations regarding minimum standards

for licensed child care centers, nursery schools, and child care camps operated under County auspices for presentation at the public hearing incorporating the recommendations in this Board item. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of five, Supervisor McConnell voting "NAY," Supervisor Davis, Supervisor Hanley, and Chairman Moore being out of the room.

44. 4:30 P.M. - PH TO CONSIDER THE READOPTION OF AN EMERGENCY ORDINANCE TO CONFORM SELECTED COUNTY PRECINCT BOUNDARIES WITH STATE ELECTION DISTRICT BOUNDARIES AND TO RENAME THE PONDS PRECINCT AND RELOCATE THE POLLING PLACE FOR THAT PRECINCT (LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (TAPE 8)

- (0) [NOTE: On August 5, 1991, the Board adopted an emergency County Ordinance to make various housekeeping changes that (i) would revise eight County precincts to conform to election district boundaries of the State Senate and House of Delegates; and (ii) would relocate the polling place for the Ponds Precinct and rename that precinct to reflect the new polling place.]

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Following the public hearing, Supervisor Bulova moved the readoption of an uncodified emergency ordinance adopted on August 5, 1991, relating to certain election precincts. The emergency ordinance amends in the following manner the ordinance adopted by the Board on May 13, 1991, to reapportion the County as a result of the 1990 census:

- Revises the boundaries of the Brook Hills, Bucknell, Columbia, Groveton, Hayfield, Marlan, Masonville, Poe, Saint Albans, and Virginia Hills Precincts;
- Changes the name of Ponds Precinct to Burke Centre and relocates the polling place; and
- Incorporates changes to various precincts already adopted by the Board by ordinance on June 3, 1991.

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

45. 3:30 P.M. - PH ON AGRICULTURAL/FORESTAL DISTRICT APPLICATION AF 91-Y-001 (TOM AND JOAN RICHARDSON) [SULLY DISTRICT (FORMERLY SPRINGFIELD DISTRICT)] (TAPE 8)

- (0) Mr. Tom Richardson reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115, Appendix F (District Ordinances for Local Agricultural and Forestal Districts), to establish the Richardson Local Agricultural and Forestal District (AF 91-Y-001) subject to the proposed ordinance provisions contained in the Staff Report Addendum dated August 15, 1991. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Chairman Moore being out of the room.

46. DEFERRAL OF REZONING APPLICATION RZ 91-D-015 (BOARD OF SUPERVISORS, OWN MOTION) (DRANESVILLE DISTRICT) (TAPE 8)

Supervisor Richards moved to defer the public hearing on Rezoning Application RZ 91-D-015 (Board of Supervisors Own Motion) until September 23, 1991 at 3:30 p.m. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Chairman Moore being out of the room.

47. DEFERRAL OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-041-3 (CEN ARCHITECTS, INCORPORATED) (DRANESVILLE DISTRICT) (TAPE 8)

Supervisor Richards moved to defer the public hearing on Special Exception Amendment Application SEA 83-D-041-3 until October 14, 1991 at 3:30 p.m. This motion was seconded by Supervisor McConnell and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Chairman Moore being out of the room.

48. 3:30 P.M. - PH ON AGRICULTURAL/FORESTAL DISTRICT APPLICATION AF 91-Y-002 (RICHARD FRANCIS SAPPINGTON) [SULLY DISTRICT (FORMERLY SPRINGFIELD DISTRICT)] (TAPE 8)

- (O) Mr. Robert Roshon reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 114, Appendix F (District Ordinances for Local Agricultural and Forestal Districts), to establish the Sappington Local Agricultural and Forestal District (AF 91-Y-002) subject to the proposed ordinance provisions contained in the Staff Report Addendum dated August 15, 1991. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hanley, and Chairman Moore being out of the room.

49. 4:00 P.M. - PH SETTING ASSESSMENTS AND ORDERING IMPROVEMENTS TO MOUNT ZEPHYR, PHASE I (MOUNT VERNON DISTRICT) (TAPES 8-9)

- (R) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Following the public hearing, which included testimony by six speakers, Supervisor Hyland moved adoption of the Resolution ordering improvements and assessing landowners in Mount Zephyr, Phase One, Mount Vernon District. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Hanley being out of the room.

50. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-D-061 (HALL ENTERPRISES, INCORPORATED) (DRANESVILLE DISTRICT) (TAPE 9)

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

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

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

Supervisor Richards moved approval of Special Exception Amendment Application SEA 88-D-061 subject to the revised development conditions dated June 26, 1991. This motion was jointly seconded by Supervisor Alexander and Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hanley being out of the room.

51. 4:00 P.M. - PH ON AGRICULTURAL/FORESTAL DISTRICT
RENEWAL APPLICATION AR 83-S-001 (HORACE E. ALPHIN)
(SPRINGFIELD DISTRICT) (TAPE 9)

- (0) Mr. Horace E. Alphin reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115, Appendix F-1 (District Ordinances for Local Agricultural and Forestal Districts), to renew the Wright Local Agricultural and Forestal District (AR 83-S-001) subject to the proposed ordinance provisions contained in Appendix One of the Staff Report dated July 17, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Davis and Supervisor Hanley being out of the room.

52. 4:00 P.M. - PH ON AGRICULTURAL/FORESTAL DISTRICT
RENEWAL APPLICATION AR 83-S-002 (HORACE E. AND
ELIZABETH E. ALPHIN) (SPRINGFIELD DISTRICT)
(TAPE 9)

- (0) Mr. Horace E. Alphin reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115, Appendix F-2 (District Ordinances for Local Agricultural and Forestal Districts), to renew the Barksdale Local Agricultural and Forestal District (AR 83-S-002) subject to the proposed ordinance provisions contained in Appendix One of the Staff Report dated July 17, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Davis, Supervisor Hanley, and Supervisor Hyland being out of the room.

53. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 91-L-011 (KINGSTOWNE COMMERCIAL LIMITED
PARTNERSHIP) (LEE DISTRICT) (TAPE 9)

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

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

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

Supervisor Alexander moved approval of Special Exception Application SE 91-L-011 subject to the revised development conditions dated August 15, 1991 and that Special Exception Application SE 91-L-011 shall expire, without notice, 24 months after the approval date, rather than 18 months. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room.

54. 4:30 P.M. - PH TO AMEND THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 5 (OFFENSES), CREATING
SECTION 5-1-25 (OPEN ALCOHOLIC BEVERAGE
CONTAINERS); SECTION 5-1-26 (POSSESSION
OF ALCOHOLIC BEVERAGES ON PUBLIC SCHOOL
PROPERTY); AND SECTION 5-1-27 (DRINKING
IN PUBLIC) (TAPE 9)

- (0) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 22 and August 29, 1991.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 5 (Offenses) creating Section 5-1-25 (Open Alcoholic Beverage Containers); Section 5-1-26 (Possession of Alcoholic Beverages on Public School Property); and Section 5-1-27 (Drinking in Public) to adopt local ordinances to prohibit:

- Possession of Open Alcoholic Beverage Containers in Local Public Parks, Playgrounds and Public Streets;
- Possession of Alcoholic Beverage Containers in or on Public School Grounds; and
- Drinking in Public.

The effective date of this amendment will be October 1, 1991.

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

55. 4:30 P.M. - PH TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-1 (PARKING PROHIBITED IN SPECIFIED PLACES) (TAPE 10)

- (0) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Supervisor Davis moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-1 (Parking Prohibited in Specified Places) to modify Section 82-5-1(a)(2) to prohibit the parking of a motor vehicle within 10 feet of any public or private driveway. This motion was seconded by Supervisor Pennino.

