

**AR:ar**

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

Supervisor Dix arrived at 10:20 a.m.

Supervisor Alexander arrived at 11:05 a.m.

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.RECOGNITION OF MS. JUDI S. BOOE FOR HER**

**MANY YEARS OF SERVICE ON THE CIVIL SERVICE**

**COMMISSION (Tape 1)**

Following recognition of Ms. Judi S. Booe by John E. Robinson, Executive Director of the Civil Service Commission, Chairman Davis presented a plaque to Ms. Booe in appreciation for her many years of service on the Commission.

**3.ADMINISTRATIVE ITEMS (Tape 1)**

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

Supervisor Hyland asked that the following Administrative Items be pulled and considered separately:

- Administrative Item Seven - Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to Change of the Parking Meter Rate at the Massey Complex and the Establishment of a Pay-for-Parking Area and Rate at the New Government Center; and
- Administrative Item 11 - Authorization to advertise Publication of the Fiscal Year (FY) 1993 Budget.

This was accepted.

Chairman Davis announced that action on these Administrative Items would be deferred until Supervisor Alexander is present in the Board Room.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the motion be amended to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 **TO** commence at **3:00 p.m. and 3:30 p.m.** respectively, and this was accepted.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Hyland asked that the following Administrative Item be pulled and considered separately:

- Administrative Item 10 - Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 4, Section 4-4-4, Changing the Payment of Interest for Erroneously Assessed Taxes.

This was accepted.

Following brief comments by Board Members, the question was called on the motion and, as amended, carried by a vote of nine, Supervisor Alexander not yet having arrived.

### **ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM**

#### **(MASON AND SPRINGFIELD DISTRICTS)**

(R)Approved the request that certain streets listed in the Memorandum to the Board dated March 9, 1992 be recommended for acceptance into the State Secondary System.

### **ADMIN 2 - PROPOSED RESTRICTIVE PARKING AROUND**

#### **THE MORNING VIEW LANE CUL-DE-SAC (LEE DISTRICT)**

(R)Adopted a Resolution restricting the parking around the Morning View Lane cul-de-sac, and directed staff to secure the necessary permits from the Virginia Department of Transportation (VDOT) for the installation of "NO PARKING" signs.

### **ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC**

**HEARING ON A PROPOSAL TO VACATE AN UNIMPROVED  
PORTION OF WREN DRIVE (LEE DISTRICT)**

(A)Authorized staff to post the notice of intent and authorized the advertisement of a public hearing to be held before the Board of Supervisors on **May 4, 1992 at 4:00 p.m.** on the proposed vacation on an unimproved portion of Wren Drive located within the Springvale Subdivision, Lee District.

**ADMIN 4 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX,  
CHAPTER 41 (ANIMALS AND FOWL)**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:00 p.m.\*** on proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), Sections 41-2-3, 41-2-6, 41-2-9, and 41-2-11, to increase the kennel license tax to the maximum authorized by State law and animal impoundment and animal per-diem board fees to reflect actual expenses.

(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)

**ADMIN 5 - PROPOSED AMENDMENT TO THE CODE OF THE  
COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND  
FINANCE), ARTICLE 8, SECTION 4-9-1(A)(1)(B)  
(MIXED BEVERAGE LICENSE TAX)**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:30 p.m.\*** on a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to raise the Mixed Beverage License Tax from \$300 to \$350 for persons operating restaurants, including restaurants located on premises of and operated by hotels and motels, with a seating capacity at tables for more than 100 but not more than 150 persons.

(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)

**ADMIN 6 - AUTHORIZATION TO ADVERTISE A PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,  
TO ADOPT A NEW CHAPTER ESTABLISHING A FAIRFAX  
COUNTY SPECIAL SERVICE DISTRICT FOR THE CONTROL  
OF GYPSY MOTH INFESTATIONS**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:30 p.m.\*** on a proposed amendment to the Code of the County of Fairfax to adopt a new Chapter to establish Fairfax County as a service district for gypsy moth suppression and that authorizes a separate tax levy on real property to fund the gypsy moth suppression program.

(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)

**ADMIN 7 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENTS TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND  
TRAFFIC) TO CHANGE OF THE PARKING METER  
RATE AT THE MASSEY COMPLEX AND THE  
ESTABLISHMENT OF A PAY-FOR-PARKING AREA  
AND RATE AT THE NEW GOVERNMENT CENTER**

(NOTE: During the approval of the Administrative Items, action was taken to pull and consider Administrative Item Seven separately upon Supervisor Alexander's return to

the Board Room. Later in the meeting, action was taken. See Clerk's Summary Item CL#50.)

**ADMIN 8 - AUTHORIZATION TO ADVERTISE PROPOSED**

**AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX,**

**CHAPTER 84 (PUBLIC TRANSPORTATION), ARTICLES 2**

**AND 3, TAXICAB ORDINANCE**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:30 p.m.\*** on proposed amendments to the Code of the County of Fairfax, Chapter 84 (Public Transportation), Articles 2 and 3, Taxicab Ordinance, which would increase:

- The fee for processing each application for an operator's certificate from \$10 to \$50 for each vehicle to be operated under the application;
- The license fee for the operation of taxicabs in the County from \$10 to \$100 per vehicle per year;
- The vehicle substitution fee from \$2 to \$20; and
- The hacker's license fee from \$10 per year to a nonrefundable \$10 application fee and a \$25 hacker's license fee.

(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)

**ADMIN 9 - AUTHORIZATION TO ADVERTISE PROPOSED**

**AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX,**

**CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 10,**

**SECTION 4-10-4, DISCONTINUING THE MONTHLY**

**PAYMENT PROGRAM FOR REAL ESTATE TAXES**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:00 p.m.\*** on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 10, Section 4-10-4, discontinuing the monthly payment program for real estate taxes at the end of the current tax year.

(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)

**ADMIN 10 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX,  
CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 4,  
SECTION 4-4-4, CHANGING THE PAYMENT OF  
INTEREST FOR ERRONEOUSLY ASSESSED TAXES**

(NOTE: During the approval of the Administrative Items, action was taken to pull and consider Administrative Item Seven separately upon Supervisor Alexander's return to the Board Room. Later in the meeting, action was taken. See Clerk's Summary Item CL#51.)

**ADMIN 11 - AUTHORIZATION TO ADVERTISE PUBLICATION  
OF THE FISCAL YEAR (FY) 1993 BUDGET**

(NOTE: During the approval of the Administrative Items, action was taken to pull and consider Administrative Item Seven separately upon Supervisor Alexander's return to the Board Room. Later in the meeting, action was taken. See Clerk's Summary Item CL#48.)

**ADMIN 12 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION  
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION  
SEA 81-V-087 (KELLEHER PARTNERSHIP) (MOUNT  
VERNON DISTRICT)**

(AT)Approved the request for 18 months of additional time to commence construction for Special Exception Amendment Application SEA 81-V-087 until **June 25, 1993** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 13 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION  
FOR SPECIAL EXCEPTION APPLICATION SE 85-D-028 (ROUSE  
AND ASSOCIATES TYSONS CORNER) (PROVIDENCE DISTRICT -  
FORMERLY DRANESVILLE DISTRICT)**

(AT)Approved the request for 3 years of additional time to commence construction for Special Exception Application SE 85-D-028 until **January 29, 1995** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 14 - AUTHORIZATION TO ADVERTISE A PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,  
CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 11,  
SECTION 4-11-3 (LEVY AND RATE), TO INCREASE  
THE COUNTY CIGARETTE TAX**

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:00 p.m.\*** on a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 11, Section 4-11-3 (Levy and Rate), to increase the tax on cigarette sales from five cents per pack to 15 cents per pack.

**(\*NOTE: During the approval of the Administrative Items, action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\*)**

**4.A-1 - SPRING 1992 BOND SALE (Tape 1)**

(BONDS)

(Rs)Supervisor Frey moved that the Board concur in the recommendation of staff and adopt Resolutions authorizing a Spring 1992 Bond Sale, in the amount of \$150 million, to be held before the Board of Supervisors on **April 1, 1992 at 12:00 o'clock noon**, for the purposes listed below:

## **Sale Amounts Required**

### **Through June 1992**

#### **Purpose (\$ in millions)**

School Improvements \$ 93.8

Parks and Park Facilities 10.6

Human Services Facilities 1.2

Neighborhood and Community Improvements 11.6

Transportation Facilities (1990 Referendum) 14.6

Commercial and Redevelopment Area Improvements 1.2

Library Facilities 5.9

Adult Detention Facilities 3.9

Public Safety Facilities 5.9

Storm Drainage 1.6

Jail/Work Release Facilities 0.1

**TOTAL \$ 150.0**

#### **RESOLUTIONS ADOPTED:**

- Authorizing the issuance of bonds;
- Authorizing the Notice of Sale, the form of the Official Statement, and the Chairman's signature on the final Official Statement; and



•Delegating Authority to the Acting County Executive or the Deputy County Executive for Management and Budget to award the sale in the absence of a quorum.

The motion was seconded by Supervisor Dix.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, the question was called on the motion which carried by a vote of nine, Supervisor Alexander not yet having arrived.

(NOTE: The Board is reminded that a quorum is necessary the day of the sale. Bids will be received until noon Eastern Standard Time on Wednesday, April 1, 1992.)

**5.A-2 - SUBMISSION OF SPECIAL PROJECT FOR FUNDING**

**UNDER THE PROVISIONS OF PUBLIC LAW 89:313,**

**SUPPLEMENTING EARLY INTERVENTION SERVICES**

**PROVIDED BY THE DAYTIME DEVELOPMENT CENTER**

**OF FAIRFAX, VIRGINIA (Tape 1)**

On motion of Supervisor Bulova, seconded by Supervisor Berger, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and authorized the submission of a grant proposal to the State Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS), in the amount of \$26,800, to develop supplemental services to identified children in the Health Department's Daytime Development Center (DDC).

**6.A-3 - APPROVAL TO RECEIVE STATE FUNDING FOR**

**MENTAL RETARDATION CHILD DAY CARE AND FAMILY**

**SUPPORT SERVICES (Tape 1)**

On motion of Supervisor Bulova, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and authorized the Fairfax-Falls Church Community Services Board (CSB) to accept the funding from the State Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS), in the amount of \$43,651 for Family Support and in the amount of \$37,043 for Day Care.

**7.A-4 - AUTHORIZATION TO TRANSMIT LETTERS TO CONGRESSIONAL MEMBERS ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), THE HOME PROGRAM, AND SUPPORT OF NATIONAL COMMUNITY DEVELOPMENT WEEK (Tape 1)**

On motion of Supervisor Hyland, seconded by Supervisor Berger, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and:

- Authorized the Chairman of the Board of Supervisors to transmit a letter to the Virginia Congressional Delegation and to the Chairman of the Senate and House Budget and Banking, Housing, and Urban Affairs Committees, urging support of National Community Development Week, increased funding of Community Development Block Grants (CDBG) and HOME, and support of the proposed Emergency Community Development Act of 1992, which would provide additional Fiscal Year (FY) 1992 CDBG funding to spur economic recovery and employment; and

- Approved the Proclamation designating the week of April 20 through April 26, 1992 as "NATIONAL COMMUNITY DEVELOPMENT WEEK," to be observed by localities throughout the nation and to recognize contributions and the vital importance of CDBG funding over the years to local governments in meeting the needs of low and moderate income residents.

**8.A-5 - DESIGNATION OF PLANS EXAMINERS TO PARTICIPATE IN THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM (Tape 1)**

(BACs)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and designated the following individuals as Plans Examiners to participate in the Expedited Land Development Review Program, and identified by the registration numbers as Plans Examiners:

- Thomas Anthony Dougher (87); and
- William A. Rudacille (86).

