



# CLERK'S BOARD SUMMARY

## REPORT OF ACTIONS

### OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

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

**MONDAY  
OCTOBER 14, 1991**

**Board Package**

**31-91**

AR:AR

The meeting was called to order at 10:15 a.m. with all members being present, and with Chairman Moore presiding.

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

2. SUPERVISOR JOSEPH ALEXANDER HONORED WITH THE  
AMERICAN PUBLIC TRANSIT ASSOCIATION (APTA)  
DISTINGUISHED SERVICE AWARD (TAPE 1)

Chairman Moore announced that Lee District Supervisor Joseph Alexander has been honored with the American Public Transit Association (APTA) Distinguished Service Award. This award is presented annually by APTA, an international organization representing the transit industry, to a transit policy maker, state or local elected official or citizen who has made an outstanding contribution to public transit through state or local policy or legislative initiatives or leadership.

3. RECOGNITION OF MR. JOSEPH BERTONI FOR HIS RECENT  
ELECTION AS PRESIDENT OF THE BUILDING OFFICIALS  
AND CODE ADMINISTRATORS (BOCA) INTERNATIONAL  
(TAPE 1)

Supervisor Pennino announced that Mr. Joseph Bertoni, Chief of the Building Inspections Branch, Inspection Services Division, Department of Environmental Management (DEM), has been elected as the President of the Building Officials and Code Administrators (BOCA) International. She asked unanimous consent that the Board direct staff to invite Mr. Bertoni to appear before the Board to receive recognition for this distinguished honor. Without objection, it was so ordered.

4. CERTIFICATES OF APPRECIATION PRESENTED TO  
MS. FLORENCE ROWLAND, MS. MARGARET R.  
HOUCHINS, MR. JAMES BOWMAN, AND  
MS. VIVIAN SIMS (TAPE 1)

Supervisor Pennino moved approval of the presentation of the Certificates of Appreciation presented to the following individuals for 30 years of service to the government and citizens of Fairfax County:

- Ms. Florence Rowland;
- Ms. Margaret R. Houchins;
- Mr. James Bowman; and
- Ms. Vivian Sims.

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

5. PROCLAMATION DESIGNATING "EARLY-CHILDHOOD  
AND DAY-CARE PROVIDERS AND PROFESSIONALS  
DAY" (TAPE 1)

The entire Board unanimously approved presentation of the Proclamation designating October 22, 1991 as "EARLY-CHILDHOOD AND DAY-CARE PROVIDERS AND PROFESSIONALS DAY," presented to Ms. Philis Benner, Vice-President, Northern Virginia Association of Education for Young Children, and Ms. Betty Cassidy, President, Northern Virginia Family Day Care Association.

In addition, the following awards were presented to two child care providers who have received special recognition for excellence in providing child care for children with special needs:

- Mrs. Karen Solon, Providence District.  
(Presented by Supervisor Hanley); and
- Mrs. Celestine Sparrow, Springfield District.  
(Presented by Supervisor McConnell)

6. 1991 VIRGINIA MUNICIPAL LEAGUE ACHIEVEMENT  
AWARDS (TAPE 1)

On behalf of the entire Board, Chairman Moore presented the 1991 Virginia Municipal League Achievement Awards to:

- The Fairfax County Health Department for its Adopt-A-Stream Program, which was accepted by Mr. Dennis Hill; and
- The Office of Finance and the Office of Assessments for the Revenue Enhancement Pilot Program and Program TARGET, which was accepted by Ms. Elizabeth Cole, Mr. Wayne Boles, Mr. Randy Bruce, and Mr. Bob Breads.

7. RECOGNITION OF SUPERVISOR KATHERINE HANLEY UPON HER ELECTION AS A MEMBER AT-LARGE TO THE EXECUTIVE BOARD OF THE VIRGINIA MUNICIPAL LEAGUE (VML)  
(TAPE 1)

Supervisor Pennino announced that Providence District Supervisor Katherine Hanley has been elected as a Member At-Large to the Executive Board of the Virginia Municipal League (VML).

8. RECOGNITION OF MR. LEON C. GAMBLE UPON HIS RETIREMENT FROM THE HUMAN RIGHTS COMMISSION  
(TAPE 1)

Supervisor Richards asked unanimous consent that the Board direct staff to add Mr. Leon C. Gamble to the list of those retiring members of the Human Rights Commission scheduled to be recognized at the next Board Meeting on October 28, 1991. Without objection, it was so ordered.

9. ADMINISTRATIVE ITEMS (TAPE 1)

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Alexander.

Supervisor Hanley called the Board's attention to Administrative Item Four and asked that the motion be amended to consider this item separately, and this was accepted.

Supervisor Bulova called the Board's attention to Administrative Item Six and noted that her original request was for staff to consider the prohibition of through truck traffic on two parts of Olley Lane. She noted that the part of Olley Lane included in this authorization to advertise is only from Route 236 to Braddock Road. Therefore, Supervisor Bulova moved to amend the motion to approve Administrative Item Six to include direction to staff to include that portion of Olley Lane running between Guinea Road and Lake Braddock Drive in the advertisement on the proposed prohibition of through truck traffic on Olley Lane (Route 787). This motion to amend was seconded by Supervisor Alexander and carried by unanimous vote.

The question was then called on the motion to approve all Administrative Items, as amended, with the notation of the withdrawal of Administrative Item Four in order that it may be considered separately.

ADMIN 1 - APPROVAL OF WATER MAIN EXTENSION, DIXIE HILLS - LEGATO ACRES (SULLY DISTRICT)

Approved the request for extension of a 12-inch water main approximately 3,100 feet; an eight-inch water main approximately 2,040 feet; a six-inch water main approximately 2,600 feet; a four-inch water main approximately 1,325 feet; and 10 fire hydrants in the Dixie Hills and Legato Acres subdivisions. The proposed mains will be installed in the various road rights-of-way by the developer of the Price Club property, and will provide adequate water supply for domestic use and fire protection pursuant to Fairfax County ordinances.

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

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated October 14, 1991 be recommended for acceptance into the State Secondary System.

ADMIN 3 - RENAMING FLATBED COURT IN CLARKS CROSSING SUBDIVISION (CENTREVILLE DISTRICT)

Approved the street name change from Flatbed Court in the Official Street Names and Property Numbering Atlas, to Woodland Glen Court, from its intersection with Batten Hollow Road to the end of the cul-de-sac of Flatbed Court, in the Clarks Crossing subdivision on Tax Map Reference 028-1-09. The name change will be effective 30 days following Board approval in accordance with Section 102-1-9 of the Code of the County of Fairfax, Virginia.

ADMIN 4 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 89-D-042, GOODRIDGE DRIVE ASSOCIATES LIMITED PARTNERSHIP (PROVIDENCE DISTRICT - FORMERLY DRANESVILLE DISTRICT)

(NOTE: Supervisor Hanley called the Board's attention to Administrative Item Four and asked that this item be considered separately. See Clerk's Summary Item CL#10.)

(NOTE: Later in the meeting during Board Matters, action was taken to approve three years additional time to commence construction for Special Exception Application SE 89-D-042. See Clerk's Summary Item CL#87.)

ADMIN 5 - ADDITIONAL TIME TO COMMENCE  
CONSTRUCTION FOR SPECIAL EXCEPTION  
APPLICATION SE 89-S-031, WESTFIELD  
CORPORATE CENTER ASSOCIATES LIMITED  
PARTNERSHIP (SULLY DISTRICT -  
FORMERLY SPRINGFIELD DISTRICT)

- (ET) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 89-S-031 until July 22, 1993 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PROPOSED  
PROHIBITION OF THROUGH TRUCK TRAFFIC ON OLLEY  
LANE (ROUTE 787) (BRADDOCK DISTRICT)

- (A) Supervisor Bulova called the Board's attention to Administrative Item Six and noted that her original request was for staff to consider the prohibition of through truck traffic on two parts of Olley Lane. She noted that the part of Olley Lane included in this authorization to advertise is only from Route 236 to Braddock Road. Therefore, Supervisor Bulova moved to amend the motion to approve Administrative Item Six to include direction to staff to \*include that portion of Olley Lane running between Guinea Road and Lake Braddock Drive\* in the advertisement on the proposed prohibition of through truck traffic on Olley Lane (Route 787). This motion to amend was seconded by Supervisor Alexander and carried by unanimous vote.

Authorized the advertisement of a public hearing to be held before the Board of Supervisors on November 18, 1991 at 3:30 p.m. on the proposed prohibition of through truck traffic on Olley Lane (Route 787) between Little River Turnpike (Route 236) and Braddock Road (Route 620), to \*include that portion of Olley Lane running between Guinea Road and Lake Braddock Drive\*, Braddock District, and directed staff to post the notice of intent.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PROPOSED  
PROHIBITION OF THROUGH TRUCK TRAFFIC ON OLD  
TELEGRAPH ROAD (ROUTE 634), (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on November 18, 1991 at 3:30 p.m. on the proposed prohibition of through truck traffic on Old Telegraph Road (Route 634) on both sections of Old Telegraph Road located to the north and to the south of Hayfield Road (Route 635), Lee District, and directed staff to post the notice of intent.

10. ADMIN 4 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 89-D-042, GOODRIDGE DRIVE ASSOCIATES LIMITED PARTNERSHIP (PROVIDENCE DISTRICT - FORMERLY DRANESVILLE DISTRICT) (TAPE 1)

Following discussion, Supervisor Hanley moved that the Board approve the request for additional time to commence construction for Special Exception Application SE 89-D-042 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. This motion was seconded by Supervisor Richards and CARRIED by a recorded vote of eight, Chairman Moore abstaining.

(NOTE: Later in the meeting during Board Matters, action was taken to approve three years additional time to commence construction. See Clerk's Summary Item CL#87.)

JLD:JLD

11. A-1 - ACCEPTANCE OF THE SPRINGFIELD STREETSCAPE IMPROVEMENT PLAN CONCEPTUAL DESIGN (TAPE 2)

Supervisor Alexander moved that the Board concur in the recommendation of staff and, rather than accept, approve and endorse the Springfield Streetscape Improvement Plan Conceptual Design developed as part of the Commercial Revitalization Program for the Springfield Central Business District (CBD). This motion was seconded by Supervisor Pennino.

The question was called on the motion, as amended, which CARRIED by a recorded vote of eight, Chairman Moore abstaining.

Supervisor Alexander noted that the action directs staff to insert the word "approval" at every occurrence in the plan of the word "acceptance."

12. A-2 - REQUEST FOR REIMBURSEMENT OF LEGAL EXPENSES FOR RODOLFO ANTONIO, M.D. (TAPE 2)

Supervisor Pennino moved that the Board concur in the recommendation of staff and approve the \$378.50 reimbursement to Dr. Rodolfo Antonio for legal expenses. This motion was seconded by Supervisor Hyland.

Following discussion among Board Members, with input from Hal Sheikh, Risk Manager, Office of Finance, the question was called on the motion which carried by unanimous vote.

13. A-3 - AMENDMENTS TO THE COUNTY'S CLASSIFICATION/  
COMPENSATION PLANS - DIVISION OF COMMUNICATIONS -  
TWO SPECIALIZED BRANCH CHIEF CLASSES (TAPE 2)

On motion of Supervisor Davis, seconded by Supervisor Bulova, and CARRIED by a recorded vote of eight, Chairman Moore voting "NAY," the Board concurred in the recommendation of staff and approved amendments to the County's Classification and Compensation Plans necessary to establish the following specialized single-position classes:

- Telecommunications Branch Manager, S-28 (\$43,859 - \$67,885); and
- Radio Engineering and Services Branch Manager, S-28 (\$43,859 - \$67,885).

