

SBE:sbe

The meeting was called to order at 9:30 a.m. with all Members being present and with Chairman Davis presiding.

Others present were Richard A. King, Acting County Executive; Robert L. Howell, Acting 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.

2.9:30 A.M. - PRESENTATION BY THE MUSCULAR**DYSTROPHY ASSOCIATION (MDA) TO THE BOARD****OF SUPERVISORS AND THE PROFESSIONAL FIRE****FIGHTERS (Tape 1)**

Melissa Hurtt, District Director, Muscular Dystrophy Association (MDA), introduced to Board Members Tommy Spearing, MDA's Goodwill Ambassador, who has worked very closely with the Fairfax County Professional Fire Fighters this year in the "Fill the Boot Campaign." Tommy was then presented a check for MDA.

Fire Station #30 won this year's Traveling Trophy from MDA for collecting the most money.

Following the presentation by Ms. Hurtt, Supervisor McConnell moved approval of the presentation of the Proclamation proclaiming January 6 through January 10, 1992 as "PROFESSIONAL FIRE FIGHTER APPRECIATION WEEK" in Fairfax County. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

3. CONGRATULATIONS TO THE STICKMANS ON THEIR**RETIREMENT (Tape 1)**

Supervisor Alexander announced that both Betty and Ralph Stickman are retiring from Fairfax County government after many years of service. Betty has been with the County almost 31 years and Ralph almost 28 years.

Supervisor Alexander called the Board's attention to the fact that Betty's years with the Fairfax County Police Department recount a unique personal history of

accomplishment as a cornerstone of the Department. Almost 31 years ago, Betty joined the Police Department Applicant Section located in the original jail building near the Courthouse. She moved to the new Police Headquarters in June 1961, where she continued in the Applicant Center until her transfer to become secretary for Chief Durrer on March 1, 1964. In recognition of her hard work and demonstrated loyalty, on March 31, 1973, she was promoted to Administrative Assistant to the Chief. She has continued in this role under Chiefs King and Buracker and has continued to serve in this capacity for the current Chief, Colonel John Granfield. She has made innumerable friends throughout the County in her role as Police Department Coordinator for such functions as the Annual Valor Awards Ceremonies and Neighborhood Watch Recognition Dinners.

Ralph's career commitment to Fairfax County service began almost 28 years ago with his employment as a painter with the School Board. Within a few months, his mechanical skills earned him a transfer to the Equipment Management Transportation Agency (EMTA) as a mechanic, where his recognized technical capabilities helped him rise to the position of Foreman. On April 13, 1974, he made the transition from EMTA to the Police Department, serving for eight years as a Game Warden until February 6, 1982, when he was appointed to his current position as Vehicle Coordinator.

On behalf of the entire Board of Supervisors, Supervisor Alexander wished Betty and Ralph Stickman the very best in their retirement and presented to them a Certificate of Appreciation expressing the Board's appreciation for their many years of dedication to Fairfax County government.

4:9:45 A.M. - PRESENTATION ON THE 250TH ANNIVERSARY

CELEBRATION KICKOFF (Tape 1)

The following individuals provided a presentation to Board Members on the 250th Anniversary Celebration Kickoff:

- Peter Faraone, Chairman,
250th Celebration Committee;
- Senator Joseph V. Gartlan; and
- Sixth Graders from Fairview Elementary School.

The 250th Anniversary Celebration will be celebrated throughout the year at a number of community events. The highlight of the celebration will be "Fairfax", a week of celebration beginning June 6, 1992 and culminating on June 11, 1992 at the annual Fairfax Fair scheduled for June 12 through June 14, 1992.

Senator Gartlan presented a resolution to Chairman Davis commending Fairfax County on its 250th Anniversary.

The Sixth Graders from Fairview Elementary School sang a song in tribute to Fairfax County.

**5.10:00 A.M. - PRESENTATION BY THE CHAMBER OF
COMMERCE ON THE ECONOMIC RECOVERY AND
FORMATION OF THE BOARD'S SUBCOMMITTEE
ON ECONOMIC RECOVERY (Tapes 1-2)**

(BACs)

Dale Peck, Chairman, Board of Directors, Fairfax County Chamber of Commerce, presented to Board Members a presentation on Economic Recovery.

Supervisor McConnell moved that the Board establish a Commission, under a Subcommittee of the Board, entitled the Economic Recovery Subcommittee. She distributed to Board Members a written proposal regarding the formation of the Subcommittee, as well as a list of representatives who will be invited to serve on the Subcommittee. She called on Supervisor Dix to brief the Board on the Subcommittee's goals.

Supervisor Dix briefed Board Members on the following goals of the Subcommittee:

1. The Fairfax County Board of Supervisors Subcommittee on Economic Recovery shall be formed to advise the Board on the measures that can and should be taken to contribute to the economic recovery of Fairfax County;
2. The goals of the Subcommittee shall include the following:

A.Recommend measures to attract and retain a diversity of quality jobs and businesses in Fairfax County, including a strategy to improve the national business image of Fairfax County in order to make efforts to attract business more productive;

B.Recommend measures that can be taken to reform the Department of Environmental Management (DEM) to reduce the time and expense involved for businesses seeking to locate or expand in Fairfax County, and confer with the Board's Subcommittee on Building and Development Process;

C.Recommend changes in the current County tax structure -- including the BPOL (Business, Professional and Occupational License) Tax classifications and R&D (Research and Development)-related tax exemptions -- where the present system presents obstacles to the location or expansion of businesses in Fairfax County;

D.Recommend measures to stimulate the construction of "affordable housing" units and their location near employment centers to help provide a more diverse labor pool for current and prospective Fairfax County employers;

E.Recommend steps that can be taken to protect land values in Fairfax County and ensure that tools such as tax districts remain viable funding options;

F.Recommend Fairfax County services that should be considered for "privatization," and recommend changes in current County practices where the County provides services in direct competition with the private sector;

3.The membership of the Subcommittee shall be reported to the Board of Supervisors on or before January 27, 1992, and the organizational meeting of the Subcommittee shall occur no later than February 1, 1992;

4.The membership of the Subcommittee shall include a broad representation of Fairfax County citizens with business expertise;

5.The Subcommittee shall report to the Board of Supervisors on or before April 1, 1992, with recommendations for actions with immediate or near-term benefits and/or those that will have an impact on the Fiscal Year (FY) 1993 County budget;

6.The Board of Supervisors commends the efforts of the Fairfax County Chamber of Commerce and its Economic Potential Task Force for presenting the Board with a comprehensive report on initiatives to stimulate the local economy; and

7.The Subcommittee shall utilize the Chamber's report as the "starting point" for its pursuit of short-term, long-term and ongoing policies and programs to revitalize the local economy and make Fairfax County a more attractive and competitive place to do business.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked that the motion be amended to revise the title of Subcommittee to read, "Economic Recovery **Commission**," and direct staff to make the necessary revisions throughout the document to reflect the change, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

Supervisor McConnell clarified that it will be titled the Economic Recovery Commission under the Board's Economic Recovery Subcommittee and the Commission will operate with the Subcommittee, and this clarification was accepted.

Following discussion, Supervisor Bulova asked that the motion be further amended to revise the title of Commission to read, "Economic Recovery **Advisory** Commission," and direct staff to make the necessary revisions throughout the document to reflect the change, and this was accepted.

In response to a query by Chairman Davis, Supervisor McConnell stated that each organization on the list will appoint its respective representative.

Supervisor Berger seconded the motion to form the Commission and to incorporate the goals read by Supervisor Dix.

Following discussion regarding the composition of the Commission, Supervisor Alexander moved that the motion be amended to add representation by the Federation of Citizens Associations and League of Women Voters. This motion was seconded by Supervisor Hyland.

Following further discussion, the question was called on the amendment to the motion which **FAILED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE**."

The question was then called on the main motion, as amended only to change the title to the **Economic Recovery Advisory Commission**, which carried by a unanimous vote.

JLD:jld

6.10:00 A.M. - PH ON THE COUNTY AND SCHOOLS'

FISCAL YEAR (FY) 1992 MIDYEAR REVIEW TO

AMEND THE APPROPRIATION LEVEL IN THE

FY 1992 REVISED BUDGET PLAN (Tape 3)

(SARs)

(FPRs)

A Certificate of Publication was filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of December 19 and December 26, 1991.

A brief question-and-answer period ensued between Board Members, James P. McDonald, Deputy County Executive for Management and Budget, and staff from the Office of Management and Budget.

Following Speaker Number One (James Trollinger), Chairman Davis relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to review the issue of the closing of a portion of Westover Street in the Hillwood Community. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Davis.

Following the public hearing, which included testimony by five speakers, Supervisor Bulova moved Board approval of Supplemental Appropriation Resolution AS91047 to account for adjustments resulting from the Fiscal Year (FY) 1991 audit. This motion was jointly seconded by Supervisor Hanley and Supervisor Hyland and carried by unanimous vote.

Supervisor Bulova moved Board approval of:

- Supplemental Appropriation Resolution AS92034; and
- Amendment to the Fiscal Planning Resolution AS92902,

which includes the revenue, expenditure, transfer and audit adjustments contained in the County and School's Midyear Review which results in an available Combined General Fund balance of \$0. This motion was seconded by Supervisor Hyland.

Following discussion among Board Members, with input from Edward L. Long, Jr., Director, Office of Management and Budget, and Mr. McDonald, Chairman Davis relinquished the Chair to Acting-Chairman McConnell and asked that the motion be amended to include that the Board direct staff to make appropriate budget recommendations to ensure that new Board Members receive adequate budget

allocations, regardless of the amount remaining in their office budget, and this was accepted.

Acting-Chairman McConnell returned the gavel to Chairman Davis.

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

Supervisor Bulova moved Board appropriation of Federal/State grant awards and adjustments, contained in Attachment IV of the Memorandum to the Board dated January 6, 1992, resulting in a net increase of \$2,740,743 in appropriations to Subfund 107, Federal/State Grant Fund. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Bulova moved Board approval of adjusting the Managed Reserve to maintain the Reserve at two percent of total disbursements based on the action taken by the Board as part of the Midyear Review. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

7. BUDGET GUIDELINES FOR FISCAL YEAR (FY) 1993

(Tape 3)

(R) Discussion ensued among Board Members on the Proposed Fiscal Year (FY) 1993 Revised Budget Guidelines Resolution with input from James P. McDonald, Deputy County Executive for Management and Budget.

Supervisor Berger moved to amend the Proposed FY 1993 Revised Budget Guidelines Resolution to include Board endorsement of the concept of the Blue Ribbon Commission and its efforts to find waste and duplication within the County budget, allowing the Board of Supervisors to try to meet the existing budgetary shortfall through spending cuts, restructuring and reprioritization. This motion was seconded by Supervisor McConnell.

Following discussion among Board Members, the motion was withdrawn.

Discussion continued among Board Members with input from Edward L. Long, Jr., Director, Office of Management and Budget.

Supervisor Hyland asked unanimous consent that the Board invite a representative from the Employees Advisory Council (EAC) to be present at the Board of Supervisors' retreat. Without objection, it was so ordered.

Supervisor McConnell moved that the Board adopt the following FY 1993 Revised Budget Guidelines Resolution:

FY 1993 REVISED BUDGET GUIDELINES RESOLUTION

WHEREAS, the Board of Supervisors is committed to prudent fiscal planning and sound financial management as reflected by the Board's adopted "Ten Principles of Sound Financial Management"; and

WHEREAS, if budgetary integrity is to be maintained, the structural imbalance between expenditure pressures and revenue resources will have to be addressed; and

WHEREAS, the County is committed to providing quality services and to maintaining one of the best school systems in the nation; and

WHEREAS, as difficult an experience as this economic downturn has been, it also provides positive opportunities and challenges; and

WHEREAS, in order to maintain our excellent quality of services and the excellent quality of our County employees who deliver those services, we must improve the structure and efficiency of our organization; and

WHEREAS, the County is committed to a review and streamlining of its business practices whereby through the use of information technology governmental restructuring and downsizing can be achieved; and

WHEREAS, the Acting County Executive by law must prepare a balanced FY 1993 Combined General Fund Budget;

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

1. That the Acting County Executive develop a balanced FY 1993 budget within the guidelines included herein;
2. That the Board reiterate its policy that available balances materializing at the Carryover Review or throughout the fiscal year, which are not required to support expenditures of a legal or emergency nature, be held in reserve. This will allow the Board to prepare for the impact of continually changing economic conditions;

3. That the increase in the Combined General Fund transfer to the School Operating/School Construction Funds be targeted at 2.0 percent and provide for the funding of step increases. Balances materializing from the School's budget at the Carryover Review or throughout the fiscal year should be held available to prepare for potential loss of State and/or Federal funding and changing economic conditions. The School's budget forwarded for the Board of Supervisors consideration should include a breakdown by the major classification of expenditures prescribed by the Code of Virginia;
4. That in the event of serious shortfalls in State or Federal funding, the County and Schools will work together to jointly address the shortfall;
5. That should additional financial resources become available, or should economic conditions worsen resulting in decreased County revenues, the County and the School guidelines will be reviewed;
6. That staff will, through Information Technology and other management initiatives, carefully and responsibly proceed with efforts to downsize our organizational structure, to make it a leaner, but no less efficient and effective organization;
7. That the Acting County Executive continue through FY 1992 to closely monitor economic conditions. He will provide the Board of Supervisors, on a regular basis, with the most up-to-date financial information so the Board may consider necessary adjustments to the financial plan. The Acting County Executive will provide the Board with a list of estimated versus actual expenditures and revenues every two months;
8. That the County's direct General Fund expenditures be targeted at the same level included in the FY 1992 Adopted Budget Plan and provide for the funding of step increases;
9. That no cost of living adjustment will be funded for County and School employees.

