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The recessed meeting was called to order at 3:05 p.m. with all Members being present, with the exception of Supervisor Alexander, Supervisor Hanley, and Supervisor McConnell, and with Chairman Davis presiding.

Supervisor Alexander was absent from the entire meeting.

Supervisor Hanley arrived at 3:15 p.m.

Supervisor McConnell arrived at 3:20 p.m.

Others present were Richard A. King, Acting County Executive; George A. Symanski, Senior Assistant County Attorney; William Howland, Assistant to the County Executive; Viki L. Lester, Deputy Clerk to the Board of Supervisors, Cristin Gubbins, Clarice Morris, and Jennifer Waysome, Office of the Clerk to the Board of Supervisors.

2.3:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT

APPLICATION PCA 84-P-084 [FAIRFAX COUNTY

REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)]

(SULLY DISTRICT) (Tape 1)

(NOTE: At the Board of Supervisors' meeting held on April 6, 1992, action was taken to defer the public hearing on Proffered Condition Amendment Application PCA 84-P-084 to April 7, 1992 at 3:00 p.m.)

Michael Scheurer, Director, Division of Housing Development, Department of Housing and Community Development, reaffirmed the validity of the affidavit for the record.

Chairman Davis disclosed that several individuals listed on the affidavit for Evans Associates XX who contributed more than \$200 to his campaign; therefore, he announced that he would not be participating in any actions regarding this application.

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

Following discussion, with input from George A. Symanski, Senior Assistant County Attorney, regarding the intent of Proffer 13, Supervisor Frey expressed his appreciation to County staff and representatives of Evans Associates XX for their outstanding efforts on this application.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 84-P-084 subject to the proffers dated March 12, 1992, and revised April 7, 1992; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 84-P-084 on March 12, 1992. This motion was seconded by Supervisor Bulova and carried by a vote of six, Chairman Davis abstaining, Supervisor Hanley and Supervisor McConnell not yet having arrived, Supervisor Alexander being absent.

3:3:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE

CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41

(ANIMALS AND FOWL) (Tape 1)

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 March 12 and March 19, 1992.

Following the public hearing, Chairman Davis announced that action on the 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 \$50.00, shelter impoundment fees to \$15.00 and per-diem board fees to \$8.00, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

4:3:00 P.M. - PH ON 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 1)

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 March 12 and March 19, 1992.

Following the public hearing, Chairman Davis announced that ***action on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to repeal Section 4-4-4 which requires the payment of interest on erroneously assessed taxes, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.***

A question-and-answer period ensued among Board Members, Susan Planchon, Director, Office of Finance; Ellen Posner, Assistant County Attorney; and James P. McDonald, Deputy County Executive for Management and Budget.

(*NOTE: Later in the meeting, action was taken to close the record on this public hearing and adopt the proposed amendments, effective immediately. See Clerk's Summary Item CL#17.*)

**5.3:00 P.M. - PH 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 (Tape 1)**

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 March 12 and March 19, 1992.

Following the public hearing, Chairman Davis announced that action on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to repeal Section 4-10-4 which authorizes the monthly payment program for real estate taxes, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

A question-and-answer period ensued between Board Members and Susan Planchon, Director, Office of Finance.

BOARD MATTER

6.LEGISLATIVE UPDATE REGARDING BILL 212

REGARDING TAX LEVIED ON CIGARETTES (Tape 1)

Supervisor Hanley announced that she has just received a copy of a letter from Governor L. Douglas Wilder to the Senate regarding Bill 212 concerning tax levied on cigarettes. She quoted:

•"I approve the general purpose of this bill but I am returning it without my signature with a request that the following amendment be made:

*This tax shall be levied only if the tax is approved in a referendum with the County which shall be held in accordance with... (lists Code filings) ...initiated either by a resolution of the Board of Supervisors or on the filing of a petition signed by a number of registered voters equal to 10 percent... If the voters affirm the tax, the tax shall be effective in an amount and on such terms as the governing body by ordinance may prescribe, provided, however, that it shall not exceed the limits set forth in this section..."