14. A-4 - AMENDMENTS TO THE COUNTY'S CLASSIFICATION/  
COMPENSATION PLANS - MEDICAL RECORDS  
ADMINISTRATOR (TAPE 2)

On motion of Supervisor Alexander, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved amendments to the County's Classification and Compensation Plans necessary to establish the proposed new class of Medical Records Administrator, S-20-2 (\$31,569 - \$46,538).

15. A-5 - APPROVAL OF PRIORITIES FOR USE OF  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
(CDBG) (TAPE 2)

On motion of Supervisor Pennino, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of the Fairfax County Redevelopment and Housing Authority (FCRHA) on priorities for the use of Community Development Block Grant (CDBG) funds.

16. A-6 - SUPPLEMENTAL APPROPRIATION RESOLUTION  
(SAR) AS 92027 FOR THE OFFICE FOR CHILDREN  
HEAD START GRANT TO ADDRESS THE ISSUE OF  
SUBSTANCE ABUSE (TAPE 2)

(SAR) On motion of Supervisor Davis, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 92027 in the amount of \$83,334 in Fiscal Year 1992.

17. A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION  
(SAR) AS 92030 FOR THE OFFICE FOR CHILDREN  
HEAD START EXPANSION GRANT AND ONE-TIME  
PROGRAM IMPROVEMENT FUNDING (TAPE 2)

(SAR) On motion of Supervisor Hyland, jointly seconded by Supervisor Davis and Supervisor Hanley, and carried by unanimous vote, the Board concurred in

the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 92030 in the amount of \$187,944.

- 17A. A-8 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE SECTION 2-903 (NO TAPE)

[NOTE: Later in the meeting, action was taken to adopt the Resolution authorizing the advertisement of a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Section 2-903 regarding floodplain regulations. See Clerk's Summary Items CL#90C and CL#94.]

18. C-1 - BOARD DIRECTION CONCERNING THE ACQUISITION OF PROPERTY INTERESTS NECESSARY TO MAINTAIN TILBURY ROAD AS PART OF THE FAIRFAX COUNTY ROAD MAINTENANCE AND IMPROVEMENT PROGRAM (LEE DISTRICT) (TAPE 2)

The Board next considered an item contained in the Memorandum to the Board dated October 14, 1991 regarding the acquisition of property interests necessary to maintain Tilbury Road as part of the Fairfax County Road Maintenance and Improvement Program.

Following a brief discussion among Board Members, Supervisor Alexander moved that the Board defer its consideration of the proposed acquisition of property interests necessary to maintain Tilbury Road as part of the Fairfax County Road Maintenance and Improvement Program until October 28, 1991. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

19. I-1 - STAFF SUMMARY OF AUGUST, 1991 TRANSPORTATION ADVISORY COMMISSION MEETING (COUNTYWIDE) (TAPE 2)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 presenting the Staff Summary of August, 1991 Transportation Advisory Commission Meeting.

20. I-2 - ROAD BOND PROGRAM - BOARD OF SUPERVISORS' MONTHLY STATUS REPORT FOR SEPTEMBER, 1991 (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 presenting the Road Bond Program - Board of Supervisors' Monthly Status Report for September, 1991.



Supervisor Richards asked unanimous consent that the Board direct staff to report on why the status report was not distributed at the Transportation Subcommittee Meeting when the documentation reflects that the information was completed. Without objection, it was so ordered.

21. I-3 - OPENING OF TWO PARK-AND-RIDE FACILITIES  
IN THE CENTREVILLE AREA (SPRINGFIELD DISTRICT)  
(TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 announcing that in the fall, 1991 the following two park-and-ride facilities will be opened to serve commuters within the I-66 corridor:

- Centreville Square - located at the intersection of Routes 28 and 29 adjacent to the Centreville Square Shopping Center; and
- Sully Station - located at Westfields Boulevard and Stonecroft Road.

22. I-4 - FAIRFAX COUNTY RECEIVES TWO TOP AWARDS  
FROM VIRGINIA MUNICIPAL LEAGUE (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 announcing that Fairfax County received two Achievement Awards from the Virginia Municipal League (VML) for the best local government programs in the categories of Environmental Quality and Effective Government.

23. I-5 - FAIRFAX RELEAF OF FAIRFAX COUNTY  
(TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 presenting an update on Fairfax Releaf of Fairfax County.

Supervisor Hyland congratulated staff for its outstanding efforts on the Fairfax Releaf program.

24. I-6 - IMPLEMENTATION OF STATE RESOLUTION ON THE  
USE OF ALKALINE PAPER FOR THE PRESERVATION OF  
PERMANENT PUBLIC RECORDS (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 presenting an update on the implementation of State Resolution on the use of alkaline paper for the preservation of permanent public records.

25. I-7 - REALLOCATION OF COMMUNITY DEVELOPMENT  
BLOCK GRANT FUNDS (CDBG) FOR THE LANGLEY  
GROUP HOME RENOVATION (DRANESVILLE  
DISTRICT) (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 requesting authorization for staff to reallocate Community Development Block Grant (CDBG) funds in the amount of \$3,299 from Project 003899, Contingency Fund to Project #013913, Langley Group Home Renovation.

The staff was directed administratively to proceed as proposed.

26. I-8 - ARCHITECTURAL CONTRACT AWARD TO STRANG  
AND SAMAHA FOR THE DESIGN OF THE KINGSTOWNE  
FIRE STATION (LEE DISTRICT) (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 requesting authorization for staff to award a contract to Strang and Samaha in the amount of \$243,694 for the construction of a three-bay fire and rescue facility, a Platform on Demand (POD) facility, and conceptual schematic site design to incorporate a possible future expansion for an adjacent animal shelter or other public safety facility to be located on Telegraph Road near the intersection of Telegraph and Beulah Roads, Fairfax, Virginia, Kingstowne Fire Station, Project 009077, in Subfund 476, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, it was announced that the plans for the Kingstowne Fire Station are progressing well. See Clerk's Summary Item CL#28.)

27. I-9 - APPROVAL OF CONTRACT AWARD TO VIRGINIA  
POLYTECHNIC INSTITUTE AND STATE UNIVERSITY  
(VPI&SU), OCCOQUAN MONITORING LABORATORY  
(PROVIDENCE AND MASON DISTRICTS) (TAPE 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 14, 1991 requesting authorization for staff to award a contract to VPI&SU, Occoquan Monitoring Laboratory in the amount of \$76,526 to monitor the effectiveness of stormwater and sediment controls to be installed concurrently with development of the Chiles Tract, Upper Holmes Run Environmental Monitoring Program, Project I00160, in Subfund 468, Public Works Construction.

Following discussion among Board Members, the staff was directed administratively to proceed as proposed.

28. ADDITIONAL COMMENTS I-8 - ARCHITECTURAL CONTRACT AWARD TO STRANG AND SAMAHA FOR THE DESIGN OF THE KINGSTOWNE FIRE STATION (LEE DISTRICT)  
(TAPE 2)

[NOTE: Earlier in the meeting, the Board reviewed Information Item Eight and staff was directed administratively to award a contract to Strang and Samaha in the amount of \$243,694 for the construction of a three-bay fire and rescue facility, a Platform on Demand (POD) facility, and conceptual schematic site design to incorporate a possible future expansion for an adjacent animal shelter or other public safety facility to be located on Telegraph Road near the intersection of Telegraph and Beulah Roads, Fairfax, Virginia, Kingstowne Fire Station, Project 009077, in Subfund 476, Public Safety Construction. See Clerk's Summary Item CL#26.]

Supervisor Alexander announced that the plans for the Kingstowne Fire Station are progressing well.

29. I-10 - UPDATE ON THE STATUS OF THE PROPOSED CHESAPEAKE BAY PRESERVATION ORDINANCE  
(NO TAPE)

(NOTE: Later in the meeting, action was taken on Information Item 10 - Update on the Status of the Proposed Chesapeake Bay Preservation Ordinance. See Clerk's Summary Item CL#38.)

PMH:PMH

30. REQUEST TO PROCLAIM NOVEMBER AS ALZHEIMER'S MONTH (TAPE 3)

Chairman Moore stated that she had received a request that the Board proclaim November as Alzheimer's Month. Therefore, Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board proclaim November as Alzheimer's Month. Without objection, it was so ordered.

31. REPRESENTATION INCREASED ON THE MINORITY UPWARD MOBILITY AND RETENTION IN FAIRFAX COUNTY GOVERNMENT TASK FORCE (TAPE 3)

(APPT)

Supervisor Moore stated that she had received a request from the American Federation of State, County and Municipal Employees (AFSCME) to add a representative to the Minority Upward Mobility and Retention In Fairfax County Government Task Force. Therefore, Supervisor Moore moved that the Board:

- Include representation from AFSCME to the Minority Upward Mobility and Retention In Fairfax County Government Task Force; and
- Appoint Mr. Kim Pittman as the AFSCME Representative to the Minority Upward Mobility and Retention In Fairfax County Government Task Force.

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

32. EARLY MORNING TRASH PICK-UP IN INDUSTRIAL PARKS (TAPE 3)

Supervisor Moore stated that she had received a letter from a constituent who lives at Copper Crossing. She said that despite previous Board action and a letter from the County Executive, trash is being picked up in the industrial park next to the subdivision at very early hours.

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

- Contact the manager of the industrial park and the citizens of Copper Crossing to encourage cooperation within the spirit and intent of the Noise Ordinance; and
- If not, report with a change in the ordinance to address this situation.

Without objection, it was so ordered.

33. UPDATE ON FEDERAL FUNDING FOR PROJECTS IN NORTHERN VIRGINIA (TAPE 3)

Supervisor Moore referred to an article regarding budget cuts by the U. S. House of Representatives for projects in Northern Virginia. She said that the interstate cost to complete funds of \$220 million for projects that were funded out of 1986 funds the last time the Congress authorized federal money, but which were not completed is still intact.

Supervisor Moore explained that these funds would go towards extending and widening Route I-66 and build the interchange improvements on the beltway.

34. POLICY ON AIRPORT NOISE (TAPE 3)

Supervisor Moore stated that she had received a letter from the National Organization To Insure A Sound Controlled Environment (NOISE) regarding recent legislation passed by Congress implementing a new law setting national policy on airport noise. She added that new legislation would allow noisy aircraft to not be replaced but retrofitted for a long time.

Therefore, Supervisor Moore asked unanimous consent that the Board direct staff to:

- Review the Master Plan for recommendations as to whether noise contours should change; and
- Forward copies of the letter from NOISE to each member of the Route 28 District Task Force.

Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, Supervisor Richards expressed concern that the motion was to be viewed as the Board changing its very conservative position regarding shrinking the noise contours.

Without objection, it was so ordered.

35. RATE INCREASE FOR MEDIA GENERAL CABLE (TAPE 3)

Supervisor Moore stated that Media General Cable has increased rates. She said that the Board has requested the Federal government to give the Board back the right to regulate cable rates. She said that the rate increase announced by Media Cable General will vary from consumer to consumer depending upon the service provided.

Therefore, Supervisor Moore moved that the Board, on behalf of the cable consumers, request Media General Cable to rescind its proposed rate increase. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

36. INVITATION FOR UNITED PRESS TO LOCATE IN FAIRFAX COUNTY (TAPE 3)

Supervisor Moore stated that United Press is looking in the Washington area for a location. She moved that the Board:

- Formally invite United Press to locate in Fairfax County; and
- Request the Fairfax County Economic Development Authority (EDA) to pursue this vigorously.

