

AP:ap

The meeting was called to order at 9:45 a.m. with all Members being present, with the exception of Supervisor McConnell, and with Chairman Davis presiding.

Supervisor McConnell arrived at 9:50 a.m.

Others present were William J. Leidinger, County Executive; David Bobzien, County Attorney; William O. Howland, Jr., Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Deputy Clerk to the Board of Supervisors; and Viki Wellershaus, Deputy Clerk to the Board of Supervisors.

2.PROCLAMATION DESIGNATING FEBRUARY AS "BLACK HISTORY MONTH" (Tape 1)

Supervisor Hanley moved approval of the presentation of the Proclamation designating February as "**BLACK HISTORY MONTH**" in Fairfax County, in recognition of members of the black community in Fairfax County and throughout the United States. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

3.CERTIFICATE OF APPRECIATION RECOGNIZING RONALDO "NICK" NICHOLSON, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS (Tape 1)

Supervisor McConnell moved approval of the presentation of the Certificate of Appreciation, to Ronaldo "Nick" Nicholson, who is leaving the Fairfax County Department of Public Works after eight years of dedicated service to the citizens of Fairfax County. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Hanley being out of the room.

4.CERTIFICATE OF APPRECIATION RECOGNIZING FIVE COUNTY EMPLOYEES WHO WORK WITH THE LINC'S PROGRAM (Tape 1)

Supervisor Dix moved approval of the presentation of the Certificate of Appreciation for the work done with the Linking Infant Needs with Community Services (LINCS) Program to the following individuals:

- Ms. Susan K. Dunn;
- Ms. Carol F. Pasnak;
- Ms. Nancy Penta;
- Ms. Charistine L. Tillson; and
- Ms. Delois B. Ward.

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

**5.10:00 A.M. - PRESENTATION BY THE NORTHERN VIRGINIA
BUILDING INDUSTRY ASSOCIATION (NVBIA) ON THE
CHANGES IN THE DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT (DEM) (Tape 1)**

Diane Cox-Basheer and Keith Martin, representing Northern Virginia Building Industry Association (NVBIA), presented comments to Board Members regarding the changes in the Department of Environmental Management (DEM).

**6.10:00 A.M. - PRESENTATION BY THOMAS R. WALDRON,
DIRECTOR OF OPERATIONS OF VIRGINIA RAILWAY
EXPRESS (VRE) (Tape 1)**

Thomas R. Waldron, Director of Operations, Virginia Railway Express (VRE), briefed Board Members regarding Northern Virginia's new commuter rail service. The VRE began its operations on the Manassas Line in June 1992 and on the Fredericksburg Line in July 1992. Currently, three VRE stations are operational in Fairfax County.

Supervisor McConnell asked unanimous consent that the Board direct County staff to work cooperatively with VRE staff to select proposed future sites. Without objection, it was so ordered.

NV:nv

7.10:15 A.M. - REPORT ON GENERAL ASSEMBLY ACTIVITIES

(Tape 2)

Supervisor Dix, Chairman, Board's Legislative Subcommittee, briefly outlined the package distributed to Board Members entitled, "1993 General Assembly--Report Number 3," dated February 8, 1993 which summarizes the Board Legislative Subcommittee meetings of January 29 and February 5, 1993.

Supervisor Dix moved that the Board adopt the report. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hanley reported that she had received a telephone inquiry regarding House Bill Number HB 780 which is a carryover bill addressing the issue of affordable housing and the requirements for affordable housing within planning districts. Accordingly, she asked unanimous consent that the Board refer this item to the Board's Legislative Subcommittee meeting on February 12, 1993. Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board refer Senate Bill Number SB 779 regarding local transportation districts to the Board's Legislative Subcommittee meeting on February 12, 1993. Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board refer Senate Bill Number SB 784 regarding development rights for service districts to the Board's Legislative Subcommittee meeting on February 12, 1993. Without objection, it was so ordered.

Supervisor Hanley called the Board's attention to Senate Bill Number SB 726 which would extend the voting hours from 7:00 p.m. to 9:00 p.m. at the polls. She asked unanimous consent that the Board refer this item to the Board's Legislative Subcommittee meeting on February 12, 1993. Without objection, it was so ordered.

Supervisor Dix updated the Board on the progress of several bills pending in the General Assembly.

Chairman Davis reported that Vice-Chairman McConnell attended a meeting of mayors and chairmen of neighboring jurisdictions on February 7, 1993 because he was unable to attend. He stated that he joined with the other chief elected officials in signing a thank you note to the Northern Virginia delegation for their efforts with the transportation package.