**9.A-6 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 112 (ZONING) REGARDING  
SITE PLAN REQUIREMENTS FOR ADDITIONS TO  
EXISTING SINGLE FAMILY ATTACHED DWELLINGS**

**(Tape 1)**

(A)

(R)On motion of Supervisor McConnell, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 22, 1992 and before the Board of Supervisors on **May 4, 1992 at 3:30 p.m.** on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) regarding Site Plan requirements for additions to existing single family attached dwellings.

Supervisor Dix noted, for the record, that the PRC Task Force has expressed its endorsement of this proposed amendment.

**10.A-7 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 112 (ZONING) REGARDING  
ZONING APPLICATION FEE SCHEDULE (Tape 1)**

(A)

(R)Supervisor Bulova moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 1, 1992 and before the Board of

Supervisors on **April 6, 1992 at 4:00 p.m.** on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) regarding the Zoning Application Fee Schedule. This motion was seconded by Supervisor Trapnell.

Following Board discussion, with input from Stephen W. Kerr, Assistant Division Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), Supervisor Hyland asked unanimous consent that the Board direct staff to provide a comparison of what other jurisdictions are charging for similar types of services and what the additional costs and personnel requirements are to provide these services. Without objection, it was so ordered.

Supervisor Hanley noted that the budgetary analysis shows that OCP spends 21 percent of its time handling application fees, and she asked unanimous consent that the Board direct the OCP staff to provide detailed information on how the remaining 79 percent of its time is spent. She noted that this information would be useful to the Board prior to this public hearing. Without objection, it was so ordered.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to send a letter to the Northern Virginia Building and Industry Association (NVBIA), the Fairfax County Chamber of Commerce, the Federation of Citizens Associations, and to the League of Women Voters outlining these proposed changes to the zoning application fee schedule, and giving them an opportunity to address this issue at the scheduled public hearing. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor McConnell noted, for the record, that she is only supporting the advertisement of a public hearing on this proposed amendment, and that she has great problems with the Board considering such an increase in fees at a time when the economy depends on growth and attracting new businesses to the County.

Supervisor Berger expressed his concerns regarding the effect an increase in fees will have on the affordable housing program in Fairfax County.

Supervisor Bulova asked unanimous consent that the record of today's discussions on this issue reflect the Board's approval for advertisement for a public hearing, but that several Board Members expressed reservations concerning the size and nature of these fee increases. Without objection, it was so ordered.

The question was then called on the motion which carried by a vote of nine, Supervisor Alexander not yet having arrived.

**11.A-8 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENT TO THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 112 (ZONING) REGARDING  
MINIMUM YARD REQUIREMENTS FOR CERTAIN  
R-C ZONED LOTS (Tape 1)**

Supervisor Frey stated that this item is on the agenda for Executive Session and he asked unanimous consent that the Board defer any action on the adoption of a Resolution authorizing the advertisement of a public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) regarding minimum yard requirements for certain R-C zoned lots until after Executive Session. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken by the Board on Action Item Eight. See Clerk's Summary Item CL#80.)

**12.A-9 - ADMINISTRATION OF RIGHT-OF-WAY  
DIMENSIONS ESTABLISHED IN THE COMPREHENSIVE  
PLAN ADOPTED JULY 1, 1991 (COUNTYWIDE) (Tape 1)**

(P)Supervisor Hanley moved that the Board concur in the recommendation of staff and take the following actions to implement the right-of-way guidelines in the new Comprehensive Plan:

- Approve the procedures described in Attachment One of the Memorandum to the Board dated March 9, 1992;
- Authorize the Acting County Executive to establish an appropriate process to implement these procedures, including the delegation of his waiver authority to the Director of the Department of Environmental Management (DEM) as may be necessary and appropriate; and
- Endorse the concept of amending the County Zoning Ordinance to facilitate the provision of needed transportation rights- of way, and directed staff to prepare the necessary amendment for the Board's consideration as soon as possible.

This motion was seconded by Chairman Davis.

Following discussion, with input from Robert L. Moore, Chief, Transportation Planning Division, Office of Transportation, and Irving Birmingham, Director, DEM, the question was called on the motion which carried by a vote of nine, Supervisor Alexander not yet having arrived.

**JLD:jld**

**13. C-1 - EXPANSION OF THE LIMITS OF THE RESTON  
STREET LIGHT DEMONSTRATION PROJECT TO INCLUDE  
THE INTERSECTIONS OF WIEHLE AVENUE WITH NORTH  
SHORE DRIVE AND THE ENTRANCE TO THE CHESTNUT  
GROVE CONDOMINIUMS (Tape 2)**

The Board next considered an Item contained in the Memorandum to the Board dated March 9, 1992 regarding the expansion of the limits of the Reston Street Light Demonstration Project to include the intersections of Wiehle Avenue with North Shore Drive and the entrance to the Chestnut Grove Condominiums.

Supervisor Dix moved that the Board authorize the expansion of the demonstration project for the Reston Street Light Project to include the section of Wiehle Avenue between North Shore Drive and Chestnut Grove. This motion was seconded by Chairman Davis.

After a brief discussion among Board Members, the question was called on the motion which carried by a vote of nine, Supervisor Alexander not yet having arrived.

(NOTE: Later in the meeting, action was taken to clarify the motion on Consideration Item One to approve Alternative Three as outlined in the Memorandum to the Board dated March 9, 1992. See Clerk's Summary Item CL#16.)

**14. C-2 - AUTHORIZATION FOR THE BOARD OF TRUSTEES  
OF THE FAIRFAX COUNTY UNIFORMED RETIREMENT  
SYSTEM TO PAY CERTAIN PAST INVOICES AND ALL**

**FUTURE INVOICES FROM PENSION CONSULTANTS,  
INCORPORATED, WITHOUT APPROVAL FROM THE  
COUNTY ATTORNEY'S OFFICE (Tape 2)**

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board defer Consideration Item Two - Authorization for the Board of Trustees of the Fairfax County Uniformed Retirement System to Pay Certain Past Invoices and All Future Invoices from Pension Consultants, Incorporated, Without Approval from the County Attorney's Office, until later in the meeting. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

**15. C-3 - BOARD DIRECTION CONCERNING THE OPENING OF  
THE NEW CENTREVILLE LIBRARY IN MAY 1992, AND  
CONTINUED OPERATION OF THE FACILITY IN FISCAL  
YEAR (FY) 1993 (SULLY DISTRICT) (Tape 2)**

The Board next considered an Item contained in the Memorandum to the Board dated March 9, 1992 regarding the opening of the new Centreville Library in May 1992, and the continued operation of the facility in Fiscal Year (FY) 1993. Funding adjustments to the current FY 1992 revised budget, FY 1993 Advertised Budget Plan, and the recent list of additional cuts would be necessary to open the facility. There are funding adjustments required for FY 1993 whether the new Centreville Library is open or whether the library operation is continued at its existing shopping center location, Sully District.

Following comments by Supervisor Frey, he moved that the Board:

- Direct staff to work with the community in Centreville to ensure that the new Centreville Library opens; and
- Withhold specific commitments on status, funding, number of positions, etc. until completion of the budget process.

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

Following a query from Supervisor Hanley, Supervisor Frey amended his motion that the Board direct staff to prepare the close down provisions of the existing lease of the library's current facility, and this was accepted.

Following discussion among Board Members, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Alexander not yet having arrived.

**16. ADDITIONAL COMMENTS ON C-1 - EXPANSION OF THE  
LIMITS OF THE RESTON STREET LIGHT DEMONSTRATION  
PROJECT TO INCLUDE THE INTERSECTIONS OF WIEHLE  
AVENUE WITH NORTH SHORE DRIVE AND THE ENTRANCE  
TO THE CHESTNUT GROVE CONDOMINIUMS (Tape 2)**

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#13.)

Supervisor Dix called to the Board's attention Consideration Item One. He stated that the action taken by the Board earlier in the meeting authorized the expansion of the demonstration project for the Reston Street Light Project to include the section of Wiehle Avenue between North Shore Drive and Chestnut Grove.

For the record, Supervisor Dix clarified that the motion had been to recommend approval of Alternative Three as outlined in the Memorandum to the Board dated March 9, 1992.

**17. I-1 - STAFF SUMMARIES OF JANUARY, 1992  
TRANSPORTATION ADVISORY COMMISSION MEETINGS  
(COUNTYWIDE) (Tape 2)**

(BACs)



The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the Staff Summaries of January, 1992 Transportation Advisory Commission Meetings.

**18. I-2 - ROAD BOND PROGRAM - BOARD OF SUPERVISORS'  
MONTHLY STATUS REPORT FOR FEBRUARY, 1992**

**(Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the Road Bond Program - Bond of Supervisors' Monthly Status Report for February, 1992.

**19. I-3 - FAIRFAX COUNTY PARKWAY/FRANCONIA-SPRINGFIELD  
PARKWAY STATUS REPORT (COUNTYWIDE) (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the Fairfax County Parkway/Franconia - Springfield Parkway Status Report.

**20. I-4 - STATUS REPORT ON HIGHWAY PROJECTS IN THE  
VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)  
SIX-YEAR IMPROVEMENT PROGRAMS (COUNTYWIDE)**

**(Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the Status Report on Highway Projects in the Virginia Department of Transportation (VDOT) Six-Year Improvement Programs.

**21. I-5 - WASHINGTON METROPOLITAN AREA TRANSIT  
AUTHORITY (WMATA) PUBLIC HEARINGS FOR PROPOSED  
METROBUS AND METRORAIL FARE INCREASE FOR FISCAL  
YEAR (FY) 1993 (COUNTYWIDE) (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the schedule for the Washington Metropolitan Area Transit Authority (WMATA) public hearings for proposed metrobus and metrorail fare increase for Fiscal Year (FY) 1993.

A brief discussion ensued among Board Members on this issue.

**22. I-6 - ADMINISTRATION OF THE TREE COVER**

**REQUIREMENTS OF THE CODE OF THE COUNTY OF  
FAIRFAX BY THE DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT (DEM) (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 presenting the staff response to questions raised by Mr. Kenneth Moreland during the public comment session of the Board Meeting held on February 24, 1992 regarding tree cover requirements.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide him with additional details regarding this issue, with particular reference to why County projects do not comply with the same requirements as other projects. Without objection, it was so ordered.

**23. I-7 - CONTINUATION OF CONTRACT WITH GOVERNMENT**

**RELATIONS, INCORPORATED, TO PROVIDE ASSISTANCE  
WITH FEDERAL TRANSPORTATION FUNDING ISSUES**

**(COUNTYWIDE) (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 requesting authorization for staff to proceed to execute a formal extension of the contract with Government Relations, Incorporated to assist in securing federal transportation funds for critical projects in Fairfax County.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the contract be extended for one year subject to the availability of funds, as determined in the Board's final action on the Fiscal Year (FY) 1993 budget.

Supervisor Davis clarified that the Board will readdress the contract after final Board action on the FY 1993 budget and, at this time, payments are authorized through May 9, 1992.

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

Following discussion among Board Members, with input from Shiva K. Pant, Director, Office of Transportation, the question was called on the motion which carried by a vote of nine, Supervisor Alexander not yet having arrived.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**24. I-8 - CONTRACT MODIFICATION - PSYCHIATRIC**

**SERVICES IN SUPPORT OF THE FAIRFAX-FALLS**

**CHURCH COMMUNITY SERVICES BOARD (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 requesting authorization for staff to proceed to modify the contract with Dr. Dorothy J. Joyce by 146 hours and \$8,760.

The staff was directed administratively to proceed as proposed.

**25. I-9 - PURCHASE OF PROPERTY FOR BACKLICK**

**COMMUTER RAIL STATION (Tape 2)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 9, 1992 requesting authorization for the Office of Transportation to proceed to settle on the purchase of the property and present the escrow agreement, contained in the Board Package, to the Acting County Executive for his signature, regarding property necessary for the Backlick Commuter Rail Station.

The staff was directed administratively to proceed as proposed.