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

37. CONCERN REGARDING BUFFERING FOR SPECIAL  
EXCEPTION APPLICATION SE 91-Y-028  
(TAPE 3)

Supervisor Moore stated that she had received a letter regarding Special Exception Application SE 91-Y-028 (Wills/Beatty and Sully Place Limited Partnership). She said that citizens expressed concern that the applicant has not followed through regarding the buffering.

Therefore, Supervisor Moore asked unanimous consent that the Board direct staff to review this issue and respond to the citizens as well as her office. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

38. I-10 - UPDATE ON THE STATUS OF THE PROPOSED  
CHESAPEAKE BAY PRESERVATION ORDINANCE  
(TAPE 3)

Supervisor Hyland called to the Board's attention Information Item - I-10 - Update on the Status of the Proposed Chesapeake Bay Preservation Ordinance and moved that the Board direct staff to not pursue the advertisement of an October 28, 1991 public hearing for the Chesapeake Bay Preservation Ordinance and authorize the advertisement of a public hearing on the Ordinance after the Chesapeake Bay Local Assistance Board (CBLAB) has completed its preliminary review of the proposed Ordinance. Further, if the Board cancels its October 28, 1991 public hearing on the Phase II amendments, staff requests authorization for advertisement of a public hearing on the Phase II amendments after CBLAB has completed its preliminary review of the proposed Ordinance. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Hyland asked unanimous consent that the Board direct the Planning Commission to defer its public hearing on Phase II until CBLAB takes its final action. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to ensure that the Board's position regarding the proposed ordinance is communicated to CBLAB and the Attorney General's office. Without objection, it was so ordered.

39. URBAN BROADCASTING COMPANY - CHANNEL 14  
TRANSMITTER (TAPE 3)

Supervisor Hyland stated that Urban Broadcasting Company approached Fairfax County in the fall of 1990 regarding their intention to install a Channel 14 television transmitter within the County.

Supervisor Hyland said that during the Planning Commission's public hearing in October 1990, expert testimony was presented which indicated deep concern by the police, fire and rescue services with their ability to continuously communicate their transmissions to other services, i.e. hospitals or back-up police units, etcetera.

Supervisor Hyland further explained that in November the Board requested data on tests regarding potential interference with public safety. In December Urban Broadcasting Company and Fairfax County met with the Council of Governments' Public Safety Police Committee and agreed to have evaluations done by an independent consultant acceptable to both parties. In late March 1991, the engineering study was completed and intermodulation (interference) areas were identified where the greatest potential could exist. On August 9, 1991, however, the Federal Communication Commission approved a construction permit to install the Channel 14 transmitter in the District of Columbia (D.C.) at 4001 Nebraska Avenue, the highest point in D.C.

Supervisor Hyland said that if the transmitter for this home shopping channel is installed in D.C. it could have the potential of interrupting continuous signals in the public safety communications communities and outlying counties within a radius of 50 miles.

Therefore, Supervisor Hyland moved that the Board communicate its objections to the permitting of the transmitter to the Chairman of the Federal Communications Commission and four Board Members of the Commission and to the Virginia Congressional delegation. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Supervisor Richards being out of the room.

40. PETROLEUM STORAGE TANK FACILITY IN THE 8200 BLOCK  
OF TERMINAL ROAD (TAPE 3)

Supervisor Hyland said that he has researched the petroleum storage tank facility in the 8200 block of Terminal Road to determine what if any additional measures need to be taken to prevent potential groundwater contamination caused by leaks at this or any other like facility located in Fairfax County.

Supervisor Hyland said that it has been determined that there is a need to provide more stringent regulations in siting petroleum storage tank facilities. He added that enabling legislation is needed to better monitor and respond to leaks. The State water control laws do not control these types of leaks at these facilities until they impact state waters.

Therefore, Supervisor Hyland moved that the Board:

- Direct staff to draft more stringent regulations in siting petroleum storage tank facilities; and
- Refer the issue of the need for enabling legislation on siting petroleum storage facilities to the Legislative Subcommittee for consideration in the 1992 legislative package.

This motion was seconded by Supervisor Hanley.

Following discussion, Supervisor Hanley reminded the Board that she had requested similar information on a related issue.

Chairman Moore asked that the motion be amended to direct staff and the Legislative Subcommittee to work with the Attorney General's office regarding this issue in terms of retrofitting, recovery system, safety provisions, etcetera and this was accepted.

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

41. HYDRILLA (TAPE 3)

Supervisor Hyland stated that during the final budget amendments passed by the 1991 Virginia General Assembly there was restored funding for mowing the Potomac River and embayments hydrilla "hot spots" but not for Fiscal Year (FY) 1992.

Supervisor Hyland stated that a letter should be written to the Governor stating the importance of this program. He pointed out that if Virginia drops out of the program the U.S. Army Corp of Engineers will most likely lose its shared funding for the entire multi-state program. Mowed hydrilla can be used as a composted fertilizer, which has economic benefits in itself but when it restricts the marinas' operations it adversely impacts the economics of that business. He said that last year Fairfax County had mowed .4 acres at a cost of \$1,288.11 to the Commonwealth.

Therefore, Supervisor Hyland moved that the Board direct the Acting County Executive to write a letter to Governor Wilder, requesting 1992 funding for the harvesting of hydrilla in the tidewater area. This motion was seconded by Supervisor Bulova and carried by unanimous vote.



42. ARCHEOLOGICAL SITE AND ARTIFACTS NEED PROTECTION  
(TAPE 3)

Supervisor Hyland stated that recently he visited a new archeological site located in the Mount Vernon District. He said that during discussions with Mike Johnson, County Archeologist, he mentioned that there are relic hunters who use metal detectors and other like tools to locate artifacts.

Supervisor Hyland said that on the surface, this does not seem to present a problem. However, in digging deeper, what happens is more often than not the hunter comes upon a site containing numerous artifacts and does not need to obtain any kind of permission to remove the artifacts and thereby disturbs forever a site which holds keys to the past. Archeological sites and artifacts are used to identify history and illustrate what living conditions were for our ancestors hundreds of years ago.

Supervisor Hyland moved that the Board direct staff to:

- Investigate the Board's current authority to protect archeological sites;
- Determine if legislation is required to give the Board the tools to safeguard the archeological sites within Fairfax County; and
- Report its findings to the Board.

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

43. SOLAR POWERED STREET LIGHTING (TAPE 3)

Supervisor Hyland stated that he had received a letter requesting a pilot program be established in a residential community to use solar powered street lights. A local developer has expressed interest in the concept and is willing to install this type of lighting provided the Board gives him approval.

Supervisor Hyland said that solar powered equipment is reliable and long lived and is used by NASA, the Department of Defense, the National Park Service, etcetera. Maintenance of solar powered lights is limited to lamp and battery replacement. Lamp life is two to three years and batteries last up to five years. Under this pilot program the homeowner association would be responsible for maintenance and operation. No utility connection is required for these lights.

Supervisor Hyland moved that the Board direct staff to:

- Work with the solar energy people (listed in the letter distributed to Board Members earlier in the meeting) to determine if a pilot program can be worked out with the Newington Forest Community; and
- Report to the Board with an Action Item regarding this issue.

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

44. POTENTIAL WATERING DOWN OF THE WETLANDS  
MANUAL (TAPE 3)

Supervisor Hyland said that the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands has been proposed to undergo substantial change that would not only cause permanent wetland loss but also would adversely impact the effectiveness of Fairfax County's local legislative authority. If the Federal Manual conformity criteria is weakened, Fairfax County could lose forever critical wetland areas that are now otherwise being protected.

Supervisor Hyland said that for 200 years, the destruction of wetlands for development was part and parcel of this country's public policy. He said that wetlands purify groundwater, offer protection from erosion and serve as buffer zones between development and nature.

Supervisor Hyland stated that the Federal Manual's criteria should remain as it is currently defined and any "watering down" of the criteria would only harm the natural world.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter to be sent to Governor Wilder to solicit his support to write to the Congressional delegation on Fairfax County's position in opposing any changes to the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

Following discussion, Supervisor Richards requested that this issue be referred to staff.

Supervisor Hyland amended the request to defer this issue until October 28, 1991 to allow time for staff review.

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

45. CONCURRENT PROCESSING AND WAIVER OF FEES  
REQUESTED FOR PLYMOUTH HAVEN CHURCH  
(TAPE 3)

Supervisor Hyland stated that the Plymouth Haven Church in Mount Vernon recently decided to erect a "memorial" portico over the steps leading to its front door to protect its parishioners from the elements. It was to have been a modest 10' x 12' addition as pictured in the rendering distributed.

Supervisor Hyland said that the representatives of the church asked his office to assist them in any way possible to reduce the impact of county fees and lengthy processing time for the minor engineering improvement.

Supervisor Hyland explained that the church, because it was constructed prior to the adoption of the Zoning Ordinance amendment which required churches to acquire a special use permit, first needed to comply with this amendment. In the process of trying to obtain the special use permit, a new plat is required.

Supervisor Hyland stated that the Office of Comprehensive Planning (OCP) staff have been extremely helpful in specifying for church representatives what is required from the county's standpoint.

Accordingly, to assist the Plymouth Haven Church in getting into compliance and to expedite the construction of their "memorial" portico, Supervisor Hyland moved that the Board:

- Request the Board of Zoning Appeals (BZA) to grant an out-of-turn hearing;
- Direct staff to process both the site plan review and special permit application for the church concurrently and expeditiously; and
- Direct staff to waive all fees associated with this application.

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

46. REQUEST TO EXPEDITE REVISION OF SIDEWALK  
PLAN FOR CLIFF'S GROVE SUBDIVISION (TAPE 3)

Supervisor Hyland stated that neighbors abutting Cliff's Grove subdivision recently called his office when they learned that the County required Woodland Builders to construct an eight-foot wide sidewalk to conform to the trails plan on Mount Vernon Highway. The neighbors are

concerned because (a) the sidewalk would be an aberration since the existing sidewalks on either side of the new subdivision were four feet in width and (b) the eight foot width would cause the loss of several mature trees.

Supervisor Hyland moved that a sidewalk four feet in width be provided, that review of the sidewalk revision to Plan #8030-SD-01 be expedited, and that all fees associated with this revision be waived. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor McConnell being out of the room.

47. RECONSIDERATION OF GRASS ORDINANCE REQUESTED  
(TAPE 3)

Supervisor Hyland stated that at the Board of Supervisors' last meeting, the ordinance requiring that grass height be limited to 12 inches was approved. He said that he had proposed an amendment to the substitute motion to permit areas served by organized community associations or homeowner associations to be exempted from the ordinance provided that a majority of homeowners voted to opt out and this was conveyed as written notice by the association's duly elected chief officer to the appropriate county authority.

Supervisor Hyland further stated that it was his opinion that this amendment failed because of the possibility of a legal challenge which could jeopardize the entire ordinance. However, under Section A 119-1 of the ordinance, there is the following severability clause which provides the needed mechanism so that the entire Chapter is not invalidated:

- If any of the articles, sections, paragraphs, sentences, clauses or phrases of this Chapter shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Chapter in its entirety, or any of the remaining articles, sections, paragraphs, sentences, clauses, and phrases."

Supervisor Hyland said that a successful legal challenge to this "opt out" provision would not gut the entire ordinance. He added that the possibility of a legal challenge should not deter the Board from creating a framework in which communities in Fairfax which do not want or need this ordinance protection can just say "no." It will permit citizens to decide.