CM:cm

8.10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS,

AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS

(Tape 3)

(APPT)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Chairman Davis moved the reappointment of Ms. Julia Friar as the At-Large Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Hanley moved the reappointment of Ms. Barbara Hildreth as the Providence District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Paul Martin as the Braddock District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Philip Rosenthal as the Springfield District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Alexander moved the reappointment of Ms. Gloria Haher as the Lee District Representative to the A. Heath Onthank Memorial Award Selection

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

Supervisor Berger moved the reappointment of Mr. Don Kane as the Dranesville District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Trapnell moved the reappointment of Mr. Francis Manccini as the Mason District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Dix moved the reappointment of Dr. Bishnu Poudel as the Hunter Mill District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

ADVISORY PLANS EXAMINER BOARD

CONFIRMATIONS

Supervisor Frey moved that the Board confirm the following appointments to the Advisory Plans Examiner Board:

•Mr. Sidney O. Dewberry as the Licensed Professional Engineer or Land Surveyor Representative; and

•Mr. John T. DeBell as the Licensed Professional Engineer or Land Surveyor Representative.

The motion, the second to which was inaudible, carried by unanimous vote.

ATHLETIC COUNCIL

Supervisor Hanley moved the appointment of Mr. Richard Sullivan to fill the unexpired term of Ms. Joanne Malone as the Providence District (Principal) Representative and Mr. Craig Sharon as the Providence District (Alternate) Representative to the Athletic Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Karl Spinnenweber as the Sully District (Principal) Representative to the Athletic Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Barbara O'Brien as the Mount Vernon District (Principal) Representative to the Athletic Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Leonard Stevens as the Mount Vernon District (Alternate) Representative to the Athletic Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

[NOTE: The appointments of the Sully District (Alternate), the Hunter Mill District (Principal & Alternate), the Dranesville District (Principal & Alternate) Representatives to the Athletic Council were deferred.]

BOARD OF BUILDING CODE APPEALS - HOUSING HYGIENE

DIVISION

Supervisor Trapnell moved the reappointment of Ms. Marilyn Finley as the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Alexander moved the reappointment of Mr. Roger Woodward as the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Mary A. Innis as the At-Large Representative to the Board of Building Code Appeals - Housing Hygiene Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

BOARD OF BUILDING CODE APPEALS - TECHNICAL

DIVISION

Supervisor Hanley moved the reappointment of Mr. William Hotaling as the At-Large (Civil Engineer) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hanley moved the reappointment of Mr. Marvin Cantor as the At-Large (Licensed Architect) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Thomas Schroeder as the At-Large (Builder Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Marvin Dizenfeld as the At-Large (Engineer Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Chairman Davis and carried by unanimous vote.

Chairman Davis moved the appointment of Mr. James White as the At-Large Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Alexander moved the reappointment of Mr. John Kelso as the At-Large (Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

CREATION OF AN ADDITIONAL AT-LARGE ALTERNATE POSITION ON THE BOARD OF BUILDING CODE APPEALS - TECHNICAL DIVISION

Chairman Davis announced that he had been informed by the County Attorney's Office that the creation of an additional At-Large (Alternate) seat on the Board of Building Code Appeals - Technical Division would be permissible.

Accordingly, Supervisor McConnell moved that the Board create an additional At-Large (Alternate) seat on the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. Thomas Dodd as the At-Large (Alternate) Representative to the Board of Building Code Appeals - Technical Division. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to contact Mr. John Tallia and the

Northern Virginia Builders and Industry Association (NVBIA) regarding an appointee for the At-Large Builder Representative. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

[NOTE: The appointment of the At-Large (Builder) Representative to the Board of Building Code Appeals - Technical Division was deferred.]

CHILD CARE ADVISORY COUNCIL

Supervisor Frey moved the appointment of Ms. Elizabeth Book as the Sully District Representative to the Child Care Advisory Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Bulova moved the appointment of Ms. Janet Reimer as the Braddock District Representative to the Child Care Advisory Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Berger moved the appointment of Ms. Joyce Sutcliffe as the Dranesville District Representative to the Child Care Advisory Council. This motion was seconded by Chairman Davis and carried by unanimous vote.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Dix moved the reappointment of Ms. Marcia McDevitt as the Hunter Mill District Representative to the Community Action Advisory Board. This motion was seconded by Chairman Davis and carried by unanimous vote.

