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The meeting was called to order at 10:20 a.m. with all Members being present, and with Chairman Davis presiding.

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

2.9:30 A.M. - PRESENTATIONS (No Tape)

(NOTE: There were no presentations scheduled for April 27, 1992.)

3. ORDERS OF THE DAY (Tape 1)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board change the Orders of the Day and proceed with adoption of the Fiscal Year (FY) 1993 budget. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

4.10:00 A.M. - BOARD ADOPTION OF THE FISCAL

YEAR (FY) 1993 BUDGET (Tapes 1-3)

(SARs)

(FPRs)

(O)

Tax Rates

Supervisor Alexander moved approval of:

•Fiscal Year (FY) 1993 Resolution Adopting Tax Rates and the sewer availability rate structure for FY 1993, as contained in Attachment I of the Memorandum to the Board dated April 27, 1992, which includes a real estate tax rate of \$1.16 per \$100 of assessed value.

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

Request to Record Vote

****Upon his return to the Board room, Supervisor Frey asked unanimous consent that he be recorded as voting "AYE" on the previous motion. Without objection, it was so ordered.****

Appropriation Resolution for County Agencies

Supervisor Alexander further moved approval of:

•FY 1993 Appropriation Resolution for County Agencies, as contained in Attachment II of the Memorandum to the Board dated April 27, 1992.

This motion was seconded by Chairman Davis.

Adjustments by Agency/Department Heads

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved to amend the motion to allow agency and department heads the flexibility to make appropriate adjustments to their appropriation levels, subject to Board approval. He further explained that this would provide agency and department heads the opportunity to rearrange within their level of appropriation.

Following discussion among Board Members, with input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Davis clarified that if agency and department heads wished to make adjustments to appropriations, they would report to the Board in the form of a supplemental appropriation.

This amendment was seconded by Supervisor Hyland.

Following additional discussion among Board Members, the question was called on the amendment which carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Human Services Positions

Following a brief explanation, Supervisor Hyland moved to amend the motion that the Board:

- Direct the Acting County Executive to delay until October 31, 1992, the abolition of any positions categorized as "Essential Services" in the Human Services Council's March 23, 1992, memorandum to the Board in order to preserve the flexibility in implementing the reorganization and process redesign plan that is to be presented to the Board by August 1, 1992;
- Direct that all affected positions be under the direct control of the Acting County Executive and the Deputy County Executive for Human Services effective July 1, 1992 and that no action be taken regarding these positions without the written approval of the Acting County Executive and the Deputy County Executive for Human Services;
- Allow the Acting County Executive and the Deputy County Executive for Human Services the authority and flexibility to maintain affected incumbents (not to exceed nine) pending Board action on the required reorganization and process redesign plan, provided that total authorized expenditures for human services shall not be increased or exceeded. Abolition of all affected positions, however, will occur August 31, 1992, if a reorganization and process redesign plan is not presented to the Board by August 1, 1992.

This amendment was seconded by Supervisor Bulova.

Following a query from Chairman Davis, Supervisor Hyland clarified his amendment: the positions in human services will only be abolished pending further action and that this action does not affect the appropriation to the agency.

After additional discussion among Board Members, the question was called on the amendment which **CARRIED** by a recorded vote of nine, Supervisor Dix voting "NAY."

Staff Support for Environmental Quality

Advisory Council (EQAC)

Discussion ensued among Board Members, with input from Anthony H. Griffin, Deputy County Executive for Planning and Development, and James P. Zook, Director, Office of Comprehensive Planning, regarding staff support for the Environmental Quality Advisory Council (EQAC).

Mini-Libraries

Supervisor Berger called to the Board's attention the elimination of the Herndon and Great Falls mini-libraries and he asked unanimous consent that the Board direct Edwin S. Clay, III, Director, Administration, Library, and the Library Board to keep as many of these libraries open as possible, within the appropriation level. Without objection, it was so ordered.

It was clarified that the Library Board would report with its recommendations to the Board for approval.

Area Agency on Aging Position for

Golden Gazette

Supervisor Hyland called the Board's attention to the half of a position in the Area Agency on Aging for the Golden Gazette. He further explained that the agency has requested to keep the position and to use advertisements and fees from the Golden Gazette to fund the position for \$11,419, which would result in no negative budget impact. Therefore, he moved to amend the motion to allow the Area Agency on Aging to keep this position. This amendment was seconded by Chairman Davis and carried by unanimous vote.

Juvenile Detention Center

Supervisor Hyland moved to amend the motion that the Acting County Executive; Verdia L. Haywood, Deputy County Executive for Human Services; Vincent M. Picciano, Director of Court Services, Juvenile and Domestic Relations District Court; and The Honorable Jane P. Delbridge, Judge, Juvenile and Domestic Relations District Court:

- Meet to discuss the issues raised by Judge Delbridge regarding the Juvenile Detention Center and the vacancies in the system; and
- Report to the Board within 30 days.

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

Following discussion among Board Members, the question was called on the amendment which carried by unanimous vote.

Fees for Athletic Fields

Supervisor Alexander called the Board's attention to the funding of 28 positions in the Fairfax County Park Authority (FCPA), which would have caused FCPA to charge fees to Little Leagues at the same time an effort is being made to ensure that the Department of Recreation and Community Services does not charge fees.

Supervisor Dix explained that he would be addressing this later.

(NOTE: Later during budget adoption, action was taken on the maintenance of athletic fields. See Pages 5 and 11.)

Clothing Allowance for Police Investigators

Supervisor Alexander called the Board's attention to the clothing allowance for the Investigators, Police Department, and moved to amend the motion to reinstate \$181,988 in the budget for this clothing allowance. This amendment was seconded by Supervisor Hyland.

Following discussion among Board Members, with input from Richard A. King, Acting County Executive, the question was called on the amendment which **FAILED** by a recorded vote of seven, Supervisor Alexander, Supervisor Hanley, and Supervisor Hyland voting "AYE."

It was the consensus of the Board to refer this issue to the Board's Personnel Subcommittee for further consideration.

Fees for Athletic Fields

Supervisor Dix called the Board's attention to the issue of athletic fields maintenance fees and moved to amend the motion to retain \$1.3 million in the General Fund under Recreation and Community Services in order to avoid transferring 29 positions to the Fairfax County Park Authority Trust Fund which would increase participation fees. He further explained that the \$1.3 million would result in an operating expense reduction of \$1.8 million, in lieu of the \$500,000 previously stated, and that \$1.2 million would be for youth athletic fields and \$100,000 for high school athletic fields. This amendment was jointly seconded by Supervisor Bulova and Supervisor Hyland.

Following discussion among Board Members, with input from Edward L. Long, Jr., Director, Office of Management and Budget, Supervisor Hanley reiterated her request

from the previous Board meeting that any across-the-board cuts also apply to Supervisors' offices.

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

(NOTE: Later during budget adoption, action was taken to direct staff to report with additional information. See Page 11.)

Refuse Disposal Sites

Supervisor Dix moved to amend the motion that the six locations in Fairfax County currently utilized as refuse disposal sites be established as Solid Waste Reduction Centers, effective July 1, 1992, with the primary purpose of facilitating recycling as is presently the case in other locations around the County. He continued that as a secondary use of the centers, refuse disposal would be provided as a stand alone activity at no cost to the County's General Fund, and in order to accomplish this result, users would pay an annual permit fee of \$125 for FY 1993.

Supervisor Dix noted that while the amount of waste stream reduction that results in reduced tipping fee obligations is yet to be determined, staff believes that any cost resulting from the establishment of the recycling component at such centers would be covered through the County's solid waste enterprise fund. Further, the \$125 permit fee would alleviate any requirement for volunteer staffing to supplement the administration of these centers and would include front loaded Equipment Management Transportation Agency (EMTA) charges.

This amendment was seconded by Supervisor Berger.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and following discussion, with input from Mr. Griffin, he moved that the amendment be amended to direct staff to report with information on funding the Environmental Quality Advisory Council (EQAC) staff position with the solid waste fund. This amendment was seconded by Supervisor Hyland and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Following discussion among Board Members, with input from John W. di Zerega, Director, Department of Public Works, Supervisor Bulova asked that the amendment be amended to direct staff to report with information regarding expanding the hours of operation of the centers to their original hours, and this was accepted.

The question was then called on the amendment, as amended, which **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY."

(NOTE: Later in the meeting, additional action was taken on this issue. See Clerk's Summary Item CL#44.)

School Transfer

Supervisor Dix clarified, for the record, that the School transfer amount, in his judgment, is approximately \$12 million less in FY 1993 than it was in FY 1992, as opposed to the \$60 million less that is being reported.