Having voted on the prevailing side, Supervisor Hyland moved reconsideration of the Board Decision on the proposed amendment to the Code of the County of Fairfax to add a new Chapter 119 (Grass or Lawn Area). This motion was seconded by Supervisor Richards.

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

48. ADDITION OF MOTOR VEHICLES PROGRAM TO THE WORK  
PLAN OF THE CITIZENS BUDGET OVERVIEW COMMITTEE  
(CBOC) (TAPE 3)

(BACs)

As a result of the recent publicity around the storage of excess police vehicles, and the Police Department's take-home vehicle policy, the Fairfax County Federation of Citizens Associations and the Fairfax County Chamber of Commerce are supporting the creation of a special subcommittee of the CBOC to study these issues. This subcommittee would review County policy, procedure, management, cost and standards related to the Motor Vehicle Program.

With regard to the addition of a Motor Vehicles Program to the Work Plan of the Citizens Budget Overview Committee (CBOC), Supervisor Hanley reminded the Board that the CBOC has been requested to provide information to the Fairfax County Federation of Citizens Associations and the Fairfax County Chamber of Commerce prior to the Board moving forward. She noted that the Board does not yet have the report by the CBOC.

Therefore, it was the consensus of the Board to defer this issue until it receives a report from the CBOC.

49. SUPPORT REQUESTED FOR THE COUNCIL OF GOVERNMENTS  
(COG) RESOLUTION ON REFORMULATED GAS (TAPE 3)

Supervisor Hyland said that Metropolitan Washington area automobiles are the largest source of ozone producing pollutants and emit the vast majority of carbon monoxide emissions. Reformulated gasoline, which provides for 15 percent reductions of volatile organic compounds and certain toxic air pollutants, appears to be a cost effective option to reduce air pollution from gasoline fueled vehicles and equipment. The Clean Air Act Amendments (CAAA) of 1990 require the nine U.S. cities with the most serious ozone pollution problems to adopt programs which require the distribution, sale and dispensing of a certified reformulated gasoline in the areas by January 1, 1992.

Supervisor Hyland said that while Fairfax is not among the nine identified locations per se, the Washington, D.C. Metropolitan Statistical Area (MSA) is considered by the U.S. Environmental Protection Agency (EPA) as a "serious" non-attainment area for ground level ozone and portions of the MSA are considered to be in "moderate" non-attainment of Federal carbon monoxide standards. There is, however, an opt-in provision for reformulated gasoline programs if initiated by a state through letters from the Governor and the local jurisdictional body to the EPA administrator.

Because of the significant benefits which may be derived from the use of reformulated gasoline on a regional basis, Supervisor Hyland moved that a letter from the Fairfax County Board of Supervisors urging Governor Wilder to request the U.S. Environmental Protection Agency to include the Commonwealth of Virginia in the reformulated gasoline program described in the Clean Air Act Amendments of 1990. This motion was seconded by Supervisor Pennino and carried by a vote of eight, Supervisor McConnell being out of the room.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to draft the letter as expeditiously as possible. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

50. BOARD VOTING PROCEDURES -- ESTABLISHMENT  
OF A TIE BREAKER (TAPE 3)

Supervisor Hyland stated that he received a telephone call from Mr. Phil Chabot, an attorney residing in Mount Vernon, who in working as chairman of the Citizens Assembly, came across the so-called tie-breaker provision in the Virginia Code.

Supervisor Hyland said that the present statutory climate in the Code of Virginia gives Fairfax County the right to have a tie breaker. The Code gives the Board of Supervisors the option to have or not to have a tie breaker. If the Board chooses to have a tie breaker, there are three ways to select: (a) by Board appointment at its organizational meeting (the first meeting in January); (b) by at-large election; or (c) by appointment of the Circuit Court. It is important to note that the appointment of a tie breaker does not depend on the number of members who serve on the governing body.

If the Board is silent on this subject, any Fairfax County resident can petition the Circuit Court to appoint a tie breaker as indicated below:

- When the Court has been requested to make the appointment by the governing body;

- When the governing body has decided to have a tie breaker but has failed to decide on how that official shall be selected; and
- When the governing body fails to decide on whether to have a tie breaker.

In each of these alternatives, the Code is specific as to the four-year term of a tie breaker. For example, if a person were appointed by this Board, the individual would serve four years from the date of the appointment. This, obviously, would eliminate the right of the new Board to exercise its option since the tie breaker already would have been chosen. The same situation would prevail if the Circuit Court appointed a tie breaker today.

If the Board does not indicate whether or not it wants a tie breaker, the possibility exists for the Chief of the Circuit Court to appoint one. However, if the Board has expressed its position not to have a tie breaker, then that forecloses the possibility of someone petitioning the Court.

Therefore, Supervisor Hyland moved that the Fairfax County Board of Supervisors NOT have a tie breaker during the remainder of this term of office which expires December 31, 1991. This motion was seconded by Supervisor Pennino.

Following discussion, Chairman Moore asked that the motion be amended to extend the date until January 6, 1992 and this was accepted.

Following input from David T. Stitt, County Attorney, Supervisor Hyland further amended the motion as follows:

- That the Fairfax County Board of Supervisors NOT have a tie breaker.

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

51. RECONSIDERATION OF COMPREHENSIVE PLAN AMENDMENT  
S91-IV-MV1 ON THE LORTON-SOUTH ROUTE 1 AND MASON  
NECK PLANNING SECTORS (TAPES 3-4)

Supervisor Hyland stated that on September 23, 1991, the Board took action on Comprehensive Plan Amendment S91-IV-MV1 on the Lorton-South Route 1 and Mason Neck Planning Sectors. He added that since this Board meeting follows the September 23, 1991 meeting, it is appropriate to ask for reconsideration of this item. He said that except for one motion on the Gateway properties in the Lorton-South Route 1 area, the motions today are for clarification and do not change the intent of the Board's action of September 23, 1991.

Supervisor Hyland moved that the Board reconsider its action on Comprehensive Plan Amendment S91-IV-MV1 on the Lorton-South Route 1 and Mason Neck Planning Sectors and reaffirm its action of September 23, 1991 to adopt the Planning Commission's recommendation, as amended, except for the modifications contained in the 10 page (including the map) "golden rod" colored document entitled "Motion for Reconsideration of Comprehensive Plan Amendment S91-IV-MV1 on the Lorton-South Route 1 and Mason Neck Planning Sectors" distributed at today's meeting by Supervisor Hyland. This motion was seconded by Supervisor Davis.

Following discussion, the question was called on the motion which CARRIED by a recorded vote of seven, Supervisor Bulova and Chairman Moore voting "NAY."

52. REQUEST FOR WAIVER OF FEES FOR SPECIAL PERMIT USE FILED BY THE WASHINGTON POST FOR NOISE WALL (TAPE 4)

Supervisor Bulova referred to the Board's recent amendment to the Code of the County of Fairfax to allow taller fences to mitigate noise from industrial or commercial uses that are next to residences. She stated that the Washington Post recently expanded their facility by-right at Wimsatt Road. During discussions with residents it was learned that the existing wall was insufficient for reducing noise generated at the site. An independent noise study confirmed this and the Washington Post graciously agreed to extend the length and height of the existing wall.

The recent ordinance amendment provides a vehicle for change in the fence through the filing of a Special Permit Use request. Accordingly, Supervisor Bulova moved that the Board waive the \$1,800 filing fee for this Special Permit. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

Further, Supervisor Bulova stated that before it became clear that a change in the ordinance would be needed, the Washington Post also filed for a variance and paid a \$900 filing fee; however, the variance was not pursued or reviewed by staff. Accordingly, she asked unanimous consent that the Board direct staff to review and report on October 28, 1991 with recommendations regarding a refund of the variance filing fee. Without objection, it was so ordered.

53. WAIVER OF FILING FEES FOR LONG BRANCH SWIM AND RACQUET CLUB AMENDMENT TO SPECIAL PERMIT USE S-10-77 (TAPE 4)

Supervisor Bulova stated that in 1987, the Long Branch Swim and Racquet Club learned that their Special Permit issued in 1977 was not in compliance because the builder had changed the entrance location in 1979. Accordingly, the Club filed the necessary application to amend



the Special Permit in 1987. For some unknown reason, the scheduled hearing never occurred and with the turnover of volunteers running the Club, the copies of the documents accompanying the application were lost. Ironically, the Office of Comprehensive Planning (OCP), Zoning Administration Division (ZAD), has also lost all of the original paper work.

ZAD has reactivated this case and once again, the Club is attempting to comply with County regulations. Given the strained finances of the Club, Supervisor Bulova moved that the Board:

- Refer to staff for its review the request for waiver of the filing fees; and
- Direct staff to work with the Club to find creative and inexpensive solutions to the various filing requirements.

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

54. RECOMMENDATIONS REQUESTED TO ADDRESS SAFETY ISSUES FOR ROBERTS ROAD (TAPE 4)

Supervisor Bulova stated that during the actions taken on the Comprehensive Plan of Fairfax County, language was added to the transportation portion of the Plan that Roberts Road be updated with regard to safety issues. She called to the Board's attention that it will be extremely expensive to reconstruct Roberts Road because the road is "hilly and curvy." She moved that the Board direct staff to coordinate among the Office of Transportation, the Police Traffic Safety Division, and the Virginia Department of Transportation (VDOT), a review of Roberts Road for possible "quick-fix" solutions to address the safety issues and to report with recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

55. CERTIFICATE OF APPRECIATION REQUESTED FOR MS. MARGARET K. LUCA FOR HER YEARS OF SERVICE ON THE COMMISSION FOR WOMEN (TAPE 4)

Supervisor Bulova asked unanimous consent that the Board direct staff to prepare the appropriate Certificate of Appreciation for presentation before the Board of Supervisors for Ms. Margaret K. Luca for her many years of service on the Commission for Women. Without objection, it was so ordered.

AR:AR

56. SERVICE AT THE KOREAN UNITED METHODIST CHURCH OF GREATER WASHINGTON LOCATED IN MCLEAN (TAPE 5)

Supervisor Richards announced that she had the pleasure on Sunday of attending a service at the Korean United Methodist Church of Greater Washington located in McLean. She added that this service was in celebration of the church's 40th anniversary.

57. GROUNDBREAKING CEREMONY FOR HUTCHISON PARK IN HERNDON (TAPE 5)

Supervisor Richards stated that this weekend she attended a groundbreaking ceremony for Hutchison Park in Herndon, where greatly improved facilities will be located for the community.

58. NEED FOR REVIEW OF DRAINAGE PROBLEM IN HILLSIDE MANOR SUBDIVISION (TAPE 5)

Supervisor Richards stated that the Department of Environmental Management (DEM) had recently approved a storm drainage outfall from the Hillside Manor Subdivision which is not within a recorded easement, but rather onto a neighbor's property and which increases the amount of water flowing across that property.

Therefore, Supervisor Richards moved that the Board direct staff to immediately review this matter and find a way to correct this drainage problem. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

59. WITHDRAWAL OF REQUEST FOR SPECIAL EXCEPTION FOR THE OLD LEWINSVILLE SCHOOL (TAPE 5)

Supervisor Richards noted that on July 22, 1991, the Board of Supervisors authorized the staff to advertise a Special Exception for the Old Lewinsville School to permit the construction of a storage shed for McLean Youth. Due to concerns about the size and location of this shed on this property from the surrounding community, Supervisor Richards moved that the Board direct staff to withdraw the application for a Special Exception. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

60. INFORMATION ON USE OF LAWN CARE CHEMICALS BY COUNTY AGENCIES (TAPE 5)

Supervisor Richards stated that in recent months County residents have become increasingly concerned about the use of lawn care chemicals, fertilizers, and pesticides. She added that newspaper articles describing the killing of songbirds, cancer in dogs, human health problems, as well as water quality problems, have heightened public interest.