Supervisor Richards moved to amend the motion to limit the parking of a motor vehicle to within "five feet" of any public or private driveway. The motion died for lack of a second.

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

The effective date of this amendment will be October 1, 1991.

56. 4:30 P.M. - PH ON THE ACQUISITION OF DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF BROOKLAND/BUSH HILL PHASE I, NEIGHBORHOOD IMPROVEMENT PROJECT (LEE DISTRICT) (TAPE 10)

- (R) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Following the public hearing, Supervisor Alexander moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for construction of Project C00071, Brookland/Bush Hill Phase I, Neighborhood Improvements, Lee District. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Bulova, Supervisor Davis, Supervisor Hanley, and Supervisor McConnell being out of the room.

57. 4:30 P.M. - BOARD DECISION ON ADOPTION OF THE COMMUNITY PLAN FOR THE WESTHAMPTON COMMUNITY (DRANESVILLE DISTRICT) (TAPE 10)

- (R) (NOTE: The public hearing was held on July 22, 1991 and action taken to defer Board decision until September 16, 1991. The record was held open for written testimony only.)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of July 4 and July 11, 1991.

Following the closing of the record for the public hearing, Supervisor Richards moved adoption of the Resolution adopting the Community Plan for the Westhampton Community Improvement Program project. The Plan calls for improvements such as curbs and gutters, sidewalk, storm drainage, and new roads in the community, Dranesville District. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Bulova, Supervisor Davis, Supervisor Hanley, and Supervisor McConnell being out of the room.

58. 4:30 P.M. - PH TO CONSIDER THE READOPTION OF AN EMERGENCY ORDINANCE TO CONFORM SELECTED COUNTY PRECINCT BOUNDARIES WITH STATE ELECTION DISTRICT BOUNDARIES AND TO RENAME THE PONDS PRECINCT AND RELOCATE THE POLLING PLACE FOR THAT PRECINCT (LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (NO TAPE)

(NOTE: Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item CL#44.)

59. 4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 107
(PROBLEM SOILS) AND THE PUBLIC FACILITIES
MANUAL (PFM) (TAPE 10)

- (0) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

Following the public hearing, which included testimony by two speakers, Supervisor Alexander moved adoption of the proposed amendments to the:

- Code of the County of Fairfax, Chapter 107 (Problem Soils), Article 1 (Problem Soils), Section 107-1-2 (Soils report required); and
- Fairfax County Public Facilities Manual (PFM), Article 2 (General Subdivision and Site Plan Information), Article 6 (Storm Drainage), Appendix B6 (Storm Drainage), Article 7 (Streets, Parking and Driveways), Appendix B7 (Streets, Parking and Driveways), and Article 10 (Sewage and Solid Waste Disposal), *as modified*:

- * Modify Section 6-0303, Paragraph 8,
to read as follows:

"Detention or structural BMP facilities, including 10 year flood storage areas associated with such facilities, shall not be located on individual buildable single family attached and detached residential lots, or any part thereof for the purpose of satisfying the detention or BMP requirements of the Subdivision Ordinance or the Zoning Ordinance. However, detention and BMP facilities may be constructed on individual lots to satisfy the detention and BMP requirements for each lot. County maintenance for detention and BMP facilities on such individual lots will not be provided."

The proposed amendments authorize the Director of Environmental Management to exempt projects from the requirement of a soils report where the location of the problem soils will not impact the proposed construction; clarify that large-lots with problem soils are subject to

the provisions of Chapter 107; prohibit locating stormwater detention facilities on individual homeowner's lots in residential areas; restrict the use of non-regional wet ponds in residential developments; require the posting of on-site signs indicating the location of proposed stormwater management facilities; address the criteria to be used when dealing with weak soils; outline methods for dealing with drainage at the low points of roads during construction; and specify a minimum slope for terminal sections of sewer pipe.

The amendments to Chapter 107 and PFM become effective at 12:01 a.m., January 1, 1992 and that the following be grandfathered:

Subdivision Plans, excluding Preliminary Plans,
Site Plans, and Public Improvement Plans
approved prior to 12:01 a.m., January 1, 1992.

This motion was seconded by Supervisor Hyland.

Supervisor Richards moved to amend the motion to adopt all of the amendments except the third one relating to wet ponds. The motion died for lack of a second.

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

JLD:JLD

60. 5:00 P.M. - PH ON REZONING APPLICATION RZ 91-D-015
(BOARD OF SUPERVISORS, OWN MOTION) (DRANESVILLE
DISTRICT) (NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 91-D-015 until September 23, 1991 at 3:30 p.m. due to the deferral of the Planning Commission public hearing. See Clerk's Summary Item CL#46.)

61. 5:00 P.M. - PH ON REZONING APPLICATION RZ 90-P-043
(BLC LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)
(TAPE 11)

R. Davis Snider reaffirmed the validity of the affidavit for the record.

Mr. Snider 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, Lisa Feibelman, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-P-043 be amended from the R-1 District to the R-4 District subject to the execution of the revised proffers dated July 16, 1991. This motion was jointly seconded by Supervisor Davis and Supervisor McConnell and carried by a vote of seven, Supervisor Hyland and Chairman Moore being out of the room.

Supervisor Hanley moved waiver of Paragraph One, Section 2-0102 of the Public Facilities Manual (PFM) requiring frontage on State-maintained public streets. This motion was jointly seconded by Supervisor Alexander and Supervisor Bulova and carried by a vote of seven, Supervisor Hyland and Chairman Moore being out of the room.

Supervisor Hanley moved waiver of Paragraph 14A and B, Section 7-406 of the PFM which restricts the location of curb cuts. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Hyland and Chairman Moore being out of the room.

62. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 83-D-041-3 (CEN ARCHITECTS,
INCORPORATED) (DRANESVILLE DISTRICT)
(NO TAPE)

(NOTE: Earlier in the meeting, action was taken to defer indefinitely the public hearing on Special Exception Amendment Application SEA 83-D-041-3. See Clerk's Summary Item CL#47.)

63. 5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 91-L-012 (MOHAMMAD OSTADSARAIE) (LEE DISTRICT)
(TAPE 11)

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

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

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

Supervisor Alexander moved approval of Special Exception Application SE 91-L-012 subject to the revised development conditions dated August 27, 1991. This motion was seconded by Supervisor McConnell and CARRIED by a recorded vote of five, Supervisor Richards voting "NAY," Supervisor Hanley, Supervisor Hyland, and Chairman Moore being out of the room.

Supervisor Alexander moved waiver of the open space requirements subject to the development conditions dated August 27, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Hanley, Supervisor Hyland, and Chairman Moore being out of the room.

64. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT
APPLICATION SEA 83-L-048 (SHELL OIL COMPANY)
(LEE DISTRICT) (TAPE 11)

Sarah H. Reifsnyder reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 83-L-048 subject to the revised development conditions dated August 27, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor McConnell, Supervisor Pennino, and Supervisor Richards being out of the room.

Supervisor Alexander moved approval of the open space waiver, subject to the revised development conditions. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor Pennino, and Supervisor Richards being out of the room.

65. 5:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE AMENDMENT REGARDING: DRIVE-IN BANKS, FAST FOOD RESTAURANTS, QUICK-SERVICE FOOD STORES, AUTOMOBILE-ORIENTED USES AND VEHICLE LIGHT SERVICE ESTABLISHMENTS IN THE RETAIL COMMERCIAL DISTRICTS (TAPE 11)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of August 29 and September 5, 1991.