COMMUNITY CORRECTIONS RESOURCES BOARD

Chairman Davis moved the appointment of Mr. Toa Q. Do as the At-Large Representative to the Community Corrections Resources Board. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

COMMUNITY IMPROVEMENT COMMITTEE

Supervisor Bulova moved the appointment of Ms. Eddymarie McCoy as the Braddock District Representative to the Community Improvement Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Alexander moved the reappointment of Mr. Vernon Moore as the Lee District Representative to the Community Improvement Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Trapnell moved the appointment of Ms. Joanne Austrander as the At-Large Representative to the Community Improvement Committee. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

(NOTE: The appointments of the Springfield and the Dranesville District Representatives to the Community Improvement Committee were deferred.)

COUNTYWIDE TRAILS COMMITTEE

Supervisor Alexander moved the reappointment of Mr. Peter Dudley as the Lee District Representative to the Countywide Trails Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hanley moved the appointment of Mr. Ronald G. Lord as the Providence District Representative to the Countywide Trails Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Berger moved the appointment of Ms. Margaret-Leigh Eldridge as the Dranesville District Representative to the Countywide Trails Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Samuel Moore as the Braddock District Representative to the Countywide Trails Committee. This motion was seconded by Chairman Davis and carried by unanimous vote.

Chairman Davis moved the appointment of Mr. Alvin C. Steele as the At-Large Representative to the Countywide Trails Committee. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

(NOTE: The appointments of the Springfield and the Sully District Representatives to the Countywide Trails Committee were deferred.)

CRIMINAL JUSTICE ADVISORY BOARD

(NOTE: The appointment of the Lee District Representative to the Criminal Justice Advisory Board was deferred.)

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATIONS

Supervisor Hyland moved that the Board confirm the following appointments to the Engineering Standards Review Committee:

- Mr. James Brown, Jr. as the Fairfax County Federation of Citizens Association Representative; and
- Ms. Gloria T. Fisher as the Northern Virginia Soil and Water Conservation District Representative.

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor McConnell moved the appointment of Mr. Robert Krajewski as the Springfield District Representative to the Environmental Quality Advisory Council. This motion was seconded by Supervisor Frey and carried by unanimous vote.

EROSION AND SEDIMENT CONTROL REVIEW BOARD

Supervisor Hanley moved the reappointment of Ms. Grace Dubas as the At-Large (Citizen/Resident of Fairfax County/Alternate) Representative to the Erosion and Sediment Control Review Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Chairman Davis moved the appointment of Mr. Wen Huang as the At-Large (Citizen/Resident of Fairfax County/Alternate) Representative to the Erosion and Sediment Control Review Board. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Berger moved the appointment of Ms. Elaine Stump as the At-Large (Business Community) Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor McConnell.

Chairman Davis moved the appointment of Mr. Thomas Ahart as the At-Large (Business Community) Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Frey.

Following discussion, Supervisor Berger moved that the Board defer the appointment of the At-Large (Business Community) Representative to the Fairfax Area Disability Services Board until later in the meeting. The motion, the second to which was inaudible, carried by unanimous vote.

(NOTE: Later in the meeting, no action was taken by the Board on this appointment.)

FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE

CONFIRMATION

Supervisor Alexander moved that the Board confirm the following appointment to the Fairfax County Airports Advisory Committee:

•Mr. David Edwards as the Fairfax County Chamber of Commerce Representative.

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

(NOTE: The appointments of the Dranesville and the Hunter Mill District Representatives to the Fairfax County Airports Advisory Committee were deferred.)

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Hyland moved the appointment of Mr. Brian Krizek as an At-Large Representative to the Fairfax/Falls Church Community Services Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Dix moved the appointment of Ms. Sarah Escowitz as an At-Large Representative to the Fairfax/Falls Church Community Services Board. The seconder to this motion was inaudible. The question was called on the motion which carried by unanimous vote.

(NOTE: The appointment of the Springfield District Representative to the Fairfax/Falls Church Community Services Board was deferred.)

FAXFAIR CORPORATION BOARD

Supervisor Bulova moved the reappointment of Mr. Thomas White as the At-Large Representative to the Faxfair Corporation Board.

Following discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to determine

whether there is a limit to the number of terms an appointee may serve on the Faxfair Corporation Board and whether Mr. White is eligible for reappointment. Without objection, it was so ordered.