**26.10:00 A.M. - BOARD ADOPTION OF THE CAPITAL**

**IMPROVEMENT PROGRAM (CIP) AND BOND SALE**

**PRIORITIZATION FOR FISCAL YEARS (FY)**

**1993-1997 (Tape 2)**

[NOTE: At a recessed meeting on Monday, February 3, 1992, the Board held its Work Session on the Capital Improvement Program (CIP) and bond sale prioritization for Fiscal Years (FY) 1993-1997. The Board held its Markup on February 10, 1992. On February 24, 1992, the Board postponed its action until March 9, 1992.]

Supervisor Dix moved Board approval of the CIP) for Fiscal Years 1993-1997, dated March, 1992, as contained in the Memorandum to the Board dated March 9, 1992. This motion was seconded by Supervisor Bulova.

Following a query from Supervisor Hanley regarding the endorsement of a School bond referendum in FY 1995, discussion ensued among Board Members, with input from Anthony H. Griffin, Deputy County Executive for Planning and Development.

Supervisor Hanley asked that the motion be amended to include a notation in the CIP document that the FY 1995 date for a School bond referendum is subject to revision, and this was accepted.

Supervisor Hyland asked that the motion be amended to direct staff to clarify the amount listed for Gunston Manor in the chart entitled, "Project Cost Summaries, Neighborhood Improvements," on Page 79 of the CIP, and this was accepted.

Following a query from Supervisor Hanley regarding no funding amount shown on Item 16, Community Park Development, of the chart entitled, "Project Cost Summaries, Fairfax County Park Authority," on Page 19 of the CIP, and Item 28, Prior Approved Construction Projects, of the chart entitled, "Project Cost Summaries, Neighborhood Improvements," on Page 80 of the CIP, it was clarified by staff that no funding amounts are shown in the chart for FY 1993-1997 because the funds were appropriated in prior years.

Supervisor Hanley called to the Board's attention the third item under Project Descriptions on Page 108 of the CIP and asked that the motion be amended to delete "near Blake Lane" from that item so that it reads:

•"3. I-66. \$3,250,000 for construction of an offramp to allow access to the Vienna Metrorail Station."

This was accepted.

Supervisor Hanley also called to the Board's attention item number 20 under Project Descriptions on Page 108 of the CIP and asked that the motion be amended to add "including noise walls."

Following discussion among Board Members regarding funding for the noise walls, this was accepted.

The question was then called on the main motion, as amended, which carried by a vote of nine, Supervisor Alexander not yet having arrived.

**BOARD MATTERS****27.SUPERVISOR ELAINE MCCONNELL RECEIVES THE "1992****WOMAN THAT WE ADMIRE AWARD" FROM THE BLACK****WOMEN UNITED FOR ACTION (Tape 2)**

Chairman Davis called to the Board's attention the recognition received by Supervisor Elaine McConnell from the Black Women United for Action. He stated that the Black Women United for Action presented Supervisor McConnell with the "1992 Woman That We Admire Award" for her leadership, community involvement and equity in the workplace, and on behalf of the Board, he congratulated her upon this honor.

**28.THE CREATION OF A COMMISSION FOR ASSISTANCE TO****SMALL AND DISADVANTAGED BUSINESSES IN FAIRFAX****COUNTY (Tape 2)**

(BACs)

Chairman Davis read the following statement regarding the creation of a commission for assistance to small and disadvantaged businesses in Fairfax County:

"It has been said that 'Small Business is the rising star of our economy.' I have had the opportunity to meet and speak with minority/ethnic groups and small business entrepreneurs during the past several months. It is their opinion that Fairfax County should assume a leadership role with respect to the promotion and the enhancement of business opportunities for small and disadvantaged entrepreneurs in our community.

I believe strongly this is something that is durable and I think it's something we should do at the Board of Supervisors' level to ensure that the procurement opportunities for small and disadvantaged businesses become available on a more equitable basis. One way to accomplish this is to create a mechanism that is designed to provide the Board with relevant information regarding actual business opportunities with the Fairfax

County Government, which has been done on a smaller scale, and in a broader sense, the development of and exploration of possible opportunities in the private sector, as well as the Federal sector. This mechanism should take the form of a special commission. This commission will be charged with the responsibility of providing the Board of Supervisors with information, ideas, and suggestions on ways to address pertinent economic issues as they pertain to small and disadvantaged entrepreneurs.

The commission would be called the 'Small and Disadvantaged Business Commission.' It would be advisory in nature to the Board and composed of small business persons residing in the County. This matter is something that will materially assist the County as it comes to grips with the continuing sluggish economy. From all indications, small businesses will play a significant role in the restoration of a healthy economy and I know this Board wishes to play a leadership role in that process.

It has been suggested that it will be composed of 15 members with three-year staggered terms. Original appointments to the Commission will be for a period of three, two and one year(s) respectively. This shall be determined by lot drawing. The composition will reflect the small and minority business owners in our communities. The Chairman of the Board and the entire Board would preside over the Commission and further, would be directly responsible for the appointment of membership to the Committee, except the Chamber of Commerce would get one member by right.

The Committee would be charged with the responsibility of providing information, direction and guidance to the Board for use in the promulgation of policies that will ultimately govern procurement activities in the County."

Mr. Bob Rogers, President, Chesapeake Center, a health care provider on Route One, addressed the Board on the creation of a commission on small and disadvantaged businesses in Fairfax County.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board endorse the creation of a commission for assistance to small and disadvantaged businesses in Fairfax County, as outlined in the above statement and in the handout he distributed to Board Members. This motion was jointly seconded by Supervisor Hanley and Vice-Chairman McConnell.

Supervisor Hyland called to the Board's attention the analysis underway by the Board's Procedures Subcommittee regarding the status of all Boards, Authorities and Commissions and requested Board Members to provide input on the Boards, Authorities and Commissions' past actions, reasons for their formation, and benefits they have provided to Fairfax County.

Following continued discussion among Board Members, Supervisor Davis stated that the Economic Development Authority (EDA) would be part of the staff for the commission.

Supervisor Trapnell called to the Board's attention the term "businessmen" used in the statement under the proposed membership categories and asked that the motion be amended to change the term to "business people," and this was accepted.

Following a query from Supervisor Hanley, Supervisor Davis amended his motion to clarify that each Board Member would appoint at least one member to the Commission and the groups listed on his statement [Fairfax County Chamber of Commerce; the Asian Community; the Black Community; the Hispanic Community; the Arab-American Community; and the Fairfax County branch of the National Association for the Advancement of Colored Persons (NAACP)] would also be represented by one member, which would result in a total membership of 16, and this was accepted.

Following queries from Supervisor Berger, Supervisor Davis clarified that there would be no set-aside program for procurement and that this commission would not be compensated.

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

## **29.PRESENCE OF SENATORS JOSEPH V. GARTLAN, JR. AND**

**JANET D. HOWELL, AND DELEGATES ALAN E. MAYER,**

**GLADYS B. KEATING AND LINDA PULLER IN THE**

### **BOARD ROOM (Tape 2)**

Supervisor Davis recognized the presence of Senator Joseph V. Gartlan, Jr., Delegate Alan E. Mayer, Delegate Gladys B. Keating, Delegate Linda Puller, and Senator Janet D. Howell in the Board Room and warmly welcomed them.

Senator Gartlan briefed the Board on legislative actions of the 1992 General Assembly.

Board Members thanked the members of the General Assembly for their hard work and accomplishments during the 1992 Session.

Supervisor Hyland moved that the Board direct the Chairman to contact the Governor of Virginia regarding the Board's priority of the bond package, which the Governor must act on within 30 days from Saturday, March 7, 1992. This motion was jointly seconded by Supervisor Alexander and Supervisor Berger and carried by unanimous vote.

Supervisor Bulova recognized the following County staff who worked in Richmond during the 1992 General Assembly Session:

- Susan Mittereder;
- Karen Harwood; and
- Brenda Gardiner.

**30.STATEMENT OF PURPOSE BY THE COMPREHENSIVE  
HOUSING AFFORDABILITY STRATEGY (CHAS)**

**COORDINATING COMMITTEE (Tape 2)**

Supervisor Davis distributed to Board Members a memorandum from the Comprehensive Housing Affordability Strategy (CHAS) Coordinating Committee, which lists recommendations for implementation of CHAS in 1992.

Embry Rucker, Chairman, Fairfax County CHAS Citizens Committee, recognized other members of the CHAS Citizens Committee in the Board Room and briefed Board Members on the committee's recommendations to implement CHAS in 1992.

Supervisor Trapnell moved that the Board direct staff to:

- Review the "No Cost" and "No or low cost" actions presented in the committee's recommendations and determine a means of implementation; and
- Define Single Room Occupancy Housing (SRO).

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

**31.RECOGNITION OF JEAN R. PACKARD, FORMER CHAIRMAN,**

**FAIRFAX COUNTY BOARD OF SUPERVISORS (Tape 2)**



Supervisor Davis recognized the presence of Jean R. Packard, Former Chairman, Fairfax County Board of Supervisors, in the Board Room and warmly welcomed her.

### **32.DISPOSAL OF FAIRFAX COUNTY SURPLUS PROPERTY**

#### **(Tape 2)**

Supervisor Davis stated that with the County downsizing many of its operations, he is interested in developing an efficient and appropriate method of disposing of surplus items. He stated that the City of San Diego runs its own city store at which residents can purchase surplus items such as equipment, furniture, parking meters, road signs, park benches and hardhats.

Supervisor Davis asked unanimous consent that the Board direct staff to report at the Board's Budget Subcommittee meeting on:

- The County's surplus property disposal process;
- The feasibility of a sale or auction and in what time frame; and
- Revenue projections and costs to the County.

Without objection, it was so ordered.

### **33.RECOMMENDATIONS FOR DISPLACED FAIRFAX COUNTY**

#### **PERSONNEL (Tape 2)**

Supervisor Davis stated his strong belief that Fairfax County Government has one of the most skilled, dedicated and motivated work forces in the country. He stated, however, that it is likely that the Fiscal Year (FY) 1993 Fairfax County budget process will result in the elimination of certain County programs as part of the general downsizing of the government itself, and as a result of these actions, some County personnel are likely to lose their jobs.

Therefore, Supervisor Davis moved that the Board direct staff, the Board's Personnel Subcommittee and the Civil Service Commission to comment on the following recommendations regarding displaced personnel:

- Establish formal links with the Federal government, State government and the private sector, notifying them of the likelihood that County personnel may be laid off and

urging them to strongly consider our personnel for employment; and take steps on a liaison basis to make opportunities available for displaced employees;

- Provide a mechanism in the form of a job fair organized expressly for County employees to introduce prospective employers to County personnel affected by potential lay-offs;
- Provide affected County employees with access to equipment and facilities at no cost to them for a period of one month to allow them to prepare resumes and contact potential employers;
- Arrange for County employees to meet with the necessary officials through special sessions in order to apply for appropriate unemployment benefits;
- Create a prioritized re-hire list of affected County personnel in the event that vacancies in the County government should arise in the future;
- Direct County staff to prepare a cost analysis in the event that the Board would extend health care benefits to affected personnel at a reasonable cost, which would be below the current option for departing employees, for a period of six months and then for an additional 12 months at the level that is currently offered (he stated that this would be over and above COBRA); and
- Direct the County personnel office to advertise any vacant positions through internal promotional means and not through the general public to the extent that it is possible.

Supervisor Davis stated that he is aware some of these initiatives have already been undertaken either fully or in part. He said, however, that it is important to request the full Board's support for these initiatives and direct staff to respond to these issues at the Board's next meeting.

This motion was jointly seconded by Supervisor Bulova and Supervisor Dix.

Supervisor Hyland asked that the motion be amended that if a job fair is held, the Board request the Virginia Municipal League (VML) and the Virginia Association of Counties (VACO) to publish an announcement of the job fair in their publications which are sent to all jurisdictions in Virginia, and this was accepted.