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) regarding drive-in banks, fast food restaurants, quick-service food stores, automobile-oriented uses and vehicle light service establishments as permitted uses in the C-5, C-6, C-7 and C-8 Districts to become effective upon adoption. This motion died for lack of a second.

Supervisor Pennino moved that the Board defer decision on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) until September 23, 1991 at 3:30 p.m. in order to allow additional time to study alternative language which would be beneficial to small businesses, as well as acceptable to the Board and County staff. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to report on ways to resolve situations in which someone has already obtained a building permit, but is unable to build because of current regulations. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

66. 5:00 P.M. - BOARD DECISION ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER 119 (GRASS OR LAWN AREA) (TAPE 11)

(NOTE: The public hearing was held on August 5, 1991 and Board decision deferred until September 16, 1991.)

Supervisor Bulova moved that the Board defer decision on the adoption of the revised draft of the proposed amendment to the Code of the County of Fairfax to add a new Chapter 119 (Grass or Lawn Area) until September 23, 1991 at 7:30 p.m. when all Board members will be present. This motion was seconded by Supervisor Pennino and CARRIED by a recorded vote of seven, Supervisor Richards voting "NAY," Supervisor Davis being out of the room.

AR:AR

67. REQUEST FROM NORTHERN VIRGINIA CHAPTER OF
THE NATIONAL COALITION OF ONE HUNDRED
BLACK WOMEN (TAPE 12)

(BACs)

As a result of a request from the Northern Virginia Chapter of the National Coalition of One Hundred Black Women to participate on the Minority Upward Mobility and Retention in Fairfax County Government Task Force, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and moved that the membership on this Task Force be amended to include a representative from the National Coalition of One Hundred Black Women. This motion was seconded by Vice-Chairman Pennino and carried by a vote of eight, Supervisor Davis being out of the room.

68. APPOINTMENT TO THE MINORITY UPWARD MOBILITY AND
RETENTION IN FAIRFAX COUNTY GOVERNMENT TASK
FORCE (TAPE 12)

(APPT)

Supervisor Moore moved the appointment of Ms. Glenda Hall as the National Coalition of One Hundred Black Women representative to the Minority Upward Mobility and Retention in Fairfax County Government Task Force. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Davis being out of the room.

69. PROCLAMATIONS (TAPE 12)

Supervisor Moore moved that the Board approve the following proclamations:

- Request from the Learning Disabilities Associations of Northern Virginia proclaiming October 1991 as "Learning Disabilities Awareness Month";
- Request from the Chairman of the International History Week Awards Committee designating the week of October 13, 1991 as "International History Week"; and

- Request from the Wheel Chair Race of Champions designating October 1, 1991 as "Wheel Chair Race of Champions Day".

This motion was seconded by Supervisor Bulova.

Supervisor McConnell asked that the motion be amended to include a request from the Optimist Club of Springfield proclaiming the week of November 10-16, 1991 as "Youth Appreciation Week," and this was accepted.

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

70. MEDICAL PROFESSION PARKING SPACE REQUIREMENTS
(TAPE 12)

With a notation concerning the ongoing discrimination regarding the parking space requirements for members of the medical profession who see patients one at a time, Supervisor Moore asked unanimous consent that the Board direct staff to once again review this parking requirement as contained in the present ordinance, and report back to the Board as expeditiously as possible on this matter. Without objection, it was so ordered.

71. ENABLING LEGISLATION TO ASSIST THE CLIFTON FOREST COMMUNITY WITH ITS WATER PROBLEMS
(TAPE 12)

Supervisor Moore asked unanimous consent that the Board refer to the Legislative Subcommittee the issue regarding the lack of water in the Clifton Forest Community, with emphasis to be placed on enabling legislation which would allow the Board to regulate water quantity as well as water quality. Without objection, it was so ordered.

72. REQUEST TO DESIGNATE FOX MILL ROAD AND WAPLES MILL ROAD AS "SCENIC BYWAYS"
(TAPE 12)

Supervisor Moore asked unanimous consent that the Board direct staff to investigate the eligibility of designating Fox Mill Road and Waples Mill Road for placement in the State of Virginia "Historic Highway and Scenic Byway" category. Without objection, it was so ordered.

73. AFFORDABLE DWELLING UNIT DESIGN AWARD
(TAPE 12)

At the request of the Affordable Dwelling Unit Advisory Board, Supervisor Moore asked unanimous consent that the Board direct staff to return with recommendations for design award criteria for affordable

units which comply with the County's Affordable Dwelling Unit Ordinance. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

74. APPOINTMENT TO THE MINORITY UPWARD MOBILITY AND
RETENTION IN FAIRFAX COUNTY GOVERNMENT CENTER
TASK FORCE (TAPE 12)

(APPT)

Supervisor Alexander moved the appointment of Ms. Mildred Corbin as the Lee District Representative to the Minority Upward Mobility and Retention in Fairfax County Government Center task force. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Davis being out of the room.

75. EXPEDITED AND SIMULTANEOUS PROCESSING OF THE
SPECIAL EXCEPTION AND SITE PLAN FOR THE
VETERANS OF FOREIGN WARS, SPRINGFIELD
POST NUMBER 7327 (TAPE 12)

Supervisor Alexander moved that the Board direct staff to expedite and simultaneously process the Special Exception Application and Site Plan for the Veterans of Foreign Wars (VFW), Springfield Post Number 7327, in Lee District. He added that the VFW has lost its lease in Brookfield Plaza and wishes to relocate in the Alban Industrial Center. The applicant understands that this neither provides him with a vested right in the plan approval or relieves him from the responsibility of any plan modifications as a result of the Board's review. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Davis being out of the room.

76. LETTER OF APPRECIATION TO THE CITY OF ALEXANDRIA
(TAPE 12)

With a notation that the staff from the Department of Transportation and Environmental Services of the City of Alexandria was very helpful in accomplishing several public improvements in preparation for the opening of the Van Dorn Metro Station, Supervisor Alexander moved that the Board approve the sending of a letter to the City of Alexandria expressing the Board's appreciation for the City's efficiency and professionalism in this successful undertaking. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Davis being out of the room.

77. ANTICIPATED COMPLETION OF THE HUNTINGTON METRORAIL PARKING STRUCTURE AND APPRECIATION TO THE VSE CORPORATION (TAPE 12)

Supervisor Alexander moved that, as the completion of the Huntington Metrorail Parking structure rapidly approaches, a letter be sent to publicly thank the VSE Corporation and its President, Mr. John Loomer for his cooperation in providing alternative parking near the station during construction. Without the temporary parking, which was located across Huntington Avenue from the Metrorail Station, it would not have been possible to conduct such a smooth transition into construction or construct the new facility as rapidly. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Davis being out of the room.

Supervisor Alexander noted that he and Supervisor Hyland are looking forward to the opening of the Huntington Parking structure on October 7, 1991.

78. ACTIONS BY THE VAN METRE COMPANY IN THE WINDSOR ESTATES SUBDIVISION (TAPE 12)

Supervisor Alexander stated that three years ago the Van Metre Company approached four homeowners on Windham Avenue in the Windsor Estates Subdivision of Lee District and offered to fill their backyards in with clean fill dirt. Since the homeowners have a deep drop behind their homes, they were delighted to get the area filled in. Unfortunately, the Van Metre Company did not get any permits and just started hauling truckloads of dirt in and dumping it in the backyards of 6494, 6496, 6500 and 6504 of Windham Avenue. After having filled in two-thirds of the property, someone called the County Enforcement Office and a violation notice was issued to the homeowners.