School System Managed Health Care

Insurance Plan

Supervisor Dix called to the Board's attention the selection of a managed health care insurance plan by the School System and following a brief explanation, he moved to amend the motion that:

- The Board request the School Board to set aside the Prudential Managed Health Care Insurance Plan for FY 1993 on the basis of tangible evidence that the product contracted for with Prudential is not in the best interest of the Fairfax County School System and its employees;
- The Board direct the Acting County Executive to immediately review the legal requirements of issuing a joint Request for Proposal (RFP) with the School System to provide a managed health care insurance program to both general government employees (who are presently covered by the Blue Cross/Blue Shield Managed Health Care Insurance Plan) and School System employees, and to report with an RFP implementation plan no later than May 18, 1992;
- The Board direct the Acting County Executive to immediately conduct a review of the premium stabilization account balances for the health and flexible benefits fund of the Fairfax County School System, including, but not limited to, the procedure for accounting for "incurred but not reported" claims; and
- The Board direct the Acting County Executive to immediately reclaim the interest from the Fairfax County School System's health and flexible benefits account--approximately \$1.5 million in FY 1992--and return that amount to the General Fund.

This amendment was jointly seconded by Supervisor Berger and Supervisor Trapnell.

(Tape 2)

Supervisor Alexander moved a substitute amendment that the Board direct staff to review this issue and the motion, and to report its findings. The second to this substitute amendment was inaudible.

Following a lengthy discussion among Board Members, with input from Robert L. Howell, Acting County Attorney, Supervisor Alexander clarified his substitute amendment: that all four parts of the amendment be referred to staff.

Following additional discussion, Supervisor Hyland asked unanimous consent that the Board direct the Acting County Attorney to respond to the following questions:

- Does the Board have any legal authority to undo the contract entered into on the School side; and
- Does the Board have the legal authority to recapture the interest earned on the School side and return it to the County side of the budget?

Without objection, it was so ordered.

Following continued discussion among Board Members, with input from Dr. McDonald, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the substitute be amended to direct staff to report on this issue next week, and this was accepted.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

The question was called on the substitute amendment to defer, as amended, which carried by unanimous vote.

The question was then called on the amendment, as substituted, which carried by unanimous vote.

Chairman Davis clarified that staff will report with a Consideration Item next week.

**Restoration of Merit/Step Increase,
Across-the-Board Salary Reduction,**

and Retirement for General Government

Employees

Supervisor Dix moved to amend the motion that the Board restore merit/step increases to all eligible general government employees to be funded through the inclusion of a one percent across-the-board salary reduction for all general government employees. He explained that this action would result in an approximate \$4.5 million savings to the County, which combined with reclaiming the earned interest from the health care claims reserve account will enable the County to restore merit/step pay increases at no additional cost.

Supervisor Dix further moved to amend the motion that the retirement qualification criteria for general government employees be modified from a "Rule of 80" to a "Rule of 77," for age and service, for FY 1993 only, with a minimum age qualification of 50 years, as an incentive to promote retirement and reduce the need for lay-offs. This amendment was seconded by Supervisor Berger.

Chairman Davis ruled the motion in order due to its sufficient difference from the motion introduced at the April 21, 1992, budget mark-up session.

Following a query from Supervisor Hanley, Supervisor Dix clarified that his amendment applied to County employees only, not School employees.

Following additional clarification by Supervisor Dix, Supervisor Trapnell moved to vote on the parts of the amendment seriatimly.

Chairman Davis ruled the motion to vote seriatimly out of order due to the close interrelationship of the two parts of the amendment.

Supervisor Trapnell moved a substitute amendment that the Board restore merit/step increases to all eligible general government employees in FY 1993 to be funded through the inclusion of a one percent across-the-board salary reduction for all general government employees in the FY 1993 budget adoption. This substitute was seconded by Supervisor Berger.

The question was called on the substitute amendment (Supervisor Trapnell's) which **FAILED** by a recorded vote of seven, Supervisor Berger, Supervisor Dix, and Supervisor Trapnell voting "**AYE**."

The question was then called on the amendment (Supervisor Dix's) which **FAILED** by a recorded vote of eight, Supervisor Berger and Supervisor Dix voting "AYE."

County's Hiring Freeze

Discussion ensued among Board Members, with input from Dr. McDonald, regarding the County's hiring freeze.

Privatization of School Aged Child

Care (SACC) Centers

Supervisor McConnell moved to amend the motion that the six new School Aged Child Care (SACC) Centers be considered with an RFP for privatization.

Following a query from Chairman Davis, Supervisor McConnell clarified that her amendment requests staff to draw up an RFP to determine whether these centers could be privatized.

This motion was seconded by Supervisor Berger.

Following discussion among Board Members, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved a substitute amendment that the Board proceed with the privatization of one SACC Center on an experimental basis to begin either this September or September, 1993.

Supervisor Davis clarified that his substitute includes the privatization of one or more SACC Centers on an experimental basis.

This substitute was seconded by Supervisor Frey.

Following additional discussion among Board Members, with input from Mr. Haywood, Supervisor Davis again clarified his motion: to proceed, subject to future Board approval of the RFP and approval by the School Board.

The question was called on the substitute amendment (Supervisor Davis') which **FAILED** by a recorded vote of six, Supervisor Davis, Supervisor Dix, Supervisor Frey, and Supervisor Trapnell voting "AYE."

Vice-Chairman McConnell returned the gavel to Chairman Davis.

The question was then called on the amendment to privatize the six new SACC Centers (Supervisor McConnell's) which **FAILED** by a recorded vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis voting "**AYE**."

(NOTE: Later during budget adoption, additional action was taken on the issue of privatization for SACC Centers. See Page 11.)

Arborist Site Review Function in the Department of Environmental Management (DEM)

Supervisor Bulova moved to amend the motion to direct staff to continue the Arborist Site Review function in the Department of Environmental Management (DEM), and that if there is a cost associated with the continuation, it be funded through fees at Midyear. This motion was seconded by Supervisor Alexander.

(Tape 3)

Supervisor Bulova clarified her amendment: that the Board direct staff to report with a Consideration Item at Midyear.

Following discussion among Board Members, with input from Dr. McDonald and Irving Birmingham, Director, DEM, Supervisor Bulova asked that the amendment be amended that staff report with a Consideration Item at Carryover, not Midyear, and this was accepted.

Supervisor Alexander clarified the amendment: to keep the Arborist position and function in order to allow them to do plan reviews, as well as on-sites.

Supervisor Bulova added that this amendment will allow DEM to also continue critical functions.

Following additional discussion among Board Members, with input from Mr. Griffin, the question was then called on the amendment, as amended, which **CARRIED** by a recorded vote of eight, Supervisor McConnell and Chairman Davis voting "**NAY**."

Fees for Athletic Fields

(NOTE: Earlier during budget adoption, action was taken regarding maintenance fees for athletic fields. See Pages 4 and 5.)

Supervisor Frey asked unanimous consent that the Board direct staff to report, as expeditiously as possible, with information regarding what fees will be charged to which groups, based on earlier Board action. Without objection, it was so ordered.

Privatization of School Aged Child Care

(SACC) Centers

(NOTE: Earlier during budget adoption, action was taken on the issue of privatization for School Aged Child Care (SACC) Centers. See Page 10.)

Supervisor Berger called to the Board's attention the Board's earlier action regarding the privatization of SACC Centers.

Supervisor Trapnell moved that the Board reconsider its previous action regarding the issue of privatization of SACC Centers. This motion was seconded by Supervisor Dix.

Following a query from Supervisor Hanley, Chairman Davis clarified that the motion to reconsider relates to Supervisor McConnell's motion made earlier regarding the privatization of the six new SACC Centers.

The question was then called on the motion to reconsider which **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY."

Supervisor Trapnell moved to amend the motion that the Board direct staff to review the issue of privatizing one or more of the SACC programs, with no specific time deadline. This motion was seconded by Supervisor Berger, and **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY."

Supervisor Hanley moved that, in reviewing the issue of privatization for SACC Centers, the following be considered: maintaining the current standards and quality of the program, maintaining the same type of care, and ensuring that fees are not increased. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

The question was then called on the main motion, as amended, to approve the FY 1993 Appropriation Resolution for County Agencies, as contained in Attachment II of the Memorandum to the Board dated April 27, 1992, which carried by unanimous vote.

Appropriation Resolution for School Board Agencies

Supervisor Alexander moved approval of:

•FY 1993 Appropriation Resolution for School Board Agencies, as contained in Attachment III of the Memorandum to the Board dated April 27, 1992.

This motion was seconded by Chairman Davis.

Supervisor Dix called the Board's attention to the issue of the Board categorizing the appropriation to the School Board and moved to amend the motion that the Board reserve its right to review the appropriation issue at a time after the School Board has had the opportunity to consider the concerns raised by Board Members regarding School funding priorities and identification of other savings in the School System budget as it relates to the reductions that are included in the budget. This motion was seconded by Supervisor Trapnell.

Following discussion among Board Members, with input from Dr. McDonald and Mr. Howell, Supervisor Dix clarified the amendment: that the Board approve the School transfer amount and reserve the right to make the appropriation in categories prior to the end of the fiscal year.

Following additional discussion, the question was called on the amendment which **FAILED** by a recorded vote of six, Supervisor Dix, Supervisor Trapnell, and Chairman Davis voting "AYE," ****Supervisor Berger being out of the room.****

(NOTE: Upon his return to the Board Room, Supervisor Berger asked to be recorded as voting "AYE." See bottom of this page.**)**

The question was then called on the motion to approve the FY 1993 Appropriation Resolution for School Board Agencies which **CARRIED** by a recorded vote of six, Supervisor Dix, Supervisor Hyland, and Supervisor Trapnell voting "NAY," ****Supervisor Berger being out of the room.****

(NOTE: Upon his return to the Board Room, Supervisor Berger asked to be recorded as voting "AYE." See bottom of this page.**)**

Fiscal Planning Resolution

Supervisor Alexander moved approval of:

•FY 1993 Fiscal Planning Resolution, as contained in Attachment V of the Memorandum to the Board dated April 27, 1992.