In response to a query by Supervisor Hanley, Michael Long, Assistant County Attorney, responded that the issue would be considered a "special election" even though it would be held at the same time as the November election.

Supervisor Hanley called to the Board's attention the fact that should Bill 212 pass, it will further remove the Board's existing authority to levy the cigarette tax. She stated that instead of having an additional 4.4 percent of revenue, the County would lose the 2.2 percent that it already has. Because the issue is pending before the General Assembly, she suggested that the Board proceed with the public hearing scheduled today on the cigarette tax.

**7.3:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION
AND FINANCE), SECTION 4-11-3 TO INCREASE THE
TAX NOW LEVIED ON CIGARETTES SOLD OR USED**

WITHIN THE COUNTY (Tape 1)

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 March 12 and March 19, 1992.

Following the public hearing, Chairman Davis announced that action on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-11-3 to increase the tax now levied on cigarettes sold or used within the County, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

ADDITIONAL BOARD MATTERS**8.APPOINTMENT TO THE FAIRFAX COUNTY WATER AUTHORITY**

(Tape 1)

(APPT)

Supervisor Frey moved the appointment of **Mr. Philip W. Allin** as the Sully District Representative to the Fairfax County Water Authority. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being absent.

9.PROCLAMATION DESIGNATING "IZAAK WALTON LEAGUE DAY"

(Tape 1)

Supervisor Frey moved approval of the Proclamation designating Wednesday, April 22, 1992, as "IZAAK WALTON LEAGUE DAY" in Fairfax County, and urging all citizens to recognize the contributions of this organization to the County's way of life and expressing the Board's appreciation to those citizens who are active members of this organization. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being absent.

10.AUTHORIZATION TO SIMULTANEOUS REVIEW SITE**PLANS FILED BY DR. DAVID BUCKUS FOR DENTAL****OFFICE ON WEST OX ROAD (Tape 1)**

Supervisor Frey moved that the Board:

- Authorize simultaneous review of the Site Plans filed by Dr. David Buckus for the operation of a dental office in a residential dwelling located on West Ox Road; and
- Request the Board of Zoning Appeals (BZA) to expedite its public hearing scheduled for the Special Permit Application filed by Dr. Buckus.

Supervisor Frey announced that it is understood that the Board's action does not relieve the applicant of the responsibilities in meeting any of the requirements imposed by the County or the BZA. This motion was seconded by Supervisor Bulova.

Chairman Davis disclosed that he has served as counsel for Dr. Buckus approximately 10 years ago; therefore, he stated that he would not participate in any actions regarding this issue.

The question was called on the motion which carried by a vote of eight, Chairman Davis abstaining, Supervisor Alexander being absent.

11.UPDATE ON REQUEST FOR ASSISTANCE OF GEORGE

MASON UNIVERSITY (GMU) REGARDING AN ANALYSIS

ON THE BUSINESS, PROFESSIONAL, AND OCCUPATIONAL

LICENSE (BPOL) TAX (Tape 1)

[NOTE: At the Board of Supervisors' meeting held on Monday, April 6, 1992, action was taken to request the assistance of George Mason University (GMU) in conducting an analysis on the Business, Professional, and Occupational License (BPOL) Tax. Supervisor Berger was appointed as the "contact" for the Board.]

Supervisor Berger briefed Board Members that he contacted Dr. Roger Stahl, Chair, Northern Virginia Local Government. He stated that Dr. Stahl has graciously agreed to provide his assistance in conducting an analysis on the BPOL Tax.

12.APPROVAL OF REVISED MEMORANDUM OF AGREEMENT

BETWEEN FAIRFAX COUNTY AND THE BAILEY'S

CROSSROADS REVITALIZATION CORPORATION (Tape 1)

Supervisor Trapnell moved that the Board approve the newly-revised Memorandum of Agreement between Fairfax County and the Bailey's Crossroads Revitalization Corporation dated April 7, 1992 and extend its appreciation to the Office of the County Attorney, the Office of Comprehensive Planning, and to the Officers at the Bailey's Crossroads Revitalization Corporation for their outstanding performance on this Agreement. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor Alexander being absent.