Supervisor Alexander noted that at this time his office and the victimized citizens began negotiating with Van Metre and County staff on how best to solve this unfortunate problem. After many meetings and correspondence, it was agreed that the contractor would do the rough grading plan, the soils study, and the drainage study required by the County, but unfortunately that took a very long time. The homeowners hired an attorney and filed a legal suit against Van Metre, who stopped all work on the necessary permits.

In an update of the situation three years later, Supervisor Alexander stated that:

- Van Metre has declared bankruptcy and is out of business;
- All studies with respect to this fill are complete. The County has a flood plain analysis and a soil and compaction study.

The results of the latter show that the fill is acceptable and stable. The flood plain analysis shows that there is virtually no impact on flood plain given the minuscule amount of fill in the flood plain and the size of the flood plain itself; and

- Moreover, and most significant, the plans on this flood plain call for the piping of the stream with the expected advent of the downstream development including, among other things, the Metro Station. Of course, when this area is piped, the flood plain "disappears" entirely and makes this entire issue moot.

For the above reasons, Supervisor Alexander moved that a Special Exception be accepted on the Board's Own Motion, and that the \$1800 fee be waived for these citizens who have suffered these last three years as a result of a now defunct developer. This will allow the rest of the area to be filled and graded properly and the backyards restored in order that the residents may finally use their property. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room.

79. WIDENING OF HAYFIELD ROAD TO FOUR LANES BETWEEN TELEGRAPH ROAD AND THE NEW MANCHESTER LAKES BOULEVARD (TAPE 12)

Supervisor Alexander stated that for some time he has been working with the Office of Transportation, the Virginia Department of Transportation (VDOT), and the developer of Kingstowne in an effort to widen Hayfield Road to four lanes between Telegraph Road and the new Manchester Lakes Boulevard. He added that Hayfield Road is presently a very dangerous road which bisects Kingstowne and will shortly connect that community with the Franconia-Springfield Parkway.

Supervisor Alexander noted that a proffer condition amendment is being brought forward by Kingstowne to move almost one million dollars in planning and contributions into the future construction of Hayfield Road to four lanes now. This four-laning will cost approximately \$1.2 million and the developer is willing to begin work upon approval of his road plans and the proffer condition amendment. Supervisor Alexander added that the County will be involved through acquisition of necessary off site easements to make this project work. The acquisition funding will come from the Lockheed-Van Dorn project which has been deleted from the plan. The County will also be providing some off site construction funding which will take the project through to Telegraph Road. The right-of-way for that construction was acquired in an earlier rezoning.

In order to get the widening of Hayfield Road moving, Supervisor Alexander moved that the Board direct staff to:

- Waive the fees at this time for the purposes of beginning the review of the plans. (These fees will be paid from the funds being transferred from the Lockheed-Van Dorn project once the final package is received.); and
- Accept the plans prepared by the Kingstowne developer, at considerable expense, for the widening of Hayfield Road to four lanes.

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

80. PERSONNEL SUBCOMMITTEE MEETING (TAPE 12)

Supervisor Alexander announced that a meeting of the Personnel Subcommittee is scheduled for September 25, 1991 at 9:30 a.m. in the Board Conference Room for discussions of the audit.

81. METRO BOARD APPROVAL OF THE AGREEMENT FOR THE FRANCONIA/SPRINGFIELD METRO STATION (TAPE 12)

Supervisor Alexander announced that the Metro Board has given its approval of the agreement for the Franconia/Springfield Metro Station and that the money for this project should now be forthcoming.

82. DEFERRAL OF KEENE MILL ROAD IMPROVEMENTS (TAPE 12)

With reference to the Keene Mill Road improvements, Supervisor Alexander stated that he has been diligently working with the contractor to get the bridges done in order that the Parkway can be opened. He added that he has also been working with the Virginia Department of Transportation (VDOT) and the County in an effort to get the Parkway finished by late December 1991.

Therefore, Supervisor Alexander moved that the Board direct staff to defer the Keene Mill Road improvements until the Parkway has been opened. He added that, in the meantime, studies are continuing with regard to the use of the median to create an extra lane on Keene Mill so that there is no impact on the residents in that area. This motion was seconded by Supervisor Pennino.

Following discussion, the question was called on the motion which CARRIED by a recorded vote of four, Supervisor Bulova and Chairman Moore voting "NAY," Supervisor Davis, Supervisor Hanley, and Supervisor Richards being out of the room.

83. DETERMINATION OF CRITERIA TO CONTROL CUT
THROUGH TRAFFIC ON WHERNSIDE STREET
(TAPE 12)

Supervisor Hyland moved that the Board direct staff to determine if the criteria established by the Virginia Department of Transportation (VDOT) concerning cut through traffic has been met on Whernside Street and expedite its report back to the Board. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Richards being out of the room.

84. FINANCIAL ELEMENT TO NEW COMPREHENSIVE PLAN
(TAPE 12)

Supervisor Hyland noted that the Fairfax County Federation of Citizens Associations has suggested that a financial element be added to the new Comprehensive Plan detailing the infrastructure costs, including transportation, schools, libraries, etcetera, which will be necessitated by the growth allowed by the new plan. The financial element should also include the County's projects on how it intends to fund these needs during the term of the plan. These costs and funding projections should be incorporated into the County's Capital Improvement Program.

Therefore, Supervisor Hyland moved that the Board direct staff to prepare a financial element to be added to the Comprehensive Plan and report back to the Board within 45 days with its funding and recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor Richards being out of the room.

85. FORMATION OF AD HOC COMMITTEE TO ADDRESS THE
PROTECTION OF FORESTED WETLANDS WHEN LOCATING
STORMWATER MANAGEMENT PONDS (TAPE 12)

(BACs)

Supervisor Hyland stated that it has come to his attention that Fairfax County can allow wetlands to be used as regional stormwater detention ponds due to the lack of an appropriate governing ordinance. He added that Governor Wilder has signed House Bill 1770 into law which now gives local jurisdictions the authority to operate stormwater management programs.

As a result of the County's significant loss of tree cover in the past, and because our wetlands are an irreplaceable, invaluable resource, Supervisor Hyland moved that the Board establish an Ad Hoc Committee consisting of membership from:

- The Fairfax Federation of Citizens Association;
- The National Association of Industrial and Office Parks;
- The League of Women Voters;
- The Chamber of Commerce; and
- One appointee from each Board Member.

Supervisor Hyland added that the goals of this committee will be to find ways to best protect and enhance the natural environment, to review House Bill 1770, and to return to the Board with its recommendations. This motion was seconded by Supervisor Bulova, and CARRIED by a recorded vote of six, Supervisor Richards voting "NAY," Supervisor Alexander and Supervisor Davis being out of the room.

86. CREATION OF FEE SCHEDULE FOR FREEDOM OF INFORMATION REQUESTS (TAPE 12)

Supervisor Hyland noted that on several occasions, the Board has been contacted concerning the reasonableness of fees associated with citizen requests for documents under the Freedom of Information Act. Since there are varying costs associated with the research and copying information, citizen requests are often withdrawn. Supervisor Hyland voiced his belief that it is essential to develop a system of charges that do not discourage citizen requests and that a uniform fee schedule to process these requests should be established and communicated to the citizenry.