(NOTE: Later in the meeting, following the appointments to the Small and Disadvantaged Business Commission, it was announced that Mr. White is not eligible for reappointment to the Faxfair Corporation Board. See Page 13 of the Clerk's Board Summary.)

GEOTECHNICAL REVIEW BOARD

CONFIRMATIONS

Supervisor Alexander moved that the Board confirm the following appointments to the Geotechnical Review Board:

- Mr. Edward DeSantis as the American Society of Civil Engineers (Principal) Representative; and
- Mr. Emad E. Saadeh as the Virginia Society of Professional Engineers (Alternate) Representative.

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

JUVENILE COURT CITIZEN ADVISORY COUNCIL

Supervisor Frey moved the appointment of Mr. Bobby Brady as the Sully District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Supervisor Dix moved the reappointment of Mr. Robert Hill as the Hunter Mill District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Jane Abel as the Mount Vernon District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis moved the reappointment of Ms. Kelly Mullins as the At-Large Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

LIBRARY BOARD

(NOTE: Later in the meeting, an appointment was made to the Library Board. See Page 15 of the Clerk's Board Summary.)

MECHANICAL ADVISORY AND LICENSING BOARD

Chairman Davis moved the reappointment of Mr. Richard Smith as the At-Large (Master Mechanic) Representative to the Mechanical Advisory and Licensing Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. Charles Kern as the At-Large (Master Mechanic) Representative to the Mechanical Advisory and Licensing Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. Richard Dillard as the At-Large (Mechanical Engineer) Representative to the Mechanical Advisory and Licensing Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Stephen Forehand as the At-Large (Resident) Representative to the Mechanical Advisory and Licensing Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

[NOTE: The appointment of the At-Large (Master Mechanic) Representative to the Mechanical Advisory and Licensing Board was deferred.]

PROJECT SELECTION COMMITTEE

(NOTE: The appointment of the Springfield District Representative to the Project Selection Committee was deferred.)

ROAD VIEWERS BOARD

Supervisor Hanley moved the reappointment of Ms. Nancy Ruff as an At-Large Representative to the Road Viewers Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

(NOTE: The appointment of another At-Large Representative to the Road Viewers Board was deferred.)

SMALL AND DISADVANTAGED BUSINESS COMMISSION

Supervisor Frey moved the appointment of Mr. Jim Smith as the Sully District Representative to the Small and Disadvantaged Business Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

ADDITIONAL ACTION REGARDING THE FAXFAIR

CORPORATION BOARD

(NOTE: Earlier in the meeting, during the appointments to the Faxfair Corporation Board, the Board requested additional information regarding the reappointment of Mr. White. See Page 11 of the Clerk's Board Summary.)

Chairman Davis stated that staff had determined that Mr. "Bo" White is not eligible for reappointment to the Faxfair Corporation Board. Accordingly, Chairman Davis relinquished the Chair to Vice- Chairman McConnell and asked unanimous consent that the Board direct staff to place this appointment on the Board's agenda for its meeting scheduled for February 22, 1993. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

SUPPLEMENTAL RETIREMENT SYSTEM BOARD OF TRUSTEES

Chairman Davis moved the appointment of Mr. David Huddleston as an At-Large Representative to the Supplemental Retirement System Board of Trustees. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

TENANT LANDLORD COMMISSION

Supervisor Hyland moved the reappointment of Mr. William Castro as an At-Large (Citizen) Representative to the Tenant Landlord Commission. This motion was seconded by Chairman Davis and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. Richard Ahuja as the At-Large (Citizen) Representative to the Tenant Landlord Commission. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. John Hartigan as the At-Large (Tenant) Representative to the Tenant Landlord Commission. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Chairman Davis moved the appointment of Mr. Joseph Johnson as the At-Large (Landlord) Representative to the Tenant Landlord Commission. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

[NOTE: The appointment of another At-Large (Citizen) Representative to the Tenant Landlord Commission was deferred.]

TRANSPORTATION SAFETY COMMISSION

(NOTE: The appointment of the At-Large Representative to the Transportation Safety Commission was deferred.)

TREE COMMISSION

CONFIRMATION

Supervisor Alexander moved that the Board confirm the following appointment to the Tree Commission:

- Mr. Clarence Faulkner to fill the unexpired term of Mr. Neil Stout as the Environmental Quality Advisory Council Representative.

(NOTE: The appointments of the Springfield and the Mason District Representatives to the Tree Commission were deferred.)