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

Request to Record Vote

Supervisor Berger asked unanimous consent that he be recorded as voting "AYE" on the following motions:

- Supervisor Dix's motion to approve the School transfer amount and reserve the right to make the appropriation in categories prior to the end of the fiscal year; and
- The motion to approve the FY 1993 Appropriation Resolution for School Board Agencies, as contained in Attachment III of the Memorandum to the Board dated April 27, 1992.

Without objection, it was so ordered.

Cigarette Tax

Supervisor Hanley called the Board's attention to action at the previous Board Meeting to dedicate the cigarette tax to the School division.

Following a query from Supervisor Hanley, Chairman Davis stated that the action is still operable.

Supervisor Hanley noted that there has been no response from the Governor.

(NOTE: Later in the meeting, there was additional discussion on the cigarette tax. See Clerk's Summary Item CL#74.)

CM:cm

5.ADMINISTRATIVE ITEMS (Tape 4)

Supervisor McConnell moved approval of the Administrative Items. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

ADMIN 1 - RENAMING WILLARD ROAD IN CHANTILLY

(SULLY DISTRICT)

Approved the street name change from Willard Road **TO Stonecroft Boulevard**, Tax Map Number 33-4, Sully District, effective 30 days following Board approval in accordance with Section 102-1-9 of the Code of the County of Fairfax.

ADMIN 2 - STREETS INTO THE SECONDARY SYSTEM

(CENTREVILLE, SPRINGFIELD AND SULLY DISTRICTS)

(R)Approved the request that certain streets listed in the Memorandum to the Board dated April 27, 1992 be recommended for acceptance into the State Secondary System.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE

CONSTRUCTION FOR SPECIAL EXCEPTION

APPLICATION SE 89-C-018 (BAHMAN

BATMANGHELIDJ) (CENTREVILLE DISTRICT)

(AT)Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 89-C-018 until **April 30, 1993** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - ADDITIONAL TIME TO ESTABLISH THE USE

FOR SPECIAL EXCEPTION APPLICATION SE 87-S-011

(THE ASSEMBLAGE LIMITED PARTNERSHIP)

(SPRINGFIELD DISTRICT)

(AT)Approved the request for 12 months of additional time to establish the use for Special Exception Application SE 87-S-011 until **March 19, 1993** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 - ADVERTISEMENT FOR A PUBLIC HEARING TO

AMEND THE CURRENT APPROPRIATION LEVEL IN THE

FISCAL YEAR (FY) 1992 REVISED BUDGET PLAN FOR

THE DEPARTMENT OF HUMAN DEVELOPMENT REGARDING

FEE SYSTEM/AT-RISK DAY CARE PROGRAM

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **May 18, 1992 at 3:30 p.m.** to allow the Department of Human Development to accept additional Federal Pass Thru funding, totalling \$656,612, for the Fee System/At-Risk Day Care Program.

(NOTE: Later in the meeting, the Board cancelled its May 18, 1992 meeting and rescheduled the public hearings. See Clerk's Summary Item CL#76.)

6.A-1 - DEPARTMENT OF RECREATION AND COMMUNITY**SERVICES' GRANT APPLICATION TO THE UNITED****STATES (US) DEPARTMENT OF AGRICULTURE FOR****THE SUMMER LUNCH PROGRAM FOR CHILDREN (Tape 4)**

On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Department of Recreation and Community Services' submission for a grant application, in the amount of \$71,528, to participate in the United States (US) Department of Agriculture's (USDA) Summer Lunch Program for Children.

7.A-2 - DESIGNATION OF VIRGINIA DEPARTMENT OF**TRANSPORTATION (VDOT) REVENUE SHARING FUNDS****AND MATCHING FAIRFAX COUNTY FUNDS FOR FISCAL****YEAR (FY) 1993 (SULLY DISTRICT) (Tape 4)**

(R) On motion of Supervisor Frey, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution, contained in Attachment One of the Memorandum to the Board, designating a maximum of \$500,000 in Fiscal Year (FY) 1993 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds and \$500,000 in matching Fairfax County funds for the construction of missing portions of the third land on Route 50 between Greenbriar and the Fairfax County Parkway.

8.A-3 - DENSITY CREDIT FOR ADVANCE DEDICATION

OF LAND FOR PUBLIC PURPOSES (SPRING HILL ROAD)**(PROVIDENCE DISTRICT) (Tape 4)**

(DC)

(R)On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution, contained in Attachment Four of the Memorandum to the Board, approving the density credit for the portion of the following parcel that is to be dedicated for public use for public street purposes in accordance with the deed of dedication which is to be recorded. Based on the information available at this time, the applicant is requesting advanced density credit for the following approximate amount of land from the following Tax Map Parcel:

Tax Map Reference Approximate Area

29-3 ((1)) 48A2,462 square feet

TOTAL2,462 square feet**9.A-4 - DENSITY CREDIT FOR ADVANCE DEDICATION****OF LAND FOR PUBLIC PURPOSES (VALE ROAD)****(SULLY DISTRICT) (Tape 4)**

Following a brief discussion, Supervisor Frey asked unanimous consent that the Board defer its action on the request for density credit for advance dedication of land for public purposes, Vale Road, Sully District, until **May 4, 1992**. Without objection, it was so ordered.

10.A-5 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT**PROGRAM ASSESSMENTS FOR MEMORIAL HEIGHTS,****PHASE I (MOUNT VERNON DISTRICT) (Tape 4)**

(Rs)On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and adopted the Resolutions

establishing the final amount to be assessed against each landowner in the Memorial Heights, Phase I Community Improvement Program Project, Mount Vernon District.

11.A-6 - SUPPLEMENTAL APPROPRIATION RESOLUTION

AS 92054 FOR THE FIRE AND RESCUE DEPARTMENT

EMERGENCY MEDICAL SERVICES (EMS) GRANT (Tape 4)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 92054, in the amount of \$284,485.92, to appropriate Commonwealth of Virginia "Two-For-Life" funds for the Department of Fire and Rescue to purchase equipment, supplies, and training necessary in the provision of emergency medical services (EMS).

12.A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION

AS 92057 TALLING \$151,698 FOR THE REFUGEE

TARGETED ASSISTANCE PROGRAM GRANT FOR THE

DEPARTMENT OF HUMAN DEVELOPMENT (Tape 4)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 92057, totalling \$151,698, to appropriate the Refugee Targeted Assistance Program Grant for the Department of Human Development to supplement the County's ongoing employment and training activities in addition to providing other supportive services for refugee clients.

13.A-8 - SUPPLEMENTAL APPROPRIATION RESOLUTION

AS 92056 TALLING \$180,000 FOR THE DEPARTMENT

OF HUMAN DEVELOPMENT TO ACCEPT ADDITIONAL

STATE FUNDING FOR THE JOB OPPORTUNITIES AND

BASIC SKILLS (JOBS) DAY CARE PROGRAM (Tape 4)

(SAR)On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 92056, totalling \$180,000, reflecting additional State funding provided through Block Grant Education and Training Child Care Funds from the Council on Child Day Care and Early Childhood Programs to supplement existing Job Opportunities and Basic Skills (JOBS) day care funding.

14.A-9 - SUPPLEMENTAL APPROPRIATION RESOLUTION

AS 92058 FOR THE CHILD ABUSE AND NEGLECT

PREVENTION PROGRAM GRANT AWARD THREE IN

THE DEPARTMENT OF HUMAN DEVELOPMENT FROM

THE UNITED STATES (US) DEPARTMENT OF

HEALTH AND HUMAN SERVICES (Tape 4)

(SAR)On motion of Supervisor Bulova, seconded by Supervisor Alexander, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 92058, in the amount of \$363,314, to continue a comprehensive, community-based physical Child Abuse and Neglect Prevention Program in the Department of Human Development.

15.A-10 - SUPPLEMENTAL APPROPRIATION RESOLUTION

AS 92052 FOR THE FAIRFAX COUNTY DEPARTMENT OF

COMMUNITY ACTION (DCA) TO ACCEPT A FREDDIE

MAC FOUNDATION GRANT TO PROVIDE MEDICAL

AND DENTAL CARE FOR INDIGENT FAIRFAX

COUNTY CHILDREN THROUGH THE MEDICAL

CARE FOR CHILDREN PROJECT (MCCP) (Tape 4)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution AS 92052 for the Fairfax County Department of Community Action to accept a \$50,000 grant from the Freddie Mac Foundation to provide medical services to indigent children already identified and awaiting treatment through the Medical Care for Children Project.