Accordingly, Supervisor Hyland moved that the Board direct the staff of the Public Affairs Office to meet with representatives of the Fairfax County Federation of Citizens Associations, and any other interested citizens organizations who have expressed concern about this issue, to discuss the revision of the current County policy governing Freedom of Information requests and to return to the Board as expeditiously as possible with its recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

87. REINSTATEMENT OF THE MONTHLY CITIZEN COMMENT TIME (TAPE 12)

- (P) Supervisor Hyland stated that the citizen comment time before the Board of Supervisors was created to allow all citizens the opportunity to discuss items of importance to them and their communities. He noted that, with the Board's ever-increasing schedule, it has been extremely difficult to accommodate this segment of the meeting.

In order to foster the open form of government and increase citizens' confidence in their elected officials, Supervisor Hyland moved that the Board reinstate citizen comment time, to resume on a monthly basis in October 1991, in order to allow citizens more access to their representatives on a regular basis. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

88. LORTON COMMUTER RAIL STATION (TAPE 12)

Supervisor Hyland noted that he is not happy with a recent status report from Shiva Pant, Director of the Office of Transportation, which states that service is not expected to begin until the Spring or Summer of 1992 on the Virginia Railway Express Commuter Train. With a notation of his unhappiness in receiving this news, Supervisor Hyland recalled that service was originally scheduled to begin next month.

Supervisor Hyland added that the Lorton site was to have been completed by June of 1991, and now, according to the report, the Lorton Station is not scheduled to be completed until September.

Therefore, Supervisor Hyland moved that the Board direct staff to:

- Re-review the schedule for opening the commuter rail stations; and
- Find ways to expeditiously renegotiate the contracts so that the Virginia Railway Express Stations throughout Fairfax County may be opened on time.

This motion was seconded by Supervisor Bulova.

Supervisor Bulova asked that the motion be amended to include the station on Backlick Road and the one near Burke Centre Parkway, and this was accepted.

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

89. REVIEW OF THE WASTE REDUCTION PROGRAM OF SEATTLE, WASHINGTON (TAPE 12)

Supervisor Hyland stated that on May 6, 1991, the Citizens Advisory Committee (CAC) on Solid Waste Matters presented its annual report in which it recommended to the Board a recycling goal of 45 percent by 1995. At that time, Supervisor Hyland stated his support of that lofty goal and further requested that even higher goals be developed through the 20 year master plan for waste reduction. Supervisor Hyland emphasized that, for him, that is just another step along the way of reducing Fairfax County's waste stream by 65 percent by the end of the 20 year plan (by the year 2010).

Supervisor Hyland called the Board's attention to an article from Garbage Magazine and summarized the unique aspects of Seattle, Washington's methods which have been implemented to reduce that city's waste as follows:

- Zoo Doo - composts 540 tons of animal waste and landscape clippings into 1,000 cubic yards of "designer" compost and is sold to the public;
- Variable Rate Structure - charge according to weight, the more weight the more expense. In order to provide this individualized service, the garbage trucks are being equipped with scales and lasers (which will scan the customer number) and then send the customer a monthly bill; and
- Master Composter Program - includes a demonstration site that shows a number of composting methods and technologies. They train volunteers to become Master Composters; provide literature on various ways to compost; supply a compost hotline to answer the public's questions; and provide free compost bins.

Reiterating his belief that there are many ways for Fairfax County to improve its recycling programs, Supervisor Hyland moved that the Board direct staff to:

- Investigate all the programs that Seattle is undertaking in ways of waste reduction; and
- Report back to the Board with its comments and recommendations no later than October 14, 1991 for the Board's Environmental Subcommittee Meeting.

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

90. CONCURRENT PROCESSING FOR THE SITE PLAN
REVIEW AND SPECIAL PERMIT APPLICATION
SPA 86-V-052-1 (CAPITAL KIDS,
INCORPORATED) (TAPE 12)

Supervisor Hyland stated that Capital Kids, Incorporated is planning to open a school of general education and a child care center at Saint James Episcopal Church to serve the Mount Vernon area. This proposed day care facility will provide daily care for 40 children ages two and one-half to five years.

As this will require a special use permit, Supervisor Hyland moved that the Board direct staff to concurrently process both the Site Plan review and Special Permit Application SPA 86-V-052-1 for Capital Kids, Incorporated. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

91. REQUEST TO WAIVE FEES FOR SMALL HOME PROJECT
(TAPE 12)

Supervisor Hyland called the Board's attention to a request from Mr. LaBell and Ms. Dalton concerning their need for a variance and two special permits to repair a garage/workshop and carport. Supervisor Hyland noted that these repairs had previously been permitted by right, but now require additional permits and a variance.

Supervisor Hyland stated that the problem is not the fact that the fees are required, but, rather, the amount of the fees. He added that, according to the homeowners, the entire cost of making the improvements will come in under \$3,000, while the cost of the fees equals \$1,000.

Accordingly, Supervisor Hyland moved that the Board direct staff to waive all fees concerning the variance and special permit applications required for this repair and renovation to upgrade an already existing structure. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

92. HISTORIC HIGHWAY DESIGNATION REQUESTED FOR
ROUTE ONE (TAPE 12)

Supervisor Hyland stated that both he and Supervisor Alexander are pleased to present for the Board's consideration a request by the Southeast Fairfax Development Corporation (SFDC) to designate Route One as an "Historic Highway". He pointed out that Route One is one of the earliest roadways in Northern Virginia. It is the threshold to some of

Fairfax County's most significant historic treasures - Mount Vernon, Gunston Hall, Woodlawn Plantation and Pohick Church - to name a few, and it provides a gateway to the City of Alexandria and our nation's capitol.

Supervisor Hyland noted that the SFDC has asked the Chairman of the Fairfax County History Commission to make this designation to call attention to the revitalization/redevelopment work occurring, and in recognition of the effective governmental and citizen cooperation which this work signifies. The SFDC specifies that this historic designation does not affect zoning, planning, development, or taxes and neither is it to be construed as a request for financial support.

Therefore, Supervisor Hyland moved that the Board of Supervisors formally communicate its support to the History Commission for the designation of Route One as an "Historic Highway". This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

93. REQUEST THAT A SPECIAL EXCEPTION AMENDMENT
BE GRANTED TO THE AMERICAN HORTICULTURAL
SOCIETY (TAPE 12)

Supervisor Hyland asked unanimous consent that the Board direct staff to grant a Special Exception Amendment, within the requirements of Fairfax County, in order to allow the Campagna Center to participate in a fund raising event by the use of a decorator's showcase in the American Horticulture Society Building in May of 1992. Without objection, it was so ordered.

VLL:VLL

94. AUTHORIZATION TO RELEASE SAINT JOHN'S
CATHOLIC CHURCH FROM OBLIGATION TO
CONSTRUCT IMPROVEMENTS ALONG CARLIN
LANE (DRANESVILLE DISTRICT) (TAPE 13)

Supervisor Richards briefed Board Members that the County has undertaken an improvement project in Dranesville District to enable Carlin Lane to be accepted into the State Secondary System for maintenance. One of the property owners along Carlin Lane is Saint John's Catholic Church from which the County needs a street dedication and various easements. There are several property owners in that location from which the County also needs dedications and/or easements; however, at least two of those owners will not convey the requisite property interests unless and until Saint John's conveys its interests. All other property owners have granted the necessary interests; however, without the cooperation of the church, the project cannot proceed.