AD-HOCS

CITIZENS ADVISORY COMMITTEE ON SOLID WASTE

AND DISPOSAL MATTERS

Supervisor Trapnell moved the appointment of Ms. Helen Tidball as the Mason District (Principal) Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Berger moved the appointment of Mr. Gary Baise to fill the unexpired term of Ms. Patricia Franklin as the Dranesville District Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters. This motion was seconded by Chairman Davis and carried by unanimous vote.

CONFIRMATIONS

Supervisor Hyland moved that the Board confirm the following appointments to the Citizens Advisory Committee on Solid Waste and Disposal Matters:

- Ms. Linda Maier to fill the unexpired term of Mr. Paul Coury as the Rainbow Waste Industries Association (Alternate) Representative; and
- Mr. William Thomson to fill the unexpired term of Mr. Dewey Bond as the Environmental Quality Advisory Council (EQAC) Representative.

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

(NOTE: The appointment of the Springfield District Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters was deferred.)

EMPLOYER CHILD CARE COUNCIL

CONFIRMATION

Supervisor Hyland moved that the Board confirm the following appointment to the Employer Child Care Council:

- Ms. Janice E. Garlitz to fill the unexpired term of Ms. Melanie Reilly as the Legal Representative.

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

MINORITY UPWARD MOBILITY AND RETENTION IN FAIRFAX

COUNTY GOVERNMENT COMMITTEE

(NOTE: The appointment of the Sully District Representative to the Minority Upward Mobility & Retention in Fairfax County Government Committee was deferred.)

UPPER HOLMES RUN ENVIRONMENTAL MONITORING

ADVISORY COMMITTEE

Supervisor Trapnell stated, for the record, that she chooses not to fill the position for the Mason District (Alternate) Representative to the Upper Holmes Run Environmental Monitoring Advisory Committee at this time.

(NOTE: The appointments of the Dunn Loring Improvement Association Representative and the Holmes Run Acres Civic Association Representative to the Upper Holmes Run Environmental Monitoring Advisory Committee were deferred.)

LIBRARY BOARD

Supervisor Bulova moved the appointment of Mr. Charles Fagan to fill the unexpired term of Mr. Jerry E. Jones as the Braddock District Representative to the Library Board. This motion was seconded by Chairman Davis and carried by unanimous vote.

BOARD MATTER

9.RECOGNITION OF KATHY MCKAY, ASSISTANT COUNTY

ATTORNEY (Tape 3)

David Bobzien, County Attorney, recognized the presence in the Board Room of Kathy McKay, Assistant County Attorney. He announced that the General Assembly has selected Ms. McKay to fill the newly-created seat on the Juvenile Domestic Relations Court.

Chairman Davis congratulated Ms. McKay on her new position.

Supervisor Alexander moved that the Board formally commend Ms. McKay on her newly-appointed position and express its appreciation for her years of service to Fairfax County government. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

10.ADMINISTRATIVE ITEMS (Tape 3)

Supervisor McConnell moved approval of the Administrative Items. This motion was seconded by Supervisor Bulova.

Supervisor Hyland called the Board's attention to Administrative Item Three - Authorization to Advertise Proposed Revision to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Supplemental Retirement System), Regarding Exclusion of Overtime from Creditable Compensation. He asked that this item be pulled and considered separately, and this was accepted.

Chairman Davis called the Board's attention to Administrative Item Four - Authorization to Advertise Proposed Revision to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Supplemental Retirement System), Article

3 (Uniformed Retirement System) and Article 7 (Police Retirement System), Regarding Negation of Effect on Retirement Benefits of Merit Increment Deferrals. He relinquished the Chair to Vice-Chairman McConnell and asked that this item be pulled and considered separately, and this was accepted.

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

(NOTE: Action on Administrative Items Three and Four was taken immediately following the approval of the Administrative Items. See Clerk's Summary Items CL#11 and CL#12.)

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM

(DRANESVILLE AND SULLY DISTRICTS)

(R)Approved the request that certain streets listed in the Memorandum to the Board dated February 8, 1993 be recommended for acceptance into the State Secondary System.

ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION

FOR SPECIAL EXCEPTION APPLICATION SE 90-P-057

(LONNIE D. GADDY, JR. AND SHIRLENE C. GADDY)

(SULLY DISTRICT)

(AT)Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 90-P-057 until **August 5, 1994** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 - AUTHORIZATION TO ADVERTISE PROPOSED

REVISION TO THE CODE OF THE COUNTY OF FAIRFAX,

CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2

(SUPPLEMENTAL RETIREMENT SYSTEM), REGARDING

EXCLUSION OF OVERTIME FROM CREDITABLE

COMPENSATION

(NOTE: Action on Administrative Item Three was taken immediately following the approval of the Administrative Items. See Clerk's Summary Item CL#11.)