Noting that it would be helpful to have a general idea of the different kinds of chemicals, and the quantities used, over the course of a year by County agencies on our parks, schoolgrounds, libraries and other government properties, Supervisor Richards moved that the Board direct the staffs of the County agencies which maintain outdoor areas provide the Board, within 30 days, with a list of what and how much is used per year. In addition, Supervisor Richards asked that the Department of Extension provide assistance on this matter at the request of any other County agencies. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

61. APPOINTMENT OF MRS. CLAIRE BANNERMAN AS THE DRANESVILLE DISTRICT REPRESENTATIVE ON THE CONSUMER PROTECTION COMMISSION (TAPE 5)

(APPT)

Supervisor Richards moved the appointment of Mrs. Claire Bannerman as the Dranesville District Representative on the Consumer Protection Commission. This motion was seconded by Supervisor Pennino and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

62. RECOGNITION OF MR. LEON C. GAMBLE WHO IS RETIRING FROM THE HUMAN RIGHTS COMMISSION (TAPE 5)

(NOTE: Earlier in the meeting, this matter was brought to the Board's attention. See Clerk's Summary Item CL#8.)

Calling the Board's attention to her earlier request, Supervisor Richards moved that Mr. Leon C. Gamble be recognized by the Board on October 28, 1991, along with other retiring members of the Human Rights Commission. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Davis, and Supervisor McConnell being out of the room.

63. FLASHING WARNING LIGHTS ARE WORKING ON HUNTER  
MILL ROAD AT SUNRISE VALLEY DRIVE (TAPE 5)

Supervisor Pennino announced, with pleasure, that the flashing warning lights, which the Board had requested to be installed on the very dangerous curve on Hunter Mill Road at Sunrise Valley Drive have finally been activated and are working beautifully.

64. RECOGNITION OF THE FAIRFAX COUNTY PARK AUTHORITY'S  
EFFORTS IN THE CENTREVILLE DISTRICT (TAPE 5)

Supervisor Pennino stated that she would like to call particular attention to the recent efforts of the Fairfax County Park Authority in the Centreville District, particularly on Baron Cameron Park and Fox Mill Park.

With reference to the \$9,000 which was contributed by the Little League of Reston/Herndon to Fox Mill Park, Supervisor Pennino praised the concept of using this type of funding, in conjunction with school property, to upgrade the use of these facilities when the school is in or out of session.

In addition, Supervisor Pennino stated that two beautiful tennis courts have been dedicated at the site of the old Navy/Vale Fire Department.

65. DEATH OF MR. TOM B. WRIGHT, FORMER MEMBER OF THE  
BOARD OF SUPERVISORS (TAPE 5)

Supervisor Pennino called the Board's attention to the recent death of Mr. Tom B. Wright, a former Member of the Board of Supervisors from the Providence District (1968-1972), and moved that the Board direct staff to send a message of condolence, under the Chairman's signature, to Mr. Wright's wife Beverly and other family members. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

66. SELECTION CRITERIA FOR NEW COUNTY ATTORNEY  
(TAPE 5)

With reference to the upcoming departure of County Attorney David T. Stitt, Supervisor Pennino moved that the Board direct staff to request the Fairfax County Bar Association to provide criteria, for consideration by the incoming Board of Supervisors, to serve as a basis in the selection of a new County Attorney. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, Robert L. Howell was appointed Acting County Attorney. See Clerk's Summary Item CL#92.)

67. DONATION OF FIVE RADIOS TO HERNDON REACT  
(TAPE 5)

Supervisor Pennino noted that on January 29, 1991, the Board of Supervisors approved her motion asking staff to consider a request from Herndon REACT for the donation of surplus two-way radios. Having been recently advised that this surplus equipment is now available from the Fire and Rescue Department, Supervisor Pennino moved that the Board authorize staff to release the five surplus radios to Herndon REACT. This motion was seconded by Supervisor Richards and carried by a vote of seven, Supervisor Davis and Supervisor McConnell being out of the room.

68. ENFORCEMENT OF RECENTLY ADOPTED GRASS AND LAWN  
ORDINANCE IN MOSS CREST SUBDIVISION (TAPE 5)

As a result of numerous complaints about unsightly and unsafe conditions in the Moss Crest Subdivision, Supervisor Pennino moved that the Board direct staff to take the necessary action to enforce the provisions of the recently adopted Chapter 119 (Grass or Lawn) ordinance in this area. The seconder of this motion was inaudible, and the motion CARRIED by a recorded vote of six, Supervisor Richards voting "NAY," Supervisor Davis and Supervisor McConnell being out of the room.

69. RECOGNITION OF THE COMMISSION FOR WOMEN ON ITS  
20TH ANNIVERSARY (TAPE 5)

Supervisor Pennino stated that the Commission for Women is celebrating its 20th Anniversary. In recognition of this celebration and the Commission's efforts in sponsoring a self-protection campaign to raise awareness about violence against women and girls, Supervisor Pennino asked unanimous consent that the Board direct staff to publish an item in the Weekly Agenda congratulating the Commission for Women on its 20th anniversary celebration and advising readers of the self-protection information available from the Commission. Without objection, it was so ordered.

70. RELOCATIONS (TAPE 5)

Supervisor Pennino noted that she is in receipt of excerpts from the conference report language regarding the NASA relocation and there does seem to be quite a bit of progress being made.

In addition, Supervisor Pennino stated recent reports indicate that instead of 3,000 CIA employees moving to West Virginia, the latest figure is 1,500 employees. She moved that the Board commend Congressman Frank Wolf for his efforts to keep the CIA employees in Virginia, and notify him of the Board's support of his efforts. This motion was seconded by Chairman Moore and carried by a vote of eight, Supervisor McConnell being out of the room.

71. VIRGINIA HOUSING PARTNERSHIP FUND (TAPE 5)

Supervisor Pennino reiterated her support for the restoration of the \$50 million to the Virginia Housing Partnership Fund and asked unanimous consent that the Board Members be provided with a copy of the letter sent to Governor L. Douglas Wilder regarding this matter. Without objection, it was so ordered.

72. CONFLICT CREATED WHEN DOGS ARE REQUIRED TO BE LICENSED AT FOUR MONTHS BUT SPAYING IS NOT RECOMMENDED UNTIL SIX MONTHS OF AGE (TAPE 5)

Supervisor Davis stated that his office is in receipt of a letter from a constituent regarding the conflict which she encountered when applying for a license for her four month old dog (as required by County law). The constituent complained that she was required to pay the full fee for an unspayed dog, even though the veterinarian advises that her pet should not be spayed until six months of age.

Therefore, Supervisor Davis asked unanimous consent that the Board direct staff to:

- Review the current dog licensing policy of the County; and
- Return to the Board as expeditiously as possible with its recommendations on how to remedy this problem.

Without objection, it was so ordered.

73. REQUEST TO WAIVE FILING FEE FOR THE OPEN ARMS CHILD CARE CENTER (TAPE 5)

Supervisor Davis moved that the Board direct staff to waive the filing fee for an amendment to Open Arms, a child care center located in Strawbridge Square. Supervisor Davis added that Open Arms is a non-profit agency providing services to low-income families and is not in a financial position to be able to pay a \$900 filing fee. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

74. CONGRATULATIONS TO THE WINNERS OF THE POLICE MOTORCYCLE RIDING COMPETITION AWARD (TAPE 5)

Supervisor Davis called the Board's attention to the results of a nationwide Police Motorcycle Riding Competition held in September. He noted that Fairfax's own Officer Jeff Thompson won the first place individual award, and Officers Dave Dailey and Steve Bullock, also of Fairfax County, won the second and third place awards.

Supervisor Davis asked unanimous consent that the Board direct staff to send letters of congratulations, on behalf of the entire Board, to these officers. Without objection, it was so ordered.

75. REQUEST TO WAIVE FILING FEES FOR SALES STANDS  
OPERATED BY CHARITABLE ORGANIZATIONS (TAPE 5)

Supervisor Davis reminded Board Members that on June 3 of this year, the Board discussed how fireworks sales stands could be permitted this year without requiring such uses to go through the Site Plan process. At that time, he noted that staff recommended that fireworks sales in the commercial retail districts must obtain Site Plan approval, but with the expedited procedure for Site Plan waivers, the fireworks stands could be handled in a timely manner. The same would hold true for Christmas tree sales, pumpkin sales, etcetera. Supervisor Davis added that he did not believe the matter of filing fees was discussed at that time.

Supervisor Davis stated that, with the holiday season approaching, many charitable organizations are making plans to sell trees, fruits, etcetera, strictly for charitable purposes. He added that these organizations have been told that they will be required to pay a \$500 filing fee in order to obtain a Site Plan approval. These organizations simply do not have the resources to pay this fee.

Therefore, Supervisor Davis moved that the Board direct staff to examine this problem to see if there is a way to waive the \$500 filing fee for these organizations, and report back to the Board as expeditiously as possible. This motion was jointly seconded by Supervisor Hyland and Supervisor McConnell.

Supervisor McConnell asked that the motion be amended to include a request that staff examine the length of time it now takes to process one of these Site Plan approvals, and this was accepted.

Supervisor Hyland asked unanimous consent that the Board direct staff to furnish a status report on its ongoing efforts regarding this matter. Without objection, it was so ordered.

Supervisor Davis amended his motion to include a request that staff also explore the possibility of making the waiver of some of these filing fees retroactive.

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

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76. DESIGN AND CONSTRUCTION OF THE FRANCONIA-  
SPRINGFIELD METRORAIL STATION (TAPE 6)

Supervisor Alexander stated that the design and construction of the Franconia-Springfield Metrorail Station is one of the highest priorities on the recently proposed metrorail construction program. The program, developed by the Washington Metropolitan Area Transit Authority (WMATA), strives to complete the entire 103 mile system within the current Federal authorization.

Under this expedited program, Supervisor Alexander stated that it is anticipated that construction should begin next year. In order for this to occur, it is important that there be close coordination between WMATA and County staff so that all the reviews required under County Codes and Ordinances, and the Master Agreement between WMATA and the County are accomplished in an expedited manner. He called to the Board's attention that the Office of Transportation staff has already taken the lead in establishing a team of staff from appropriate County Agencies and the Virginia Department of Transportation (VDOT) that is meeting on a regular basis with a similar team from WMATA, including the consultants involved in the design.

In order to reaffirm the importance of this matter, Supervisor Alexander moved that the Board direct the Office of Transportation staff to coordinate this effort and that all County Agencies provide the necessary staff support to ensure that all plan reviews and approvals are accomplished on an expedited basis. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Supervisor Alexander provided a brief update on the status of this project.

Supervisor Hanley expressed her appreciation to both Supervisor Alexander and Supervisor Mary Margaret Whipple, Arlington County Board of Supervisors, for their outstanding commitment and efforts on this project.

77. WAIVER OF FEES REQUESTED FOR 5942 TILBURY  
ROAD (TAX MAP REFERENCE 81-3 ((4)) 504)  
(LEE DISTRICT) (TAPE 6)

Supervisor Alexander moved that the Board direct staff to waive all fees necessary to process the subdivision waiver request for 5942 Tilbury Road, Tax Map Reference 81-3 ((4)) 504, Lee District. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Chairman Moore abstaining, Supervisor Hanley being out of the room.