**16.A-11 - APPROVAL OF THE 1992 SCHEDULE AND THE
REVIEW COMMITTEE MEMBERS FOR THE EXCEPTIONAL
DESIGN AWARDS PROGRAM (Tape 4)**

(BACs)

(APPT)

On motion of Supervisor Alexander, seconded by Supervisor Bulova, and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room, the Board concurred in the recommendation of staff and approved the implementation schedule and confirmed the appointments of the members of the Review Committee for the Exceptional Design Awards Programs as nominated by their respective organizations:

1992 Schedule

June 3, 1992Awards entry deadline;

June 17, 1992Design awards jury selects winners;

July 1, 1992Notify winners; and

October 5, 1992 Awards ceremony.

Members

•Mr. C. Richard Bierce, AIA, Representative,

Architectural Review Board;

•Mr. David T. Piper, AIA, Representative,

Northern Virginia Chapter of the American
Institute of Architects;

•Mr. Joe Taylor, AIA, Representative,
Northern Virginia Chapter of the American
Institute of Architects;

•Mr. Dennis Carmichael, ASLA, Representative,
Potomac Chapter of the American Society of
Landscape Architects;

•Mr. Robert W. Davis, AIA, Representative,
Fairfax County Chamber of Commerce;

•Ms. Elise Murray, Representative,
Fairfax County History Commission;

•Mr. Earl A. Berner, Representative,
American Planning Association; and

•Mr. Jim Scanlon, PE, LS, Representative,
Engineers and Surveyors Institute.

**17.A-12 - AMENDED RESOLUTION CLARIFYING THE
PRESENT COMPOSITION OF THE FAIRFAX COUNTY
HISTORY COMMISSION (Tape 4)**

(BACs)

(R)

On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by a vote of nine, Chairman Davis being out of the room, the Board concurred in the recommendation of staff and adopted an amended Resolution clarifying the present composition of the Fairfax County History Commission.

(NOTE: Later in the meeting, additional action was taken to revise the documentation regarding the list of the Fairfax County History Commission members contained in the Board Package. See Clerk's Summary Item CL#79.)

**18.A-13 - AUTHORIZATION TO REIMBURSE CITIZEN FOR
LIVESTOCK DAMAGE CAUSED BY STRAY DOG**

(SPRINGFIELD DISTRICT) (Tape 4)

Following a brief discussion, Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Alexander and moved that the Board concur in the staff recommendation to approve the expenditure of \$219.00 from the Dog License Revenue to reimburse Colonel Lacy Hagood for veterinary fees resulting from injury to his show goats by a stray dog, in compliance with State Law §3.1-796.118 entitling Colonel Hagood to reimbursement. The second to this motion was inaudible. The question was called on the motion which carried by a vote of nine, Chairman Davis being out of the room.

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

**19. I-1 PUBLIC HEARING ON THE APPOINTMENTS OF
SCHOOL BOARD MEMBERS (Tape 4)**

(BACs)

(A)The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 requesting authorization for staff to schedule the public hearing to be held before the Board of Supervisors on **June 8, 1992 at 7:30 p.m.** to receive the views of the citizens on the appointment of School Board Members for the Braddock, Mount Vernon, Providence, and Springfield Districts. Board decision on the appointment of School Board Members will be made on June 22, 1992. By law, the appointments must be made by June 30, 1992.

The staff was directed administratively to proceed as proposed.

20. I-2 - FAIRFAX COUNTY RECOGNIZED BY DEFENSE

DEPARTMENT FOR SUPPORT OF THE GULF WAR

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 presenting the 1992 Pro Patria award from the Defense Department for implementing personnel policies to assist employees in the National Guard and Reserves who were called to duty during the Gulf War.

21. I-3 - IMPLEMENTATION STATUS OF THE CLEAN AIR

ACT AMENDMENTS OF 1990 (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 presenting a report on the Implementation Status of the Clean Air Act Amendments of 1990.

22. I-4 - STAGE II INDUSTRY ADVISORY GROUP (Tape 4)

(BACs)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 requesting authorization for staff to extend invitations to various organizations who may wish to participate on a technical advisory group that will help advise staff on the implementation of the Stage II Vapor Recovery at fueling facilities in Fairfax County.

The staff was directed administratively to proceed as proposed.

23. I-5 - POLICE DEPARTMENT'S RESPONSE TO COMPLAINTS

OF TAXICABS PARKED IN RESIDENTIAL AREAS (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 presenting the Police Department's response to complaints of taxicabs parked in residential areas.

There was a brief discussion regarding this item.

24. I-6 - DONATION OF A TREE BY THE IZAAK WALTON

LEAGUE (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 announcing that the Izaak Walton League has donated a specimen tree, of native origin, to be planted at the New Government Center by the League on April 22, 1992.

**25. I-7 - RE-AWARD OF CONTRACT FOR ARCHITECTURAL AND
ENGINEERING SERVICES FOR THE CONSTRUCTION OF THE
LEWINSVILLE HOME FOR ADULTS (DRANESVILLE
DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 requesting authorization for staff to award a contract to Helbing Lipp Limited in the amount of \$242,466, Project Number 003969, Lewinsville Home for Adults, Subfund 182, Housing Trust Fund.

The staff was directed administratively to proceed as proposed.

**26. I-8 - CONTRACT AWARD - CONSTRUCTION OF
LANDSCAPING, PAVING, AND RETAINING WALLS AT
CALAMO STREET PARK AND NEW GOVERNMENT CENTER
(LEE AND SULLY DISTRICTS) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 27, 1992 requesting authorization for staff to award a contract to RCC and Associates in the amount of \$61,800 for the construction of landscaping, paving and retaining walls at the listed locations and implement the funding sources as described.

The staff was directed administratively to proceed as proposed.

PMH:pmh

27. CITY OF NORFOLK INSTITUTES A CABLE TELEVISION

TAX (Tape 5)

Chairman Davis announced that recently the City of Norfolk instituted a cable television tax on cable companies. He relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to report with information on the City of Norfolk's action and what authority they have regarding this issue. Without objection, it was so ordered.

28.CANCELLATION OF BOARD OF SUPERVISORS MEETING**SCHEDULED FOR MAY 18, 1992 (Tape 5)**

Supervisor Davis polled Board Members to determine who would be absent at the Board meeting scheduled for May 18, 1992. The following Members indicated that they would not be present for the meeting:

- Supervisor Alexander;
- Supervisor Berger;
- Supervisor Bulova;
- Supervisor Frey; and
- Supervisor Hyland.

Therefore, Supervisor Davis moved that the Board cancel the Board meeting scheduled for May 18, 1992. This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell being out of the room.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

(NOTE: Later in the meeting, action was taken to reschedule all public hearings scheduled for May 18, 1992. See Clerk's Summary Item CL#76.)

29.RECESS/EXECUTIVE SESSION (Tape 5)

At 12:50 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel. The motion was seconded by Supervisor Bulova.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked to amend the motion to include discussion of legal matters concerning the Tank Farm issue at the Star Enterprise site, and this was accepted.

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

Acting-Chairman Alexander returned the gavel to Chairman Davis.

At 1:50 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Davis presiding.

30.ACTIONS FROM EXECUTIVE SESSION (Tape 6)

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 unanimous vote.

B.CLAIM OF MR. AND MRS. BOBBY MASON,

MR. AND MRS. EDWARD EMBREY, MR.

AND MRS. RICHARD BAILEY, MR. KEN

SEIDELMAN AND MS. ROSEMARY POLLARD

AGAINST COUNTY OF FAIRFAX, VIRGINIA,

AND JOSEPH ALEXANDER

Supervisor Hyland moved that the Board deny the claim of Mr. and Mrs. Bobby Mason, Mr. and Mrs. Edward Embrey, Mr. and Mrs. Richard Bailey, Mr. Ken Seidelman and Ms. Rosemary Pollard against the County of Fairfax, Virginia, and

Joseph Alexander, individually, as recommended by the Acting County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander abstaining.

31.DRIVING WHILE INTOXICATED (DWI) PROCEEDS

(Tape 7)

Chairman Davis raised the issue of the Driving While Intoxicated (DWI) proceeds and stated that it was his understanding that this issue had been resolved with the Commonwealth's Attorney. He said that the Commonwealth's Attorney was going to prosecute under the County statute.

Acting County Executive Richard A. King stated that the Commonwealth's Attorney has committed, in light of the fact that the State has amended the DWI Statute, that he would continue to prosecute under the Code of Virginia until such time as the County rewrites the Code of the County of Fairfax to reflect the new language that is now in the State Code.

Acting County Attorney Robert Howell stated that the entire provisions of the State Code were being incorporated so that there is no possibility of having a typographical error.

Supervisor Hyland asked unanimous consent that the Board direct the Acting County Executive and staff to prepare the appropriate change in the Code of the County of Fairfax that would bring the Code into a position of being consistent with the Code of Virginia which has been amended and will go into effect on July 1 so that come July 1 the Board will have taken action and the Code of the County will be compliant. Without objection, it was so ordered.

Chairman Davis stated that this issue was of the highest priority.

32.SUPERVISOR ROBERT DIX'S BOARD MATTERS

(Tape 7)

Supervisor Dix announced that, because of the Board's heavy schedule this morning, he did not have any Board Matters to present.