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

8. BOARD OF SUPERVISORS' MEETING WITH THE EMPLOYEES

ADVISORY COUNCIL (EAC) (Tape 3)

Supervisor Alexander moved that the Chairman schedule, as soon as practical, a meeting with the Employees Advisory Council (EAC), similar to the meeting of last Fall. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

9. AUTHORIZATION TO ADVERTISE TO PETITION CIRCUIT

**COURT FOR REFERENDUM ON LEVY OF A TAX ON
CERTAIN MEALS/BEVERAGES OF RESTAURANTS,
AND GROCERY AND CONVENIENCE STORES**

(Tape 3)

(A) Chairman Davis relinquished the Chair to Acting Chairman McConnell and moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **January 27, 1992 at 7:30 p.m.** to consider whether the Board shall petition the Circuit Court to order a referendum on whether the County should levy a tax of not more than four percent on restaurant meals and beverages and on certain prepared foods sold by grocery and convenience stores. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of seven, Supervisor McConnell and Supervisor Berger voting "NAY," ****Supervisor Dix being out of the room.****

Acting-Chairman McConnell returned the gavel to Chairman Davis.

(NOTE: Upon his return to the Board Room, Supervisor Dix asked unanimous consent to be recorded as voting "AYE" on the previous motion; and without objection, it was so ordered.**)**

10.REPORT ON GENERAL ASSEMBLY ACTIVITIES CONCERNING

REVENUE (Tape 3)

Transient Occupancy Tax:

Supervisor Hanley called the Board's attention to the fact that a Transient Occupancy Tax increase has already been included in the Board's legislative package.

Cigarette Tax:

Supervisor Alexander moved that the Board include in its legislative package support for Board authority to allow an increase of up to 15¢ in the cigarette tax. This motion was seconded by Supervisor Hyland.

During discussion among Board Members, it was clarified that this motion supports legislation to provide the Board of Supervisors the authority to increase the cigarette tax, rather than supporting a cigarette tax increase at this time.

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

Hotel/Motel Tax:

Supervisor Hanley stated that the Board has already included in its legislative package support for Board authority to allow an increase in the hotel/motel tax.

Income Tax:

Supervisor Hanley called to the Board's attention a request from the Budget Subcommittee meeting for additional information on the Board's authority to levy an income tax.

Discussion ensued among Board Members with input from Edward L. Long, Jr., Director, Office of Management and Budget, and James P. McDonald, Deputy County Executive for Management and Budget.

It was the consensus of the Board to continue discussion on this item later in the meeting.

(NOTE: Later in the meeting, this item was addressed by the Board. See Clerk's Summary Items CL#75 and CL#101.)

CM:cm

11.10:30 A.M. - BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AGENCIES, COMMITTEES AND SUBCOMMITTEES (Tape 4)

(BACs)

(Appt)

Chairman Davis distributed to Board Members a listing of the Board organization and appointments to the various regional agencies, committees and subcommittees.

Chairman Davis relinquished the Chair to Acting-Chairman McConnell and moved approval of the listing of the Board organization and appointments to the various

regional agencies, committees and subcommittees. This motion was seconded by Supervisor Berger and carried by unanimous vote.

Following is a listing of the Board organization and appointments to the various regional agencies, committees and subcommittees, as approved:

**APPOINTMENTS TO VARIOUS REGIONAL AGENCIES, COMMITTEES,
AND SUBCOMMITTEES FOR CALENDAR YEAR 1992**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA FALLS CHURCH

Gerald Hyland, Chairman Christine Trapnell, Chairman

Joseph Alexander Katherine K, Hanley

Christine Trapnell Ernest Berger

ARLINGTON FORT BELVOIR

Christine Trapnell, Chrmn Joseph Alexander, Chairman

Ernest Berger Gerald Hyland

Thomas Davis Thomas Davis

Elaine McConnell

DISTRICT OF COLUMBIA HERNDON

Thomas Davis, Chairman Ernest Berger, Chairman

Joseph Alexander Thomas Davis

Gerald Hyland Robert Dix

Ernest Berger

FAIRFAX CITY LOUDOUN COUNTY

Elaine McConnell, Chairman Ernest Berger, Chairman

Katherine K. Hanley Michael Frey

Sharon Bulova Robert Dix

INTERJURISDICTIONAL COMMITTEES (Continued)

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

Michael Frey, Chairman

Gerald Hyland

Elaine McConnell

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COUNCIL OF GOVERNMENTS

Thomas Davis - Principal

Christine Trapnell - Principal

Sharon Bulova - Alternate

Ernest Berger - Alternate

C.O.G. AIRPORT NOISE ABATEMENT

Ernest Berger - Principal

Gerald Hyland - Alternate

C.O.G. ENVIRONMENTAL POLICY COMMITTEE

Michael Frey - Principal

Gerald Hyland - Principal

Richard Gozikowski & James Jenkins - Alternates

C.O.G. HUMAN SERVICES POLICY COMMITTEE

Katherine K. Hanley - Principal

Christine Trapnell - Alternate

C.O.G. METROPOLITAN DEVELOPMENT POLICY COMMITTEE

Ernest Berger - Principal

Robert Dix - Alternate

C.O.G. PUBLIC SAFETY COMMITTEE

Gerald Hyland - Principal

Thomas Davis - Alternate

C.O.G. TRANSPORTATION PLANNING BOARD

Michael Frey - Chairman

Thomas Davis - Alternate

INTERGOVERNMENTAL BOARDS AND COMMITTEES (Continued)

GEORGE MASON UNIVERSITY

Elaine McConnell, Chairman

Thomas Davis

Sharon Bulova

METROPOLITAN WASHINGTON AIRPORTS (MWA) PROJECT

POLICY COMMITTEE

Michael Frey - Principal

Ernest Berger - Alternate

Robert Dix - Alternate

NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION

Ernest Berger

Sharon Bulova

Thomas Davis

Robert Dix

Katherine K. Hanley

Elaine McConnell

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

Joseph Alexander - Principal for WMATA

Ernest Berger

Sharon Bulova

Katherine K. Hanley - Vice-Chairman; Alternate for WMATA

Elaine McConnell

TRANSPORTATION SAFETY COMMISSION

Sharon Bulova

VIRGINIA ASSOCIATION OF COUNTIES

(VACo must confirm recommended nominees)

Executive Board: Thomas Davis

Gerald Hyland

Kate Hanley

Gerald Hyland Chesapeake Bay &

County Operation

Finance Steering Committee

Michael Frey Transportation Committee

Katherine K. Hanley Education & Human Services

INTERGOVERNMENTAL BOARDS AND COMMITTEES (Continued)

VIRGINIA MUNICIPAL LEAGUE

Elaine McConnell Community &

Economic Development

Katherine K. Hanley Education Policy

Robert Dix Effective Govt. Comm.

Robert Dix Annexation Committee

Sharon Bulova Environmental Quality

Committee

Gerald Hyland Human Development

Thomas M. Davis, III Public Safety

Michael Frey Transportation Comm.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Joseph Alexander - Principal

Katherine K. Hanley - Alternate

(Appointed by NVTC. The Board of Supervisors will make recommendations for consideration.)

INTRAGOVERNMENTAL AND OTHER SUBCOMMITTEES

BOARD PROCEDURES

Ernest Berger, Chair

Gerald Hyland, Vice-Chair

BUDGET POLICY COMMITTEE

Thomas Davis, Chairman

(Committee of the Whole)

BUILDING AND DEVELOPMENT REGULATION ENFORCEMENT

Michael Frey, Chairman

Joseph Alexander, Vice-Chair

(Committee of the Whole)

INTRAGOVERNMENTAL AND OTHER SUBCOMMITTEES (Continued)

ENVIRONMENTAL SUBCOMMITTEE

Gerald Hyland, Chairman

(Committee of the Whole)

FINANCIAL AUDIT COMMITTEE

Ernest Berger

Gerald Hyland

FIRE COMMISSION

Gerald Hyland, Chairman

Robert Dix, Vice-Chair

HOUSING AND COMMUNITY DEVELOPMENT

Christine Trapnell, Chairman

Katherine Hanley, Vice-Chair

HUMAN SERVICES

Gerald Hyland, Chairman

Christine Trapnell, Vice-Chair

(Committee of the Whole)

LEGISLATIVE/TAX EXEMPTION STATUS

Katherine K. Hanley, Chairman

Robert Dix, Vice-Chair

(Committee of the Whole)

PERSONNEL

Christine Trapnell, Chairman

Joseph Alexander, Vice-Chairman

(Committee of the Whole)

THE ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT

DISTRICT COMMISSION

Ernest Berger

Thomas Davis

Robert Dix

Michael Frey

INTRAGOVERNMENTAL AND OTHER SUBCOMMITTEES (Continued)

TRANSPORTATION SUBCOMMITTEE

Ernest Berger

(Committee of the Whole)

ECONOMIC RECOVERY COMMITTEE

Elaine McConnell, Chair

Robert Dix, Vice-Chair

(Liaison w/EDA; Chamber of Commerce)

GOVERNMENT REORGANIZATION SUBCOMMITTEE

Sharon Bulova, Chairman

Robert Dix, Vice-Chair

(NOTE: Later in the meeting, further action was taken regarding this item. See Clerk's Summary Items CL#35 and CL#99.)

**12.APPOINTMENT OF SUPERVISOR ELAINE MCCONNELL
AS VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS
FOR 1992 (Tape 4)**

(BACs)

(Appt)

Supervisor Alexander moved the appointment of Supervisor McConnell as the Vice-Chairman of the Fairfax County Board of Supervisors for the calendar year 1992. This motion was seconded by Supervisor Dix and carried by unanimous vote.

JLD:jld

13.11:00 A.M. - REPORT ON GENERAL ASSEMBLY

ACTIVITIES (Tape 4)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell before departing the Board Room.

Tax Exempt Status:

Supervisor Hanley, Chairman, Board's Legislative Subcommittee, called the Board's attention to the issue of tax exempt status for organizations. She noted that the Board must hold any public hearings for tax exempt status before such status may be approved by the General Assembly. In addition to the two organizations requesting tax exempt status, which are scheduled for public hearings later in the meeting, several requests from other organizations have come to her attention. She stated that she would report later in meeting.

Tank Farm Legislation:

Supervisor Hanley also noted that she would address tank farm legislation later in the meeting.

(NOTE: Later in the meeting, discussion ensued among Board members on this matter. See Clerk's Summary Item CL#76.)

January 10, 1992 Hearing on the Budget:

Supervisor Hanley called the Board's attention to a hearing on the State budget to be held on January 10, 1992 by the money committees. She noted that Chairman Davis has expressed his desire to attend, and she also expressed her willingness to present the legislative positions of the Board of Supervisors of Fairfax County.

Accordingly, Supervisor Alexander and Supervisor Bulova jointly moved that the Board authorize Chairman Davis to attend the hearing and Supervisor Hanley to present the legislative positions of Fairfax County at the hearing. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

Membership on the Economic Development

Authority (EDA) and the School Board:

(BACs)

Supervisor Hanley moved that the Board delete from the Omnibus Bill the items increasing the Economic Development Authority (EDA) and the School Board to 15 members. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

Supervisor Hanley moved that the Board increase the School Board by one member to recognize a Sully District representative. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

(NOTE: Later in the meeting, there was additional discussion on this issue. See Clerk's Summary Item CL#105.)

Participation of Board Members on Hospital Board:

Supervisor Hanley called to the Board's attention the issue of Board of Supervisors' Members serving on the Hospital Board, and she moved that the Board add to its legislative position support for a legislative remedy to allow the Board to resolve this issue. This motion was seconded by Supervisor Dix.

Following discussion among Board Members, the question was called on the motion which carried by a vote of nine, Chairman Davis being out of the room.

(NOTE: Later in the meeting, there was additional discussion regarding General Assembly activities. See Clerk's Summary Item CL#15.)

14. BOARD RECESS (Tape 4)

At 11:30 a.m., the Board recessed briefly and, at 11:40 a.m., reconvened in the Board Room, with all Members being present, with the exception of Supervisor Berger, and with Chairman Davis presiding.

15. ADDITIONAL DISCUSSION ON THE REPORT ON GENERAL

ASSEMBLY ACTIVITIES (Tape 5)

SJR 188, Allocation of Transportation Dollars:

(NOTE: Earlier in the meeting, there was a report on the General Assembly activities. See Clerk's Summary Item CL#13.)

Supervisor Hanley called the Board's attention to Senate Joint Resolution (SJR) 188, which concerns transportation allocations which was approved during the 1991 session of the Virginia General Assembly.

Supervisor Hanley moved that the Board endorse a regional concept, should it be introduced in the Virginia General Assembly, that the Secretary of Transportation revise the scope of work for SJR 188 to incorporate the provisions of new federal legislation, the Surface Transportation Act, with the goal of making the manner in which the Virginia Department of Transportation (VDOT) allocates and spends transportation dollars consistent with the new federal legislation. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Tax Exempt Status for the Northern Virginia

Youth Symphony:

(A) Supervisor Hanley moved that the Board authorize the advertisement of a public hearing, in accordance with Virginia Code Section 30.19.04 (Supp. 1991), to be held before the Board of Supervisors on **January 27, 1992** to consider the request for special legislation which would confer a property tax exemption status on the Northern Virginia Youth Symphony, contingent upon the Board receiving all appropriate information and staff being able to make an appropriate recommendation. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

AR:ar

16.ADMINISTRATIVE ITEMS (Tape 6)

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

Supervisor Hanley called the Board's attention to Administrative Item Two - Additional Time to Commence Construction for Special Exception Application SE 89-D-044 (Chevron U.S.A., Incorporated) (Providence District - Formerly Dranesville District) and asked that the motion be amended to withdraw this item pending further consultation, and this was accepted.

Supervisor Frey called the Board's attention to Administrative Item Five - Authorization to Advertise the Amendment of the Ordinance Which Created the Fairfax County Park Authority to Expand the Number of Members Who Are Appointed by the Board of Supervisors to that Authority (Countywide) and asked that the motion be amended to change the time of the public hearing **TO January 27, 1992 at 5:00 p.m.**, and this was accepted.