78. RESPONSE TO NEWSPAPER ARTICLE REGARDING THE  
AMERICAN AUTOMOBILE ASSOCIATION (AAA) STUDY  
OF ACCIDENT DATA (TAPE 6)

Supervisor Alexander distributed to Board Members a letter he had transmitted to the Editor of The Washington Post newspaper regarding the October 3, 1991 article by Stephen Fehr which cited an American Automobile Association (AAA) study of accident data. He stated that according to the article, the AAA study reported that the one-tenth mile stretch of Telegraph Road between North Kings Highway and the City of Alexandria boundary line has the highest recorded accident rate in the Virginia and Maryland suburbs. AAA stated that 28 accidents were recorded in 1989, down from 36 in 1988. Supervisor Alexander stated that according to official police records, only 18 accidents were recorded for 1990, and 10 accidents have been recorded for 1991 through September. Unfortunately, AAA used 1989 data even though Telegraph Road was under construction at the time. He stated that clearly there is a significant improvement in these numbers which the AAA report fails to acknowledge.

Briefly, Supervisor Alexander highlighted that Fairfax County initiated a major road improvement project in this area which was completed last year. While there are further improvements which could be made to the Beltway ramps and Telegraph Road north of the Fairfax County line, such improvements need to be addressed by the Virginia Department of Transportation (VDOT) and, more importantly, by the City of Alexandria. He stated that, in the meantime, AAA should recognize that this portion of Telegraph Road is no longer the problem it may have been in the past, thanks to the citizens and government of Fairfax County.

79. BOARD'S PERSONNEL SUBCOMMITTEE MEETING  
SCHEDULED (TAPE 6)

Supervisor Alexander announced that the Board's Personnel Subcommittee meeting has been scheduled for Tuesday, October 22, 1991 at 9:30 a.m. in the Judges' Dining Room at the Judicial Center. He stated that the Subcommittee will be discussing recommendations for the proposed Audit Agency.

80. SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION  
(SFDC) FUNDRAISER FOR IMPROVEMENTS TO THE  
ROUTE 1 AREA (TAPE 6)

Supervisor Alexander announced that the Southeast Fairfax Development Corporation (SFDC) will be sponsoring a fundraising event for improvements to the Route 1 area. The Alexandria Harmonizers will be performing at Hayfield High School on Saturday, October 26, 1991 at 8:00 p.m. and tickets are available for \$10 and \$25. All interested individuals should contact SFDC for additional information.

81. SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION  
(SFDC) DEDICATION OF ISLANDS ON ROUTE 1  
(TAPE 6)

Supervisor Alexander announced that the Southeast Fairfax Development Corporation (SFDC) will be dedicating the improvements to the islands on Route 1 on Sunday, November 3, 1991 from 6:00 p.m. until 9:00 p.m.

82. RESUBMISSION FEES CHARGED BY THE DEPARTMENT  
OF ENVIRONMENTAL MANAGEMENT (DEM) FOR  
CORRECTIONS TO SITE PLANS (TAPE 6)

Supervisor McConnell stated that an engineering firm contacted her office to discuss the resubmission fees charged by the Department of Environmental Management (DEM) for corrections to site plans. The firm felt that there should only be ONE initial fee paid when the site plan is first submitted and no further fees if the site plan is returned for corrections and resubmitted. The engineering firm claims that each time a site plan is resubmitted, DEM charges the firm a new submission fee. She asked that staff respond to this issue.

Irving Birmingham, Director, DEM, responded that it is the current policy of DEM to charge new submission fees each time a site plan is submitted, either for the first time or for resubmission. He stated that with the implementation of the new fee schedule in May 1991, a \$125 submission fee is charged each time a record plat is returned for corrections and resubmitted. Mr. Birmingham briefed Board Members that a firm can submit a "test" record plat at NO cost which will be reviewed by DEM staff and returned for corrections. The firm can then submit a correct record plat initially and pay only one submission fee. He stated that a firm using this process would not be paying multiple fees.

83. WAIVER OF FEES REQUESTED FOR BURKE  
UNITED METHODIST CHURCH (TAPE 6)

Supervisor McConnell called to the Board's attention that Burke United Methodist Church has filed for an extension of its agreement to construct off-site improvements at the intersection of Burke Lake Road and Burke Centre Parkway. Because the delay in the work was created by the Virginia Department of Transportation (VDOT), Supervisor McConnell moved that the Board direct staff to waive the filing fee for the Burke United Methodist Church in the amount of \$486. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Supervisor Alexander and Supervisor Davis being out of the room.

84. REVISION TO APPROVAL LETTER FOR SPECIAL  
EXCEPTION APPLICATION SE 89-S-058 (AMOCO  
OIL COMPANY) (SPRINGFIELD DISTRICT)  
(TAPE 6)

Supervisor McConnell stated that at the Board of Supervisors' meeting held on December 3, 1990, action was taken to approve Special Exception Application SE 89-S-058. In conjunction with that approval, action was taken to also modify the transitional screening requirements along the Torrence Street frontage of the property. At the direction of the Board, investigation by staff has indicated that the action to modify this requirement was inadvertently made at 25 feet instead of 20 feet as indicated on the Special Exception Plat.

In order that the transitional screening modification is consistent with the Special Exception Plat, Supervisor McConnell moved that the Board amend its motion of December 3, 1990 regarding the transitional screening requirements along Torrence Street as follows:

- "Modification of the transitional screening requirement of 50 feet to 20 feet along Torrence Street pursuant to Section 13 of the Zoning Ordinance."

This motion was seconded by Supervisor Davis.

Following input from Barbara A. Byron, Division Director, Zoning Evaluation Division, Office of Comprehensive Planning, the question was called on the motion which carried by a vote of eight, Supervisor Alexander being out of the room.

85. CEREMONY PLANNED FOR THE FAIRFAX COUNTY  
PARKWAY SEGMENT BETWEEN WEST OX ROAD AND  
FOX MILL ROAD (TAPE 6)

Supervisor McConnell stated that it has been called to her attention that the Fairfax County Parkway segment between West Ox Road and Fox Mill Road appears to be completed and ready for use. She asked that staff brief Board Members on when this segment will be opened.

Shiva K. Pant, Director, Office of Transportation, responded that representatives from the Virginia Department of Transportation (VDOT) reported that the roadbed is completed and the contractor is installing the guardrails this week. A ribbon-cutting ceremony has been scheduled for Tuesday, October 22, 1991 at 12:00 noon to officially open the segment to traffic.

Supervisor Davis asked unanimous consent that the Board direct staff to communicate the Board's desire to open this segment to traffic as soon as possible. Without objection, it was so ordered.

86. BREAKFAST MEETING TENTATIVELY SCHEDULED  
BETWEEN BOARD OF SUPERVISORS AND THE  
NORTHERN VIRGINIA DELEGATION TO DISCUSS  
THE LEGISLATIVE PROGRAM (TAPE 6)

Supervisor Hanley stated that she will be distributing to Board Members a schedule for the upcoming Legislative Session. In lieu of the annual dinner meeting, she announced that a breakfast meeting with the Northern Virginia Delegation has been tentatively scheduled for Wednesday morning, December 18, 1991.

87. ADDITIONAL ACTION ON ADMINISTRATIVE ITEM FOUR -  
ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR  
SPECIAL EXCEPTION APPLICATION SE 89-D-042  
(GOODRIDGE DRIVE ASSOCIATES LIMITED  
PARTNERSHIP) (PROVIDENCE DISTRICT -  
FORMERLY DRANESVILLE DISTRICT) (TAPE 6)

(ET) Supervisor Hanley stated that earlier in the meeting during the County Executive Matters, action was taken to approve the request for additional time to commence construction for Special Exception Application SE 89-D-042; however, a time period was not stated. Accordingly, she moved that the Board amend her previous motion to approve the request for three years of additional time for Special Exception Application SE 89-D-042 pursuant to the provisions of Section 9-015 of the Zoning Ordinance. This motion was seconded by Supervisor Pennino and carried by a vote of seven, Chairman Moore abstaining, Supervisor Alexander being out of the room.

88. REIMBURSEMENT OF ADDITIONAL COSTS TO FAIRFAX  
COUNTY BECAUSE OF IMPACTS CAUSED BY THE  
"GREEN CARD LOTTERY" (TAPE 6)

Supervisor Hanley briefed Board Members on the impacts to the surrounding communities caused by the "Green Card Lottery." She stated that the commitment required by the Fairfax County Police, both in time and equipment, had been extensive. She called to the Board's attention the fact that a recent newspaper article reported that jurisdictions would be reimbursed by the Federal government for additional costs caused by this lottery and she moved that the Board direct staff to:

- Transmit to the Federal government as soon as possible a complete bill detailing the additional expenses of Fairfax County; and
- Distribute to Board Members copies of the bill so that Fairfax County can make a recommendation or take a position on whether this process could be handled better.

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

89. RECESS/EXECUTIVE SESSION (TAPE 6)

At 1:10 p.m., Supervisor Richards 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:

- NV Land, Incorporated, versus the Board of Supervisors in Chancery Number 105959; and
- Board of Supervisors versus Launderers, At Law Number 98386.

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

CM:CM

At 2:30 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Moore presiding.

90. ACTIONS FROM EXECUTIVE SESSION (TAPE 7)

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. EXPEDITED PROCESSING OF THE BALMORAL  
DEVELOPMENT APPLICATION

Supervisor McConnell moved that the Board direct staff to:

- Proceed with processing the application pertaining to the Balmoral Development on an expedited basis;
- Proceed with an amendment to the plans which would facilitate provision of public water to land area in the vicinity of the Balmoral property; and
- Waive the special exception fees and the special permit fees which may arise by the filing of Balmoral application for good cause shown.

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

C. A-8 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 112 (ZONING ORDINANCE  
SECTION 2-903

(R)(A)

Supervisor Pennino moved that the Board adopt the Resolution authorizing the advertisement of a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Section 2-903 regarding floodplain regulations, a copy of which has been provided to all Board Members and the Clerk. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

D. SETTLEMENT OF CIGNA PROPERTIES CASUALTY  
COMPANY VERSUS BOARD OF SUPERVISORS

Supervisor Hyland moved that the Board authorize settlement of a case captioned Cigna Properties Casualty Company, et al, versus Board of Supervisors, Civil Action Number 91-1055-A according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

E. SETTLEMENT OF BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY VIRGINIA VERSUS  
GFS REALTY INCORPORATED

Supervisor Richards moved that the Board authorize settlement of Board of Supervisors of Fairfax County, Virginia versus GFS Realty Incorporated, At Law Number 97308, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Pennino and carried by unanimous vote.

91. DEPARTURE OF DAVID T. STITT, COUNTY ATTORNEY  
(TAPE 7)

(Verbatim)

Supervisor Pennino announced that this would be the last Board meeting for David T. Stitt, County Attorney and offered expressions of thanks for his leadership and commitment of service in legal matters for the citizens of Fairfax County.

Chairman Moore relinquished the Chair to Vice-Chairman Pennino and asked unanimous consent that the Board direct staff to prepare a verbatim transcript of this item for presentation to Mr. Stitt. Without objection, it was so ordered.

Vice-Chairman Pennino returned the gavel to Chairman Moore.

92. APPOINTMENT OF ROBERT L. HOWELL AS ACTING-COUNTY  
ATTORNEY (TAPE 7)

Supervisor Hyland moved that the Board appoint Mr. Robert L. Howell as the Acting-County Attorney to coordinate all legal matters and relate directly to the Board in terms of giving advice and that the Board commence a process after the November elections to select a County Attorney. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Hanley being out of the room.