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

### **34.REQUESTS TO STAFF FOR REVIEW OF TAX COLLECTION**

**PROCEDURES, REFINANCING OF BONDS, VARIOUS****COUNTY PROGRAMS/INITIATIVES (Tapes 2-3)**

(R)Supervisor Davis moved that the Board direct staff to report at the Board's next Budget Subcommittee meeting on:

- Strategies for increasing tax collection, particularly personal property taxes, and enhancing the TARGET program, to include the initiatives proposed last year which the Board reviewed but did not adopt; and
- Refinancing of bonds discussed earlier by James P. McDonald, Deputy County Executive for Management and Budget.

The second to this motion was inaudible.

Supervisor Davis suggested potential areas for further review: the use of cellular car phones by County employees and privatization initiatives, which are being reviewed by the Blue Ribbon Commission and Supervisor Bulova's committee addressing government reorganization.

Supervisor Davis stated that the Blue Ribbon Commission has requested information on items for which funding is mandated by the State and he asked unanimous consent that this list be distributed to Board Members prior to the next Budget Subcommittee meeting. Without objection, it was so ordered.

Vice-Chairman McConnell stated that seven School Aged Child Care Centers (SACC) are scheduled to remain closed due to lack of funds and asked that the motion be amended to direct staff to report on an option for privatization of these centers, and this was accepted.

Supervisor Hyland asked that the motion be amended to direct staff to report with:

- A list of activities to be considered for privatization;
- The total cost of the County's cellular car phones; and
- The total cost of remaining take-home vehicles, as shown in the Memorandum distributed to Board Members from Acting County Executive Richard A. King and dated March 9, 1992, and its comparison to the cost of mileage reimbursement.

This was accepted.

Supervisor Hanley asked that the motion be amended to also direct staff to report on the Motor Pool and the potential for contracting out some of the Equipment Transportation Management Agency (EMTA) costs, to include information on leasing vehicles, and this was accepted.

Supervisor Dix asked that the motion be amended and that the Board adopt the following resolution:

**WHEREAS**, Fairfax County faces an unprecedented challenge to balance its budget at a time of significant revenue shortfall; and

**WHEREAS**, it is the desire of the Fairfax County Board of Supervisors to explore all reasonable means of reducing administrative and other overhead costs associated with the operation of Fairfax County government; and

**WHEREAS**, it is the policy of the Fairfax County government to negotiate leases for the use of private office space by County agencies; and

**WHEREAS**, many if not all such leases include an "Appropriations Clause" that allows Fairfax County to terminate the lease if necessary funding is not appropriated in the next fiscal year budget; and

**WHEREAS**, some such office space is currently vacant or underutilized, or may become vacant or underutilized in the near future; and

**WHEREAS**, the Fairfax County Board of Supervisors is in the midst of a review process leading to adoption of a budget for Fiscal Year (FY) 1993;

**THEREFORE, BE IT RESOLVED**, that the Fairfax County Board of Supervisors hereby directs the Board's Budget Subcommittee to investigate any and all private office leases where the premises are currently vacant or underutilized or may become vacant or underutilized by Fairfax County in the near term and where a provision exists in the lease for termination for lack of revenue appropriation;

**BE IT RESOLVED, FURTHER**, that the Fairfax County Board of Supervisors hereby directs the Budget Subcommittee to report to the Board by March 23, 1992, any such office leases which may be terminated and the cost savings to the County and other impacts on the County of such termination.

This amendment was jointly seconded by Supervisor Alexander and Supervisor Bulova.

Following discussion among Board Members, Supervisor Trapnell asked that the motion be amended to direct staff to also review office equipment, including communications equipment and computers, and this was accepted.

Discussion continued among Board Members, with input from Dr. McDonald.

Supervisor McConnell asked that the motion be amended that the Board direct staff to report on figures if the work week were reduced from 40 hours to 36 hours, and this was accepted.

Supervisor McConnell also asked that the motion be amended that the Board direct staff to report on the impact of reducing take-home vehicles for the Police Department, and this was accepted.

Supervisor Hanley stated that the issue does not just include take-home vehicles, but also vehicles used during the day by County staff, the size of the Motor Pool, reimbursement for mileage and the leasing of vehicles.

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

### **35.SCHOOL SYSTEM PROGRAM REDUCTIONS (Tape 3)**

Supervisor Davis called the Board's attention to correspondence he received from Kohann Whitney, Chairman, Fairfax County School Board, regarding the Board's request for \$90 million in potential School system personnel and program reductions that might be required. He stated that the School system is required under State regulations to send Reduction-in-Force (RIF) notices to personnel.

Supervisor Davis moved that the Board reduce the potential in School system personnel and program reductions to \$35 million. This motion was jointly seconded by Supervisor Alexander and Supervisor Bulova.

Discussion ensued among Board Members.

Supervisor Davis clarified his motion: the Board is not requesting the School Board to send RIF notices, but rather informing them of the maximum that would be cut under the worst scenario.

Supervisor Alexander asked that the motion be amended that the School Board be informed that the Board would not like to see any RIF notices and prefer the School Board to look other places for additional cuts, and this was accepted.

The question was then called on the motion, as amended, which **CARRIED** by a recorded vote of seven, Supervisor Berger, Supervisor Frey, and Vice-Chairman McConnell voting "NAY."

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**36.RECOGNITION OF JOHN FREY, CLERK OF THE CIRCUIT**

**COURT (Tape 3)**

Supervisor McConnell noted that John Frey, Clerk of the Circuit Court, had been present in the Board Room.

**37.REALLOCATION OF FUNDS FROM SCOTT'S RUN NATURE**

**PRESERVE TO NIKE SITE IN GREAT FALLS (Tape 3)**

Supervisor Berger stated that the Fairfax County Park Authority (FCPA) currently has plans, with funding in place, to build a 32 space parking lot at Scott's Run Nature Preserve. He noted that existing funding in the current budget for these improvements is \$407,000.

Supervisor Berger further stated that the Nike Site in Great Falls had funding of \$2.4 million in place until the Board's recent bond re-allocation measures.

Supervisor Berger noted that his staff has been working on this issue with Mr. Jim Peacock of the FCPA.

Subsequently, Supervisor Berger moved that the Board reallocate the available bond funds, as previously approved by the Board of Supervisors on February 10, 1992, to reflect a transfer of scheduled funds in the amount of \$407,000 from Scott's Run Nature Preserve to the Great Falls Nike Park site for partial completion of those facilities, which includes soccer fields. This motion was seconded by Supervisor Alexander.

Following discussion among Board Members, the question was called on the motion which carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**38.REQUEST FOR BLUE RIBBON COMMISSION (COLE**

**COMMISSION) TO REVIEW PRIVATIZATION OF**

**COUNTY SERVICES (Tape 3)**

Supervisor Berger stated that it is his understanding that the Blue Ribbon Commission on Fiscal and Spending Priorities (Cole Commission) has been studying the potential for privatization of some County services.

Supervisor Berger noted that his office has been contacted by several different companies that have expressed interest in bidding on certain County programs should they be sent out for bid. These companies that specialize in privatization contracts have stated that they can save the County between 15 percent and 30 percent of the cost of the programs while maintaining or improving the level of service.

Supervisor Berger stated that it is also his understanding that the Blue Ribbon Commission has been studying the potential for privatization in Fairfax County and will report its findings. He continued that the process of privatizing County services can take many different directions, including hiring an outside company to assist with privatization efforts, hiring an in-house privatization "czar," or working with existing County staff on privatization efforts.

Supervisor Berger moved that the Board direct the Cole Commission to report with a recommendation on how to proceed with privatization of County services. This motion was seconded by Chairman Davis.

Supervisor Alexander asked that the motion be amended to request the Cole Commission to report with examples of privatization in other jurisdictions, and this was accepted.

Supervisor Bulova asked that the motion be amended to request the Cole Commission to report with recommendations on internal reorganization efforts, and this was accepted.

Supervisor Dix stated that the Economic Recovery Commission has identified the issue of privatization as one of its four primary goals, and he, therefore, suggested that the two commissions collaborate their efforts.

Chairman Davis suggested that the Privatization Subcommittee of the Blue Ribbon Commission meet with the appropriate members of the Economic Recovery Commission.

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

**39.REQUEST TO STAFF FOR LIST OF EXCESS AND/OR****ABANDONED COUNTY-OWNED PROPERTY (Tapes 3-4)**

Supervisor Berger stated that his office recently requested and received from the Office of General Services a list of County-owned properties. He noted that the County owns a lot within the McLean Central Business District that could be put to bid immediately for probably over \$500,000.

In light of the current budget crisis, Supervisor Berger stated that the Board needs to examine every possible way to raise revenue, including divesting itself of any properties currently owned by the County that are not being utilized.

Therefore, Supervisor Berger moved that the Board direct staff to prepare a list of excess and/or abandoned property owned by the County that could be bid for private purchase. This motion was seconded by Supervisor McConnell.

Supervisor McConnell asked that the motion be amended that once a list is received, the Board request advice from experts on the selling of real estate in light of current market conditions, and this was accepted.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell as he departed the Board Room.

Supervisor Trapnell asked that the motion be amended that the Board direct staff to report on the process for the disposal of County-owned land, and this was accepted.

Vice-Chairman McConnell asked that the motion be amended to include a study of future land needs of the County, and this was accepted.

The question was then called on the motion, as amended, which carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

**40.WAIVER OF FEE FOR VARIANCE AMENDMENT APPLICATION****VC 87-D-087 (Tape 4)**

Supervisor Berger called to the Board's attention correspondence he received from a constituent regarding the difficulties she has encountered trying to clear up a subdivision error that occurred in 1987, and he stated that she is currently trying to obtain a variance amendment.



He stated that his staff has been working with Mr. Greg Riegle of the Office of Comprehensive Planning (OCP).

Supervisor Berger moved that the Board direct staff to waive the variance amendment application fee of \$900 for VC 87-D-087. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

**PMH:pmh**

**41.REPORT ON GENERAL ASSEMBLY ACTIVITIES (Tape 5)**

Supervisor Hanley stated that later in the meeting there would be a briefing regarding the legislative session. She added that the final analysis would be presented on March 23, 1992.

(NOTE: Later in the meeting additional discussion was held regarding this item. See Clerk's Summary Item CL#47.)

**42.ADVISORY COMMISSION REGARDING THE DILLON RULE**

**(Tape 5)**

Supervisor Hanley stated that there is an Advisory Commission regarding the Dillon Rule. She said that hearings would be held and she would provide proposed testimony to be presented at the hearings regarding the issues of the Dillon Rule.

Vice-Chairman McConnell returned the gavel to Chairman Davis upon his return to the Board Room.

**43.UNDERGROUND OIL SPILL RESULTING FROM THE TANK**

**FARM LOCATED IN FAIRFAX CITY (Tape 5)**

Supervisor Hanley stated that there is a neighborhood in the Stockbridge/Mantua area of Fairfax County that has been adversely affected by a tank farm spill. She said that the spill has migrated from the tank farm in Fairfax City underground into the Mantua area. She said that there has been some concern expressed in the community about the value of homes and property in this area.

Supervisor Hanley said that the Office of Assessments is aware of the situation and is moving forward to determine fair market value of these properties. She added that

there is a belief in the community that these properties should have an assessed value of zero.

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

- Report to the Board with information on how other jurisdictions have dealt with assessments in similar situations;
- Determine what flexibility the County has in this very specific situation in assessing those properties; and
- Determine what accommodations can or should be made in real estate assessments and taxes for those residents who have suffered this tremendous loss of property value.

This motion was seconded by Supervisor McConnell.

Following discussion, with input from Robert Howell, Acting County Attorney, the question was called on the motion which carried by a vote of seven, Supervisor Berger, Supervisor Dix, and Supervisor Frey being out of the room.