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

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM

(DRANESVILLE, PROVIDENCE, SPRINGFIELD, AND

SULLY DISTRICTS)

(R)Approved the request that certain streets listed in the Memorandum to the Board dated January 6, 1992 be recommended for acceptance into the State Secondary System.

ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION

FOR SPECIAL EXCEPTION APPLICATION SE 89-D-044

(CHEVRON U.S.A., INCORPORATED) (PROVIDENCE

DISTRICT - FORMERLY DRANESVILLE DISTRICT)

(NOTE: This item has been withdrawn pending further consultation.)

**ADMIN 3 - AUTHORIZATION TO ADVERTISE: JOINT
PUBLIC HEARING BY THE BOARD OF SUPERVISORS
AND THE FAIRFAX COUNTY REDEVELOPMENT AND
HOUSING AUTHORITY (FCRHA) ON THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROPOSED STATEMENT
OF OBJECTIVES AND PROJECTED USE OF FUNDS FOR
FISCAL YEAR (FY) 1993 (PROGRAM YEAR 18)**

(A)Authorized the advertisement of a joint public hearing to be held before the Board of Supervisors and the Fairfax County Redevelopment and Housing Authority (FCRHA) on **February 24, 1992 at 8:00 p.m.** on the proposed Community Development Block Grant (CDBG) Statement of Community Development Objectives and Projected Use of Funds for Fiscal Year (FY) 1993 (Program Year 18) and proposed reprogramming, if any, of prior years' CDBG funds.

**ADMIN 4 - ADVERTISEMENT OF A PUBLIC HEARING
AUTHORIZING ASSESSMENTS AND ORDERING
IMPROVEMENTS FOR COURTLAND PARK,
PHASE II, (MASON DISTRICT)**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **January 27, 1992 at 4:30 p.m.** on the proposed adoption of a Resolution authorizing assessments and ordering improvements for the Courtland Park Community, Phase II, Mason District.

**ADMIN 5 - AUTHORIZATION TO ADVERTISE THE
AMENDMENT OF THE ORDINANCE WHICH CREATED THE
FAIRFAX COUNTY PARK AUTHORITY TO EXPAND THE
NUMBER OF MEMBERS WHO ARE APPOINTED BY THE
BOARD OF SUPERVISORS TO THAT AUTHORITY**

(COUNTYWIDE)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **January 27, 1992 at *5:00* p.m.** on the proposed adoption of an amendment to the ordinance which created the Fairfax County Park Authority. This amendment expands the Park Authority from 10 to 12 Members.

(*Due to the full agenda on January 27, 1992, the time for this public hearing has been changed to ***5:00 p.m.***)

**17. A-1 - APPROVAL OF CERTIFICATION OF ZONING AND
SUBDIVISION ORDINANCE COMPLIANCE FOR PLANTATION
PIPE LINE COMPANY (MOUNT VERNON DISTRICT)**

(Tape 6)

Following discussion, with input from Michael R. Congleton, Deputy Zoning Administrator, Office of Comprehensive Planning, Supervisor Hyland asked unanimous consent that the Board **DEFER** until **January 27, 1992** its concurrence and authorization for Acting County Executive Richard A. King to sign a certificate acknowledging that the Plantation Pipe Line Company, located at 8206/8208 Terminal Road, Tax Map Reference 99-3 ((1)) 13, Zoning District I-6, Mount Vernon District, is in compliance with the zoning and subdivision ordinance. This deferral is necessary in order to allow time for further consultation between Plantation Pipe Line Company and County staff regarding water treatment.

Supervisor Hanley asked that the request be amended to include an explanation from staff regarding the compilation of the water treatment numbers, and this was accepted.

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

**18. A-2 - REVISIONS TO CHAPTER 7 OF THE PERSONNEL
REGULATIONS REGARDING THE PROBATIONARY PERIOD**

(Tape 6)

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

the proposed revisions to Chapter 7 of the Personnel Regulations regarding the probationary period.

**19. A-3 - AMEND COUNTY'S GENERAL RELIEF PLAN AS
ADMINISTERED BY THE DEPARTMENT OF HUMAN
DEVELOPMENT (Tape 6)**

On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed amendment to the County's General Relief Plan that will allow the Department of Human Development to centralize General Relief client pharmaceutical purchases from Giant Food, Incorporated. This action will strengthen management control over General Relief client pharmaceutical purchases and is expected to reduce program expenditures in Fiscal Year (FY) 1992 and in subsequent years. Pending Board approval and State notification, the Department of Human Services intends to implement the centralization of General Relief prescription purchases exclusively from Giant Food, Incorporated, on February 1, 1992.

**20. A-4 - DESIGNATION OF PLANS EXAMINERS TO
PARTICIPATE IN THE EXPEDITED LAND DEVELOPMENT
REVIEW PROGRAM (Tape 6)**

(BACs)

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

- John F. Chilton(85);
- Harbans S. Matharoo(84);
- Jeffrey Allen Parobek(83); and
- Laura J. Slade(82).

21. A-5 - ADOPTION OF FINAL ASSESSMENTS FOR

BEVERLY FOREST (LEE DISTRICT) (Tape 6)

(Rs)On motion of Supervisor Alexander, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted Resolutions establishing the final amount to be assessed against each landowner in the Beverly Forest Community Improvement Program, Lee District.

22. A-6 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT**PROGRAM ASSESSMENTS FOR BEL AIR I (MASON****DISTRICT) (Tape 6)**

(Rs)On motion of Supervisor Trapnell, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted Resolutions establishing the final amount to be assessed against each landowner in the Bel Air I Community Improvement Program, Mason District.

23. A-7 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT**PROGRAM ASSESSMENTS FOR BEL AIR II (MASON****DISTRICT) (Tape 6)**

(Rs)On motion of Supervisor Trapnell, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted Resolutions establishing the final amount to be assessed against each landowner in the Bel Air II Community Improvement Program, Mason District.

24. A-8 - EXPANSION OF THE APPROVED SANITARY SEWER**SERVICE AREA TO INCLUDE PORTIONS OF MILLS****BRANCH AND GILES RUN WATERSHEDS (MOUNT****VERNON DISTRICT) (Tape 6)**

On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and expanded the Approved Sewer Service Area to include those portions of the Mills Branch and Giles Run Watersheds, as delineated on the map contained in the Memorandum to the Board dated January 6, 1992, but that no permits for new development requiring

public sewer be issued by the Department of Environmental Management (DEM) or the Department of Public Works (DPW) in the newly expanded area until such time as the property owners affected by the expansion prepare (at their expense) a feasibility study indicating the most appropriate means of designing and constructing the overall sewer system so as to minimize the need for sanitary sewer pumping stations. (In accordance with Amendment 91-3, adopted by the Board of Supervisors on September 23, 1991, the County's Administrative Policy which permits the extension of sanitary sewer lines, under certain circumstances, up to 400 feet beyond the Approved Sewer Service Area boundary, shall not apply to this proposed expansion.)

25. C-1 - CREATION OF A SANITARY DISTRICT TO SOLVE WATER SUPPLY PROBLEM IN THE CLIFTON FOREST

SUBDIVISION (SPRINGFIELD DISTRICT) (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated January 6, 1992 requesting authorization for staff to proceed with the necessary steps to establish a proposed Sanitary District to solve water supply problems in the Clifton Forest Subdivision, Springfield District.

Supervisor McConnell moved that the Board authorize staff to proceed with the conceptual plan necessary in order to establish a Sanitary District in an effort to solve the water problems in the Clifton Forest Subdivision. This motion was seconded by Chairman Davis with the understanding that the Community Development Block Grant (CDBG) funds will be held in abeyance until such time as the Sanitary District is organized.

Supervisor Frey asked that the motion be amended to include a request for staff to also explore other areas, such as legal options and/or the withholding of any outstanding developer bonds which may not have been released by the Department of Environmental Management (DEM), and this was accepted.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, the question was called on the motion, as amended, which carried by unanimous vote.

26. C-2 - BOARD ENDORSEMENT FOR PROPOSED AMENDMENT TO HOUSE RESOLUTION H.R. #6 HOUSE BANKING BILL, INTRODUCED BY CONGRESSMAN JAMES P. MORAN,

EIGHTH DISTRICT OF VIRGINIA (Tape 6)

(R)The Board next considered an Item contained in the Memorandum to the Board dated January 6, 1992 requesting adoption of a Resolution endorsing the proposed amendment to House Resolution H.R.#6, House Banking Bill, introduced by Congressman James P. Moran, Eighth District of Virginia.

Supervisor Bulova moved that the Board adopt the letter of transmittal and the Resolution endorsing the proposed amendment to the House Banking Bill, House Resolution H.R.#6. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

**27. I-1 - WASHINGTON METROPOLITAN TRANSPORTATION
AUTHORITY (WMATA) PUBLIC HEARINGS FOR PROPOSED
METROBUS SERVICE CHANGES IN NORTHERN VIRGINIA**

(ALL DISTRICTS) (Tape 6)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 announcing that the Washington Metropolitan Transportation Authority (WMATA) will hold public hearings on January 23 and January 29, 1992 on several proposed Metrobus service changes in Northern Virginia, including Fairfax County.

Chairman Davis noted that these are only recommended changes, and that this matter will be returned to the Board for final approval. In addition, he suggested that individual Board Members monitor the changes in their individual Districts.

**28. I-2 - FAIRFAX COUNTY ADVISORY SOCIAL SERVICES
BOARD (ASSB) ANNUAL REPORT FOR FISCAL YEAR**

(FY) 1991 (Tape 6)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 presenting the Fairfax County Advisory Social Services Board (ASSB) Annual Report for Fiscal Year (FY) 1991.

There was a brief discussion regarding this item, with input from Baba Freeman, Chairman of the Advisory Social Services Board.

29. I-3 - BOARD OF SUPERVISORS' MEETING SCHEDULE

FOR CALENDAR YEAR 1992 (Tape 6)

(Clerk)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 presenting the Board of Supervisors' Meeting Schedule for calendar year 1992.

Supervisor Hanley asked unanimous consent that the Board Meeting scheduled for June 8, 1992 be moved to **June 15, 1992**. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed, with a notation regarding the change in the month of June 1992.

30. I-4 - PRINTING OF WEEKLY AGENDA ON RECYCLED,

RECYCLABLE NEWSPRINT (Tape 6)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 announcing that on January 9, 1992, the Office of Public Affairs (OPA) will begin publishing the Weekly Agenda on recycled paper.

31. I-5 - SECTION 213 REVIEW - APPLICATION FOR

SECTION 8 CERTIFICATES (Tape 6)

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 requesting authorization for staff to:

- Sign the letter containing the County's Section 213 review comments for the Section 8 Certificate Application; and
- Forward it to the appropriate persons at the United States Department of Housing and Urban Development (HUD).

The staff was directed administratively to proceed as proposed.

32. I-6 - APPLICATIONS TO THE UNITED STATES**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****(HUD) FOR FUNDING OF 12 AND 38 UNITS OF****ASSISTED HOUSING (LEE AND BRADDOCK****DISTRICTS) (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 announcing that applications to the United States Department of Housing and Urban Development (HUD) for funding of 12 and 38 units of assisted housing will be submitted on January 10, 1992.

There was a brief discussion regarding this item with input from Verdiana L. Haywood, Deputy County Executive for Human Services, who emphasized that the County is not precluding other possible options regarding this item.

33. I-7 - CONTRACT AWARD - RESTON COMMUNITY CENTER**NATATORIUM RENOVATION, PHASE I (CENTREVILLE****DISTRICT) (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 requesting authorization for staff to award a contract to Magco, Incorporated, in the amount of \$236,500 for Project 003712, Reston Community Center Natatorium Renovation, Phase I, in Subfund 180, Reston Community Center.

There was a brief discussion regarding this item.

The staff was directed administratively to proceed as proposed.

34. I-8 - CONTRACT MODIFICATION - PSYCHIATRIC**SERVICES IN SUPPORT OF THE FAIRFAX-FALLS****CHURCH COMMUNITY SERVICES BOARD (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated January 6, 1992 requesting authorization for staff to modify the contract with Dr. Elaine Greene, a psychiatrist at the Mount Vernon Mental Health Center, by 248 hours and \$14,880.

The staff was directed administratively to proceed as proposed.

BOARD MATTERS

VLL:vll

35.SUBCOMMITTEE ESTABLISHED TO DEVELOP

CRITERIA FOR COUNTY EXECUTIVE SEARCH

(Tape 7)

(BACs)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board appoint the following Members to serve on a Subcommittee to review and report with recommendations for the search to fill the position of the County Executive:

- Supervisor Alexander (Chair);
- Supervisor Berger;
- Supervisor Dix;
- Supervisor Hanley; and
- Supervisor McConnell.

Supervisor Davis announced that the entire Board will serve on the County Executive Search Committee. He stated that the purpose of the Subcommittee will be to address the following issues and to report to the Board (Committee of the Whole) by the end of February 1992 with recommendations:

- Review the Board's Procedures from 12 years ago when the last County Executive search was conducted;

- Review what firms may be hired to assist the County in the search; and
- Review how to involve citizen and business groups in developing the criteria for selection.

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

36.REQUEST FOR ADDITIONAL INFORMATION

REGARDING PAYMENT OF TRAFFIC VIOLATIONS,

PROPERTY TAXES, AND ALARM ORDINANCE

VIOLATIONS (Tape 7)

Supervisor Davis called to the Board's attention the fact that there is confusion in the billing for the alarm ordinance. He stated that the individual police stations send the original assessment to the violator which is payable to the Office of Assessments. When the payment is received a notice is sent to the Police Department's Finance Division to indicate that the debt has been paid.

Supervisor Davis asked unanimous consent that the Board direct staff to report with additional information on the following:

- Which agency is responsible for sending a follow-up notice if the debt is not paid, i.e., is it the responsibility of the Office of Finance or the Police Department?; and
- What is the process for billing second notices for traffic tickets or property taxes?