33."SOLDIER'S SALUTE" AT FORT BELVOIR (Tape 7)

Supervisor Hyland said that a "Soldier's Salute" which is a performance by approximately 25 soldiers was held at Fort Belvoir. He added that the performance was dedicated to Fairfax County on its 250th anniversary. Supervisor Hyland also displayed the plaque that was presented to the Chairman.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to appropriately display the plaque at the New Government Center. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

34.GARDEN PLOTS (Tape 7)

Supervisor Hyland moved that the Board:

- Direct the Park Authority to investigate the feasibility of using, on an interim basis, more Fairfax County parkland as garden plots under the auspices of the current Park Authority Garden Plot Program;
- Request the Park Authority to work with the Eleanor U. Kennedy Shelter for the Homeless to determine if the residents' skills can be incorporated as part of the Garden Plot Program; and
- Direct the Department of Extension and Continuing Education to help coordinate a Fairfax County Fair under the 4-H Program to include the garden plot farmers with the Park Authority.

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

35.TWO-SIDED COPYING OF THE BOARD PACKAGE (Tape 7)

In view of the Board's recycling efforts in Fairfax, Supervisor Hyland asked unanimous consent that the Board direct staff to report with recommendations as to whether the Board Package and reports could be produced using two-sided copies. Without objection, it was so ordered.

36.ENVIRONMENTAL DAY OF THANKS (Tape 7)

Supervisor Hyland stated that at the April 6, 1992 Board meeting, April and May were proclaimed as Earth Caring Months. He briefly explained programs that have taken place in the Mount Vernon District. Some of the groups involved are as follows:

- Ginnie and Joe Weber in coordination with Clean Fairfax, Incorporated;
- Cub Scouts;
- Girl Scouts;
- Boy Scouts;
- Mount Vernon and Woodlawn Kiwanis Clubs;
- Retired individuals;
- Active environmental groups;
- Fort Belvoir enlisted personnel;
- Southeast Fairfax Development Corporation (SFDC);
- Mount Vernon-Lee Chamber of Commerce;
- Gum Springs Community Center;
- United Community Ministries' Youth Group;
- Mount Vernon and West Potomac High Schools' students;
- Mount Vernon associations; and
- Businesses located along the Route One Corridor.

Supervisor Hyland stated that his office had distributed 300 free pine tree seedlings and some were still available. Please call (703) 780-7518.

Therefore and because of this growing awareness and to demonstrate the Board's continued commitment to the environment, Supervisor Hyland moved that the Board, refer to staff the issue of sponsoring a day (to be selected by staff) of awareness and special recognition of the environmental care givers and report with recommendations as to how this event can be sponsored with the assistance of the Economic Development Authority (EDA), the Park Authority and the Soil and Water

Conservation District. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Berger, Supervisor Dix, and Supervisor McConnell being out of the room.

37.APPOINTMENT TO CITIZENS' CHILD ABUSE PREVENTION

COMMITTEE (Tape 7)

(APPT)

Supervisor Trapnell moved the appointment of Ms. Joyce Bissonette as the Citizen Advocate Representative to the Citizen's Child Abuse Prevention Committee. The second to this motion was inaudible. The motion carried by a vote of seven, Supervisor Berger, Supervisor Dix, and Supervisor McConnell being out of the room.

38.APPOINTMENT TO THE UPPER HOLMES RUN ENVIRONMENTAL

MONITORING ADVISORY COMMITTEE (Tape 7)

(APPT)

Supervisor Trapnell moved the appointment of Mr. Stuart Finley as the Lake Barcroft Watershed Improvement District (WID) Representative to the Upper Holmes Run Environmental Monitoring Advisory Committee. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Berger, Supervisor Dix, and Supervisor McConnell being out of the room.

AR:ar

39.SIGHT DISTANCE CONCERN AT THE INTERSECTION

OF BELLMONT DRIVE AND BRADDOCK ROAD (Tape 8)

Supervisor Bulova called the Board's attention to what seems to be a Catch 22 problem at the intersection of Belmont Drive and Braddock Road, west of Route 123. She said that for several years residents of Belmont Drive have been complaining about inadequate sight distance as they exit Belmont Drive to enter Braddock Road. As motorists look to the right (west), their vision is obstructed by vegetation off the Virginia Department of Transportation (VDOT) right-of-way on private property. Several on-site meetings have been held with Andrew Bailey, Resident Engineer, VDOT, and inspectors from the Zoning Office. VDOT has done some clearing within its right-of-way and has improved signage; however, obstructions still remain on

private property. On March 13, Zoning sent a letter to Mr. Castleman of Belmont Drive explaining that, "when... 'sight distance triangles' had been plotted and laid out,...the triangles so formed were found to lay wholly within the right-of-way. Hence, no violation of the Zoning Ordinance exists at this location in that respect." Supervisor Bulova added that it is her belief that Zoning feels that there is nothing they can or should do.

Supervisor Bulova stated that Mr. Castleman referred to another letter, one from Dr. Robert R. Spillane, Superintendent of Schools, which states, "This responds to your letter... regarding school buses no longer entering Belmont Drive off Braddock Road. As you know, that intersection is on a hill and the visibility is very poor...our concern for student safety made this change necessary."

Supervisor Bulova stated that in a final letter to Mr. Castleman from the Zoning Administrator, Jane Gwinn states, "Because Zoning Ordinance regulations cannot address all of the circumstances that may affect visibility, there will be situations where there is poor visibility at an intersection, yet no Zoning Ordinance violation exists. That appears to be the case in this instance. Consequently, while it may seem confusing, I do not believe that Superintendent Spillane's position is inconsistent with the determination presented by Mr. Chesson."

Supervisor Bulova noted that everyone agrees that the intersection is dangerous and no one will pursue a solution. The neighbors believe that removal of the vegetation on private property to the west of Belmont Drive would greatly improve the situation. Therefore, Supervisor Bulova moved that the Board direct the appropriate staff in Zoning Administration, the Police Department Traffic Safety Office, the Office of Transportation (Bruce Taylor), and VDOT to make a renewed concerted effort to solve this very confusing problem. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Hanley being out of the room.

40.RECOGNITION OF VIRGINIA HOUSE OF DELEGATES

REPRESENTATIVE ALAN A. DIAMONSTEIN

(D-NEWPORT NEWS) IN BOARD ROOM

(Tape 8)

Chairman Davis recognized the presence of Virginia House of Delegates Representative Alan A. Diamonstein (D-Newport News), Chairman of the General Laws Committee, and warmly welcomed him to Fairfax County.

41.ADVERTISING ON CONNECTOR BUSES**(Tape 8)**

Supervisor Bulova stated that at the last meeting of the Commuter Rail Operations Board there was a discussion about making use of the four 21 inch by 33 inch poster frames mounted on the interior of the cars for advertising purposes. She noted that it is the belief of staff that on-board advertising could be the source of considerable revenue for the Virginia Rail Express (VRE) in the future. She added that Metro allows advertising on its vehicles and the practice is a lucrative one.

With a notation that Fairfax County does not allow advertising on its Connector buses, Supervisor Bulova moved that the Board direct staff to explore this possibility and return as expeditiously as possible with its recommendation, including policy recommendations which would allow the County the ability to avoid potentially embarrassing or offensive advertising. This motion was seconded by Supervisor Davis.

Supervisor Alexander asked that the motion be amended to include the notation that this is "interior" advertising, and this was accepted.

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

42.THE RUSSIANS ARE COMING (Tape 8)

Supervisor Bulova noted that a small delegation of Moscow officials is tentatively scheduled to visit Fairfax County during June. She asked unanimous consent that the Board direct staff to schedule time on the Board Meeting Agenda of June 8, 1992, to welcome Mr. Butov and Mr. Danilenko. Without objection, it was so ordered.

43.APPOINTMENT OF BRADDOCK DISTRICT REPRESENTATIVE**TO THE SMALL AND MINORITY BUSINESS ENTERPRISE****PROGRAM ADVISORY COMMITTEE (Tape 8)**

(APPT)

Supervisor Bulova moved the appointment of Mr. Homer Pettit as the Braddock District Representative to the Small and Minority Business Enterprise Program

Advisory Committee. This motion was seconded by Chairman Davis and carried by a unanimous vote.

44.CONTINUATION OF DISCUSSION REGARDING THE SOLID WASTE

REDUCTION CENTERS (Tape 8)

(NOTE: Earlier in the meeting, there was discussion on this item. See Clerk's Summary Item CL#4.)

With reference to the Board's previous discussions regarding the cost of operating the Solid Waste Reduction Centers, Supervisor Bulova moved that the Board approve the operation of the Centers at the current hours with an annual cost per household of \$140 per year. This motion was seconded by Supervisor Hyland.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, and David L. Eger, Director, Solid Waste Collection and Recycling Division, the question was called on the motion which **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland voting "AYE."

45.SCHEDULED ELECTION OF GOVERNING BOARD OF

THE MCLEAN COMMUNITY CENTER (Tape 8)

(BACs)

Supervisor Berger announced that the election of the Governing Board for the McLean Community Center has been scheduled for May 16, 1992, and that the following residents have petitioned to become candidates:

•Adults:

*Carole L. Herrick;

*Wanda C. Hill;

*Rebecca Joy Horahan; and

*Issam M. Saliba.