CM:CM

93. BOARD RECESS (TAPE 7)

The Board recessed at 2:50 p.m., and at 3:50 p.m. reconvened in the Board Room with all members present, with the exception of Supervisor Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore and with Vice-Chairman Pennino presiding.

94. CLARIFICATION OF EARLIER MOTION REGARDING ACTION ITEM A-8 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) SECTION 2-903 (TAPE 8)

(NOTE: Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item CL#90C.)

Vice-Chairman Pennino clarified, for the record, that the Board's earlier action adopting the Resolution concerning a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 2-903, regarding floodplain regulations also included the authorization for staff to advertise the public hearing.

95. 3:30 P.M. - PH ON REZONING APPLICATION RZ 90-C-001 (DENNIS F. RICE, TRUSTEE AND ROBERT D. BURKE, TRUSTEE) (CENTREVILLE DISTRICT) (TAPE 8)

Mr. Paul R. Jeannin reaffirmed the validity of the affidavit for the record.

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

Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Alexander and 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 Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room.

Supervisor Pennino moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-C-001 be amended from the R-1 and R-2 Districts to the R-3 District subject to the execution of the revised proffers dated October 2, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room.

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



96. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION  
SE 91-M-018 (DAVID S. HOAG) (MASON DISTRICT)  
(TAPE 8)

Mr. Jack Connor reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$100.00 from a Corporation of which the applicant is a party.

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

Supervisor McConnell moved approval of Special Exception Application SE 91-M-018 subject to the revised development conditions dated October 2, 1991. This motion was seconded by Supervisor Alexander and CARRIED by a recorded vote of five, Supervisor Davis abstaining, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room.

Supervisor McConnell moved waiver of the barrier requirements along the west and southern property line boundaries and that the barrier requirements be modified along the northern and eastern boundaries as depicted on the Special Exception Plat. This motion was seconded by Supervisor Alexander and CARRIED by a recorded vote of five, Supervisor Davis abstaining, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room.

Supervisor McConnell moved modification of the transitional screening requirements along the north, south and east boundaries as depicted on the Special Exception Plat and as amended by the revised development conditions dated October 2, 1991, and along the western boundary in favor of existing vegetation in accordance with Paragraph 3, Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Alexander and CARRIED by a recorded vote of five, Supervisor Davis abstaining, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room.

Supervisor McConnell moved approval of the deletion of the requirement for a service drive along the Little River Turnpike frontage of the site. This motion was seconded by Supervisor Alexander and CARRIED by a recorded vote of five, Supervisor Davis and Supervisor Hanley abstaining, Supervisor Richards and Chairman Moore being out of the room.

Supervisor McConnell moved to direct the Director of the Department of Environmental Management (DEM) to waive the requirement for a Site Plan for Special Exception Application SE 91-M-018. This motion was seconded by Supervisor Alexander and CARRIED by a recorded vote of five, Supervisor Davis and Supervisor Hanley abstaining, Supervisor Richards and Chairman Moore being out of the room.

97. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 85-D-097 (THE POTOMAC SCHOOL)  
(DRANESVILLE DISTRICT) (NO TAPE)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#103.)

98. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 83-D-041-3 (CEN ARCHITECTS,  
INCORPORATED) (DRANESVILLE DISTRICT) (NO TAPE)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#104.)

99. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATIONS SEA 81-P-075-8 AND SEA 81-P-075-10  
(CENTRAL VIRGINIA EDUCATION TELEVISION  
CORPORATION) (PROVIDENCE DISTRICT) (TAPE 8)

Mr. Antonio Calabrese reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Kris Abrahamson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 81-P-075-8 subject to the revised development conditions dated October 14, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 81-P-075-10 subject to the revised development conditions dated October 14, 1991. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room.

With regard to Special Exception Amendment Application SEA 81-P-075-10, Supervisor Hanley moved that the transitional screening requirement be waived along the southwestern property boundary in favor of that which is shown on the Special Exception Plat. This motion was seconded by Supervisor Hyland and carried by a vote of five, Supervisor Davis, Supervisor McConnell, Supervisor Richards, and Chairman Moore being out of the room.

100. 3:30 P.M. - PH ON APPLICATION 456-P91-12;  
ACQUISITION BY THE FAIRFAX COUNTY REDEVELOPMENT  
AND HOUSING AUTHORITY (FCRHA) OF AN EXISTING  
OFFICE BUILDING LOCATED AT 3700 PENDER DRIVE  
(PROVIDENCE DISTRICT) (TAPE 8)

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 September 26 and October 3, 1991.

Following the public hearing, Supervisor Hanley moved that the Board defer decision to authorize the Fairfax County Redevelopment and Housing Authority (FCRHA) to acquire the office building located at 3700 Pender Drive [Tax Map Reference 47-3((1))59B] until October 28, 1991 at 3:00 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Davis, Supervisor McConnell, and Chairman Moore being out of the room.

SBE:SBE

101. 4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE  
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING  
ORDINANCE) REGARDING LOCATION OF OFF-STREET  
PARKING RELATIVE TO THE FRONT LOT LINE  
(TAPE 9)

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 September 26 and October 3, 1991.

Following the public hearing, which included testimony by four speakers, Supervisor Bulova moved to defer Board decision until October 28, 1991 at 8:00 p.m. to allow additional time for staff to address the issue of existing units that may be deemed not in compliance with the ordinance requirements. 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.

102. 4:00 P.M. - DEFERRAL OF PUBLIC HEARING ON REZONING APPLICATION RZ 91-D-005 AND SPECIAL EXCEPTION APPLICATION SE 91-D-035 (JERRY AND HELEN R. HILL) (DRANESVILLE DISTRICT) (TAPE 9)

(NOTE: Due to notification problems by the applicant, the public hearing on Rezoning Application RZ 91-D-005 and Special Exception Application SE 91-D-035 was deferred until October 28, 1991 at 7:30 p.m.)

103. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT) (TAPES 9-10)

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Supervisor Richards moved to waive the reading of the staff and Planning Commission recommendations. This motion was carried by a vote of five, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Richards moved approval of Special Exception Amendment Application SEA 85-D-097 subject to the development conditions dated October 14, 1991, as revised to:

- Delete the last sentence of Paragraph 5d; and
- Modify 100 feet in Paragraph 5d TO 150 feet so that Paragraph 5d reads as follows:

"5d. Access/Maintenance Easement:

The school agrees to grant to the Fairfax County Park Authority a six (6) foot wide access and right-of-way easement across its property South of Pimmit Run for a trail together with an easement for maintenance purposes of four and one-half (4-1/2) feet on either side of the trail to serve the purposes of the County-wide trails policy, said easement to be granted and the location determined by mutual agreement of the

school and the Fairfax County Park Authority at such time as the right-of-way is fully available to connect a trail between existing County-owned parcels, provided that the Park Authority agrees to indemnify and hold harmless the school from any liability resulting from the activities of the Park Authority or the public in the easement area and further provided that no motorized vehicles be permitted to use the trail with the exception of Park Authority vehicles while involved with trail maintenance and that the school have the right to enforce the vehicle prohibition by erecting barriers to vehicle use. At the time of the delineation of the trail easement, in the event the physical location of Pimmit Run in the area of the common property lines of the School, the Authority, and Lots 170 and 171 of Potomac Hills makes it infeasible, as determined by the Authority and the School, to connect a trail from the Authority's parcel (A) to the South Area of the School, the School and the Authority, shall define an area (not to exceed thirty (30) feet wide from the northern stream bank and 150 FEET in length; the 150 FEET length shall be parallel to the stream bed, generally in a northwesterly direction from the opposite common property line and going upstream in a northwesterly direction) in the North Area in which a trail may be located to connect with the trail on the south side of Pimmit Run as described in Paragraph 5(d)."

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

Supervisor Richards moved that the Board waive the transitional screening and barrier requirements along all boundaries of the site subject to the revised development conditions dated October 14, 1991. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Richards moved that, by granting the easements described in Paragraphs 5a and 5d, the School shall not lose open space credit for stormwater pollutant removal calculation purposes on those areas within the easements and this action shall not be construed as setting a precedent for the granting of such open space credits in other cases. This motion was seconded by Supervisor Davis and carried by a vote of five, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Richard expressed her appreciation to the representatives from The Potomac School for their cooperation with the Park Authority on this issue.

104. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 83-D-041-3 (CEN ARCHITECTS,  
INCORPORATED) (DRANESVILLE DISTRICT) (TAPE 10)

Supervisor Richards moved that the Board direct the Zoning Administrator to dismiss Special Exception Amendment Application SEA 83-D-041-3 pursuant to Section 18-209 of the Zoning Ordinance for refusing to prosecute the application. This motion was seconded by Supervisor Hyland and carried by a vote six, Supervisor Alexander, Supervisor Hanley, and Chairman Moore being out of the room.

Vice-Chairman Pennino clarified, for the record, that this action denies the applicant the opportunity to refile this request for one year.

105. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION  
SE 91-Y-015 (WILLS-BEATTY SULLY PLACE LIMITED  
PARTNERSHIP) [SULLY DISTRICT (FORMERLY CENTREVILLE  
DISTRICT)] (TAPE 10)

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

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

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

Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Hyland and moved:

- Approval of Special Exception Application SE 91-Y-015 subject to the development conditions dated September 18, 1991; and

- Waiver of the barrier and modification of transitional screening along the south side in favor of that depicted on the Special Exception Plat, as revised August 22, 1991.

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

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

106. 4:30 P.M. - DEFERRAL OF PUBLIC HEARING ON REZONING APPLICATION RZ 91-Y-010 (MAPLEWOOD DEVELOPMENT COMPANY, INCORPORATED); PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-083 (BURKE INVESTMENT ASSOCIATES AND MASON ASSOCIATES); AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-S-058-2 (BURKE INVESTMENT ASSOCIATES, MASON ASSOCIATES, AND MAPLEWOOD DEVELOPMENT COMPANY, INCORPORATED) [SULLY DISTRICT (FORMERLY SPRINGFIELD DISTRICT)] (TAPE 10)

(NOTE: Due to deferral by the Planning Commission, the public hearing on Rezoning Application RZ 91-Y-010, and Proffered Condition Amendment Applications PCA 88-S-083 and PCA 81-S-058-2 was deferred until October 28, 1991 at 3:00 p.m.)

107. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-S-058-3 (BURKE INVESTMENT ASSOCIATES, MASON ASSOCIATES, AND MAPLEWOOD DEVELOPMENT COMPANY, INCORPORATED) AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-083-2 (BURKE INVESTMENT ASSOCIATES AND MASON ASSOCIATES) [SULLY DISTRICT (FORMERLY SPRINGFIELD DISTRICT)] (TAPE 10)

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

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

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

Supervisor McConnell moved approval of Proffered Condition Amendment Application PCA 81-S-058-3 subject to the revised development conditions dated September 23, 1991. This motion was seconded by Supervisor Davis and CARRIED by a recorded vote of six, Supervisor Alexander abstaining, Supervisor Hanley and Chairman Moore being out of the room.

Supervisor McConnell moved approval of Proffered Condition Amendment Application PCA 88 S-083-2 subject to the revised development conditions dated September 23, 1991. This motion was seconded by Supervisor Davis and CARRIED by a recorded vote of five, Supervisor Alexander abstaining, Supervisor Hanley, Supervisor Richards, and Chairman Moore being out of the room.