**13.3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84
(PUBLIC TRANSPORTATION), ARTICLES 2 AND 3,
"TAXICAB ORDINANCE" (Tape 1)**

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 March 12 and March 19, 1992.

Following the public hearing, which included testimony by one speaker, Chairman Davis announced that action on the proposed amendments to the Code of the County of Fairfax, Chapter 84 (Public Transportation), Article 2 (Operators' Certificates), Section 12 (a) and (b), and Article 3 (Hacker's License), Section 5 to increase: the fee for processing each application for an operator's certificate from \$10.00 to \$50.00 for each vehicle to be operated under the application; the license fee for the operation of taxicabs in the County from \$10.00 to \$100.00 per vehicle per year; the vehicle substitution fee from \$2.00 to \$20.00; and the hacker's license fee from \$10.00 per year to a nonrefundable \$10.00 application fee and a \$25.00 per year hacker's license fee, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

In response to a query by Supervisor Bulova, Ronald B. Mallard, Director, Department of Consumer Affairs, responded that he would circulate to Board Members the "spread sheet" showing comparisons with adjacent jurisdictions.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide Board Members with a break-down of the current costs to the County government to perform the application process and any deficit existing in current costs.

Supervisor Berger asked that the request be amended to include that the Board direct staff to detail the certification process and the costs, and this was accepted.

Without objection, the amended request was so ordered.

**14.3:30 P.M. - PH TO AMEND THE CODE OF THE COUNTY
OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),
ARTICLE 9, SECTION 4-9-1 (A) (1) (B) MIXED
BEVERAGE LICENSE TAX (Tape 1)**

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 March 12 and March 19, 1992.

Following the public hearing, Chairman Davis announced that action on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Chapter 4 (Taxation and Finance), Article 9, Section 4-9-1(a)(1)(B) Mixed Beverage License Tax to raise the Mixed Beverage License Tax from \$300.00 to \$350.00 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 one hundred (100) but not more than one hundred fifty (150) persons, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

**15.3:30 P.M. - PH AND ADOPTION OF A FAIRFAX COUNTY
ORDINANCE ESTABLISHING A FAIRFAX COUNTY SPECIAL
SERVICE DISTRICT FOR THE CONTROL OF GYPSY MOTH
INFESTATIONS (Tapes 1-2)**

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 March 12 and March 19, 1992.

Following the public hearing, which included testimony by six speakers, Chairman Davis announced that action on the proposed ordinance to: (i) establish a special service district to include the entire area of Fairfax County, Virginia, for the purpose

of controlling gypsy moth infestations, and (ii) establish an annual tax to support a gypsy moth control program to be provided by the district, would be deferred until the Board's mark-up on the budget scheduled for April 21, 1992. He announced that the record would be held open until that date for written testimony only.

Supervisor Bulova moved that the Board direct staff to analyze and report on the effectiveness of the County's Gypsy Moth Citizens' Self-Help Program following the conclusion of this spring's spray program, included in this report should be an analysis of various alternatives that are and could be available to individuals, neighborhoods, and communities to include cost-sharing with organized community groups. In addition, a staff recommendation should accompany the report. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Hanley and Supervisor Hyland being out of the room, Supervisor Alexander being absent.

Supervisor Trapnell asked unanimous consent that the Board direct staff to also address in the report the possibility of exemptions for homeowners in the watershed improvement district. Without objection, it was so ordered.

16.RECESS (Tape 2)

At 4:15 p.m., the Board recessed briefly for dinner.

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At 7:30 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.

17.ADOPTION OF PROPOSED AMENDMENTS TO THE CODE OF

THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND

AND FINANCE), ARTICLE 4, SECTION 4-4-4, CHANGING

THE PAYMENT OF INTEREST FOR ERRONEOUSLY ASSESSED

TAXES (Tape 3)

(O)(NOTE: Earlier in the meeting, the public hearing was held and action taken to defer action until April 21, 1992. See Clerk's Summary Item CL#4.)