#### **44.ORDERS OF THE DAY (Tape 5)**

Chairman Davis announced that Supervisor McConnell would be leaving the meeting early. Therefore, it was his intent following Supervisor Hanley's Board Matters to address the following items:

- Administrative Item - Admin 7 - Authorization to advertise proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to change of parking meter rate at the Massey Complex and the establishment of a pay-for-parking area and rate at the new Government Center;
- Administrative Item - Admin 10 - Authorization to advertise proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 4, Section 4-4-4, changing the payment of interest for erroneously assessed taxes; and
- Administrative Item - Admin 11 - Authorization to advertise publication of the Fiscal Year (FY) 1993 Budget.

#### **45.FEES PREVIOUSLY PAID IN CONNECTION WITH REZONING**

#### **APPLICATION RZ 91-P-028 BE APPLIED TO PROFFERED**

**CONDITION AMENDMENT APPLICATION PCA 91-P-028 AND  
THE SPECIAL EXCEPTION APPLICATION WHICH HAVE BEEN  
SUBSTITUTED (Tape 5)**

Supervisor Hanley moved that the fees previously paid for Rezoning Application RZ 91-P-028 be applied to the Proffered Condition Amendment Application PCA 91-P-028 and the Special Exception Application which have been substituted for Rezoning Application RZ 91-P-028. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Berger, Supervisor Frey, and Supervisor McConnell being out of the room.

**46.REQUEST FOR CLARIFICATION FROM THE TYSONS TASK  
FORCE REGARDING THE "PRC SITE" (Tape 5)**

(BACs)

Supervisor Hanley stated that she had received a letter from the Chairman of the Tysons Corner Task Force regarding the "PRC Site" which is located on the edge of Tysons Corner. She quoted "...apparently due to the efforts of the Dranesville Task Force, The Comprehensive Plan adopted in 1991 reaffirms certain restrictions on the future development of the site. This raises the question of whether the Board by its actions at that time, intended to change the Tysons Study Boundary in any way. At this point, the Tysons Task Force would welcome any clarification on this point by the Board of Supervisors..." She said that the Task Force would need affirmative action if the Board requests them not to review this site.

Because the Dranesville Task Force originally addressed this issue, and because it might be an appropriate topic for an individual review and not necessarily part of the entire Tysons Study, Supervisor Hanley moved that the Board direct staff and the Tysons Task Force to exclude this site from the boundary of Tysons and to exclude it from the Tysons Corner Study. This motion was seconded by Supervisor Dix.

Chairman Davis disclosed that he had been an officer of PRC which is a company that is a tenant in the subject office park. He said that he is an employee and former officer of that group and that he would be abstaining from action regarding this issue.

Supervisor Berger said that he was working on a resolution of this matter and suggested that this issue be tabled.

Following discussion, Supervisor Hanley amended her request and asked unanimous consent that the Board:

- Table this motion until the next meeting of the Board of Supervisors; and
- Direct staff to present this item in the form of a Consideration Item on March 23, 1992.

Without objection, it was so ordered.

**47.REPORT ON GENERAL ASSEMBLY ACTIVITIES (Tape 5)**

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item CL#41.)

Sue Mittereder, Legislative Aide, Office of the County Attorney, briefly outlined the final results of the General Assembly activities.

Supervisor Hanley reiterated that there would be a complete report on General Assembly activities on March 23, 1992.

Ms. Mittereder suggested that the Board write a letter to the Governor regarding the Cigarette Tax.

Supervisor Hanley moved that the Board direct staff to write a letter to the Governor regarding the Cigarette Tax, for signature by the Chairman of the Board. This motion was seconded by Supervisor Dix and carried by unanimous vote.

Supervisor Hanley moved that the Board direct staff to prepare a Resolution commending staff and indicating that the efforts of staff "paid off" in the final days. This motion was seconded by Supervisor Dix and carried by unanimous vote.

**48.ADMIN 11 - AUTHORIZATION TO ADVERTISE PUBLICATION**

**OF THE FISCAL YEAR (FY) 1993 BUDGET (Tape 5)**

(As)(NOTE: Earlier in the meeting, action was taken to pull and consider separately Administrative Item 11. See Clerk's Summary Item CL#3.)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize the advertisement of a public hearing to be held before the Board

of Supervisors on **April 6, 7 and 8, 1992 at 7:30 p.m.** on the following regarding the publication of the Fiscal Year (FY) 1993 Budget:

- A real estate tax rate of \$1.28 per \$100 of assessed value for FY 1993 (This will allow the Board of Supervisors the maximum amount of flexibility when considering the FY 1993 Advertised Budget Plan; the Board can lower the rate as part of their budget discussions, but cannot increase the rate over the amount advertised);
- A refuse collection levy of \$270 per unit;
- A proposed sewer charge increase;
- An increase in the personal property tax rate from \$0.01 per \$100 of assessed value to \$4.57 per \$100 for special classes of vehicles;
- A brief synopsis of the FY 1993 Budget;
- The notice of the proposed adoption of a resolution appropriating funds for FY 1993; and
- Finally, included in the budget advertisement is a decrease from \$.03 per \$100 of assessed value to \$.02 per \$100 of assessed value for both the Leaf Collection tax rate and the Local District 1A Lee (Burgundy Village Community Center) tax rate.

This motion was seconded by Supervisor Bulova.

Supervisor Berger and Supervisor McConnell stated for the record that they are not in favor of a tax increase.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **49.ADDITIONAL MEETING SCHEDULED FOR PUBLIC HEARINGS**

#### **REGARDING THE FISCAL YEAR (FY) 1993 BUDGET**

#### **(Tape 5)**

Supervisor Hanley raised the issue of the need for additional time to hear testimony regarding the Fiscal Year (FY) 1993 Budget.

Following discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board schedule additional time on **Friday, April 10, 1992 from 2:00 p.m. until 6:00 p.m.** to hear testimony regarding the FY 1993 Budget. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **50. ADMIN 7 - AUTHORIZATION TO ADVERTISE PROPOSED**

#### **AMENDMENTS TO THE CODE OF THE COUNTY OF**

#### **FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND**

#### **TRAFFIC) TO CHANGE THE PARKING METER**

#### **RATE AT THE MASSEY COMPLEX AND THE**

#### **ESTABLISHMENT OF A PAY-FOR-PARKING AREA**

#### **AND RATE AT THE NEW GOVERNMENT CENTER**

#### **(Tape 5)**

(NOTE: Earlier in the meeting, action was taken to pull and consider separately Administrative Item Seven. See Clerk's Summary Item CL#3.)

Following discussion, Supervisor Hanley expressed concern regarding unlimited access of underground parking at the new Governmental Center.

Supervisor Hyland moved that the Board direct staff to **NOT** have metered parking at the new Government Center. This motion was seconded by Chairman Davis and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "**NAY.**"

Supervisor Hyland asked unanimous consent that the Board direct staff to monitor the parking situation at the new Government Center and, in the event that the Board determines that there is an issue and a problem in terms of parking, it can be addressed at that time. Without objection, it was so ordered.

Supervisor Hanley moved that the Board direct staff to:

- Review the decision to have public parking under the building; and

•Review the security issues related to underground parking in Buildings B-2 and B-3.

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

**51.ADMIN 10 - AUTHORIZATION TO ADVERTISE PROPOSED  
AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX,  
CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 4,  
SECTION 4-4-4, CHANGING THE PAYMENT OF  
INTEREST FOR ERRONEOUSLY ASSESSED TAXES**

**(Tape 5)**

**(A)(\*NOTE: Earlier in the meeting, action was taken to pull and consider separately Administrative Item 10. Further action was taken to revise the times for the public hearings scheduled to start at 4:00 p.m. and 4:30 p.m. on Tuesday, April 7, 1992 TO commence at 3:00 p.m. and 3:30 p.m. respectively.\* See Clerk's Summary Item CL#3.)**

Following discussion, Supervisor Bulova moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **April 7, 1992 at \*3:00 p.m.\*** on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 4, Section 4-4-4, to repeal the requirement to pay interest on erroneously assessed taxes. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor Trapnell being out of the room.

**52.HEALTH CARE CONTRACT FOR THE SCHOOL SYSTEM**

**(Tape 6)**

**(R)Supervisor Dix outlined his concerns regarding the health care contract for the School System. He added that a Resolution adopted by the Board on February 24, 1992 requested the School System to review this contract.**

Supervisor Dix moved that the Board adopt the following Resolution:

**WHEREAS**, the Board of Supervisors, by Resolution passed unanimously on February 24, 1992, requested that the Fairfax County School Board revisit the award

of Contract Number PC20034910A for provision of a managed health care program for County school system employees; and

**WHEREAS**, additional information has come to the attention of the Board of Supervisors that raises questions about the accuracy of the information presented by the Fairfax County school system staff to the School Board regarding the relative merits and costs of the two finalists considered for the contract, and about the appropriateness of the process by which information was evaluated and publicized by the school system staff, each of which raises a legitimate issue of whether certain County employees have acted properly in the performance of their respective public duties; and

**WHEREAS**, it is the responsibility of the Board of Supervisors to diligently pursue the public interest in matters that affect the operation of Fairfax County government, including its school system, and the expenditure of revenues to fund such operations;

**THEREFORE, BE IT RESOLVED**, that the Fairfax County Board of Supervisors hereby directs the County Executive to initiate an investigation by a recognized private management audit firm into the process by which Contract Number PC20034910A was awarded to Prudential Insurance Company and that such investigation include but not be limited to the following issues:

1. The discrepancy over how much the Blue/Cross Blue Shield managed care program would save the County school system in premium costs over the Prudential program, and the process by which and reasons why school system staff did not and have not acknowledged the extent of this cost savings;
2. The process by which the Fairfax County Purchasing Agent determined to sign the Prudential contract on February 20, 1992, acting as agent for the school system, after direct requests and instructions from the Chairman of the Board of Supervisors and Centreville District Supervisor to the County Executive and others to withhold the Agent's signature until important questions could be raised publicly at the Board of Supervisors meeting on February 24, 1992 and all communications between the Agent, School Superintendent and school system staff, County Executive, Deputy County Attorney for Management and Budget, County Attorney and any other County employees or other interested parties commencing with the date the original RFP was issued by the school system;
3. The reason why the Reston Hospital Center was initially excluded from Prudential's proposed network, and the lack of such inclusion despite an inquiry from the Board of Supervisors to the school system that resulted in (a) the prompt assurance from Prudential that Reston Hospital Center would be



included and (b) a letter to the Fairfax County school system inaccurately stating that such a verbal agreement had been reached;

4. Whether any member(s) of the Employees Health Care Advisory Committee received or were promised remuneration or other financial benefit for serving on this Committee, the source of such remuneration, and whether any other school system employees received or were promised remuneration or other financial benefit from the favorable recommendation of and award to Prudential;

**BE IT RESOLVED, FURTHER**, that the firm selected complete its investigation and submit a written report to the Board of Supervisors on or before June 1, 1992; and

**BE IT RESOLVED, FINALLY**, that the County Executive report to the Board of Supervisors on or before March 23, 1992, as to the process by which an investigation is to be commenced, the proposed means of selecting a firm to conduct the investigation, and the estimated cost of such an investigation.

This motion was seconded by Supervisor Berger.

Supervisor Hyland moved a substitute motion that this issue be referred to Executive Session so that legal questions could be answered. This motion was seconded by Chairman Davis.

Following discussion, Supervisor Dix expressed concern as to whether this was an appropriate issue to be discussed in Executive Session.

Robert Howell, Acting County Attorney, requested additional time to review the documents and report his findings.

Supervisor McConnell moved a substitute motion that the Board authorize investigation of this issue and the method of investigation will be determined following Executive Session. This motion was seconded by Chairman Davis.

The question was called on the substitute motion (Supervisor McConnell's), which **CARRIED** by a recorded vote of seven, Supervisor Hyland voting "NAY," Supervisor Frey and Supervisor Hanley being out of the room.

The question was called on the main motion, as substituted, which **CARRIED** by a recorded vote of seven, Supervisor Hyland voting "NAY," Supervisor Frey and Supervisor Hanley being out of the room.

(NOTE: Later in the meeting there was additional discussion regarding this item. See Clerk's Summary Item CL#66.)