Without objection, it was so ordered.

37.UPDATE ON DISCUSSIONS BETWEEN GROUPS

REGARDING THE "DOWNZONING" CASE

[COMMERCIAL AND INDUSTRIAL (C&I)

DISTRICT ORDINANCE] (Tape 7)

(R)Supervisor Davis briefed Board Members on the ongoing discussions between the groups regarding the "Downzoning" Case, i.e., Commercial and Industrial (C&I) zoning litigation. In summary, he stated that a second meeting between the groups is

scheduled for Tuesday, January 7, 1992 and that both groups are beginning to understand each other's side of the issue. Supervisor Davis stated that at tomorrow's meeting, the groups will be reacting to a possible compromise that was laid on the table by him at their last meeting. He stated that both sides have agreed not to proceed with actions while discussions are ongoing and would like ample opportunity for discussions. He stated that he has informed both sides that the Board would like to move forward on this issue as expeditiously as possible and he will continually brief Board Members on the discussions.

Vice-Chairman McConnell relinquished the gavel to Acting-Chairman Alexander and moved that the Board adopt the following Resolution to formalize the statements made by Chairman Davis during his briefing:

RESOLVED, that the Board of Supervisors suggest to the Complainants in the pending C&I zoning litigation that all parties agree that no action of an adversarial nature be taken in the litigation for a reasonable period of time in order to allow the Board of Supervisors to initiate the adoption of Zoning Ordinance Amendments that restore all or part of the development rights which landowners possessed prior to the C&I amendments of December 11, 1989. During this time period, draft amendments shall be presented by interested parties to the Board for the purpose of advertising public hearings by the Planning Commission and the Board of Supervisors; and

BE IT FURTHER RESOLVED, that the Board of Supervisors direct the staff of Fairfax County to take no action to enforce the C&I Zoning Ordinance Amendments adopted on December 11, 1989 with regard to actions taken by landowners during the period of October 22, 1990 to November 8, 1991 when the C&I amendments of December 11, 1989 were not effective as a result of the court decree of October 22, 1990.

(Later during the discussion of this issue, Supervisor Hyland seconded the motion to adopt the Resolution with amendments.)

Supervisor Hyland moved a substitute motion that the Board defer action on the adoption of the draft Resolution until January 27, 1992 to allow additional time for Board Members to review the Resolution in writing. This motion was seconded by Supervisor Bulova.

Following discussion, with input from Robert L. Howell, Acting County Attorney, Supervisor Hanley moved that the Board table the motion. This motion was seconded by Supervisor Bulova and **FAILED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE.**"

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved to amend the motion (Supervisor McConnell's) as follows:

RESOLVED, that the Board of Supervisors suggest to the Complainants in the pending C&I zoning litigation that all parties agree that no action of an adversarial nature be taken in the litigation for a reasonable period of time in order to allow the Board of Supervisors to initiate the adoption of Zoning Ordinance Amendments that restore all or part of the development rights which landowners possessed prior to the C&I amendments of December 11, 1989; and

BE IT FURTHER RESOLVED, that the Board of Supervisors directs the Acting County Attorney not to move ahead for a trial on the merits while discussions are ongoing.

In addition, Supervisor Davis stated that he would continue to monitor the discussions and provide updates at each Board meeting, at which time the Board will revisit this issue.

This amendment was seconded by Supervisor Hyland.

Following further discussion, with input from Mr. Howell, Supervisor Davis restated his amendment as listed above for clarification purposes.

The question was called on the amendment to the motion which **CARRIED** by a recorded vote of eight, Supervisor Berger and Supervisor McConnell voting "**NAY.**"

The question was called on the motion to adopt the Resolution, as amended, which **CARRIED** by a recorded vote of seven, Supervisor Berger, Supervisor Bulova, and Supervisor Hanley voting "**NAY.**"

Acting-Chairman Alexander returned the gavel to Chairman Davis.

38.IMPLEMENTATION OF THE AMERICAN WITH DISABILITIES

ACT (ADA) (Tape 7)

(BACs)

Supervisor Hyland stated that he had recently received a letter from the Board's Commission for Disabled Persons ("Commission") requesting more involvement in the implementation of the American With Disabilities Act (ADA). He stated that the implementation of the ADA will commence on January 26, 1992 and is considered the

most significant civil rights law enacted for disabled persons in more than 30 years. The ADA outlaws discrimination and guarantees equal access to employment, transportation, public services, and programs and provides aids and services to people with vision or hearing impairments. It requires physical barriers to be removed or appropriate alternatives must be provided, etcetera.

Supervisor Hyland stated that the "Commission" should be involved in the implementation of ADA and work in an advisory and review capacity for overall guidance and assistance in drafting regulations and criteria. He further stated that the "Commission" should have the authority to work in concert with the County Executive's designated coordinator, LaGretta Butler.

Supervisor Hyland called to the Board's attention the fact that the ADA is a federal law that has very specific requirements that must be carried out within certain deadlines. The County needs to know what staffing will be necessary in order to comply with the new statute. It may also be appropriate to involve the Office of Human Services in order to help coordinate the various ADA requirements.

Accordingly, Supervisor Hyland moved that the Board:

- Direct staff to involve the "Commission" with the implementation of the ADA, to work in an advisory and review capacity for overall guidance and assistance in drafting criteria and regulations, and authorize the "Commission" to work in concert with the County Executive's designated coordinator, Ms. Butler; and
- Direct the Acting County Executive to review the staffing requirements that will be needed to implement this federal law and to report at the Board of Supervisors' meeting scheduled for January 27, 1992 with recommendations.

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

**39.IMPLEMENTATION OF A COST-EFFECTIVE PLAN TO
INCORPORATE VEGETATIVE PLANTINGS ALONG ROADWAYS
THAT WOULD MEET THE NEEDS OF WILDLIFE HABITAT
AND PROVIDE EROSION AND STORMWATER MANAGEMENT**

(Tape 7)

Supervisor Hyland called the Board's attention to the fact that many of Northern Virginia's roadsides have grassy cover which, when mowed, takes away needed wildlife habitat. If left undisturbed or replanted with vegetative cover such as wildflowers and tall grasses, roadsides could provide thousands of acres of critically needed wildlife habitat.

Supervisor Hyland stated that the construction and widening of transportation corridors will cause a further loss of wildlife habitat and that the County must find a way to meet the food and shelter needs for displaced wildlife while providing equally needed transportation improvements. He stated that this can be achieved by replanting medians and shoulders and rights-of-way in wildflowers and tall grasses.

Supervisor Hyland stated that currently there is only one area, located along Interstate I-66, which has a natural habitat strip. The Virginia Department of Transportation (VDOT) and the County's Office of Transportation state that there are no plans to do more even though this is a cost-effective alternative to reseeding. These wildlife habitat strips would also eliminate the need for continuous mowing, reduce erosion, and provide stormwater management.

Accordingly, Supervisor Hyland moved that the Board direct all appropriate staff, including VDOT and the Northern Virginia Soil and Water Conservation District, as well as the County's Office of Transportation and Department of Public Works, to work together to devise and implement a cost-effective plan that would incorporate vegetative plantings along the roadways that would meet the needs of wildlife habitat as well as provide erosion and stormwater management. This motion was jointly seconded by Supervisor Dix and Supervisor Frey.

Supervisor Frey asked that the motion be amended to include that the Board direct staff to invite the group, "Global Releaf," to participate in the discussions, and this was accepted.

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

40.RECOGNITION FOR THE UNITED STATES (U.S.)

CONSTITUTIONAL BICENTENNIAL PUBLIC

INFORMATION COMMISSION OF FAIRFAX

COUNTY (Tape 7)

(BACs)

Supervisor Hyland called the Board's attention to the fact that the years 1987 - 1991 marked the 200th anniversary of the drafting and ratification of the (U.S.) United States Constitution and passage and ratification of the Bill of Rights. Fairfax County has a unique opportunity to commemorate that passage. The County and its two most prominent citizens, George Washington and George Mason, made invaluable contributions to the important political events that occurred here. Fairfax County had a special opportunity to participate in the observance of both documents because not only were both George Washington and George Mason residents of Fairfax County, but both gave birth to the spirit and substance of these documents.

On March 24, 1986, the Board of Supervisors created a Commission which was charged with the task of preparing an overall program for commemorating the bicentennial of the U.S. Constitution and the Bill of Rights, including planning, encouraging, developing, and coordinating observances and activities commemorating these documents.

Throughout the ensuing years, the Commission sponsored many events, including developing a travelling display on the Bills of Rights, creation of a Bill of Rights garden at the Courthouse, participation at the Fairfax Fair, creation of a theatre production, and the design of a commemorative medallion. Now that the Commission's mission has concluded, Supervisor Hyland moved that the Board direct staff to invite all Members of the Commission to appear before the Board of Supervisors to receive recognition for their outstanding and dedicated accomplishments. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

41.MOUNT VERNON DISTRICT'S FIFTH ANNUAL

TOWN MEETING (Tape 7)

Supervisor Hyland announced that Mount Vernon District will be holding its Fifth Annual Town Meeting on Saturday, January 25, 1992 at 9:00 a.m. at Carl Sandburg Intermediate School Auditorium, located at 8428 Fort Hunt Road.

This year, the Town Meeting will provide an excellent opportunity for the citizens of Mount Vernon to meet their new Board of Supervisors and for the new Board to hear from citizens whose ideas, interest, and concerns mirror those of all citizens around Fairfax County. After a brief introduction of the new Board, citizens will be given an opportunity to present their views and recommendations concerning the financial crossroad Fairfax County faces. If Board Members wish to respond briefly to any presentations, they may do so after the individual's presentation has been made.

This year's Town Meeting may also be helpful in challenging citizens with the problems that confront the Board in the face of a declining tax base along with the difficulties associated with raising County revenues and determining how funds are spent. This is an opportunity for citizens to speak directly to the Board as to the priorities, needs, budget, and taxes for Fairfax County and the Mount Vernon District.

Supervisor Hyland welcomes participants, guests, and citizens for doughnuts and coffee at 8:30 a.m. before the start of the meeting. A later coffee break at 10:30 a.m. will allow time for informal exchange among those in attendance. Among other public officials, the Acting County Executive and Deputy County Executives have been invited to attend in a support capacity. The Town Meeting is scheduled to conclude at 1:00 p.m.

**42.ACTIONS RESULTING FROM BOARD'S ENVIRONMENTAL
SUBCOMMITTEE MEETING REGARDING PROPOSED
AMENDMENTS TO THE PREVIOUS TASK FORCE REPORT**

(Tape 7)

As the result of the presentation given at the Board's Environmental Subcommittee meeting held earlier this morning by Noman Cole, former Member, State Water Control Board (SWCB), Supervisor Hyland moved that the Board direct staff to forward to the SWCB the proposed amendments to the previous Task Force Report including:

- Proposed revised limits presented to the Board's Environmental Subcommittee this morning;
- A request for increased monitoring at the District of Columbia's (D.C.) Lorton Plant; and
- A request to remove the "hold" on the previously requested public hearing by the Board of Supervisors.

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

**43.BOARD OF SUPERVISORS' RETREAT SCHEDULED
FOR JANUARY 18 AND 19, 1992 AT THE FAIR**

OAKS HOLIDAY INN (Tape 7)

Supervisor Hyland distributed to Board Members copies of the "draft" agenda for the Board of Supervisors' Retreat scheduled for January 18 and January 19, 1992 at the Fair Oaks Holiday Inn. He briefly highlighted the areas for discussion, as well as the groups that have been invited to attend. The dress for the occasion will be informal and he urged all Members to dress comfortably.

Supervisor Hyland called to the Board's attention the list of invited groups and he stated that Board Members may invite any additional groups.

44. EXPEDITIOUS PROCESSING REQUESTED FOR**SPECIAL EXCEPTION APPLICATION SE 91-C-057****(CAMPUS COMMONS-BRANCHES ASSOCIATES****VENTURE) (CENTREVILLE DISTRICT) (Tape 7)**

Supervisor Dix moved that the Board direct staff to expedite the processing of Special Exception Application SE 91-C-057. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

45. REMUNERATION FOR INDIVIDUALS SERVING ON**APPOINTED BOARDS AND COMMISSIONS (Tape 7)****(BACs)**

Supervisor Dix stated that over the next few months, the citizens of Fairfax County will be looking closely at the efforts of the Board of Supervisors to address the County's budget crisis. Board Members will be asked to spare certain programs, enhance others, and reduce or eliminate still others. He stated that the Board will be asked by some to consider new and/or higher taxes and fees, and by others to accomplish the task without any such increases.

Supervisor Dix stated that implicit in all of the deliberations should be a recognition that the public understands the nature of the dilemma and will accept the decisions of the Board as long as it acts in a fair and responsible manner and with a maximum of public input. Additionally, he stated that he feels the public is willing to help put Fairfax county in a more fiscally responsible posture -- not only for the immediate future but in the long term as well.

Supervisor Dix called to the Board's attention the fact that each year, thousands of County residents participate in public meetings and hearings and as members of appointed boards and commissions, offering concerns, insights, and expertise. The citizens perform a public service that is essential to effective government in Fairfax County. He stated that most of the citizens who participate on boards and commissions would continue to do so whether or not the County provided remuneration for attending meetings and that there are a great number of other capable citizens who would be willing to serve the County without financial remuneration and accept an even greater share of civic responsibility.