•Youths:

*Elizabeth Costello (McLean High School Area); and

*Jeanne LaSala (Langley High School Area).

46.WAIVING OF FEE FOR SHARON MASONIC LODGE

(Tape 8)

Supervisor Berger stated that the Sharon Masonic Lodge is seeking to add a small portico onto its existing building and they were told that the fee for the \$3,200 addition would be \$500, or nearly twenty percent of the total cost of the addition for a site plan waiver.

Therefore, Supervisor Berger moved that the Board direct the Department of Environmental Management (DEM) to waive the fee for a site plan waiver for the Masonic Lodge Number 327 on Balls Hill Road in McLean, Virginia. This motion was seconded by Chairman Davis and carried by a unanimous vote.

47.RECOGNITION OF THE BLUE RIBBON (COLE)

COMMISSION (Tape 8)

In recognition of the Blue Ribbon (Cole) Commission's hard work on behalf of Fairfax County, Supervisor Berger asked unanimous consent that the Board direct staff to schedule time on the Agenda for recognition of the Cole Commission by the Board of Supervisors. Without objection, it was so ordered.

48.CLARIFICATION OF A MOTION ON MARCH 23, 1992

FOR PROFFERED CONDITION AMENDMENT APPLICATION

PCA C-448-8 (KINGSTOWNE NORTH VILLAGE) (LEE

DISTRICT) (Tape 8)

Supervisor Alexander called attention to the Board's approval on March 23, 1992 of Proffered Condition Amendment Application PCA C-448-8. He added that because the applicant was not present, there was some question regarding the reaffirmation of the affidavit. As a follow-up to the meeting, the applicant provided a letter dated March 25, 1992 to each Board Member, in which he reaffirmed the affidavit, and that issue has been resolved.

In addition, Supervisor Alexander clarified that the February 19, 1992, executed proffers referenced a Conceptual Development Plan in which the proposed density was 5.25 dwelling units per acre instead of 6.44 dwelling units per acre as stated in the approved motion. Therefore, Supervisor Alexander moved that the Board approve PCA C-448-8 subject to the February 19, 1992 proffers. This motion was seconded by Supervisor Hyland and carried by a unanimous vote.

VLL:vll

**49.REQUEST FOR CERTIFICATE OF RECOGNITION TO BE
PRESENTED TO THEODORE GLEITER, SUPERVISOR,
EMPLOYEES BENEFITS DIVISION, OFFICE OF
PERSONNEL, FOR HIS YEARS OF SERVICE TO
FAIRFAX COUNTY (Tape 9)**

Supervisor Trapnell announced the upcoming retirement of Theodore Gleiter, Supervisor, Employees Benefits Division, Office of Personnel. She asked unanimous consent that the Board direct staff to prepare the appropriate Certificate of Recognition, for presentation before the Board, recognizing Mr. Gleiter's years of service to Fairfax County. Without objection, it was so ordered.

**50.RECOGNITION OF SENATOR JANET HOWELL
(Tape 9)**

Supervisor Dix recognized the presence of Virginia State Senator Janet Howell and warmly welcomed her to the Board Room.

**51.APPROPRIATE RECORDINGS TO BE PLACED ON
COUNTY TELEPHONES WHEN THE COUNTY IS
CLOSED IN OBSERVANCE OF HOLIDAYS (Tape 9)**

Supervisor Hanley stated that her office had received several complaints from citizens regarding the recorded (voice mail) messages on County telephones on Friday, April 17, 1992. The County government observed a spring holiday on this date, a holiday not recognized by other businesses, the Federal government, or the School system.

The voice recordings did not inform citizens that County offices were closed and citizens called from office-to-office, including the Office of Public Affairs, only to be greeted by normal recordings or phones that were not answered.

Supervisor Hanley asked unanimous consent that the Board direct staff, in the future, to leave appropriate recordings on the office telephones announcing that County offices are closed in observance of a holiday. Without objection, it was so ordered.

52. EXPEDITED AND CONCURRENT PROCESSING REQUESTED

FOR PROFFERED CONDITION AMENDMENT APPLICATION

PCA 89-P-042 (BRIAR ASSOCIATES) (PROVIDENCE

DISTRICT) (Tape 9)

Supervisor Hanley moved that the Board direct staff to expeditiously process Proffered Condition Amendment Application PCA 89-P-042 and to concurrently process the Subdivision Plan. Briar Associates, the applicant, is aware that the concurrent processing of the Subdivision Plan is at their risk and that the approved Subdivision Plan will need to reflect any action of the Board on Proffered Condition Amendment Application PCA 89-P-042. This motion was jointly seconded by Supervisor Alexander and Supervisor Berger and carried by unanimous vote.

53. APPOINTMENT TO THE FORESTED WETLANDS COMMITTEE

(Tape 9)

(APPT)

Supervisor Hanley moved the appointment of Ms. Linda R. Kolodziej as the Providence District Representative to the Forested Wetlands Committee. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Trapnell being out of the room.

54. RESPONSE REQUESTED TO QUERIES BY FEDERAL OFFICIALS

CONCERNING IMPROVEMENTS TO LAW CONCERNING ABOVE

GROUND STORAGE TANKS (Tape 9)

Supervisor Hanley stated that her office has received queries from members of the County's Federal Delegation regarding requests for comments on possible improvements to federal law concerning above ground storage tanks. Because of Fairfax County's ongoing problems with petroleum leaks from the Pickett Road Tank Farm which have entered the Mantua Community, it seems clear that there may be improvement to the federal regulatory scheme applicable to above ground tanks.

Supervisor Hanley moved that the Board authorize staff to respond to staff level requests from federal officials for comments regarding the technical adequacy and efficacy of current and proposed federal laws and regulations intended to address situations such as those being experienced in the Mantua Community. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Dix and Supervisor Trapnell being out of the room.

55.SIGNAGE REQUESTED FOR NEW GOVERNMENT CENTER

(Tape 9)

Supervisor Hanley called to the Board's attention that many citizens are experiencing difficulty locating the new Government Center. The directional signage for the Center, particularly on Lee Highway, is not the County's standard "blue and white" signage and is being easily missed by motorists.

Supervisor Hanley asked unanimous consent that the Board direct staff to investigate the possibility of installing temporary signage, in cooperation with the Sully District Supervisor's Office, to assist citizens in finding the new Government Center when turning from the main roads. Without objection, it was so ordered.

Supervisor Frey reminded staff, when installing the signage, to keep within the parameters of the County's existing sign ordinances.

56.SUPERVISOR ELAINE MCCONNELL'S BOARD MATTERS

(Tape 9)

Supervisor McConnell announced that, because of the Board's heavy schedule this morning, she did not have any Board Matters to present.

57.APPOINTMENT TO THE CRIMINAL JUSTICE ADVISORY

BOARD (Tape 9)

(APPT)

Supervisor Frey moved the appointment of Mr. Stephen Danzig as the Sully District Representative to the Criminal Justice Advisory Board (CJAB). He announced that Mr. Danzig had been the former Chairman and Springfield District Representative to the CJAB. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Dix being out of the room.

**58.STAFF TO INVESTIGATE WHETHER FAIRFAX COUNTY
POLICE SHOULD BE PERMITTED TO TAKE ADVANTAGE
OF THE COMPUTER CONTROLLED PHOTO RADAR
TECHNOLOGY FOR TRAFFIC LAW ENFORCEMENT**

(Tape 9)

Supervisor Hanley asked unanimous consent that the Board forward to staff for its review and long range consideration, a suggestion from a constituent that Fairfax County Police be permitted to take advantage of the computer controlled photo radar technology for traffic law enforcement. Supervisor Hanley requested that the staff response include a statement as to whether this would be possible and whether there would be any revenue impacts. Without objection, it was so ordered.

59.RECESS (Tape 9)

At 2:35 p.m., the Board recessed briefly.

SBE:sbe

At 3:30 p.m., the Board reconvened in the Board Room with all Board Members being present, with the exception of Supervisor Frey and Chairman Davis, and with Vice-Chairman McConnell presiding.

**60.3:30 P.M. - PUBLIC HEARING SETTING ASSESSMENTS
FOR BROOKLAND-BUSH HILL, PHASE II (LEE DISTRICT)**

(Tape 10)

(R)A Certificate of Publication was filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 9 and April 16, 1992.

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

Following the public hearing, which included testimony by one speaker, Supervisor Alexander moved that the Board adopt the proposed Resolution setting assessments for Brookland-Bush Hill, Phase II, Lee District. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being out of the room.

61. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATIONS

SE 91-L-053 AND SE 91-L-054 [WASHINGTON

METROPOLITAN AREA TRANSIT AUTHORITY

(WMATA)] (LEE DISTRICT) (Tape 10)

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

Mr. Elkins 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.

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

- In the amount of \$500.00 from Ms.Lola Reinsch, General Partner, Kitson Lane Associates.

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

Supervisor Alexander expressed his appreciation to the applicant and County staff for their outstanding hard work on these applications.

Supervisor Alexander moved approval of Special Exception Application SE 91-L-053 subject to the development conditions dated April 27, 1992, with the following modification to Condition Number Six:

• "There will be no fence located around the north pond."