Supervisor Richards stated that Saint John's has agreed to convey the necessary property interests if certain conditions can be met by the County, and accordingly, she moved that the Board authorize:

- The release of Saint John's Catholic Church, located in Dranesville District and known as Tax Map Number 31-3 ((1)) 26 and 27, from any obligation it has to construct improvements along Carlin Lane which arose in connection with Site Plan Number SP#721 involving the building of a convent at the site of the Church; and
- The release of Saint John's Catholic Church from any other claim the County may have for any other church contributions which are related to the currently-planned improvements to Carlin Lane.

The releases include any claim(s) for either the funds to construct improvements along Carlin Lane or the construction of the improvements themselves. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

Supervisor Richards stated that, in exchange for those releases, the County will be receiving the necessary property interests from the Church to construct the road.

95. WAIVER OF FILING FEES REQUESTED FOR SPECIAL PERMIT AND VARIANCE APPLICATIONS FOR HILLS NURSERY (DRANESVILLE DISTRICT) (TAPE 13)

Supervisor Richards stated that Hills Nursery has pending Rezoning and Special Exception Applications to rezone property from the R-1 District to the Rural Agricultural District. In the review of these applications, staff determined that Special Permit and Variance Application must also be approved to allow this use to continue "as is." Given the fact that most of the staff review has taken place under the Rezoning and Special Exception Applications, she stated that it would not seem fair to now require the applicant to pay the full fees for the Special Permit and Variance Applications.

Accordingly, Supervisor Richards moved that the Board waive the filing fees for the Special Permit and Variance Applications. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

96. REQUEST FOR ADDITIONAL INFORMATION REGARDING
COST TO UTILIZE ALKALINE PAPER (TAPE 13)

Supervisor Richards stated that in April 1991, staff provided to Board Members an update on the implementation of the State Resolution on the use of alkaline paper for the preservation of permanent public records. In July 1991, the Commonwealth of Virginia issued implementation guidelines for the use of alkaline paper by state and local agencies.

Supervisor Richards called to the Board's attention that the County Archivist is commencing a survey to determine which County documents must be on alkaline paper. In response to questions raised by a constituent, Mr. Robert Frazee, Supervisor Richards asked unanimous consent that the Board direct staff to report on the following:

- If there is only a small price differential, whether the County could use alkaline paper for all documents; and
- What would be the cost for ordering, stocking, and keeping track of using two kinds of paper.

In addition, Supervisor Richards requested that the Board direct staff to provide Board Members with an update on the County's plans for use of alkaline paper.

Without objection, it was so ordered.

97. LETTER SUPPORTING FUNDING FOR CARDIOPULMONARY
RESUSCITATION (CPR) PROGRAMS (TAPE 13)

Supervisor Richards distributed to Board Members a letter of support of funding for Cardiopulmonary Resuscitation (CPR) programs and training for citizens. The concern expressed by the writer, regarding the need for training necessary to save lives, is a sentiment echoed by others throughout the County "...that CPR training is not a frill; it is a necessity."

Supervisor Richards asked unanimous consent that the Board refer the letter to Acting County Executive Richard A. King for his review and response. Without objection, it was so ordered.

98. MODIFICATIONS TO ADOPTED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING
ORDINANCE), REGARDING LOCATION REGULATIONS
FOR FENCES AND WALLS ON CORNER LOTS (TAPE 13)

Supervisor Richards stated that at the Board of Supervisors' meeting held on July 22, 1991, action was taken to adopt an amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to amend

Article 10, Section 10-104, Location Regulations, to permit an eight foot fence or wall under certain conditions in the front yard of a residential corner lot that abuts a major thoroughfare. The amendment, Z0-91-208, became effective on July 23, 1991, at 12:01 a.m.

Supervisor Richards called to the Board's attention that Paragraph 3B (2) of Section 10-104 allows for a fence of this height provided, "...the lot is not contiguous to a lot which has its only driveway entrance from the major thoroughfare." She briefed Board Members on a situation in Dranesville District where the contiguous lot is undeveloped (no driveway entrance from the major thoroughfare) and the owners purchased the new home with an existing eight foot fence along the major thoroughfare.

In the interest of all homeowners who reside next to undeveloped lots and meet the narrow conditions of the amendment, Supervisor Richards asked unanimous consent that the Board direct staff to revise and report with proposed language to allow fences in the same instances and conditions of Zoning Ordinance Amendment Z0-91-208, up until the time that contiguous lot is developed. Without objection, it was so ordered.

99. REVISIONS TO COUNTY'S "EVICITION POLICY"
(TAPE 13)

Supervisor Pennino briefed Board Members on the background of the County's existing "Eviction Policy." She stated that the policy was established after a family was evicted, their belongings placed in the public right-of-way, and subsequent vandalism and pilfering occurred. The existing policy states that evicted persons are to be notified in advance and their belongings are to be stored.

Supervisor Pennino stated that she had received a memorandum dated August 23, 1991 from Suzanne Manzo, Director, Department of Human Development (DHD), which indicates that staff has been instructed to meet with the Fairfax County Sheriff's Office to develop a statement that will clarify the types of services that DHD is able to provide. The proposed statement will be reviewed for subsequent inclusion on the writs.

Supervisor Pennino asked unanimous consent that the Board direct staff, following its meeting with the Sheriff's Office, to report with the recommended language for the Board's consideration for revisions to its existing eviction policy. Without objection, it was so ordered.

100. AUTHORIZATION FOR FAIRFAX COUNTY HUMAN RIGHTS
COMMISSION TO EMPLOY OUTSIDE LEGAL COUNSEL
TO PURSUE DISCRIMINATION CASES (TAPE 13)

(Verbatim)

(BACs)

Supervisor Pennino stated that the Fairfax County Human Rights Commission has requested the authority to employ outside legal counsel to pursue respondents in court. She urged Board Members to approve the request for use of counsel, fully trained and qualified, in civil rights law. Routine legal needs of the Commission are very well handled by the County Attorney's current staff; however, the Commission would be more effective in its efforts if the Commission were given the right to use specialized legal counsel.

Supervisor Pennino asked unanimous consent that the Board request Acting County Executive Richard A. King to permit the Human Rights Commission to use outside legal counsel, both to advise the Board of Supervisors on the merits of the discrimination cases, and to prosecute cases on behalf of the Human Rights Commission in the future. This motion was seconded by Supervisor Hyland.

Following discussion, Chairman Moore relinquished the Chair to Acting-Chairman Alexander and asked that the request be amended to refer the request to staff for its review and recommendation for an adopted County policy on employing outside legal counsel.

This amendment was not accepted by Supervisor Pennino. She explained that the Human Rights Commission deals with delicate issues and requires highly-qualified trained counsel in the area of civil rights. Further, she stated that the County is on the verge of a number of suits and that the best interest of the County will be protected, as well as the individuals' rights, if specialized legal counsel is permitted.

Supervisor Moore amended her request that the Board defer its consideration of this matter until September 23, 1991. She asked that the County Attorney's Office, as well as the Human Rights Commission, report to the Board for additional discussion, and this was accepted.

Supervisor Bulova asked that the request be further amended to refer the issue to the Board's Personnel Subcommittee for further discussion in a more informal, relaxed atmosphere. The meeting will include discussion from Board Members and staff from the County Attorney's Office, and this was accepted.

Supervisor Moore asked that the request be amended to include participation by the Chairpersons of the Human Rights Commission and the Civil Service Commission, and this was accepted.

Supervisor Bulova asked that the request be amended to include participation by the Fairfax County Park Authority staff, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Moore.

Without objection, the amended request was so ordered.