108. 4:30 P.M. - PH ON AGRICULTURAL/FORESTAL  
DISTRICT RENEWAL APPLICATION AR 83-S-004  
(LEE J. VAZQUEZ) (SPRINGFIELD DISTRICT)  
(TAPE 10)

- (0) Ms. Lee J. Vazquez reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor McConnell moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Davis and carried by a vote of eight, 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-3 (Local Agricultural and Forestal Districts Ordinance), to renew the Whitehall Local Agricultural and Forestal District (AR 83-S-004) subject to the revised ordinance provisions listed in Appendix One of the Staff Report and dated August 21, 1991. This motion was seconded by Supervisor Davis and carried by a vote of eight, Chairman Moore being out of the room.

109. 4:30 P.M. - PH ON 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) (TAPE 10)

- (Rs) 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 September 26 and October 3, 1991.



Following the public hearing, which included testimony by five speakers, Supervisor Davis moved that the Board concur in the recommendation of staff and take the following actions on the Resolutions for the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

Small District One within Mason District (Carlyn Square Townhouse Subdivision)	De-Create Re-Create	Refuse & 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 & Leaf	Deny
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 & Leaf	Deny
Small District Six within Mason District (4429 Park Road)	Enlarge	Refuse	Approve

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

Supervisor Hanley moved that the Board concur in the recommendation of staff and take the following actions on the Resolutions for the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

Small District One within Providence District (6500 Arlington Boulevard 2921 Linden Lane)	De-Create/ Re-Create	Leaf	Deny
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Small District One within Providence District (The Willow Point Condominium Subdivision)	De-Create	Leaf	Deny
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Small District Twelve within Providence District (Hunter Road Subdivision Area)	Create	Refuse	Approve
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This motion was seconded by Supervisor Davis and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Bulova moved that the Board concur in the recommendation of staff and take the following actions on the Resolutions for the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

Small District Two within Annandale District	Rename to Braddock District	Refuse & Leaf	Approve
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Small District Four within Lee District	Rename to Mason District	Refuse	Approve
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This motion was seconded by Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

Supervisor Hyland moved that the Board concur in the recommendation of staff and take the following actions on the Resolutions for the proposed small and local sanitary districts for refuse and leaf collection services in accordance with the Board of Supervisors' adopted criteria for the De-Creation/Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, as follows:

Small District Four within Mount Vernon District (Mount Vernon Park Subdivision)	Create	Refuse	Approve
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This motion was seconded by Supervisor Davis and carried by a vote of eight, Chairman Moore being out of the room.

SUMMARY OF ACTIONS

<u>SANITARY DISTRICT</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>	<u>BOARD ACTION</u>
Small District Two within Annandale District	Rename to Braddock District	Refuse & 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 & 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 & Leaf	Deny
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 & 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

Leaf

Deny

Small District Twelve  
within Providence District  
(Hunter Road Subdivision Area)

Create

Refuse

Approve

110. 4:30 P.M. - PH ON THE ACQUISITION OF AN ADDITIONAL DEDICATION AND EASEMENT NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD BOND PROJECT - LAWYERS ROAD EXTENDED (CENTREVILLE DISTRICT) (NO TAPE)

(NOTE: This item has been withdrawn and a public hearing is no longer required.)

111. 4:30 P.M. - PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF A PUBLIC SANITARY SEWER FOR SENECA PLACE I AND II (DRANESVILLE 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 September 26 and October 3, 1991.

Following the public hearing, Supervisor Richards moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of a public sanitary sewer for Seneca Place I and II, Dranesville District. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Chairman Moore being out of the room.

112. 5:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) REGARDING ADOPTION OF STATE LAW (TAPE 10)

- (O) 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 September 26 and October 3, 1991.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 1 (In General), Section 82-1-6 (Adoption of State Law), to become effective on the date of Board adoption. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Chairman Moore being out of the room.

113. 5:00 P.M. - PH ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY ON POPES HEAD PARK (SPRINGFIELD DISTRICT)  
(TAPES 10-11)

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 September 26 and October 3, 1991.

Following the public hearing, which included testimony by nine speakers, Supervisor McConnell moved to defer Board decision until November 18, 1991 at 4:00 p.m. on the proposed conveyance of County-owned property to the Fairfax County Park Authority on Popes Head Park, Springfield District. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

114. 5:00 P.M. - PH ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY ON BRADDOCK ROAD (SPRINGFIELD DISTRICT) (TAPE 11)

- (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 September 26 and October 3, 1991.

Following the public hearing, Supervisor McConnell moved adoption of the proposed Resolution authorizing the conveyance of County-owned property on Braddock Road, Tax Map Number 66-2 ((1)) 4C, to the Fairfax County Park Authority on Braddock Road, Springfield District. This motion was seconded by Supervisor Hanley and carried by a vote of five, Supervisor Alexander, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

115. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 90-P-028 (STOUFFER RESTAURANT COMPANY) (PROVIDENCE DISTRICT) (TAPE 11)

Mr. William E. Donnelly reaffirmed the validity of the affidavit for the record.

Mr. Donnelly 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 Hanley moved approval of Special Exception Amendment Application SEA 90-P-028 subject to the development conditions dated September 26, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

116. 5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 89-C-027 AND PROFFERED CONDITION  
AMENDMENT APPLICATIONS PCA 88-C-039-3 AND  
PCA 88-C-091-3 (BAHMAN AND ROSHANAK BATMANGHELIDJ)  
(CENTREVILLE DISTRICT) (TAPE 11)

Because these applications are located in the Centreville District, Vice-Chairman Pennino relinquished the Chair to Acting-Chairman Alexander.

Mr. Jerry M. Phillips reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$190.00 from Mr. John Thillmann, employed by the applicant, in 1991.

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

Supervisor Pennino moved approval of Proffered Condition Amendment Application PCA 88-C-039-3 subject to the executed proffers dated October 3, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

Supervisor Pennino moved approval of Proffered Condition Amendment Application PCA 88-C-091-3 subject to the executed proffers dated October 3, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

Supervisor Pennino moved approval of Special Exception Amendment Application SEA 89-C-027 subject to the development conditions dated September 5, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

Supervisor Pennino moved modification of the transitional screening requirement in favor of the landscape plantings shown on the Generalized Development Plan (GDP), subject to final approval by the Chief of the Urban Forestry Branch of the Department of Environmental Management (DEM) and waiver of the barrier requirement. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

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

117. 5:00 P.M. - DEFERRAL OF PH ON SPECIAL EXCEPTION APPLICATION SE 91-L-017 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-019-2 (LEE AUTOMOTIVE) (LEE DISTRICT) (TAPE 11)

At the request of the applicant, Supervisor Alexander moved deferral of the public hearing on Special Exception Application SE 91-L-017 and Proffered Condition Amendment Application PCA 86-L-019-2 until January 6, 1992 at 4:00 p.m. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

CM:CM

118. 7:30 P.M. - PH ON REZONING APPLICATION RZ 89-L-082 (K AND K DEVELOPMENT CORPORATION) (LEE DISTRICT) (TAPE 12)

Mr. Tim Lewis reaffirmed the validity of the affidavit for the record.

Mr. Lewis 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 Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Alexander moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 89-L-082 be amended from the C-8, R-3, and Highway Corridor Districts to the R-12 and Highway Corridor Districts subject to the execution of the revised proffers dated October 7, 1991. This motion was seconded by Supervisor Pennino and carried by a vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Alexander moved waiver of the minimum district size for the R-12 District for Rezoning Application RZ 89-L-082. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore being out of the room.

Supervisor Alexander moved, pursuant to Rezoning Application RZ 89-L-082, that the Board on its own motion initiate rezoning of the two adjacent residential parcels to the west, Tax Map Reference 101-2 ((6)) 26, 26A to a similar zoning district in accordance with the citizens request. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore being out of the room.

119. BOARD RECESS (TAPE 12)

At 7:45 p.m., the Board recessed for dinner and at 8:15 p.m. reconvened in the Board Room, with all Board members being present with the exception of Supervisor Davis, Supervisor Hanley, Supervisor Hyland, and Chairman Moore, and with Vice-Chairman Pennino presiding.

120. DEFERRAL OF PH ON REZONING APPLICATION  
RZ 90-S-013 (RAJ K. SINGLA) (SPRINGFIELD  
DISTRICT) (TAPE 12)

Supervisor McConnell moved to defer the public hearing on Rezoning Application RZ 90-S-013 until January 27, 1992 at 3:30 p.m. This motion was seconded by Supervisor Alexander and carried by a vote of five, Supervisor Davis, Supervisor Hyland, Supervisor McConnell, and Chairman Moore being out of the room.

121. 7:30 P.M. - PH REGARDING A LEASE AGREEMENT WITH  
HEALTH DYNAMICS, INCORPORATED FOR THE DISTRICT  
NURSING HOME PROPERTY IN WARRENTON (TAPE 12)

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 September 26 and October 3, 1991.



Following the public hearing, Supervisor McConnell moved that the Board authorize the execution of the proposed lease of the District Nursing Home property in Warrenton, Virginia to Health Dynamics, Incorporated. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hanley, Supervisor Hyland, and Chairman Moore being out of the room.

122. 7:30 P.M. - PH TO AUTHORIZE THE EXECUTION OF  
SUBDIVISION DEED FOR THE DISTRICT HOME PROPERTY  
IN MANASSAS, VIRGINIA (TAPE 12)

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 September 26 and October 3, 1991.

Following the public hearing, Supervisor McConnell moved that the Board authorize the execution of a subdivision deed for the District Home property in Manassas, Virginia. This motion was seconded by Supervisor Bulova and carried by a vote of five, Supervisor Davis, Supervisor Hanley, Supervisor Hyland, and Chairman Moore being out of the room.

123. 7:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES  
OF CONCERN (TAPE 12)

(Verbatim)  
(BACs)

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 September 26 and October 3, 1991.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Clerk to the Board to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held and included testimony by three speakers.

Supervisor McConnell moved that the Board direct the Acting County Executive to immediately set up a group consisting of the following:

- Five members of the Towing Industry, elected by the Industry;
- A representative from the Department of Consumer Affairs;

- Supervisor McConnell to represent the Board of Supervisors;
- Representatives from the County's Purchasing Agent;
- Members from the Police Department;
- A representative from the Federation of Citizens Association;
- A representative from the League of Women Voters; and
- A representative from the Fairfax County Chamber of Commerce.

The purpose of this group shall be to evaluate the current bidding process and to make recommendations to the Procurement Officer. This motion was seconded by Supervisor Richards and carried by a vote of six, Supervisor Davis, Supervisor Hyland, and Chairman Moore being out of the room.

124. 7:30 P.M. - PH TO CONSIDER A CHARTER FOR THE  
GOVERNMENT OF FAIRFAX COUNTY (COUNTYWIDE)  
(TAPES 12-15)

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 September 26 and October 3, 1991.

Following the public hearing, Supervisor Alexander moved that the Board:

- Officially accept the proposed Charter from the Fairfax County Citizens Assembly;
- Express its appreciation to the Citizens Assembly for a very outstanding job;
- Refer this issue to the Legislative Subcommittee; and
- Reconsider the issues proposed in the Memorandum to the Board after the new Board takes office and after the Legislative Committee has prepared a recommendation on the subject.

This motion was seconded by Supervisor McConnell.

Supervisor Hanley announced that the Legislative Subcommittee would be meeting on Friday, November 15, 1991, at 2:00 p.m., and on Monday, December 9, 1991.

Supervisor Hyland asked unanimous consent that the Board direct staff to continue to interact with Mr. Chabot and the Citizens Assembly on the issues raised. Without objection, it was so ordered.

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

125. BOARD ADJOURNMENT (TAPE 15)

At 11:10 p.m., the Board adjourned.