In view of the County's financial difficulties and the need to reduce expenses wherever possible, Supervisor Dix moved that the Board adopt the following actions:

1. Effective with the Fiscal Year (FY) 1993 County budget, beginning July 1, 1992, no remuneration shall be provided for attendance of meetings by citizens or other participants on Fairfax County boards and commissions, except as required by State or other laws;
2. All citizens whose terms continue past July 1, 1992 or who wish to be considered for appointment to boards and commissions shall be advised of this change in policy in the event it affects their desire to remain on or be appointed to a board or commission;
3. The Acting County Executive shall assess the estimated fiscal impact of this change on the FY 93 budget and report to the Board on or before January 27, 1992; and
4. The County's recently-formed Commission on Fiscal and Spending Priorities shall review the function and the costs of maintaining each Fairfax County board and commission and report to the Board no later than March 15, 1992 with preliminary recommendations as to how boards and commissions may be streamlined, consolidated and/or reduced in number, and how their direct and indirect costs may be reduced.

This motion was seconded by Supervisor McConnell.

Supervisor Hyland moved a substitute motion that the Board refer this issue to its Procedures Subcommittee for its review and recommendations. This motion was seconded by Supervisor Alexander.

Supervisor Alexander asked that the substitute motion be amended to include that the Board also refer the issue to staff for its review and recommendations, and this was accepted.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the substitute motion be further amended that the Board proceed with the implementation of Number Four, and this was accepted:

4. The County's recently-formed Commission on Fiscal and Spending Priorities shall review the function and the costs of maintaining each Fairfax County board and commission and report to the Board no later than March 15, 1992 with preliminary recommendations as to how boards and commissions may be streamlined, consolidated and/or reduced in number, and how their direct and indirect costs may be reduced.

Supervisor Davis further amended the substitute motion to direct the Board's Procedures Subcommittee (Supervisor Berger and Supervisor Hyland) to report to the Board on January 27, 1992 with recommendations in the form of a Consideration Item at which time the Board will take action on Numbers One, Two, and Three, and this was accepted.

The Maker of the motion (Supervisor Dix) and the Seconder (Supervisor McConnell) accepted the substitute motion, as amended, as the main motion.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

PMH:pmh

46. KINGS PARK CUT-THROUGH (Tape 8)

Supervisor Bulova announced that there appears to be successful completion of the Commonwealth's first cut-through policy implementation in the Kings Park Community.

Supervisor Bulova said that at a meeting in her office, Joe Conlon and Bill Harrell from the Virginia Department of Transportation (VDOT) shared with members of the Kings Park traffic committee the results of measures introduced about a year ago to mitigate heavy through traffic in their neighborhood. She noted that the Kings Park Community is bounded by three arterials, Rolling Road, Burke Lake Road and Braddock Road. Running diagonally through it is a hilly collector road, Southampton Drive. With the added ingredient over the years of heavy congestion on the main arterials, Kings Park became a textbook case for cut-through traffic.

Supervisor Bulova explained that before implementing any of the new devices, widening was completed, and traffic lights synchronized on all of the arterial roads surrounding Kings Park. Approximately one year ago, VDOT installed humps and nubs, restricted turning movements at some streets, and painted the travel lanes to make them narrower.

Supervisor Bulova said that because it is a collector road, motorists were not restricted from using Southampton Drive, but were caused (via three-inch "humps") to slow down to the posted 25 mile-per-hour (mph) speed limit.

Supervisor Bulova stated that, as of last week, the Northern Virginia District Residency has completed its evaluation of these measures and is prepared to forward a report to the Commonwealth Transportation Board (CTB) recommending that the measures used in Kings Park be made permanent. They have found that speeds have been reduced during morning peak hours on Southampton Drive from an average of 39 mph to 24 mph. The volume of traffic during the morning peak was reduced 48 percent. These restrictions did not create a disaster by returning motorists to the newly improved main roads. She added that the report will be available to anyone who would like to have a copy.

47. TRASH TRUCKS/VISIBILITY (Tape 8)

Supervisor Bulova stated that she has received a letter from a constituent who travels to work at the Pentagon via Braddock Road between Backlick Road and Route 236 at approximately 6:15/6:30 a.m. She said that the constituent reports that a trash truck picks up trash along this route in the right lane of two lanes travelling east with no shoulder for pulling off. It has flashing lights, but in the darkness and with the hills, many motorists do not realize that the truck is a trash truck that is actually stopped. Further, along Braddock Road, there are flashing lights warning of sharp turns which add to the confusion. This situation poses a danger to the truck, the drivers in their cars and especially to the workers walking around the back of the truck loading trash. Compounding the problem is the dark color trash trucks are painted.

Supervisor Bulova explained that the constituent suggests that trash companies be required to paint the backs of the trucks white or with distinctive reflective paint design so motorists could recognize the flashing lights up ahead as a trash truck which may be stopped in the roadway.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to bring this problem to the attention of the industry and report with suggestions for correcting this dangerous situation. Without objection, it was so ordered.

48. UNPAID TAXES (Tape 8)

Supervisor McConnell stated that at the Board's last meeting a report was received from staff indicating millions of dollars of unpaid personal property taxes were outstanding for 1989 and 1990.

Supervisor McConnell said that it has come to her attention that in addition to the taxes covered by that report, sizable amounts of past due Business, Professional and Occupational License (BPOL) and personal property taxes are outstanding for the years 1987, 1988, 1989, 1990, and (in the case of BPOL) 1991. Under State law (Va. Code 58.1-3921-3928), lists of delinquent taxes, as of June 30th in each year, are to be submitted to the Board. She said that she is totally unaware, except for the submission at the December 16th meeting, that the Board has ever been provided with the statutorily mandated delinquency lists encompassing these taxes. She added that a delinquent tax list that was submitted at the Board's last meeting has disappeared from the Clerk's office.

Supervisor McConnell explained that the importance of these lists can not be overlooked. Receipt of these lists enables the Board to exercise its powers for the collection of delinquent taxes. These powers include the authorization of suits, and referral of accounts to the Sheriff, collector, or an attorney for collection.

Supervisor McConnell said that in the face of the impending deficient position of the County, no source of revenue can go unexamined. Receipt of these lists will permit the Board to explore possible options and take action to avoid losing these funds. She added that to sit idle without these lists is to unwittingly participate in a tax amnesty program for delinquent taxpayers.

Following input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor McConnell asked unanimous consent that the Board instruct the Director of Finance to prepare and submit to the Board lists of names of delinquent taxpayers and amounts outstanding on accounts for unpaid BPOL taxes, personal property taxes, and other subjects of local taxation (other than real estate) outstanding as of the 30th day of June for the years 1987 through 1991. The lists for 1987 through 1990 should indicate the cumulative changes that have occurred on each account during the one-year period following the date of each lists, as well as current balances now outstanding. Accounts which originally were less than \$5.00 for which no bills were sent should be in a separate list.

Following further discussion, Dr. McDonald stated that he could provide a cumulative list, but because of the "rolling mechanism" within each of the financial years, he could not pinpoint what year the delinquency is. He added that he could provide a

listing of all of the individuals in businesses which sum to the \$36 million which is considered due and payable.

Without objection, it was so ordered.

49. BOARD COMMENDS CONGRESSMAN FRANK R. WOLF FOR HIS EFFORTS AND JOINS HIM IN ASKING THAT THE U.S. DEPARTMENT OF JUSTICE INVESTIGATE THE PRACTICES AND ACTIONS OF THE FAIRFAX COUNTY ELECTORAL BOARD AS THEY RELATE TO THE ELECTION IN THE 53RD HOUSE DISTRICT (Tape 8)

(R)Supervisor McConnell read the following Resolution into the record:

WHEREAS, an election was held on November 5, 1991 to elect a Delegate to the Virginia General Assembly in the 53rd House District, and

WHEREAS, the Fairfax County Electoral Board found that David G. Sanders won that election by 17 votes, and

WHEREAS, a recount of this election was held and the winner lost 16 votes and the loser gained 2 votes and the election results were reversed, and

WHEREAS, questions concerning the counting, security, and storage of said ballots persist, and

WHEREAS, Congressman Frank Wolf has asked the Attorney General of the United States to conduct a federal inquiry into this matter, and

WHEREAS, the integrity of the electoral process is critical to the legitimacy of a representative democracy, therefore

BE IT RESOLVED that the Fairfax County Board of Supervisors commends Congressman Frank Wolf for his efforts and joins him in asking that the U.S. Department of Justice investigate the practices and actions of the Fairfax County Electoral board as they relate to this election in the 53rd House District.

Supervisor McConnell moved adoption of the proposed Resolution. This motion was seconded by Supervisor Berger.

Supervisor Hanley amended the motion to include, after where it says "practices and actions of the Fairfax County Electoral Board...", the addition of: "and Clerk of the Court" and this was accepted.

Following discussion, the question was called on the motion and as amended, **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY.**"

50. CHESAPEAKE BAY PRESERVATION ORDINANCE (Tape 8)

Supervisor McConnell distributed to Board Members a Wetlands Study and Solution report on the projected economic and fiscal impacts of the Chesapeake Bay Preservation Ordinance.

Supervisor McConnell said that there were some areas of concern such as the estimated loss of \$446 million to the County. The cost of complying with the RMA is estimated to be \$304 million.

Supervisor McConnell stated that on May 20, 1991, the Board of Supervisors endorsed a draft Chesapeake Bay Preservation Ordinance which was forwarded to the Chesapeake Bay Local Assistance Board (CBLAB) for its review and approval. Initially, CBLAB scheduled its review of the proposed Ordinance on August 21, 1991. However, two issues surfaced which have delayed CBLAB's review to the point where, now, more than seven months since the Board endorsed the draft Ordinance, there is still not a Chesapeake Bay Preservation Ordinance in Fairfax County.

Supervisor McConnell said that the first issue concerns the grandfather provisions the Board endorsed with the draft. The authority of any jurisdiction to include such provisions in local Chesapeake Bay ordinances was challenged by the Attorney General's office in an opinion letter dated June 28, 1991. She said that the specific impact of that opinion and the CBLAB's response to that opinion on the proposed Ordinance has not been determined conclusively.

Supervisor McConnell explained that the second issue concerns the definition of Resource Protection Areas (RPAs). The CBLAB has concluded that the definition of RPAs in the endorsed Ordinance is broader than the definition provided in the State regulations. The CBLAB questions whether Fairfax County has the authority under the State Enabling Legislation to adopt a broader definition. The present delay in CBLAB's review results from the need to resolve this question.

Supervisor McConnell said that in these tough economic times with the formidable budgetary challenges confronting this County, the Board must revisit the Ordinance the Board endorsed last May. She said that the definition of RPAs (however it is ultimately defined) will have a significant impact on the property values in the County. Accordingly, she said that this definition deserves careful consideration. She added that the Board should review the need to go beyond the water quality standards set forth in the State regulations. Moreover, pressing for a broader definition of RPAs has caused more than a seven month delay in the CBLAB's review of the proposed Ordinance.

Supervisor McConnell stated that the Board should consider the full impact of the recent challenges to the grandfather provisions it endorsed last May. The status of these provisions in the Ordinance that is finally adopted also will have a significant impact on property values at a time when the County cannot afford to suffer unnecessary reductions in the tax base.

Therefore, Supervisor McConnell moved that the Board:

- Through the Acting County Executive, tomorrow notify CBLAB, in writing, that this Board intends to reconsider in its entirety the Chesapeake Bay Preservation Ordinance it endorsed on May 20, 1991;
- Advise CBLAB that it should take no further review or action on the Fairfax County version it presently has before it and should await the submission by Fairfax County of a newly endorsed version upon the completion of the Board's reconsideration of, among other things, its RPA and RMA definitions to bring them into consistency with State regulations;
- Direct County staff to cease forthwith staff's efforts to obtain CBLAB approval of the May 20, 1991 Fairfax County version;
- Direct staff to cease forthwith its effort to expand the interpretation of what may be included within the definition of RPAs;
- Direct staff to prepare a revised draft ordinance addressing the spirit of the above motion including, without limit, an RPA definition consistent with, and not in excess of, State regulations, and a less restrictive RMA definition; and
- Direct staff to provide this information to the Board within 60 days so that it may authorize the necessary public hearings and proceed with its reconsideration.

This motion was seconded by Supervisor Berger.

Supervisor Hyland moved to table the motion. This motion was seconded by Supervisor Bulova and **FAILED** by a recorded vote of four, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE.**"

Following discussion, with input from Anthony Griffin, Deputy County Executive for Planning and Development, Supervisor Hanley moved to defer this item until after the Board receives the response from CBLAB (which would be the first meeting in February 1992). The second to this motion was inaudible.

Following further discussion, the question was called on the motion which **CARRIED** by a recorded vote of six, Supervisor Berger, Supervisor Dix, Supervisor McConnell, and Chairman Davis voting "**NAY.**"

**51. WELCOME BACK TO IRVING BIRMINGHAM, DIRECTOR,
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM)**

(Tape 8)

On behalf of the Board, Supervisor McConnell welcomed back Irving Birmingham, Director, Department of Environmental Management (DEM), who had been ill.

52. HAPPY BIRTHDAY TO CHAIRMAN THOMAS M. DAVIS, III

(Tape 8)

On behalf of the entire Board, Supervisor McConnell wished Chairman Thomas M. Davis, III, a "Happy Birthday."

53. METRORAIL CONSTRUCTION PROGRAM (Tape 8)

Supervisor Alexander stated that during the last several months the local jurisdictions and the Washington Metropolitan Area Transit Authority (WMATA) have worked together to formulate a plan to best utilize the Federal Government's recent authorization of \$1.3 billion for Metrorail construction. He said that elected officials and staff of Montgomery County, Prince George's County, the District of Columbia, the City of Alexandria, Arlington County, Fairfax County and others have worked cooperatively and tirelessly with WMATA staff to develop the Fifth Interim Capital Contributions Agreement (ICCA-V). ICCA-A outlines how the remaining 13 miles of the 103-mile Adopted Regional Metrorail System will be constructed, including the Franconia-Springfield segment in Fairfax County. The ICCA-V document, which was approved by the WMATA Board on December 19, 1991, has been referred to the

local governments for their review and approval. In order to continue progress on the "fast track program," local jurisdictions have been requested to execute ICCA-V by January 15, 1992.