**53.REQUEST FOR REVIEW OF SITE PLAN FOR  
RESTON, SECTION 78, BLOCK 3 (SITE PLAN  
NUMBER 8354 (Tape 6)**

In accordance with the provisions of Section 16-205, Paragraph Three, of the Fairfax County Zoning Ordinance, Supervisor Dix moved that the Board request that the Site Plan for Reston, Section 78, Block 3 (Site Plan Number 8354), be reviewed by the Board of Supervisors prior to approval by the Department of Environmental Management (DEM). This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**54.RESOLUTION COMMENDING STUDENTS AND INVOLVED  
PARTIES IN THE FIRST CONVENTION "TO LIVE  
IN AMERICA" (Tape 6)**

(R)Supervisor Dix moved that the Board adopt the following Resolution commending students and involved parties in the first Composition Convention, "To Live in America":

**WHEREAS**, we in Fairfax County take great pride in having achieved high standards of educational excellence and believe that we have one of the best school systems in the Nation; and

**WHEREAS**, Armstrong Elementary School and the Armstrong Center in Reston have continued the tradition of excellence by joining together with their Parents-Teachers Association (PTA), and the Minnie M. Arnold Charitable Foundation, to sponsor a Composition Convention for Grades 4 through 6 in conjunction with the Integrated Language Arts Program; and

**WHEREAS**, this first convention, 'To Live in America,' was selected to coincide with the study of the Bicentennial of The Bill of Rights; and

**WHEREAS**, this stimulating exercise will promote and encourage the love of reading, spelling, writing, and language arts; and

**WHEREAS**, we in Fairfax County appreciate the opportunity to recognize outstanding accomplishments achieved by young people in Fairfax County; Now, Therefore,

**BE IT RESOLVED** that I, Robert B. Dix, Jr., Centreville District Supervisor, on behalf of the entire Board, the citizens of Centreville District, and of Fairfax County, do hereby commend and congratulate all parties involved who are working together to make this happen, but most especially those students who are diligently pursuing their assignment in a most creative and impressive manner.

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

**VLL:vll**

**55.APPOINTMENT TO THE A. HEATH ONTHANK MEMORIAL**

**AWARD SELECTION COMMITTEE (Tape 7)**

(APPT)

Supervisor Trapnell moved the appointment of Mr. Francis L. Maccini as the Mason District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**56.APPOINTMENT TO THE TENANT LANDLORD COMMISSION**

**(Tape 7)**

(APPT)

Supervisor Trapnell moved the appointment of Mr. Robert Pescot as the At-Large (Tenant Member) Representative to the Tenant Landlord Commission to fill the unexpired term of Ms. Lynda D. McInnis who had resigned. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**57.APPOINTMENTS TO THE UPPER HOLMES RUN ENVIRONMENTAL**

**MONITORING ADVISORY COMMITTEE (Tape 7)**

(APPTs)

Supervisor Trapnell moved the following reappointments of:

- Mr. T.J. Glauthier;
- Mr. Lloyd Swift;
- Ms. Molly Hewitt; and
- Mr. H. Dean Fravel, Jr.,

as the Mason District Representatives to the Upper Holmes Run Environmental Monitoring Advisory Committee. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**58.APPOINTMENT TO THE COMMUNITY IMPROVEMENT**

**COMMITTEE (Tape 7)**

(APPT)

Supervisor Trapnell moved the reappointment of Mr. Stuart Finley as the Mason District Representative to the Community Improvement Committee. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being out of the room.

**59.PARKING REQUIREMENTS FOR CHURCHES IN**

**RESIDENTIAL AREAS (Tape 7)**

Supervisor Trapnell stated that Mason District has recently faced much controversy over the question of spill-over parking from places of worship. She called to the Board's attention the fact that Section 11-106(4) of the Fairfax County Zoning Ordinance requires only one space for each four seats in the principal place of worship. She said that experience has clearly shown this requirement, in some cases, to be inadequate. The Ordinance has also allowed the establishment of churches and other places of worship on residential lots that prove to be grossly inadequate for the number of vehicles. The "principal place of worship" standard does not allow for the

presence of equal or greater size meeting or social areas in the buildings. Insufficient off-street parking facilities have resulted in considerable spill-over in the form of on-street parking in residential areas and on major roads.

Accordingly, Supervisor Trapnell moved that the Board direct staff to review this requirement to determine whether a formula based on a ratio of square foot area to required on-site parking or other such formula would produce a more satisfactory result. This motion was seconded by Supervisor Berger.

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

#### **60.RESOLUTION REGARDING PROJECT 6497**

#### **(INTERSECTION OF ROUTE 236/BEAUREGARD**

#### **STREET) (Tape 7)**

Supervisor Trapnell stated that on March 4, 1992, she had met with County staff and citizens in the area of the intersection of Route 236/Beauregard Street to discuss the recently completed preliminary design plans for Project 6497 (Route 236/Beauregard Street). She stated that the original intent of the at-grade design was to maximize the capacity of the intersection on an interim basis until an ultimate interchange could be funded. She stated that funding for land acquisition and construction is not included in the current scope of this project and funding for land acquisition and construction is, at best, an uncertainty in these economic times.

Accordingly, Supervisor Trapnell moved that the Board direct staff, as follows:

- Terminate all work on Project 6497 (Route 236/Beauregard Street) under the current project scope;
- Develop a scope for connecting Southland Avenue to Lincoln Avenue and review traffic patterns in the immediate area;
- Develop an order of magnitude estimate for the Southland Avenue connection;
- Review immediate low-cost improvements associated with the intersection of Chambliss Street and Beauregard Street, specifically, the alignment on the west side of Beauregard Street; and

•Develop a report of the findings and recommend an appropriate course of action utilizing remaining project funding in Project 6497 (Route 236/Beauregard Street).

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

**61.THE SALVATION ARMY (SITE PLAN WAIVER**

**NUMBER 12070 AND STORM WATER MANAGEMENT**

**WAIVER NUMBER 12069) (BRADDOCK DISTRICT)**

**(Tape 7)**

Supervisor Bulova stated that last year, the Board approved a Special Exception Application for the Salvation Army's Community Center located on Ox Road. She said that their request was for a small addition to the child care facility. Currently, the Salvation Army is requesting waivers for the Site Plan and Storm Water Management.

Accordingly, Supervisor Bulova moved that the Board direct staff to expedite the review of Site Plan Waiver Number 12070 and Storm Management Waiver Number 12069. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

**62.OFFER OF SUITABLE LOCATIONS FOR CELEBRANTS**

**TO PERFORM CIVIL CEREMONIES (Tape 7)**

Supervisor Bulova stated that Board Members had received a letter from Judge Richard J. Jamborsky, Chief Judge, Nineteenth Judicial Circuit Court, requesting six celebrants from each Magisterial District. The letter also indicated that a "preferred" site for performing civil ceremonies shall be in the Fairfax Judicial Center, Jennings Building or any of the Fairfax Governmental Centers located within the various Magisterial Districts.

Because there is not a governmental center located in the Braddock District, Supervisor Bulova moved that the Board direct staff to transmit to Judge Jamborsky the offer of the Chapel Square Center as a suitable location for performing civil ceremonies in the Braddock District. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, additional locations were offered as suitable sites for performing civil ceremonies. See Clerk's Summary Item CL#64.)

**63 .STAFF REQUESTED TO EXPEDITE THE ANALYSIS  
OF THE ACCESSORY DWELLING UNITS (ADU)**

**ORDINANCE (Tape 7)**

Supervisor Bulova moved that the Board direct staff to expedite its analysis and review of the Accessory Dwelling Units (ADU) Ordinance. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

**64.OFFER OF ADDITIONAL LOCATIONS FOR  
CELEBRANTS TO PERFORM CIVIL CEREMONIES**

**(Tape 7)**

(NOTE: Earlier in the meeting, an additional location was offered as a suitable site for performing civil ceremonies. See Clerk's Summary Item CL#62.)

Supervisor Frey asked unanimous consent that the Board direct staff to transmit to Judge Richard J. Jamborsky, Chief Judge, Nineteenth Judicial Circuit Court, the offer of a conference room in his office as a suitable location for performing civil ceremonies in the Sully District. Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board direct staff to transmit to Judge Jamborsky the offer of the Massey Building as a suitable location for performing civil ceremonies in the Providence District. Without objection, it was so ordered.

Supervisor Hyland announced that he is an appointed celebrant.

**65.BOARD SUPPORT REQUESTED FOR THE MEALS  
TAX REFERENDUM (Tape 7)**

Supervisor Hyland stated that earlier in the meeting, the Board discussed the issue of the Meals Tax and its impact on the budget, both County and Schools. The School Board has officially adopted a resolution supporting the Meals Tax. He stated that the

results of the referendum in April 1992 will have a dramatic impact on the Board's budget decisions.

Accordingly, Supervisor Hyland moved that the Board go on record in support of the Meals Tax referendum in April 1992 as being absolutely essential if the Board is going to find a means to balance the budget in Fairfax County. This motion was seconded by Supervisor Alexander.

Following discussion among Board Members, the question was called on the motion which **CARRIED** by a recorded vote of eight, Supervisor Berger voting "NAY," Supervisor McConnell being out of the room.

## **66.RESPONSE TO QUESTIONS RAISED REGARDING THE HEALTH CARE CONTRACT FOR THE SCHOOL SYSTEM**

### **(Tape 7)**

(NOTE: Earlier in the meeting, action was taken on a Resolution regarding the Health Care Contract for the School System. Robert Howell, Acting County Attorney, requested additional time to review the documents and respond to various queries by Board Members. See Clerk's Summary Item CL#52. Action was taken by the Board to authorize the investigation of the issue; how it is to be investigated will be determined following Executive Session.)

In response to the Board's earlier queries regarding the Resolution, Robert L. Howell, Acting County Attorney, reported that, keeping in mind the authority that the Board of Supervisors has with respect to the contract itself, he finds nothing in the Resolution itself that would prohibit the Board from conducting such an investigation.

With regard to the issue of expenditure of funds, Mr. Howell reported that the Board has the authority to do that under three or four different theories.

## **67.EARNED INCOME CREDIT (EIC) (Tape 7)**

Supervisor Hyland stated that Earned Income Credit (EIC) is a tax credit for families with children who work either full-time, part-time or for a portion of the year. To qualify, families must have income less than \$21,250 in 1991 and have at least one child living with them. He called to the Board's attention the fact that many eligible families do not receive the EIC. Many working families that experienced unemployment or reduced work hours during 1991 will have an annual income low enough to qualify for the tax credit.



Supervisor Hyland asked unanimous consent that the Board direct staff to advertise this earned income credit program to the fullest extent possible, which includes: a press release and the distribution of an information paper to those citizens who receive public assistance, as well as including the information with applicable employee paychecks, public utilities' bills, in libraries, and at all tax assessment and human services office.

In response to a query by Supervisor Dix, Supervisor Hyland clarified that the intent of his request is to include the information in publications already being distributed such as the Weekly Agenda, Channel 16, etcetera. His intent had not been to circulate new publications on the issue.

Without objection, it was so ordered.

Supervisor Hyland announced that the Project of the Center on Budget and Policy Priorities, 777 North Capitol Street, NE, Suite 705, Washington, DC 20002 has available an informational kit free of charge.

**68. EXPEDITED PROCESSING REQUESTED FOR SPECIAL  
EXCEPTION APPLICATION FILED BY MOUNT  
VERNON SEAFOOD (MOUNT VERNON DISTRICT)**

**(Tape 7)**

Supervisor Hyland moved that the Board direct staff to:

- Expedite the processing for the Special Exception Application filed by Mount Vernon Seafood, to open a seafood store in an existing building located at 8339 Richmond Highway, Tax Map Reference 101-4 ((8)) (0) 1B; and
- In the event that a Site Plan or Site Plan waiver is required, to simultaneously process these with the Special Exception Application.