Supervisor Hyland reminded the Board that earlier in the day a public hearing was held regarding the advertisement of a proposed amendment to the Fairfax County Code, Section 4-4-4, repealing the payment of interest on erroneous tax assessment refunds. Upon closing the public hearing, the Board directed that the record be held open until April 21, 1992.

Supervisor Hyland moved that the Board:

- Reconsider its decision to leave the record open until April 21, 1992; and
- Close the record.

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

Supervisor Hyland further moved that the Board adopt, as advertised, the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to repeal Section 4-4-4 which requires the payment of interest on erroneously assessed taxes, **effective immediately**. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Hanley and Supervisor McConnell being out of the room, Supervisor Alexander being absent.

ADDITIONAL BOARD MATTERS

18.ABSENCE OF LEE DISTRICT SUPERVISOR ALEXANDER

(Tape 3)

Chairman Davis announced that Lee District Supervisor Alexander is out of town and would be absent from the entire meeting.

19.MAXIMUM LIMIT OF PERSONS PERMITTED IN THE

BOARD ROOM (Tape 3)

Chairman Davis announced that the Fire Marshall had informed him that the number of individuals in the Board Room was at the maximum limit permitted and that anyone leaving the room may have trouble returning.

20.7:30 P.M. - CONTINUATION OF THE PUBLIC HEARINGS

ON: THE PROPOSED ADOPTION OF THE COUNTY EXECUTIVE'S FISCAL YEAR (FY) 1993 ADVERTISED BUDGET PLAN, AND THE COUNTY AND SCHOOLS' FY 1992 THIRD QUARTER REVIEW; THE PROPOSED REAL ESTATE TAX RATE INCREASE FOR FY 1993; THE PROPOSED PERSONAL PROPERTY LEVY INCREASE FOR CERTAIN CLASSIFICATIONS OF PERSONAL PROPERTY FOR FY 1993; THE PROPOSED REFUSE COLLECTION LEVY INCREASE FOR FY 1993; AND THE ADOPTED AMENDMENT TO CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67 (SANITARY SEWERS AND SEWAGE DISPOSAL), SECTIONS 67-4-2, SEWER CHARGE INCREASE FOR FY 1993

(Tapes 3-7)

(NOTE: The public hearings on the above-stated issues commenced on Monday, April 6, 1992 and were continued until April 7 1992.)

Certificates of Publication were filed from the Editors of the Washington Post showing that notice of said public hearings on the following had been duly advertised in that Newspaper as described:

March 26, 1992:

•Proposed adoption of the County Executive's Fiscal Year (FY) 1993 Advertised Budget Plan, and the County and Schools' FY 1992 Third Quarter Review;

March 12 and March 19, 1992:

•Proposed personal property levy increase for certain classifications of personal property for FY 1993;

- Proposed real estate tax rate increase for FY 1993;
- Proposed amendment to Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Sections 67-4-2, Sewer Charge Increase for FY 1993; and
- Proposed refuse collection levy increase for FY 1993.

The public hearing was held, with testimony being presented by 70 speakers, and scheduled for continuation on Wednesday, April 8, 1992, at 6:00 p.m.

21. BOARD RECESS (Tape 7)

At 11:45 p.m., the Board recessed until Wednesday, April 8, 1992 at 6:00 p.m. for the continuation of the following public hearings:

- Proposed adoption of the County Executive's Fiscal Year (FY) 1993 Advertised Budget Plan, and the County and Schools' FY 1992 Third Quarter Review;
- Proposed personal property levy increase for certain classifications of personal property for FY 1993;
- Proposed real estate tax rate increase for FY 1993;
- Proposed amendment to Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Sections 67-4-2, Sewer Charge Increase for FY 1993; and
- Proposed refuse collection levy increase for FY 1993.