Supervisor Alexander further moved modification of the transitional screening requirement in favor of the Special Exception Landscaping Plan and the development conditions. This motion was seconded by Supervisor Hyland.

Following discussion with input from Mr. Elkins regarding the ownership of Parcel 25, the question was called on the motion which **CARRIED** by a recorded vote of eight, Chairman Davis abstaining and Supervisor Frey being out of the room.

Supervisor Alexander moved waiver of the minimum lot size, lot width, and open space requirements of the I-6 Zoning Distribution. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of eight, Chairman Davis abstaining and Supervisor Frey being out of the room.

Supervisor Alexander moved that the Board direct staff to return that portion of the Site Plan for Special Exception Application SE 91-L-053, addressing the area of transportation center development north of the Franconia-Springfield Parkway and west of the north pond, to the Planning Commission prior to its final approval by the Director of the Department of Environmental Management (DEM). This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of eight, Chairman Davis abstaining and Supervisor Frey being out of the room.

Supervisor Alexander moved waiver of the barrier requirement subsequent to satisfactory resolution of the issue addressed in the previous motion regarding the buffer area north of the Parkway and west of the north ponds. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of eight, Chairman Davis abstaining and Supervisor Frey being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 91-L-054 subject to the development conditions dated April 27, 1992, with the following modification to Condition Number Six:

• "That no fence will be around the north pond."

This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of eight, Chairman Davis abstaining and Supervisor Frey being out of the room.

**62. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION
SE 91-C-057 (CAMPUS COMMONS-BRANCHES ASSOCIATES
VENTURE) (CENTREVILLE DISTRICT) (Tape 10)**

Mr. Edward J. Finnegan reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Dix moved approval of Special Exception Application SE 91-C-057 subject to the development conditions dated April 8, 1992. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Bulova, and Supervisor Hanley being out of the room.

Supervisor Dix moved modification of the transitional screening and waiver of the barrier requirements in favor of that shown on the Landscaping Plan. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Bulova, and Supervisor Hanley being out of the room.

Supervisor Dix moved that the Board direct the Director of the Department of Environmental Management (DEM) to waive the street lighting requirement of the Public Facilities Manual as it applies to this application. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Bulova, and Supervisor Hanley being out of the room.

**63. 3:30 P.M. - PUBLIC HEARING ON THE CREATION/
ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL
AND LOCAL SANITARY DISTRICTS FOR REFUSE AND
LEAF COLLECTION SERVICES (DRANESVILLE, MASON,
MOUNT VERNON AND PROVIDENCE DISTRICTS)**

(Tapes 10-11)

(Rs)A Certificate of Publication was filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspapers in the issues of April 9 and April 16, 1992.

Following the public hearing, which included testimony by 10 speakers, Supervisor Hanley moved that the Board adopt the proposed Resolutions for the De-Creation/Re-Creation of Refuse and Leaf Service in Small District One within Providence District, as follows:

TYPE OF BOARD

SANITARY DISTRICT ACTION SERVICE ACTION

Small District One De-Create Refuse & Approve

within Providence Re-Create Leaf

District

Small District One De-Create Refuse & Approve

within Providence Re-Create Leaf

District

Small District One De-Create Refuse & Approve

within Providence Re-Create Leaf

District

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

Supervisor Hyland moved that the Board adopt the proposed Resolution for the De-Creation of Refuse Service in Small District Four within Mount Vernon District, as follows:

TYPE OF BOARD

SANITARY DISTRICT ACTION SERVICE ACTION

Small District Four De-Create Refuse Approve

within Mount Vernon

District

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

Supervisor Berger moved that the Board adopt the proposed Resolutions for the Enlargement and De-Creation/Re-Creation of Refuse and Leaf Service in Local District A-1-1, A-6-1, and A-6-1 within Small District One within Dranesville District, as follows:

TYPE OF BOARD

SANITARY DISTRICT ACTION SERVICE ACTION

Local District A-1-1 Enlarge Refuse & Approve

within Small District Leaf

One within Dranesville

District

Local District A-6-1 Enlarge Refuse & Approve

within Small District Leaf

One within Dranesville

District

***Local District A-6-1 De-Create/ Refuse & Approve**

within Small District Re-Create Leaf

One within Dranesville

District*

(*NOTE: Below this item was reconsidered and, at the request of the petitioners, denied.*)

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

Supervisor Trapnell moved to adopt the proposed Resolutions for the De-Creation/Re-Creation and Enlargement of Leaf and Refuse Service in Small District One and Six within Mason District, as follows:

TYPE OF BOARD

SANITARY DISTRICT ACTION SERVICE ACTION

Small District One De-Create/ Leaf Approve

within Mason District Re-Create

Small District Six Enlarge Refuse Approve

within 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.

It was announced that earlier this morning, the Department of Public Works' staff had been contacted by the petitioners regarding the Re-Creation and De-Creation of Refuse and Leaf Service within Local District A-6-1 within Small District One within Dranesville District. It was requested that this petition be withdrawn from the Board's consideration.

Chairman Davis relinquished the Chair to Acting-Chairman Hyland and moved that the Board reconsider its earlier action to adopt the proposed Resolution for the Re-

Creation and De-Creation of Refuse and Leaf Service within Local District A-6-1 within Small District One within Dranesville 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.

Acting-Chairman Hyland returned the gavel to Chairman Davis.

Supervisor Berger moved to deny the petition for the Re-Creation and De-Creation of Refuse and Leaf Service within Local District A-6-1 within Small District One within Dranesville 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.

SUMMARY OF ACTIONS

TYPE OF BOARD

SANITARY DISTRICT ACTION SERVICE ACTION

Local District A-1-1 Enlarge Refuse & Approved

within Small District Leaf

One within Dranesville

District

Local District A-6-1 Enlarge Refuse & Approved

within Small District Leaf

One within Dranesville

District

Local District A-6-1 De-Create/ Refuse & Denied

within Small District Re-Create Leaf

One within Dranesville

District

Small District One De-Create/ Leaf Approved

within Mason District Re-Create

Small District Six Enlarge Refuse Approved

within Mason District

Small District Four De-Create Refuse Approved

within Mount Vernon

District

Small District One De-Create Refuse & Approved

within Providence Re-Create Leaf

District

Small District One De-Create Refuse & Approved

within Providence Re-Create Leaf

District

Small District One De-Create Refuse & Approved

within Providence Re-Create Leaf

District

64. 3:30 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENT

TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112

(ZONING ORDINANCE) REGARDING OFF-SITE DIRECTIONAL

SIGNS IN THE PRC DISTRICT (Tape 11)

(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 April 9 and April 16, 1992.

Following the public hearing, Supervisor Dix moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding off-site directional signs in the PRC District, as recommended by the Planning Commission. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Alexander, Supervisor Hyland, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**65. 4:00 P.M. - PUBLIC HEARING ON THE DEDICATION OF
COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT
OF TRANSPORTATION (VDOT), JUDICIAL DRIVE AND
ROUTE 123 (PROVIDENCE DISTRICT) (Tape 11)**

(R)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of April 9 and April 16, 1992.

Following the public hearing, Supervisor Hanley moved adoption of the Resolution authorizing the dedication of County-owned property to the Virginia Department of Transportation (VDOT) for road improvements, Tax Map Number 57-4 ((1)) 14. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Hyland, Supervisor McConnell, and Supervisor Trapnell being out of the room.

**66. 4:00 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENTS
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109
(SOLID WASTE) (COUNTYWIDE) (Tape 11)**

(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 April 9 and April 16, 1992.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 109 (Solid Waste), to add recycling containers to existing requirements that solid waste containers be properly sited; require that all trash dumpsters and recycling containers be properly identified with owner, capacity and content information and grant the County the authority to remove, empty and store the containers at the owner's expense, and auction

abandoned containers; and to raise the minimum bonding requirements for disposal permit holders from \$1,000 per company, regardless of the number of permitted vehicles, to \$2,500 per vehicle up to a maximum of \$10,000 per company. This motion was seconded by Supervisor Hanley.

Supervisor Dix asked that the motion be amended as follows:

•"Extend the grace period for the implementation of the plan from 90 days **TO 120 days.**"

This was accepted.

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

67. 4:00 P.M. - PUBLIC HEARING ON A PROPOSAL TO VACATE

A PORTION OF FAIRWOOD ESTATES SUBDIVISION (SULLY

DISTRICT) (Tape 11)

(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 April 9 and April 16, 1992.

Following the public hearing, Supervisor Frey moved adoption of the proposed ordinance vacating a portion of Fairwood Estates Subdivision necessary for the construction of Project 008051 - Criminal Justice Site Collocation. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Supervisor Trapnell being out of the room.

68. 4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE

OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND

FINANCE) (Tape 11)

(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 April 9 and April 16, 1992.

Following the public hearing, which included testimony by one speaker, Supervisor Berger moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 7 (Business, Professional and Occupational License Tax), to amend and reenact Section 4-7-21 (Professions, Specialized Occupations and Businesses) and to enact Section 4-7-34 (Real Estate Brokers) so as to modify the rates of BPOL Taxation imposed upon persons licensed and doing business as Real Estate Brokers, to become effective on January 1, 1993. This motion was seconded by Supervisor Dix and carried by unanimous vote.