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

**69. RESOLUTION DESIGNATING APRIL AS "LORTON  
HISTORY MONTH" IN FAIRFAX COUNTY (Tape 7)**

Supervisor Hyland called to the Board's attention the fact that, as in years past, the Board has designated the month of April as "LORTON HISTORY MONTH." The Lorton area is enriched with examples of Fairfax County's history and, as this year marks the 250th anniversary of the County, it appears all the more appropriate to highlight its historical treasures.

Accordingly, Supervisor Hyland moved that the Board direct the Office of Public Affairs staff to prepare the appropriate Resolution to designate April as "LORTON HISTORY MONTH" in Fairfax County. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**70.RECOGNITION FOR FAIRFAX COUNTY BY THE  
NATIONAL COMMITTEE FOR EMPLOYER SUPPORT  
OF THE GUARD AND RESERVE (Tape 7)**

Supervisor Hyland announced that the Virginia Chapter of the National Committee for Employer Support of the Guard and Reserve has chosen Fairfax County as an outstanding employer with respect to its treatment of guardsmen and reservists during the Persian Gulf War. The group seeks to gain and reinforce the support of American employers for a strong Guard and Reserves system and offers a wide range of programs and services to assist members and employees dealing with a large activation.

Accordingly, Supervisor Hyland moved that the Board direct staff to schedule a time, during the presentations portion of the Board of Supervisors' meeting scheduled for March 23, 1992, for the presentation of this award. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**71.REQUEST FOR POLICY CHANGE REGARDING  
STAFF NOTIFICATION TO BOARD MEMBERS  
(Tape 7)**

Supervisor Hyland called the Board's attention to the fact that recently he had been engaged in a project personally and had requested a status report from staff on the project. Instead of forwarding the report directly to him as the Supervisor of the Mount Vernon District, staff had addressed the report to a member of his staff. There

appears to be an existing policy in some County agencies that if staff addresses correspondence directly to a Board Member, the correspondence must first go through the Agency Head or, in some cases, the Deputy County Executive and the County Executive. In this case, the correspondence was addressed to a member of Supervisor Hyland's staff in order to expedite the process.

Supervisor Hyland asked unanimous consent that the Board direct staff, in those matters in which a Board Member is personally involved, to send the status report directly to the Board Member. Without objection, it was so ordered.

Richard A. King, Acting County Executive, reported that this is not one of his policies. As a matter of courtesy to him, Mr. King requests that staff responding to requests by Board Members, send a courtesy copy to him to keep him apprised of the issues.

## **72.APPOINTMENTS TO THE CITIZENS ADVISORY COMMITTEE**

### **ON SOLID WASTE; THE COMMISSION FOR DISABLED;**

### **THE FAIRFAX COUNTY ATHLETIC COUNCIL; AND**

### **THE LIBRARY BOARD (Tape 7)**

(APPTs)

Supervisor Frey moved the following appointments to various Boards, Authorities, Commissions and Advisory Groups:

- Mr. Phillip A. Niedzielski-Eichner as the Sully District Representative to the Citizens Advisory Committee on Solid Waste;
- Mrs. Leye J. Chrzanowski as the Sully District Representative to the Commission for Disabled;
- Mr. Karl E. Spinnenweber as the Sully District (Alternate) Representative to the Fairfax County Athletic Council; and
- \*Ms. Irene Burgess\* as the Sully District Representative to the Library Board.

**(\*It is noted that Ms. Burgess was previously the Springfield District Representative to the Library Board; however, she has submitted her resignation from that seat in order to become the Sully District Representative.\*)**

These motions were seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**73.PROOOISED VACATION OF BLUE POST ROAD**

**(SULLY DISTRICT) (Tape 7)**

Supervisor Frey moved that the Board authorize the proposed vacation of Blue Post Road and direct staff to prepare the necessary documents and schedule the public hearing. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**74.RELATIONSHIP BETWEEN FAIRFAX COUNTY AND  
THE DULLES AREA TRANSPORTATION ASSOCIATION**

**(DATA) (Tape 7)**

Supervisor Frey called the Board's attention to the fact that the relationship between Fairfax County and the Dulles Area Transportation Association (DATA) remains unclear:

- Whether Fairfax County is considered a member or a partner; and
- Whether Fairfax County actually endorsed the payment of dues to DATA.

Supervisor Frey asked unanimous consent that the Board direct the Acting County Executive to:

- Research the specific commitment made by the Board of Supervisors to DATA and determine whether the County should be paying dues; and
- Place in the budget process the following dues: \$10,000 for the past two years (Carryover) and \$5,000 for the upcoming year.

Without objection, it was so ordered.

**75.EXPEDITED REVIEW AND WAIVER OF FEES  
REQUESTED FOR THE PINEY BRANCH SUBDIVISION**

**(SULLY DISTRICT) (Tape 7)**

Following a brief synopsis regarding the Special Exception Application filed for the Piney Branch Subdivision, an R-1 Cluster, Supervisor Frey moved that the Board direct the Department of Environmental Management (DEM) to:

- Expedite the review of the Preliminary and Final Subdivision Plans for the Piney Branch Subdivision [these plans were all previously pending and on-hold while the Board of Zoning Appeals (BZA) reviewed the appeal]; and
- Determine whether any additional fees are required to complete the review of the plans, and provided that all original fees were paid for the plans, waive any additional fees.

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

**76.CHANTILLY AND SOUTH LAKES HIGH SCHOOLS****COMPETE FOR NORTHERN VIRGINIA REGIONAL****BASKETBALL TITLE (Tape 7)**

Supervisor Frey stated that both he and Supervisor Dix had attended the basketball game held this past weekend between the Chantilly and South Lakes High Schools for the Northern Virginia Regional Basketball Title. A friendly wager of lunch was made between the two Supervisors and Supervisor Frey announced that he would be paying for Supervisor Dix's lunch today. He congratulated the South Lakes High School Basketball Team on its win of the Title.

Supervisor Hanley announced that the competition for the Girls' Northern Virginia Regional Basketball Title had been equally as exciting as the Boys' competition.

**77.BOARD MATTERS BY SUPERVISOR JOSEPH ALEXANDER,****LEE DISTRICT, AND SUPERVISOR ELAINE MCCONNELL,****SPRINGFIELD DISTRICT (Tape 7)**

Chairman Davis announced that Supervisor Alexander and Supervisor McConnell did not have any Board Matters for today's meeting.

**78.RECESS/EXECUTIVE SESSION (Tape 7)**

At 2:30 p.m., Supervisor Dix moved that the Board recess and, at 3:00 p.m., go into Executive Session for discussion of matters set forth in the Agenda as well as for the discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- Fairfax County Board of Supervisors versus Resolution Trust Corporation as receiver and custodian for Trust Bank Savings, FSB, Civil Action Number 91-00032-M.

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

**SBE:sbe**

At 4:10 p.m., the Board reconvened in the Board Room with all Board Members present, with the exception of Supervisor Alexander, and with Chairman Davis presiding.

**79.ACTIONS FROM EXECUTIVE SESSION (Tape 8)**

**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 Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

**B.CLAIM OF JOAN SHEVIK**

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board accept the settlement of the claim of Joan Shevik as recommended by the Acting County Attorney in Executive Session. This motion was jointly seconded by Supervisor Dix and Supervisor Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

### **C.CLAIM OF THE SUNRISE TERRACE RETIREMENT**

#### **HOME**

Supervisor Hanley moved that the Board accept the settlement of the claim of the Sunrise Terrace Retirement Home as recommended by the Acting County Attorney in Executive Session. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being out of the room.

### **80.A-8 - AUTHORIZATION TO ADVERTISE PROPOSED**

#### **AMENDMENT TO THE CODE OF THE COUNTY OF**

#### **FAIRFAX, CHAPTER 112 (ZONING) REGARDING**

#### **MINIMUM YARD REQUIREMENTS FOR CERTAIN**

#### **R-C ZONED LOTS (Tape 8)**

(A)

(R)(NOTE: Earlier in the meeting, during approval of the Matters presented by the Acting County Executive, action was taken to defer the Board's consideration of this issue until later in the meeting. See Clerk's Summary Item CL#11.)

Supervisor Frey moved that the Board concur in the recommendation of staff and adopt a Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 22, 1992 and before the Board of Supervisors on **June 8, 1992 at 3:30 p.m.** (instead of the proposed May 4, 1992 at 3:30 p.m.) on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) regarding minimum yard requirements for certain R-C zoned lots. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of seven, Supervisor Bulova and Supervisor Hanley voting "NAY," Supervisor Alexander being out of the room.

### **81.C-2 - AUTHORIZATION FOR THE BOARD OF TRUSTEES**

#### **OF THE FAIRFAX COUNTY UNIFORMED RETIREMENT**

#### **SYSTEM TO PAY CERTAIN PAST INVOICES AND ALL**

**FUTURE INVOICES FROM PENSION CONSULTANTS,  
INCORPORATED, WITHOUT APPROVAL FROM THE  
COUNTY ATTORNEY'S OFFICE (Tape 8)**

(P)(NOTE: Earlier in the meeting, during approval of the Matters presented by the Acting County Executive, action was taken to defer the Board's consideration of this issue until later in the meeting. See Clerk's Summary Item CL#14.)

The Board next considered an Item contained in the Memorandum to the Board dated March 9, 1992 regarding whether the Board of Supervisors should authorize the Board of Trustees of the Fairfax County Uniformed Retirement System to pay certain past invoices and all future invoices from Pension Consultants, Incorporated, without approval from the County Attorney's Office.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize payment of the counsel fees and, in the future, that it be Board Policy that use of outside legal counsel must be reviewed by the County Attorney's Office. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor Alexander being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**82. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE  
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 69  
(SWIMMING POOL ORDINANCE) (Tape 8)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, Supervisor Hanley moved that the Board approve the proposed amendment to the Code of the County of Fairfax, Chapter 69 (Swimming Pool Ordinance). The proposed amendment contains a revised definition of health spa. The revision excluded office buildings and other private facilities which provide exercise facilities for employees and tenants, provided such facilities do not include any type of pool, hot tub or swimming facilities. This motion was seconded by Supervisor McConnell and carried by vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Trapnell being out of the room.



**83.3:30 P.M. - BOARD DECISION ON ORDERING****IMPROVEMENTS AND AUTHORIZING ASSESSMENTS****IN COURTLAND PARK, PHASE II (MASON****DISTRICT) (Tape 8)**

(R)(NOTE: On January 27, 1992, the public hearing was held on ordering improvements and authorizing assessments in Courtland Park, Phase II, Mason District, and Board decision deferred until February 10, 1992, and further deferred until March 9, 1992.)

Supervisor Trapnell moved that the Board adopt the revised Resolution (contained in the Board Package) ordering improvements and authorizing assessments in Courtland Park, Phase II, Mason District. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor McConnell being out of the room.

**84. 3:30 P.M. - PH ON REZONING APPLICATION****RZ 90-S-013 (RAJ K. SINGLA) (SPRINGFIELD****DISTRICT) (Tape 8)**

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 90-S-013 until **April 27, 1992 at 4:00 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor McConnell being out of the room.

**85. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION****SE 91-P-007 (M. A. MOIENAMIN AND AHMAD MOIENAMIN)****(PROVIDENCE DISTRICT) (Tape 8)**

Mr. H. 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.

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

- In the amount of \$100.00 from Reverend Graham of the Merrifield Baptist Church in March of 1991.