101. REVISIONS TO POLICY CONCERNING CONCERTS IN
COUNTY PARKS (TAPE 13)

- (P) Supervisor Pennino called to the Board's attention a recent newspaper article that misquoted her remarks on the "Lollapalooza Concert Festival" held at Lake Fairfax Park. The erroneous article resulted in individuals forwarding signed petitions to her office in objection to her remarks. For the record, she clarified that the concert was not produced by the Fairfax County Park Authority but only held on property owned by the Park Authority. She briefed Board Members that the concert had been attended by approximately 25,000 young people and that her office had received numerous complaints regarding the amount of noise, traffic congestion in the adjacent area, rowdiness, littering, alcohol consumption, and vile language by the "concert attendees" that filtered into adjacent residential areas.

Supervisor Pennino reported that following this occurrence, she had made a statement that "concerts of this type should not continue to be held in Fairfax County." She stated that the article misquoted her as being opposed to all sorts of events, band concerts, and music in the parks which is a terrible misconception. For the record, Supervisor Pennino stated that her position is that concerts and activities should be suitable for the communities and the parks in which the events are held.

Supervisor Pennino called to the Board's attention the recent memorandum distributed by the Park Authority regarding the County's current policy on events where music may be a main attraction of the event. Consideration and approval is given by the Park Authority Board based on the anticipated attendance, available parking, crowd capacity for the park, the potential that the event will have an adverse impact on the park's neighbors, and the event's publicity.

Supervisor Pennino asked unanimous consent that the Board amend the policy to include:

- "Coordinated with the County Executive and the Supervisor in whose district the concert is to be held."

Without objection, it was so ordered.

There were additional remarks made by Board Members concerning the newspaper article.

PMH:PMH

102. WATER QUALITY/I-66 LANDFILL (TAPE 14)

Supervisor McConnell stated that she has written a letter to Andrew Bailey, Resident Engineer, Virginia Department of Transportation (VDOT) requesting that his immediate attention be given to runoff from the salt storage at Camp 30. She said that the State is aware of this problem and that State funds have been authorized but not delegated.

Supervisor McConnell moved that the Board direct staff to prepare a letter, under the Chairman's signature, to be sent to VDOT urging them to act on this matter quickly before the ground water is contaminated and the citizens of Fairfax County have to pay for the clean-up. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Davis being out of the room.

103. DAM SITE 10 (TAPE 14)

Supervisor McConnell stated that for months she has been working with staff in gathering information regarding Dam Site 10. She said that many of the citizens in the Springfield District are strongly opposed to this project because of the negative impact it has on their communities as well as the cost to the Fairfax County taxpayers. She noted that a few of the effects are:

- No parking available;
- Destruction of 80 plus acres of hardwood forest;
- Destruction of 13 acres of wetlands;
- The cost for maintenance and dredging is \$75,000 - \$150,000 per year; and
- Construction costs to the County to build the dam will be between \$600,000 - \$700,000.

Supervisor McConnell moved that the Board close the Pohick Creek Watershed Project Dam Site 10 - PL566. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Davis being out of the room.

104. VACATION OF BLUEPOST ROAD IN GATEPOST ESTATES, SECTION THREE (TAPE 14)

Supervisor McConnell stated that the residents of Gatepost Estates, Section Three, have brought to her attention the unresolved issue regarding the vacation of Bluepost Road which was closed to prevent

cut-through traffic through this community from Compton Road to Lee Highway (Route 29). She explained that it seems this problem has remained unresolved due partly to the County's inability to decide on its legal disposition.

Supervisor McConnell said that her staff has met with the developer and County staff who have apprised her that despite the numerous previous meetings on the subject, the vacation of the dedicated right-of-way has not occurred which has prevented the developer from seeking bond release despite a 98 percent completion of this section.

Supervisor McConnell said that the right-of-way has been dedicated along the frontage of Compton road and must be either vacated or abandoned. She said that the preferred manner to correct this matter is through an abandonment of the dedicated right-of-way in which the homeowners association assumes title which stipulates that future public right-of-way be dedicated to Fairfax County or the Virginia Department of Transportation (VDOT) at no cost.

Supervisor McConnell asked unanimous consent that the Board direct staff to report with a Consideration Item regarding the following issues:

- The expeditious scheduling of a public hearing whether for vacation or abandonment; and
- Authorization for staff to proceed with the administrative process of bond release pending acceptance of the vacation of Bluepost Road.

Without objection, it was so ordered.

105. BOARD ENDORSEMENT OF STAFF'S TESTIMONY REGARDING
THE TANK FARM (TAPE 14)

Supervisor Hanley distributed to Board Members a copy of testimony that she and James V. McGettrick, Assistant County Attorney, presented regarding the "Tank Farm." She said that the issue regarding the tank farm came up so quickly during the Board's hiatus, the Board was not able to endorse Mr. McGettrick's testimony. She commended Mr. McGettrick on his excellent work regarding this issue.

Supervisor Hanley stated that there is a need for strict regulation of the tank farms. Supervisor Hanley moved that the Board endorse Mr. McGettrick's testimony so that it can become the Board's position as well as the County staff's position.

Following discussion, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the motion be amended to include directing staff to monitor the actions of the State Water Control Board regarding this issue with periodic reports on the situation and this was accepted.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

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

106. REMOVAL OF THE NATIONAL MEMORIAL PARK FROM THE COUNTY LEAF COLLECTION DISTRICT (TAPE 14)

Supervisor Hanley stated that she had received a letter from the representatives of the National Memorial Park requesting removal from the County Leaf Collection District. Therefore, Supervisor Hanley moved that the Board refer this issue to staff for recommendation to begin the process of possible withdrawal from the Leaf Collection District. This motion was seconded by Supervisor Richards and carried by a vote of seven, Supervisor Bulova and Supervisor Davis being out of the room.

107. ONE COPY OF THE VOLUNTEER FIRE FIGHTER UTILIZATION REPORT PER BOARD MEMBER (TAPE 14)

Supervisor Hanley stated that she had received the July Volunteer Fire Fighter Utilization Report. She explained that it always has a cover memorandum to the Acting County Executive from the Fire Services indicating that attached are 10 copies of the Report and then all 10 copies are sent to the Board. She said that the copies should be broken down and only one copy sent to each Board Member.

108. TENANT LANDLORD COMMISSION RECOMMENDATIONS REFERRED TO THE LEGISLATIVE SUBCOMMITTEE (TAPE 14)

Supervisor Hanley asked unanimous consent that the Board refer a letter from the Tenant Landlord Commission regarding its recommendations to the Legislative Subcommittee for consideration. Without objection, it was so ordered.

109. ADVERTISEMENT OF THE DRAFT PARK AUTHORITY AGREEMENT AND ORDINANCE (TAPE 14)

Supervisor Hanley circulated to Board Members a draft of the Park Authority Agreement. Supervisor Hanley moved that the Board direct staff at the next meeting to advertise the Agreement and the Ordinance to be extended for 30 years. This motion was seconded jointly by Supervisor Hyland and Supervisor Pennino and carried by a vote of eight, Supervisor Davis being out of the room.

110. ENDORSEMENT OF THE CULLEN REPORT (TAPE 14)

Supervisor Hanley stated that the Board had received the Fairfax County response to the draft document prepared by the Council on Community Services for Youth and Families known as the Cullen Report. She explained that the Human Services Council is requesting direction on this issue.

Therefore, Supervisor Hanley moved that the Board endorse the Report and request the Human Services Council "to send it off" and respond. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Davis being out of the room.