Supervisor Alexander pointed out that Fairfax County has participated in the regional effort to construct the Metrorail System since 1970. The newly constituted Board of Supervisors is provided the opportunity to continue the effort to build the 103-mile Adopted Regional System. Regional cooperation calls for the Board to act favorably at this time. Therefore, Supervisor Alexander moved that the Board defer the following actions until after Executive Session:

- Reaffirm Fairfax County's commitment to participate in the regional effort to complete the 103-mile Adopted Regional Metrorail System;
- Approve ICCA-V and authorize the Chairman of the Board to sign that document on behalf of the Board;
- Advise WMATA that the County's approval of ICCA-V recognizes that execution of a Local Funding Agreement (LFA) with the Authority is necessary before the provision of ICCA-V shall become effective; specifically, that Section 16 of ICCA-V states that "This Agreement shall not become effective until each LFA has been executed by the Authority and the respective Political Subdivision/

Guarantor....;"

- Advise WMATA that the County's LFA should include the following elements:

*Recognition that approximately \$75 million of the County's \$123 million share of ICCA-V is unfunded at this time. This assumes utilization of \$32 million of previously authorized bond funds and \$16 million of available State Aid during the eight-year term of the program;

*Recognition that the County will attempt to use County general obligation bonds and/or some currently unspecified transportation financing initiative to fund much of the County's local share. Furthermore, these funding mechanisms may be contingent upon timely voter approval(s) in the future; and

*Language to minimize the County's liability associated with third party claims arising from the design and construction elements specified in ICCA-V.

- Direct the Acting County Executive to:

- *Utilize the necessary staff resources to carry out the intent of the above actions;
- *Provide a written report and have appropriate staff make a presentation regarding the LFA at the January 27, 1992 Board meeting; and
- *Direct staff to transmit to WMATA these actions including the request for the LFA immediately.

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

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#84.)

54.JAMES R. LOWERY, INSPECTOR, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM) IS ELECTED TO SERVE AS THE BUILDING OFFICIALS AND CODE ADMINISTRATORS (BOCA) INTERPRETER

(Tape 8)

Supervisor Alexander announced that James R. Lowery, Inspector, Department of Environmental Management (DEM) has been elected to serve as the Building Officials and Code Administrators (BOCA) Interpreter by the State of Virginia. He explained that Mr. Lowery will interpret the BOCA Code in the State of Virginia.

55.SIMULTANEOUS PROCESSING FOR CASTLEWELLEN DRIVE AND SECTIONS 48, 49, 50 AND 52 OF KINGSTOWNE (Tape 8)

Supervisor Alexander moved that the Board direct staff to simultaneously process Castlwellen Drive and Sections 48, 49, 50 and 52 of Kingstowne.

Supervisor Alexander noted that this very important project was forced to go through a Plan amendment in order to avoid designated wetlands.

Supervisor Alexander stated that the applicant understands that this neither provides him with a vested right in the Plan approval or relieves him from the responsibility of any Plan modifications as a result of Board review.

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

56. EXPEDITIOUS PROCESSING OF THE PROFFERED CONDITION

AMENDMENT FOR THE BREN MAR BUSINESS PARK (Tape 8)

Supervisor Alexander moved that the Board direct staff to expedite the recently filed Proffer Condition Amendment for the Bren Mar Business Park (Rezoning Application RZ 86-L-056). This motion was seconded by Supervisor Bulova.

Supervisor Alexander said that Cafferty Development Corporation is proposing a one story addition to the already existing building. They have worked very closely with the citizens in this area of the County on the development idea and have gained their support.

Supervisor Alexander added that the applicant understands that this neither provides him with a vested right in the Plan approval or relieves him from the responsibility of any Plan modifications as a result of Board review.

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

57. SIGN FOR THE MOUNT VERNON KNIGHTS OF COLUMBUS

(Tape 8)

Supervisor Alexander stated that the Mount Vernon Knights of Columbus has applied for a permit to erect a sign in front of their property on right-of-way previously dedicated by the Knights of Columbus to the Board. Two years ago they had to remove the sign when they expanded their entrance drive.

Supervisor Alexander said that this seven-foot strip of land in front of the building was deeded to the County for a future service drive. He added that his staff visited the site and agrees that it is the only place where the sign can adequately be seen by motorists traveling on Richmond Highway. The Knights of Columbus have agreed to remove the sign if and when the service drive is built.

Supervisor Alexander said that during the sign permit application process, this sign request was referred to the County Attorney for review. He noted that the issue was whether the Board can permit the Mount Vernon Knights of Columbus to erect a sign

in front of its property on right-of-way previously dedicated by the Knights of Columbus to the Board.

Supervisor Alexander stated that the County Attorney ruled that the Board of Supervisors can permit the Mount Vernon Knights of Columbus to erect a small sign, not to exceed eight square feet on the right-of-way parcel, but only if the Knights of Columbus will pay fair market value rent for the space. A larger sign could not be permitted under the Fairfax County Zoning Ordinance because the right-of-way parcel is "off-site" from the Knights of Columbus parcel.

Supervisor Alexander said that Section 12-102(1) of the Fairfax County Zoning Ordinance provides that all signs "shall be located on the same lot with the principal use." However, Section 12-103(2)(O) provides a limited exception of two off-site identification signs not to exceed eight square feet each and six-feet in height for religious, charitable and fraternal organizations such as the Mount Vernon Knights of Columbus. The Code of Virginia states that institutions associated with a Church must pay fair market rent. The County Attorney states that the Knights of Columbus are in this category.

Supervisor Alexander noted that the Knights of Columbus have been informed of the County Attorney's opinion and will agree to erect the size sign permissible under the Zoning Ordinance and to pay the fair market rent.

Supervisor Alexander moved that the Board direct staff to take whatever steps are necessary to enable the Knights of Columbus to erect their sign as expeditiously as possible. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

58.CONDEMNATION REGARDING THE JOHN YANCEY

SUBDIVISION (Tape 8)

(R)Supervisor Alexander referred to the John Yancey Subdivision located on Route 1, Subdivision Plan 8277-P-01-1. He said that because of the requirements of the Zoning Ordinance it is necessary to dedicate the right-of-way on Fortune Road.

Supervisor Alexander moved that the Board direct staff to condemn the property at no cost to the County so that the property will be in compliance with the setback requirements of the Zoning Ordinance which invokes the following Resolution:

RESOLUTION

WHEREAS, it has not been possible to acquire the dedication of certain right-of-way as described below on behalf of the Board of Supervisors of Fairfax County, Virginia; and

WHEREAS, the acquisition of this right-of-way is considered necessary to provide the citizens of this County with adequate ingress and egress from the highway; and

WHEREAS, there exists a need for the improvement of public ingress and egress to the road requiring this right-of-way and such improved ingress and egress will not be possible if such right-of-way is lacking.

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney is hereby directed to institute eminent domain proceedings to acquire the following right-of-way:

AFFECTED INTERESTED TO

PROPERTY OWNER(S) PROPERTY BE ACQUIRED

John Yancey 92-4((1)) A public right-of-way of

Corporation Parcels 49 & 50 approximately ten (10) feet which, in addition to property already owned by Fairfax County, will result in Fairfax County owning a total of thirty-five (35) feet from the center line of Fordson Road.

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

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59. TRANSFER OF BAILEY'S CROSSROADS

REVITALIZATION FUNDS TO THE BAILEY'S

REVITALIZATION CORPORATION (Tape 9)

Supervisor Trapnell moved that the Board direct staff to:

- Transfer the General Fund monies allocated for the Bailey's Crossroads Commercial Revitalization to the Bailey's Crossroads Revitalization Corporation; and

•Provide a comprehensive breakdown of all Annandale and Bailey's Commercial Revitalization funds expended to date.

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

**60.WITHDRAWAL OF THE COVE NEIGHBORHOOD
FROM THE COUNTY'S LEAF COLLECTION**

SERVICE (Tape 9)

At the request of the constituents involved, Supervisor Trapnell moved that the Board direct staff to commence the necessary process to withdraw The Cove, a neighborhood of condominiums in Mason District, from the County's leaf collection service. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**61.MEETING OF OWNERS OF COMMERCIAL PROPERTY
LOCATED IN THE SEVEN CORNERS AREA**

(Tape 9)

Due to the growing concerns of local citizens regarding the considerable change in the retail market in the Seven Corners area, Supervisor Trapnell moved that the Board direct staff to set up a meeting with the owners of commercial property in that area in order to discuss some creative possibilities to address the situation. This motion was seconded by Chairman Davis with a notation that this meeting should be set up as expeditiously as possible. The question was then called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

**62.APPOINTMENT OF MR. RON KOCH AS THE SULLY
DISTRICT REPRESENTATIVE ON THE PLANNING
COMMISSION (Tape 9)**

(Appt)

Supervisor Frey moved the appointment of Mr. Ron Koch as the Sully District Representative on the Planning Commission. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being out of the room.

**63.AUTHORIZATION FOR MINOR INTRUSION INTO CONSERVATION
EASEMENT IN CENTRE RIDGE COMMUNITY**

(Tape 9)

Supervisor Frey called the Board's attention to a matter presented at the Board Meeting of December 16, 1991, regarding the intrusion of the garage of a dwelling located on Lot 41, Section 7, Centre Ridge, into a conservation easement granted to the Board of Supervisors.

Citing the minimal intrusion of approximately six inches and the fact that the Zoning Administrator, Jane Gwinn, has ruled that there is no violation of the proffers, Supervisor Frey moved that the Board:

- Authorize the two intrusions that are represented on the house location survey for Lot 41, Section 7, Centre Ridge, with the understanding that there will be no additional intrusions into the conservation easement and no accessory structures of any kind will be permitted within the easement; and
- Direct staff to transmit a copy of the Board's action on this matter as expeditiously as possible to Supervisor Frey's staff.

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

**64.TEETH COMMITTEE RENAMED AS THE "DEVELOPMENT
PROCESS COMMITTEE" (Tape 9)**

Supervisor Frey expressed his appreciation to Supervisor Alexander for his outstanding leadership as Chairman of the Teeth Committee.

As the Teeth Committee's new Chairman, Supervisor Frey asked unanimous consent that the Board change the name of this committee to the "Development Process Committee" and include the involvement of the Office of Comprehensive Planning in the process. Without objection, it was so ordered.

65.ENDORSEMENT OF BLUE RIBBON COMMISSION**CONCEPT (Tape 9)**

With reference to the Board's earlier discussion of the Blue Ribbon Commission, Supervisor Berger moved that the Board endorse the following statement:

•"The Board of Supervisors fully endorses the concept of the Blue Ribbon Commission in its efforts to find waste and duplication within the County budget, allowing this Board to try and meet the existing budgetary shortfall through spending cuts, restructuring, and prioritization."

This motion was seconded by Supervisor Alexander.

Supervisor Hanley asked that the motion be amended to include the following sentence:

•"The Blue Ribbon Commission will incorporate in its deliberations the work and direction of the Strategic Management Initiative that has already not only been focusing on the redesign of information management systems, but the restructuring of County government."

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

In addition, Supervisor Berger moved that the Board endorse the following mission statement for the Blue Ribbon Commission:

•"The Board of Supervisors recognizes that Fairfax County faces a budgetary crisis and revenue shortfalls that are unequaled in the recent County history. The Blue Ribbon Commission on Fiscal and Spending Priorities is charged with focusing its attention on both short term and long range issues so that the Fiscal Year 1993 may be equitably brought into balance and the long term process may be performed to incorporate the changes necessary for redirecting the delivery of services. Specifically, in the short term, the Commission is asked to review all program and service areas and prioritize those which for Fiscal Year 1993 can either be reduced, deferred or terminated altogether. In the long term, the Commission is asked to review the budget process and identify a new strategic direction with the following goals:

*Overall downsizing of the government;

*Prioritization of the current County programs and services, where appropriate; and

*Redesign of areas of business through reorganization."

This motion was seconded by Supervisor Hanley with the understanding that her amendment to the previous motion regarding the Strategic Management Initiative be added to this motion as well, and this was accepted. The question was then called on the motion, as amended, which carried by a vote of nine, Supervisor Alexander being out of the room.

66.SCHEDULING OF PUBLIC HEARING BEFORE THE BOARD

OF SUPERVISORS FOR REZONING APPLICATION

RZ 91-D-022 (Tape 9)

Supervisor Berger moved that the Board direct staff to advertise a public hearing before the Board of Supervisors for Rezoning Application RZ 91-D-022 to be held on **February 10, 1992 at 4:30 p.m.** This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being out of the room.

67.WESTERN PARK AND RIDE FACILITY (Tape 9)

(R)Supervisor Berger acknowledged the need for significant transportation improvements throughout the County. He added that, unfortunately, budgetary constraints limit the resources available to the Board to solve these problems. Supervisor Berger went on to say that, whenever special funding or grants may be available to Fairfax County or to assist with Fairfax County transportation problems, they should be utilized, especially if these funds or grants are the type which, if not used in Fairfax on a particular item or project, will be spent elsewhere.

With this in mind, and recognizing the ongoing efforts to facilitate mass transportation in the Dulles Enhanced Public Transportation Corridor, Supervisor Berger moved that the Board adopt a Resolution formally requesting the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board to locate the Western Regional Park and Ride Facility adjacent to the Center for Innovative Technology. This motion was seconded by Supervisor Dix.

Following a query from Supervisor Bulova and input from Shiva K. Pant, Director, Office of Transportation, the question was called on the motion, which carried by unanimous vote.

68.TRANSPORTATION PRIORITIES (Tape 9)

Supervisor Berger stated that, as the Board is aware, the recent passage of the Federal Surface Transportation Act will provide significant additional Federal dollars for transportation purposes to the Commonwealth of Virginia and to this urban area. He added that, in order to take advantage of this, the County should prepare a short and mid-range transportation improvement program which would accomplish the following:

- Beyond already established priorities reflected in the Virginia Department of Transportation (VDOT) Six-Year Program and the County CIP, identify and prioritize additional projects that could be funded by, and would be eligible to receive funding under the Federal legislation;
- Identify any additional projects which could be funded with future County bonds and additional locally generated revenues; and
- Address other priorities and public funding options.