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

Supervisor Hanley moved approval of Special Exception Application SE 91-P-007 subject to the revised development conditions dated February 25, 1992. The second to this motion was inaudible and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**86. 3:30 P.M. - PH ON PROPOSED ADOPTION OF AN  
ORDINANCE, PURSUANT TO VIRGINIA CODE  
SECTION 15.1-482, VACATING A PART OF  
THE PLAT OF NEW ALEXANDRIA SUBDIVISION  
(MOUNT VERNON DISTRICT) (Tape 8)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, Supervisor Hyland moved that the Board adopt the proposed Ordinance, pursuant to Virginia Code Section 15.1-482, vacating a part of the plat of New Alexandria Subdivision, recorded in Deed Book N-5, at Page 254, and Plat Book 5 at Pages 70-81, on which is shown a portion of Olde Towne Road (formerly G Street) from 16th Street, to the alleyway between 16th and 15th Streets, a distance of 132.5 feet. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**87. 3:30 P.M. - PH ON THE FAIRFAX COUNTY SOLID WASTE  
AUTHORITY (COUNTYWIDE) (Tape 8)**

(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 this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, Supervisor Hyland moved that the Board approve the proposed amendments to the Articles of Incorporation of the Fairfax County Solid Waste Authority to:

- Increase the number of members of the Board of Directors of the Authority to 10, consistent with the number of Members of the Board of Supervisors; and
- Revise the Authority's principal office location to the New Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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

(NOTE: Later in the meeting, action was taken to designate Supervisor Frey as a Member of the Authority. See Clerk's Summary Item CL#89.)

**88. 3:30 P.M. - BOARD DECISION ON THE SITE PLAN FOR  
THE CRIMINAL JUSTICE FACILITY (SULLY DISTRICT)**

**(Tape 8)**

(NOTE: On February 24, 1992, the public hearing was held on the Site Plan for the Criminal Justice Facility, and Board decision deferred until March 9, 1992.)

Supervisor Frey moved approval of Site Plan Number 8045-SP-01-3 for the Criminal Justice Facility. This motion was seconded by Supervisor Bulova.

Following discussion, with input from staff, the question was called on the motion which carried by a vote of nine, Supervisor Alexander being out of the room.

**89.ADDITIONAL ACTION REGARDING FAIRFAX COUNTY**

**SOLID WASTE AUTHORITY (COUNTYWIDE) (Tape 8)**

(NOTE: Earlier in the meeting, action was taken on the Fairfax County Solid Waste Authority. See Clerk's Summary Item CL#87.)

Supervisor Hyland moved that the Board add Supervisor Frey as a Member of the Solid Waste Authority and approve the Articles of the Fairfax County Solid Waste Authority. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

**90.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT**

**APPLICATION PCA C-448-8 (KINGSTOWNE SVD EAST,  
LIMITED PARTNERSHIP) (LEE DISTRICT) (Tape 8)**

On behalf of Supervisor Alexander, Supervisor Hyland moved to defer the public hearing on Proffered Condition Amendment Application PCA C-448-8 until **March 23, 1992 at 4:30 p.m.** This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander and Supervisor Dix being out of the room.

**91. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT**

**APPLICATION SEA 89-S-058 (AMOCO OIL COMPANY)  
(SPRINGFIELD DISTRICT) (Tape 8)**

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

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

Following the public hearing, Supervisor McConnell 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 eight, Supervisor Alexander and Supervisor Frey being out of the room.

Supervisor McConnell moved approval of Special Exception Amendment Application SEA 89-S-058 subject to the development conditions dated February 28, 1992. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

Supervisor McConnell further moved that the Board approve the following requirements for Special Exception Amendment Application SEA 89-S-058:

- Modification of the minimum distance of a curb cut from an intersection of 60 feet to 54 feet, pursuant to Section 4-605 of the Zoning Ordinance;
- Modification of the minimum distance of curb cuts from the property line from 20 feet to 12.5 feet and the minimum distance between curb cuts from 40 feet to 25 feet pursuant to Section 4-605 of the Zoning Ordinance;
- Modification of transitional screening requirement of 50 feet to 20 feet along Torrence Street pursuant to Section 13 of the Zoning Ordinance;
- Waiver of the transitional screening requirement along Old Keene Mill Road under Section 13 of the Zoning Ordinance; and
- Waiver of the barrier requirements along Old Keene Mill Road and Torrence Street pursuant to Section 13 of the Zoning Ordinance.

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

**CM:cm**

**92. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**

**SE 91-D-019 (AMERICAN CAMPUS MANAGEMENT,  
INCORPORATED) (DRANESVILLE DISTRICT)**

**(Tape 9)**

Mr. Robert Young reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Berger moved approval of Special Exception Application SE 91-D-019 subject to the development conditions dated February 18, 1992. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor

Alexander, Supervisor Dix, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved that the Board direct the Director of the Department of Environmental Management (DEM) to waive the side yard requirement in conformance with Section 2-418. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger further moved modification and waiver of the barrier and transitional screening requirements along the northern, eastern, and southern property line in favor of that shown on the Special Exception Plat. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Supervisor Hanley being out of the room.

**93. 4:00 P.M. - PH ON THE VACATION OF EXCESS STORM**

**DRAINAGE EASEMENTS ON PROPERTY OWNED BY DAVID M.**

**HAWA (FORMERLY OWNED BY FAWAZ MUSHTAHA) (MASON**

**DISTRICT) (Tape 9)**

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, which included testimony by three speakers, Supervisor Trapnell moved that the Board **DENY** the proposed vacation of excess storm drainage easements on property owned by David M. Hawa (formerly owned by Fawaz Mushtaha). This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

**94. 4:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT**

**S92-CW-T1 FOR GEORGETOWN PIKE (ROUTE 193)**

**(DRANESVILLE DISTRICT) (Tape 9)**

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, which included testimony by one speaker, Supervisor Berger moved that the Board:

- Adopt Out-of-Turn Plan Amendment S92-CW-T1; and
- Modify the Second Paragraph under Transportation, Third Paragraph on Page 236 to read: "Georgetown Pike should be maintained within its existing right-of-way. Center lane turns, deceleration and acceleration lanes should be discouraged and the curb-cut not be allowed unless no other alternative exist. Georgetown Pike is commonly acknowledged to contain some traffic hazards, wherever, it is generally accepted in its present condition to local residents. It has been designated a Virginia By-way. Major changes in alignment or widening the road would damage the historic and scenic character and the historic integrity of the By-way and it has been strongly opposed by residents of adjacent areas. Planning efforts should focus on other means of dealing with traffic volumes in order to maintain this by-way."

This motion was seconded by Supervisor Dix.

Supervisor Berger amended the motion to add the following language to the end: "That conservation easements be sought along the Pike wherever practical," and this was accepted.

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

#### **95. 4:30 P.M. - PH ON THE LEASING OF COUNTY-OWNED**

#### **PROPERTY TO THE MOUNT VERNON KNIGHTS OF COLUMBUS**

#### **(LEE DISTRICT) (Tape 9)**

(R)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of February 20 and February 27, 1992.

Following the public hearing, which included testimony by one speaker, on behalf of Supervisor Alexander, Supervisor Hyland moved adoption of the Resolution authorizing the leasing of County-owned property located directly in front of 8592 Richmond Highway, Tax Map Reference Number 101-3((1))63, to the Mount Vernon Knights of Columbus subject to the following modifications:

- Attachment A, instead of "The Mount Vernon Knights of Columbus Club, Incorporated" should read, "Mount Vernon K of C Club, Incorporated"; and
- Attachment C, the deed of lease, be changed to read "The Mount Vernon K of C Club, Incorporated."

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

**96. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT**

**APPLICATION PCA 86-D-093-2 (WORLDGATE ASSOCIATES**

**LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT)**

**(Tape 9)**

Mr. Martin D. Walsh reaffirmed the validity of the affidavit for the record.

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 six speakers, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Berger moved approval of Proffered Condition Amendment Application PCA 86-D-093-2 subject to the executed proffers dated March 3, 1992. This motion was simultaneously seconded by Supervisor Dix, Supervisor Hyland, and Supervisor McConnell and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved that the Board direct the Director of the Department of Environmental Management (DEM) to waive the 600-foot minimum length for private streets, as provided in Section 11-302 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.



Supervisor Berger further moved waiver of the 200-foot residential building setback for the Dulles Airport Access Road in accordance with Section 2-414 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger further moved waiver of the transitional screening and barrier requirements in accordance with Paragraph One of Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved that the Board direct the Director of DEM to expedite the Site Plan processing concurrently with Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 86-D-093-2. This motion was seconded by Supervisor McConnell and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.

**97. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**

**SE 91-S-031 (VIRGINIA ELECTRIC AND POWER COMPANY)**

**AND SE 91-S-046 (NORTHERN VIRGINIA ELECTRIC**

**COOPERATIVE) (SPRINGFIELD DISTRICT) (Tapes 9-10)**

Mr. Randolph W. Church (representative of Virginia Electric and Power Company), and Mr. Ray Gosby (representative of Northern Virginia Electric Cooperative), reaffirmed the validity of the affidavit for the record.

Mr. Church and Mr. Gosby 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 they proceeded to present their case.

Chairman Davis disclosed that the company which he has been employed by, and has been an officer of, utilizes the firm of Hunton and Williams for legal matters. He announced that he would not participate in any actions regarding this application.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and left the Board Room.

Supervisor Trapnell disclosed that Mr. Church is the registered agent for two corporations for which she is an officer. Therefore, she announced that she would not participate in any actions regarding this application and left the Board Room.

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

Vice-Chairman McConnell asked that the record reflect that she has requested Mr. Church and Mr. Gosby to obtain the citizens' names in order that any additional concerns by the citizens regarding screening problems may be addressed.

Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved approval of Special Exception Application SE 91-S-031 subject to the development conditions dated March 3, 1992. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Supervisor McConnell further moved:

- Modification of the transitional screening requirements in favor of the existing vegetation on the site;
- Approval of the Landscape Plan as shown on the Special Exception Plat;
- Approval of the development conditions subject to final approval by the Chief of Urban Forestry Branch of the Department of Environmental Management (DEM); and
- Waiver of the barrier requirement.

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

Supervisor McConnell further moved that Public Facilities Manual (PFM) cul-de-sac radius requirement be modified to 35 feet as shown on the Special Exception Plat. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Supervisor McConnell further moved that the Site Plan for Special Exception Application SE 91-S-031 be returned to the Planning Commission prior to its final approval by the Director of DEM. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Supervisor McConnell further moved that the Site Plan Review process for Special Exception Application SE 91-S-031 be expedited. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Supervisor McConnell further moved that the Board approve Special Exception Application SE 91-S-046 subject to the development conditions dated February 20, 1992. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Supervisor McConnell further moved that the Site Plans for Special Exception Application SE 91-S-046 be returned to the Planning Commission prior to its final approval by the Director of DEM. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room.

Acting-Chairman Bulova returned the gavel to Vice-Chairman McConnell.

## **ADDITIONAL BOARD MATTER**

**AR:ar**

### **98.AMENDMENT TO CLARIFY TAX EXEMPT STATUS**

#### **REGARDING PURCHASE OF BOOKS FOR LAW LIBRARY**

**(Tape 10)**

Robert L. Howell, Acting County Attorney, briefed Board Members on an issue which has arisen involving the agreement between the County, the Clerk of Court, and the Fairfax County Bar Association concerning the way in which the Law Library operates. He went on to state that there is a writ tax which is collected and subsequently transferred by the Director of Finance to an account through which the Bar Association purchases the books for the Law Library on behalf of the County. He

added that it is the County's money and the books, when purchased, belong to the County.

Mr. Howell stated that, after an audit of the Bar Association, the State is attempting to claim that the Bar Association must pay sales tax on the purchase of these books, even though the Bar Association is acting as the agent for the County and the books are the property of the County.

Therefore, Supervisor Hyland moved that the Board grant the County Executive the authorization to sign an addendum to the present agreement between the County, the Clerk of Court, and the Fairfax County Bar Association indicating that the Bar Association, when it is using the writ tax money, is in fact acting as the agent for the County of Fairfax, in a tax exempt status, when it does purchase these books for the Law Library.

In addition, Supervisor Hyland stated that this motion is made with the understanding that the addendum to be signed merely acknowledges and clarifies the understanding and the agreement of the relationship which previously existed between these three parties and no changes are being made.

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

#### **99.BOARD ADJOURNMENT (Tape 10)**

At 6:25 p.m., the Board adjourned.