ADDITIONAL BOARD MATTER**69. RECOGNITION OF SENATOR RICHARD SASLAW AND****SENATOR JANET HOWELL (Tape 11)**

Chairman Davis recognized the presence of Virginia State Senators Richard Saslaw and Janet Howell and warmly welcomed them to the Board Room.

JDC:jdc

70. 4:00 P.M. - PUBLIC HEARING ON OUT-OF-TURN PLAN**AMENDMENT S92-III-UP1; FOR PROPERTIES NORTH OF****THE DULLES AIRPORT ACCESS ROAD, SOUTH OF THE TOWN****OF HERNDON BOUNDARY LINE, BETWEEN THE LOUDOUN****COUNTY BOUNDARY LINE ON THE WEST AND REFLECTION****LAKE SUBDIVISION ON THE EAST (DRANESVILLE****DISTRICT) (No Tape)**

(NOTE: Because of the large number of speakers scheduled to testify before the Board on this issue, the public hearing was held later in the meeting. See Clerk's Summary Item CL#75.)

71. 4:30 P.M. - PH ON SPECIAL EXCEPTION**APPLICATIONS SE 90-L-037, SE 90-L-038,**

**AND SE 90-L-039 (VIRGINIA OFFICE I
LIMITED ASSOCIATES LIMITED PARTNERSHIP,
ET AL) (LEE DISTRICT) (Tape 12)**

Ms. Melanie Reilly reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Alexander moved approval of Special Exception Application SE 90-L-037 subject to the proposed development conditions dated March 11, 1992, as contained in Appendix 1A of the staff report. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley and Chairman Davis being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 90-L-038 subject to the proposed development conditions dated March 11, 1992, as contained in Appendix 1B of the staff report. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley and Chairman Davis being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 90-L-039 subject to the proposed development conditions dated March 26, 1992, with the deletion of condition number seven. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley and Chairman Davis being out of the room.

**72.4:30 P.M. - BOARD DECISION ON THE ADOPTION OF
AN ORDINANCE AMENDMENT TO INCREASE THE COUNTY
CIGARETTE TAX (No Tape)**

(NOTE: Later in the meeting, action was taken to further defer this decision. See Clerk's Summary Item CL#74.)

**73. 4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON
ISSUES OF CONCERN (Tape 12)**

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of April 9 and April 16, 1992.

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

Additional Board Matter:

Mandatory Bicycle Helmet Law (Tape 12)

Following the testimony by Dr. Lawrence Zarchin (Speaker Number One), Supervisor Dix moved that the Board direct the Acting County Attorney to investigate and report on the authority of the Board to adopt an ordinance to institute a mandatory bicycle helmet law for youths 18 years of age and under. This motion was jointly seconded by Supervisor Hanley and Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

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

**74. BOARD DECISION ON THE ADOPTION OF AN ORDINANCE
AMENDMENT TO INCREASE THE COUNTY CIGARETTE TAX
(Tape 12)**

(NOTE: The public hearing was held on April 7, 1992 and action taken to defer decision until April 21, 1992. Decision was further deferred until April 27, 1992.)

(NOTE: Earlier in the meeting, during the budget adoption, there was discussion regarding the cigarette tax. See Clerk's Summary Item CL#4.)

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.

Supervisor Hanley moved that the Board further defer decision on an amendment to Section 4-11-3 of the Code of the County of Fairfax to increase the tax on cigarettes from five cents per pack to fifteen cents per pack until **May 4, 1992 at 3:30 p.m.**, as a result of the Governor not yet having taken action. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

75. 4:00 P.M. - PUBLIC HEARING ON OUT-OF-TURN PLAN

AMENDMENT S92-III-UP1; FOR PROPERTIES NORTH OF

THE DULLES AIRPORT ACCESS ROAD, SOUTH OF THE TOWN

OF HERNDON BOUNDARY LINE, BETWEEN THE LOUDOUN

COUNTY BOUNDARY LINE ON THE WEST AND REFLECTION

LAKE SUBDIVISION ON THE EAST (DRANESVILLE

DISTRICT) (Tapes 12-16)

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 April 9 and April 16, 1992.

Supervisor Berger announced his intent at the end of the public hearing to defer Board decision on Out-of-Turn Plan Amendment S92-III-UP1 until **May 4, 1992 at 3:30 p.m.**

Following testimony by Speaker Number 40 (William Vitali), Chairman Davis relinquished the gavel to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to provide additional information by next week related to the Part 150 Study by the Metropolitan Washington Airports Authority (MWAA) and noise contours. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Bulova asked unanimous consent that the Board direct staff to contact other agencies, like Dulles and the MWAA, and provide them with as much detail as possible regarding the issue under consideration by the Board. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to schedule the presentation/briefing by the Federal Aviation Administration (FAA), referred to in Mr. Vitali's testimony, regarding noise levels. Without objection, it was so ordered.

Supervisor Alexander asked unanimous consent that the Board direct staff to contact the Committee for Dulles, prior to next week, for their input. Without objection, it was so ordered.

Following the public hearing, which included testimony by 55 speakers, Supervisor Berger moved that the Board defer decision on Out-of-Turn Plan Amendment S92-III-UP1 until **May 4, 1992 at 3:30 p.m.** This motion was seconded by Supervisor McConnell and carried by unanimous vote.

Supervisor Bulova reiterated the Board's requests for staff to:

- Contact the Committee for Dulles, the Airport group, and MWAA; and
- Provide any information available on the Part 150 Study.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide information on the proposed completion date for the Commonwealth Transportation Board's (CTB) study of park-and-ride sites in the Dulles corridor. Without objection, it was so ordered.

ADDITIONAL BOARD MATTERS

76.CANCELLATION OF ALL PUBLIC HEARINGS SCHEDULED

FOR MAY 18, 1992 (Tape 16)

(NOTE: Earlier in the meeting, action was taken to cancel the Board of Supervisors meeting scheduled for May 18, 1992. See Clerk's Summary Item CL#28.)

Due to the cancellation of the Board of Supervisors meeting scheduled for May 18, 1992, Chairman Davis announced that all public hearings previously scheduled for May 18, 1992 will be rescheduled for June 8, 1992 at 2:00 p.m.

Supervisor McConnell moved that the Board direct staff to reschedule all public hearings currently scheduled for May 18, 1992 **TO June 8, 1992 at 2:00 p.m.** This motion was seconded by Supervisor Bulova and carried by unanimous vote.

Chairman Davis noted that the Board of Supervisors' meeting scheduled for June 8, 1992 will be held in the new Government Center.

77. EXPEDITIOUS PROCESSING AND WAIVER OF FEES

REQUESTED FOR SPECIAL EXCEPTION APPLICATION

SE 88-S-057 (SPRINGFIELD DISTRICT) (Tape 16)

Supervisor McConnell announced that Special Exception Application SE 88-S-057 for a service station, car wash, and quick service food store expired due to delays resulting from engineering difficulties encountered in fixing the location entrance. She said that the difficulties were complicated by the fact that this site is adjacent to the Fairfax County Parkway.

Supervisor McConnell stated that, although the applicant has been actively pursuing development of the site, construction did not commence prior to the expiration of the Special Exception Application. As a result of the applicant's cooperation with the County and the Virginia Department of Transportation (VDOT) throughout the process, Supervisor McConnell moved that the Board:

- Expedite the public hearings on the new Special Exception Application to be filed for Tax Map 89-3((1))48A; and
- Pursuant to Section 18-106 of the Zoning Ordinance, waive the filing fee.

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

Supervisor McConnell stated that public hearings must be scheduled within 60 days from the filing of a new application. She asked unanimous consent that the Board direct staff to make the necessary efforts to schedule this application in a timely manner. Without objection, it was so ordered.

78. REQUEST TO SCHEDULE PUBLIC HEARINGS ON REZONING

APPLICATION RZ 91-Y-008 AND PROPOSED AMENDMENTS

TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112

**(ZONING ORDINANCE) REGARDING MINIMUM YARD
REQUIREMENTS (Tape 16)**

Supervisor Frey moved that the Board direct staff to schedule public hearings before the Board of Supervisors on **June 8, 1992 at 2:30 p.m.** on:

- Rezoning Application RZ 91-Y-008; and
- Proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding minimum lot requirements.

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

**79.ADDITIONAL CLARIFICATION REGARDING A-12 -
AMENDED RESOLUTION CLARIFYING THE PRESENT
COMPOSITION OF THE FAIRFAX COUNTY HISTORY
COMMISSION (Tape 16)**

(BACs)

(NOTE: Earlier in the meeting, action was taken on the amended Resolution clarifying the present composition of the Fairfax County History Commission. See Clerk's Summary Item CL#17.)

Supervisor Bulova called the Board's attention to the list of the Fairfax County History Commission members contained in the Memorandum to the Board dated April 27, 1992 (part of the backup documentation for **Action Item 12**). She clarified that she appointed Mr. Patrick Reed and she asked unanimous consent that the Board direct staff to revise the documentation to reflect this correction. Without objection, it was so ordered.

80.BOARD ADJOURNMENT (Tape 16)

At 8:55 p.m., the Board adjourned.