Therefore, Supervisor Berger moved that the Board request that the Transportation Advisory Commission:

- Work with the County staff in accomplishing the above listed tasks;
- Hold public hearings, if necessary; and
- Make recommendations to the Board of Supervisors no later than May 15, 1992, in order that the Board can adopt a transportation plan by June 15, 1992.

This motion was seconded by Supervisor Hanley.

Supervisor Dix asked that the language of the motion be amended to clearly articulate the Board's commitment to mass transit planning in the Dulles Corridor, and this was accepted.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, the question was called on the motion, as amended, which carried by unanimous vote.

69. TRASH PARKOUTS (Tape 9)

Supervisor Berger announced that, later in today's meeting, he would be bringing the matter of the trash parkouts before the Board.

(NOTE: Later in the meeting, there was action taken by the Board on the parkouts. See Clerk's Summary Item CL#98.)

70.FUNDING OF THE FAIRFAX COUNTY PARKWAY (Tape 9)

(A)Supervisor Berger moved that the Board schedule a public hearing to be held **January 27, 1992, at 7:30 p.m.** to discuss funding options for completion of the construction of the Fairfax County Parkway. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

71.REPEAL OF THE BOARD RESOLUTION REGARDING THE SOUTH AFRICAN DIVESTMENT (Tape 9)

Supervisor Berger moved that the Board adopt the Resolution, a copy of which has been distributed to Board Members, entitled, "Repeal of the South African Divestment Order." This motion was seconded by Supervisor McConnell.

Chairman Davis noted that this Resolution repeals the Board's Resolution of June 25, 1990.

Supervisor Bulova called the Board's attention to the fact that the first "WHEREAS" states:

•"WHEREAS, the Fairfax County Board of Supervisors on June 25, 1990, ordered that Fairfax County adopt an investment policy and institute a policy of no new investments and securities of companies which invest in South Africa and that existing holdings of such securities be phased out in a fiscally prudent and responsible manner;...."

However, Supervisor Bulova noted it should be made a matter of record that this section was amended by the Board on the Sullivan Principles.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, the question was called on the motion which **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor Alexander being out of the room.

72.ELECTORAL BOARD PROCEDURES FOR ABSENTEE BALLOT RECOUNT (Tape 9)

Supervisor Berger called the Board's attention to the issues surrounding the recent recount of ballots for the 53rd District House of Delegates race and moved that the Board direct the Chairman of the Board to send a letter to the Electoral Board requesting it to respond to the Board of Supervisors, in writing, by Monday, January 13, 1992, as to the various absentee ballot procedures set forth under the law and whether or not they were followed. This motion was seconded by Supervisor McConnell.

Following discussion, Supervisor Hanley moved a substitute motion that the Board request the Chairman of the Electoral Board to provide, for the Board's review, the current procedures for distributing and counting absentee ballots. This motion was seconded by Supervisor Hyland.

The question was called on the substitute motion which **FAILED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE**."

The question was then called on Supervisor Berger's main motion, which **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**".

73.SCHOOL BOARD AS ELECTED OFFICIALS (Tape 9)

With a notation regarding the importance of upcoming legislation before the General Assembly on the issue of elected School Boards, Supervisor Berger moved that the Chairman of the Board of Supervisors immediately send correspondence to every legislator who has a district wholly or partly within Fairfax County reiterating and expressing the Board's strong support for elected School Boards. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

74.OUT-OF-TURN PLAN AMENDMENT FOR THE DULLES

TRANSITION AREA (Tape 9)

Supervisor Berger stated that it has come to his attention that during the Comprehensive Plan review process that was completed last year, in only one instance of the Plan as it affects the Dranesville District did the Board reject a specific site recommendation of the Dranesville District Comprehensive Planning Task Force. He noted that earlier today the Board voted to request the Commonwealth Transportation Board to locate a regional park and ride facility adjacent to the Center for Innovative Technology, a location in the same planning sector. He cited the necessity for that portion of the Plan to be reevaluated.

Accordingly, Supervisor Berger moved that the Board direct staff to schedule a public hearing for an Out-Of-Turn Comprehensive Plan Amendment in Area III, UP4, the Greater Herndon Community Planning Section - Land Use Recommendation Number Seven (the Dulles Transition Area) to utilize language consistent with that previously proposed and recommended by the Dranesville district Comprehensive Planning Task Force, as well as to make appropriate changes to the Comprehensive Plan Map and UP4 text language and figures to designate the planned mass transportation facility in the southwesternmost corner of the planning sector as Rail Station and Commuter Parking lot instead of Rail Station and Transit Transfer Center. This motion was seconded by Supervisor Dix.

Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, the question was called on the motion, which carried by a vote of eight, Supervisor Bulova and Supervisor Hanley being out of the room.

JLD:jld

75.LOCAL INCOME TAX (Tape 10)

(NOTE: Earlier in the meeting, the Board addressed the issue of a local income tax. See Clerk's Summary Item CL#10.)

Supervisor Hanley called the Board's attention to a handout with summary information on a local income tax which was requested by the Board at the Budget Subcommittee meeting.

It was the consensus of the Board to defer further discussion on this matter until later in the meeting in order to allow Board Members additional time to study the summary.

(NOTE: Later in the meeting, additional discussion ensued on this item. See Clerk's Summary Item CL#101.)

76.LEGISLATION TO REGULATE ABOVE-GROUND

TANK FARMS (Tape 10)

Supervisor Hanley distributed to Board Members copies of legislation addressing the sense of regulatory requirements for above-ground tank farms and entitled, "A BILL to amend the Code of Virginia by adding a section numbered 62.1-44.34:15.1, relating to measures to detect discharge of oil" and "A BILL to amend and reenact Section 62.1-44.34:18 of the Code of Virginia, relating to the discharge of oil into waters."

Supervisor Hanley announced that the Board has endorsement positions on this issue in its legislative package and that they are still waiting for legislation from the Attorney General. She, therefore, moved that the Board endorse the sense of the above legislation, rather than the specific language. This motion was seconded by Chairman Davis.

Supervisor Hanley also noted that the citizens have asked for provisions to provide for the temporary closure of a facility when the detection systems discover a leak. She stated that this is something the Board may want to consider, if it is possible.

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

77.TENANT LANDLORD COMPLAINTS RECEIVED

(Tape 10)

Supervisor Hanley called to the Board's attention the minutes received by the Board from the Tenant Landlord Commission's October meeting. She noted that, according to the minutes, the tenant landlord calls and complaints have been increasing and asked unanimous consent that the Board direct the Department of Consumer Affairs to report to the Board on the problems being reported and the trends. Without objection, it was so ordered.

78.OFFICE OF RESEARCH AND STATISTICS (ORS) HOUSEHOLD

SURVEY (Tape 10)

Supervisor Hanley called to the Board's attention the Office of Research and Statistics (ORS) household survey. She asked unanimous consent that the Board direct staff to report on the following:

- Has the survey been sent;
- How much has been invested in the survey, if it has not been sent;
- What is the cost to send the survey; and
- What will the costs be to analyze the results?

Without objection, it was so ordered.

79.CIVIL SERVICE COMMISSION PENDING CASES (Tape 10)

Supervisor Hanley noted that she received a response to her December 16, 1991 request regarding the backlog of cases at the Civil Service Commission. She asked unanimous consent that the Board refer this information to the Board's Personnel Subcommittee for further study of the alternative determined by the County Attorney to be permissible. Without objection, it was so ordered.

80.MIXED-USE ZONE TASK FORCE (Tape 10)

(BACs)

Supervisor Hanley called to the Board's attention an item in the Chamber of Commerce report regarding the establishment of a task force similar to the Affordable Dwelling Unit (ADU) Ordinance Task Force done for a mixed-use zone for the area including the metro stations and Tysons. She volunteered to establish the task force.

Supervisor Dix and Supervisor Alexander also volunteered to serve on the task force.

Chairman Davis designated Supervisor Hanley to serve as Chairman on the Mixed-Use Committee.

81.RECESS/EXECUTIVE SESSION (Tape 10)

At 2:35 p.m., Supervisor Dix 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:

- Board of Supervisors versus Federal Deposit Insurance Corporation, as receiver for the National Bank of Washington, Civil Action Number 91-0958, District Court of the District of Columbia;
- Proposed Fifth Interim Capital Contributions Agreement with the Washington Metropolitan Area Transit Authority (WMATA); and
- Issue of grandfathering under the Fairfax County Affordable Dwelling Unit (ADU) program.

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

SBE:sbe

At 4:20 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Davis presiding.

**82. CONGRATULATIONS TO VICE-CHAIRMAN ELAINE MCCONNELL
ON HER WEDDING ANNIVERSARY (Tape 11)**

Chairman Davis announced that the flowers received by Vice-Chairman McConnell during the meeting were for her wedding anniversary and congratulated her on behalf of the entire Board.

83. ACTIONS FROM EXECUTIVE SESSION (Tape 11)

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 Dix and carried by unanimous vote.

B. BOARD OF SUPERVISORS VERSUS FEDERAL

DEPOSIT INSURANCE CORPORATION

Supervisor Frey moved that the Board authorize settlement of Board of Supervisors versus Federal Deposit Insurance Corporation as receiver for the National Bank of Washington, CA 91-0958 according to the terms and conditions outlined by the Acting County Attorney in Executive Session. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

C. BOARD OF SUPERVISORS OF FAIRFAX COUNTY,

VIRGINIA VERSUS CAPUTO, ET AL., AT LAW

NUMBER 99406

Supervisor Frey moved that the Board authorize settlement of Board of Supervisors of Fairfax County, Virginia versus Caputo, et al., At Law Number 99406 according to terms and conditions outlined by the Acting County Attorney in Executive Session. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

84.METRORAIL CONSTRUCTION PROGRAM (Tape 11)

(NOTE: Earlier in the meeting this item was discussed and action deferred. See Clerk's Summary Item CL#53.)

Following discussion and input from Shiva K. Pant, Director, Office of Transportation, Supervisor Alexander reiterated his previous motion which is as follows:

- Reaffirm Fairfax County's commitment to participate in the regional effort to complete the 103-mile Adopted Regional Metrorail System;
- Approve ICCA-V and authorize the Chairman of the Board to sign that document on behalf of the Board;
- Advise WMATA that the County's approval of ICCA-V recognizes that execution of a Local Funding Agreement (LFA) with the Authority is necessary before the provision of ICCA-V shall become effective; specifically, that Section 16 of ICCA-V states that "This Agreement shall not become effective until each LFA has been executed by the Authority and the respective Political Subdivision/

Guarantor....;"

- Advise WMATA that the County's LFA should include the following elements:

*Recognition that approximately \$75 million of the County's \$123 million share of ICCA-V is unfunded at this time. This assumes utilization of \$32 million of previously authorized bond funds and \$16 million of available State Aid during the eight-year term of the program;

*Recognition that the County will attempt to use County general obligation bonds and/or some currently unspecified transportation financing initiative to fund much of the County's local share. Furthermore, these funding mechanisms may be contingent upon timely voter approval(s) in the future; and

*Language to minimize the County's liability associated with third party claims arising from the design and construction elements specified in ICCA-V.

•Direct the Acting County Executive to:

*Utilize the necessary staff resources to carry out the intent of the above actions;

*Provide a written report and have appropriate staff make a presentation regarding the LFA at the January 27, 1992 Board meeting; and

*Direct staff to transmit to WMATA these actions including the request for the LFA immediately.

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

85.3:30 P.M. - PH ON REZONING APPLICATION

RZ 91-L-024 AND SPECIAL EXCEPTION

AMENDMENT APPLICATION SEA 83-L-084-2

(GREATER SPRINGFIELD VOLUNTEER FIRE

DEPARTMENT #22) (LEE DISTRICT) (Tape 11)

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

Mr. Ryan 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 Hanley and carried by a vote of eight, Supervisor Frey and Supervisor Hyland 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 91-L-024 be amended from the R-1 District to the R-3 District. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Supervisor Alexander moved approval of Special Exception Amendment application SEA 83-L-084-2 subject to the development conditions dated December 12, 1991

contained in Appendix One of the Staff Report, as amended to **DELETE** Condition Numbers Six and Eight. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Supervisor Alexander moved waiver of the transitional screening and barrier requirements, subject to the development conditions dated December 12, 1991 contained in Appendix One, as amended. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Supervisor Alexander moved waiver of the five percent landscaping requirement for interior parking spaces. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Supervisor Alexander moved approval of a Site Plan Waiver for the Springfield Volunteer Fire Department. This was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

86. 3:30 P.M. - PH ON SPECIAL EXCEPTION RENEWAL

SER 86-D-113 (HARDEE'S, INCORPORATED)

(DRANESVILLE DISTRICT) (Tape 11)

Mr. William H. Hansbarger reaffirmed the validity of the affidavit for the record.

Mr. Hansbarger 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 Berger 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 seven, Supervisor Frey, Supervisor McConnell, and Supervisor Trapnell being out of the room.

Supervisor Berger moved approval of Special Exception Renewal Application SER 86-D-113 subject to revised development conditions dated December 11, 1991. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of six, Chairman Davis abstaining, Supervisor Frey, Supervisor McConnell, and Supervisor Trapnell being out of the room.

87. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**SE 91-D-021 (MAGRUDER AND DIBENEDETTO REAL****ESTATE, INCORPORATED) (DRANESVILLE DISTRICT)****(Tape 11)**

Mr. Larry Becker reaffirmed the validity of the affidavit for the record.

Mr. Becker 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 Berger disclosed the following campaign contribution that he had received:

- In the amount of \$650.00 from Mr. Pietro Dibenedetto in 1991.