111. STAFF RESPONSE REGARDING THE BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA) CODE (TAPE 14)

Supervisor Hanley stated that she had received a letter regarding the Building Officials and Code Administrators (BOCA) Code from Lynn Hanson, Hazel, Peterson Company. She said that Ms. Hanson indicates that there will be officials discussing the BOCA Code at meetings in Chicago. Supervisor Hanley added that Ms. Hanson has some concerns regarding the effect of the BOCA Code on apartment owners and builders.

Supervisor Hanley asked unanimous consent that the Board refer this issue to staff for their comments. Without objection, it was so ordered.

112. STAFF RESPONSE REGARDING THE HOUSING TRUST FUND (TAPE 14)

Supervisor Hanley stated that she had received a letter from A-Home indicating that proceeding with the Housing Trust Fund is "hung-up" in the County Attorney's Office. Supervisor Hanley asked unanimous consent that the Board direct staff to expeditiously clarify its issues.

Supervisor Hyland asked that the request be amended to direct staff to respond at the Board of Supervisors meeting scheduled for September 23, 1991, and this was accepted.

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

113. QUILLEN PROTECTION (TAPE 14)

Supervisor Hanley reminded the Board that it had received a memorandum from George A. Symanski, Jr., Deputy County Attorney, regarding the Quillen Protection and she commended the report to the Board.

Supervisor Hanley asked unanimous consent that the Board direct staff to respond as to why the memorandum was sent out as attorney-client privileged information. Without objection, it was so ordered.

114. CONDOLENCES TO THE FAMILY OF BRUCE RICHARDS
(TAPE 14)

Supervisor Bulova announced that a week ago Fairfax County lost someone very special in the Braddock District, Mr. Bruce Richards. He was a Burke resident for almost 20 years and he contributed a great deal to making Fairfax County a better place for all.

Supervisor Bulova stated that in addition to serving as chairman of the Governor's Committee on Juvenile Delinquency and past president of the Virginia Association of Child Placing Agencies, Bruce also was an officer of the Fairfax County Libraries Board of Trustees.

Supervisor Bulova announced that there was a memorial service on Saturday, September 14, 1991 at 2:00 p.m. on Cobb Island. In lieu of flowers, the family is asking that donations be made to the American Heart Association. Supervisor Bulova asked unanimous consent that the Board direct staff to prepare a letter, under the Chairman's signature, to be sent to Mr. Richards' family extending the Board's condolences. Without objection, it was so ordered.

115. BOARD DATE FOR THE SALVATION ARMY - SPECIAL
EXCEPTION APPLICATION SE 91-B-014 (TAPE 14)

Supervisor Bulova stated that the Salvation Army provides a number of worthwhile services, one of which is child care.

Supervisor Bulova said that the Salvation Army needs a Special Exception and an Amendment to their Special Permit Use to add a 3000 square foot addition to their child care facility. The Special Exception Application will be heard by the Planning Commission on September 26, 1991 and the Board of Zoning Appeals (BZA) will hear the Special Permit Amendment Application on October 29, 1991. As all outstanding issues are minor and are being addressed, Supervisor Bulova moved that the Board schedule the public hearing for Special Exception Application SE 91-B-014 on October 28, 1991 at 5:00 p.m. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Davis being out of the room.

116. WAIVER TO CONSTRUCT TRAVEL LANE - DEMAINE FUNERAL
CHAPEL (TAPE 14)

Supervisor Bulova stated that on December 10, 1991, the Board approved Special Exception Application SE 87-A-094 to allow expansion of the Demaine Funeral Chapel. At that time, construction of a travel lane was not addressed. She noted that Demaine is located on Backlick Road adjacent to Woodland Drive and abuts the Springfield Academy. One intent of the zoning action was to ensure visual compatibility with the

residential character of the neighborhood. She said that additional landscaping was required to screen the new parking lot and no funeral processions were to proceed directly from Backlick Road. Therefore, Supervisor Bulova moved waiver of the construction of a travel lane at this location. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Davis being out of the room.

117. EXPEDITIOUS PROCESSING OF SITE PLAN WAIVER
NUMBER 011788 (TAPE 14)

On behalf of Supervisor Davis, Supervisor Bulova stated that the Annandale Central Business District Planning Committee, Incorporated has requested the Board's approval to expedite Site Plan Waiver Number 011788 at 4230 Annandale Road, formerly a Texaco service station, scheduled to be a restaurant called the Spaghetti Shop. She explained that the waiver is necessary to satisfy the setback requirement from an alley at the site.

Therefore, Supervisor Bulova moved that the Board direct staff to expedite Site Plan Waiver Number 011788. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor Davis being out of the room.

118. SPECIAL EXCEPTION AMENDMENT APPLICATION NEEDED
FOR "OPEN ARMS" (TAPE 14)

On behalf of Supervisor Davis, Supervisor Richards stated that the Open Arms, a small non-profit agency which manages Lincolnia Community Center located in Strawbridge Square is in need of assistance. She said that the Center is located in a low-moderate income housing development where affordable childcare needs to be expanded. A Special Exception Application was granted in 1987 to run a pre-school program. Now flexibility is needed to run a pre-school, after-kindergarten, after-school or full-day care because of the changes in community needs. She said that the Center needs an amendment to the Special Exception Application to allow for this. Since Open Arms is a small non-profit agency, Supervisor Richards moved that the Board refer this issue to staff for a recommendation on the amendment and the possibility of waiving the fee. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Davis being out of the room.

119. STAFF TO SEEK INPUT OF LANDOWNERS IN ORDER TO
ACHIEVE MOST FAVORABLE DESIGN ON OASIS DRIVE
AND BEAUREGARD STREET (TAPE 14)

On behalf of Supervisor Davis, Supervisor Richards stated that the Route 236/Beauregard intersection improvement project is currently in the design phase. She said that there is a great need for improvements on Route 236 and Beauregard north of Route 236 to move the heavy traffic

flow. She added that the problem is not intense on the south side of this intersection. Property owners on the south side were not included in the planning and design of the proposed changes.

Therefore, Supervisor Richards asked unanimous consent that the Board direct staff to seek the input of the landowners in order to achieve the most favorable design on Oasis Drive and Beauregard Street south of the intersection with minimum impact on the properties. Without objection, it was so ordered.

120. LIMITATIONS ON THE OCCUPANCY OF A DWELLING UNIT (TAPE 14)

On behalf of Supervisor Davis, Supervisor Richards stated that the provision of the Zoning Ordinance in Section 2-502, Paragraph One permits a family to share a dwelling unit with two boarders. A family consisting of a single parent with two children could share their home with a married couple or two unrelated individuals or another single parent with one child. This same family could not share their home with another single parent who has two children. This interpretation precludes those in most critical need of affordable housing, single parents.

Supervisor Richards said that Paragraph Two allows a group of up to four not necessarily related persons to occupy a dwelling unit. It would not allow two single parents with two children each to occupy the unit.

Supervisor Richards noted that the Virginia Beach Ordinance reads: "A group of not more than two adults, who need not be related by blood or marriage, and the dependent children of each of the two adults, provided that the children are under 19 years of age or are physically or developmentally disabled".

Therefore, Supervisor Richards moved that the Board direct staff to report with an amendment to the Zoning Ordinance which would accommodate the situation of two single parents and dependent children. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Davis, Supervisor Hanley, and Supervisor Pennino being out of the room.

121. BOARD ADJOURNMENT (TAPE 14)

At 9:20 p.m., the Board adjourned.