Supervisor Hanley called the Board's attention to the fact that an amended affidavit has been distributed. She stated that the amended affidavit indicates that Supervisor Berger received a campaign contribution in the amount of \$1,000.

Supervisor Berger moved to defer indefinitely the public hearing on Special Exception Application SE 91-D-021. (The Planning Commission cited its concurrence with the rationale set forth in the Staff Report for denial.) This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER**88.APPOINTMENT OF GLENN ALLEN GAINES AS****FIRE CHIEF, FAIRFAX COUNTY FIRE AND****RESCUE DEPARTMENT (Tape 11)**

Supervisor Dix moved that the Board of Supervisors appoint Acting Chief Glenn Allen Gaines as permanent Fire Chief for Fairfax County Fire and Rescue Department effective immediately. This was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

Chief Gaines expressed his appreciation to Chairman Davis and the Board for its support and stated that he looked forward to working with them. He stated that his goal is to provide the very best in fire and emergency medical services at the lowest possible cost.

89. 4:00 P.M. - PH ON REZONING APPLICATION

RZ 90-P-003 (SHERMAN J. AND VIRGINIA H.

ROBARGE AND LEIGHTON N. AND JOAN K. FORD)

(PROVIDENCE DISTRICT) (Tape 11)

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

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

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

Supervisor Hanley moved:

•That the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 90-P-003 be amended from the R-1 District to the PDH-3 District subject to the execution of the revised proffers dated December 16, 1991; and

•Approval of the associated Conceptual Development Plan; Final Development Plan FDP 90-P-003 having been previously approved by the Planning Commission on December 16, 1991.

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

90. 4:00 P.M. - PH ON REZONING APPLICATION

RZ 91-P-011 (RAYMOND C. SCHUPP, TRUSTEE)

(PROVIDENCE DISTRICT) (Tape 11)

Ms. Sarah H. Reifsnnyder reaffirmed the validity of the affidavit for the record.

Ms. Reifsnnyder 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 Hanley moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which was the subject of Rezoning Application RZ 91-P-011 be amended from the R-3 and Highway Corridor Districts to the C-8 and Highway Corridor Districts subject to the execution of the revised proffers dated December 13, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley moved waiver of the minimum lot area in accordance with Section 9-610 of the Zoning Ordinance. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley moved waiver of the lot width requirement in accordance with Section 9-610 of the Zoning Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley moved modification of the transitional screening requirement along the northern boundary of the site in accordance with Paragraph 2, Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley moved waiver of the barrier requirement along the northern boundary of the site in accordance with Paragraph 2, Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being out of the room.

CM:cm

91.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT

APPLICATION PCA 86-L-019-2 AND SPECIAL EXCEPTION

APPLICATION SE 91-L-017 (LEE AUTOMOTIVE)**(LEE DISTRICT) (Tape 12)**

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

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

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

Supervisor Alexander moved approval of Proffered Condition Amendment Application PCA 86-L-019-2 subject to the execution of the revised proffers dated December 10, 1991, and as modified by the Planning Commission. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hanley being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 91-L-017 subject to the development conditions contained in Appendix Two of the Staff Report, as modified by the Planning Commission. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Frey and Supervisor Hanley being out of the room.

92. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**SE 89-L-080 (MOBIL OIL CORPORATION) (LEE****DISTRICT) (Tape 12)**

Ms. Lynn Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel 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, Regina Murray, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Alexander moved approval of Special Exception Application SE 89-L-080 subject to the revised development conditions dated October 3, 1991. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland being out of the room.

93. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT

APPLICATION SEA 86-P-101-3 (PAUL J. KLAASSEN)

(PROVIDENCE DISTRICT) (Tape 12)

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

Mr. Tunell 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, Regina Murray, 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 86-P-101-3 subject to development conditions dated December 20, 1991;
- Modification of the transitional screening requirements along the southern, eastern and western boundaries as shown on the Special Exception Amendment (SEA) plat; and
- Waiver of the barrier requirement along the southern, eastern and western boundaries in favor of the existing fence as specified in the development conditions.

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

94. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION

SE 91-D-023 (MOBIL OIL CORPORATION) (DRANESVILLE

DISTRICT) (Tape 12)

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

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

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

Supervisor Berger moved approval of Special Exception Application SE 91-D-023 subject to the revised development conditions contained in Appendix One of the Staff Report, and as modified by the Planning Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

Supervisor Berger moved modification of the transitional screening and barrier requirement along the northern, eastern and western boundary of the site, subject to the revised development conditions. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

95. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT

APPLICATION PCA C-52-2 (TENTH SKYLINE ASSOCIATES

LIMITED PARTNERSHIP AND EIGHTH SKYLINE ASSOCIATES

LIMITED PARTNERSHIP) (MASON DISTRICT) (Tape 12)

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

Chairman Davis disclosed the following campaign contribution that he had received:

- In the amount of \$199.00 from William H. Gordon and Associates.

Supervisor Bulova disclosed the following campaign contribution that she had received and excused herself from the case:

- In the amount of \$500.00 from the Kings Park Professional Center.

Supervisor Frey disclosed the following campaign contribution that he had received:

•In the amount of \$199.00 from William H. Gordon & Associates.

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

Following the public hearing, which included testimony by three speakers, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Trapnell moved that the Board:

•Approve Proffered Condition Amendment Application PCA C-52-2 subject to the revised proffers dated December 24, 1991;

•Approve Conceptual Development Plan Application CDPA C-52-7 subject to the execution of the revised proffers dated December 24, 1991; and

•Approve Final Development Plan Application FDPA C-52-7 subject to the approval by the Board of Supervisors of CDPA C-52-7, and subject to the execution of the revised proffers dated December 24, 1991;

In addition, Supervisor Trapnell moved that the Board direct the Director of Department of Environmental Management (DEM) to:

•Waive Paragraph 7 of Section 6-0302 of the Public Facilities Manual (PFM) to permit underground stormwater detention facilities in a residential development; and

•Return the Site Plan, including architectural renderings, of PCA C-52-2 to the Planning Commission for review prior to final approval.

This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of six, Supervisor Hyland voting "NAY," Supervisor Alexander, Supervisor Bulova, and Supervisor Hanley being out of the room.

96. 4:30 P.M. - PH ON SPECIAL LEGISLATION TO PROVIDE

PROPERTY TAX EXEMPTION FOR CERTAIN PROPERTY OWNED

BY THE ROBERT PIERRE JOHNSON HOUSING DEVELOPMENT

**CORPORATION OF THE NATIONAL CAPITAL AREA (LEE AND
MOUNT VERNON DISTRICTS) (Tape 12)**

(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 one time only in the issue of December 26, 1991.

Following the public hearing, Supervisor Hanley moved adoption of a Resolution supporting the endorsement of State legislation for exemption for real and personal property taxes from the Robert Pierre Johnson Housing Development Corporation, a private, nonprofit organization, which provides residential housing services to certain low and moderate income residents of Fairfax County, Virginia. The exemption would apply to those properties which are used for charitable and benevolent purposes. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor McConnell, and Supervisor Trapnell being out of the room.

97. 4:30 P.M. - PH ON SPECIAL LEGISLATION TO PROVIDE

**PROPERTY TAX EXEMPTION FOR CERTAIN PROPERTY OWNED
BY THE GREATER ANNANDALE RECREATION CENTER,**

INCORPORATED (MASON DISTRICT) (Tapes 12-13)

(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 one time only in the issue of December 26, 1991.

Following the public hearing, which included testimony by two speakers, Supervisor Hanley moved adoption of a Resolution supporting the endorsement of State legislation for exemption for real and personal property taxes from the Greater Annandale Recreation Center, Incorporated, a private, nonprofit organization, which operates a swimming pool and other recreational facilities at 7530 Little River Turnpike in Annandale, Virginia. The exemption would apply to those properties used by this organization for park and recreational purposes. This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "NAY".

Supervisor Dix moved that the Board create a Recreation District in order to give the Board the opportunity to deal with such issues both on the level of taxation plus the

preservation of open space for long term. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

ADDITIONAL BOARD MATTERS

98.CONTINUATION OF THE TRASH PARKOUT PROGRAM

(Tape 13)

Supervisor Berger moved that the Board continue the trash parkout program free of charge. This motion was seconded by Supervisor McConnell.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, the question was called on the motion which **FAILED** by a recorded vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis voting "AYE."

Supervisor Berger moved that the parkouts continue based on the following conditions:

- Users pay a fee of \$50.00 per household between now and July 1, 1992;
- Users buy a large placard at appropriate sites to be displayed in the dashboard window of vehicles that includes two different license numbers from the same household;
- Staff issue instructions as soon as possible at the parkout sites to users informing them of the change in policy;
- Staff set a target date of Saturday, February 8, 1992 to begin the implementation of this plan;
- Recyclable materials will be processed free of charge including aluminum, tin, plastics, glass, and newspaper;
- Separate brush trucks will no longer be provided, but staff will provide instructions as to where such materials may be taken; and
- Staff will use General Funds until the February 8, 1992 target date to continue parkouts until this plan is implemented.

This motion was seconded by Supervisor McConnell.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, the question was called on the motion which carried by unanimous vote.

99.BOARD ORGANIZATION AND APPOINTMENTS OF BOARD

MEMBERS TO VARIOUS REGIONAL AGENCIES, COMMITTEES

AND SUBCOMMITTEES (Tape 13)

(BACs)

(Appt)

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#11.)

Supervisor Hanley called the Board's attention to the fact that earlier in the meeting during appointments of Board Members to various regional agencies, committees and subcommittees, the Internal Audit Committee was erroneously omitted from the list.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved the following appointments to the Internal Audit Committee:

INTERNAL AUDIT COMMITTEE

Robert Dix, Chairman

Thomas Davis

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

100.TIE-BREAKER ISSUE (Tape 13)

Supervisor Davis moved that the Board have no tie-breaker in the event of a tie vote, and that a tie vote will automatically fail. This motion was seconded by Supervisor Bulova and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "**NAY.**"

Vice-Chairman McConnell returned the gavel to Chairman Davis.

101.REQUEST TO LEGISLATIVE COMMITTEE REGARDING

LOCAL INCOME TAX (Tape 13)

(NOTE: Earlier in the meeting, the Board addressed the issue of a local income tax. See Clerk's Summary Items CL#10 and CL#75.)

Following Board discussion, with input from Edward L. Long, Jr., Director, Office of Management and Budget, and James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Alexander moved that the Board request the Chairman and the Vice-Chairman of the Legislative Subcommittee to work with the County's legislators on the local income tax issue in the following manner:

- Amend the tax legislation to allow the Board the flexibility to supplant local revenue; and
- Allow a portion of this tax to be dedicated for educational purposes.

This motion was seconded by Supervisor Bulova.

Supervisor Bulova asked that the motion be amended to specify the percentage of up to one percent, and this was accepted.

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

102.RECESS (Tape 14)

At 7:00 p.m., the Board recessed briefly and, at 7:50 p.m., reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, Supervisor Trapnell, and with Chairman Davis presiding.

ADDITIONAL BOARD MATTER**103.ABSENCE OF SUPERVISOR GERRY HYLAND, MOUNT VERNON****DISTRICT AND SUPERVISOR CHRISTINE TRAPNELL,****MASON DISTRICT (Tape 14)**

Chairman Davis announced that Supervisor Gerry Hyland, Mount Vernon District and Supervisor Christine Trapnell, Mason District both had to leave the meeting early.

Chairman Davis stated that both Supervisors had requested that they be provided with copies of the tapes for the portion of the meeting which they would miss.

Therefore, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to provide Supervisor Hyland and Supervisor Trapnell with copies of the tapes for the portion of the meeting they missed. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**104. 7:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON THE
APPOINTMENT OF A RESIDENT FROM THE SULLY DISTRICT
TO THE FAIRFAX COUNTY SCHOOL BOARD (Tapes 14-17)**

(BACs)

[NOTE: In accordance with Virginia Code Section 22.1-19.1 (Supp. 1991), the Board of Supervisors is required to hold a public hearing to receive the views of citizens on the appointment of a School Board Member at least seven days prior to an appointment. No person whose name has not been considered at the public hearing may be appointed. Appointment for the additional seat to represent Sully District will be made at the Board of Supervisors' meeting scheduled for January 27, 1992.]

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 December 19 and 26, 1991.

Supervisor Frey announced the names of the following individuals for consideration as the Sully District Representative to the Fairfax County School Board:

- Ms. Elizabeth Barricks;
- Ms. Linda Bayer;
- Ms. Betty Costello;
- Ms. Catherine Fratter;
- Mr. Ray Kirshak;

- Mr. James Knapp;
- Mr. John Litzenberger;
- Ms. Beverly Mulford;
- Ms. Susan Provyn;
- Mr. Gary Reese;
- Mr. Ronald Reese;
- Mr. Ronald Savage;
- Mr. L. Severance; and
- Mr. Robert Stuber.

The public hearing was held and testimony was given by 50 speakers.

It was the consensus of the Board to hold the record open on the public hearing to receive written testimony only until the Board's Decision on the appointment scheduled for **January 27, 1992 at 10:15 a.m.** It was noted that any comments submitted regarding individuals to be considered for School Board vacancies are limited to those names proposed at the public hearing.

105.ADDITIONAL COMMENTS REGARDING LEGISLATIVE

PACKAGE (Tape 17)

(NOTE: Earlier in the meeting, action was taken on the legislative package. See Clerk's Summary Items CL#13 and CL#15.)

Supervisor Hanley informed the Board that, earlier in the meeting, the legislative package was amended to seek legislation to add the Sully District Representative to the School Board. Since legislation is not needed in order to add this seat, Supervisor Hanley moved that the Board withdraw this issue from the legislative package. This motion was seconded by Supervisor McConnell.

Following further discussion with Chairman Davis, Supervisor Hanley withdrew her motion.

106.BOARD ADJOURNMENT (Tape 17)

At 10:45 p.m., the Board adjourned.