ADMIN 4 - AUTHORIZATION TO ADVERTISE PROPOSED REVISIONS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (SUPPLEMENTAL RETIREMENT SYSTEM), ARTICLE 3 (UNIFORMED RETIREMENT SYSTEM), AND ARTICLE 7 (POLICE RETIREMENT SYSTEM), REGARDING NEGATION OF EFFECT ON RETIREMENT BENEFITS OF MERIT INCREMENT DEFERRALS

(NOTE: Action on Administrative Item Four was taken immediately following the approval of the Administrative Items. See Clerk's Summary Item CL#12.)

11. ADMIN 3 - AUTHORIZATION TO ADVERTISE PROPOSED REVISION TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (SUPPLEMENTAL RETIREMENT SYSTEM), REGARDING EXCLUSION OF OVERTIME FROM CREDITABLE COMPENSATION (Tape 3)

(A)Following a brief question-and-answer period, with input from Don A. McCorry, Retirement Administrator, Retirement Administration Agency, Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the advertisement of a public hearing to be held before the Board of Supervisors on **March 8, 1993 at 4:00 p.m.** on a proposed revision to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Supplemental Retirement System)

regarding the exclusion of overtime from creditable compensation. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

12.ADMIN 4 - AUTHORIZATION TO ADVERTISE PROPOSED REVISIONS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2 (SUPPLEMENTAL RETIREMENT SYSTEM), ARTICLE 3 (UNIFORMED RETIREMENT SYSTEM), AND ARTICLE 7 (POLICE RETIREMENT SYSTEM), REGARDING NEGATION OF EFFECT ON RETIREMENT BENEFITS OF MERIT INCREMENT DEFERRALS (Tape 3)

(A)Following a brief discussion, Supervisor Alexander moved that the Board concur in the recommendation of staff and authorize the advertisement of a public hearing to be held before the Board of Supervisors on **March 8, 1993 at 4:00 p.m.** on proposed revisions to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2 (Supplemental Retirement System), Article 3 (Uniformed Retirement System), and Article 7 (Police Retirement System), regarding the negation effect on retirement benefits of merit increment deferrals. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

SBE:sbe

13.A-1 - BOARD APPROVAL OF THE COUNTY'S PRIVATIZATION EFFORTS ON FLEET MAINTENANCE AND OPTIONS FOR DISPLACED EMPLOYEES (Tape 4)

Prior to leaving the Board Room to attend to business in the Board's Conference Room, Chairman Davis relinquished the Chair to Vice-Chairman McConnell.

Supervisor Dix asked unanimous consent that the Board defer its action on **Action Item One - Board Approval of the County's Privatization Efforts on Fleet Maintenance and Options for Displaced Employees** until later in the meeting when

the appropriate staff would be present in the Board Room to respond to specific questions regarding the operations of the Equipment Management Transportation Agency (EMTA). Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on this issue. See Clerk's Summary Item CL#15.)

14.A-2 - AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE PRIVATE OPERATION OF BUS SERVICE IN THE DULLES/RESTON/HERNDON CORRIDOR (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS) (Tape 4)

Supervisor Alexander moved that the Board concur in the recommendation of staff and:

- Authorize the issuance of a Request for Proposal (RFP), as contained in Attachment One of the Memorandum to the Board dated February 8, 1993, for the potential private operation of bus service in the Dulles/Reston/Herndon Corridor; and
- Direct staff, at the conclusion of the procurement process, to report to the Board with a recommendation regarding the contract award based on an analysis of potential savings compared with current Washington Metropolitan Area Transit Authority (WMATA) costs.

This motion was seconded by Supervisor Hyland.

Following discussion, with input from Christopher W. Jenks, Planner, Transit Operations Division, Office of Transportation, Supervisor Frey moved to amend the motion that the Board direct staff to investigate whether the County could recoup any of its capital investments made to the Metrobus system, which includes the possibility of retaining the ownership of some of the buses. This motion was seconded by Vice-Chairman McConnell.

Supervisor Alexander **WITHDREW** his motion to concur in the recommendation of staff.

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

Supervisor Frey moved his amendment as a motion that the Board direct staff to investigate whether the County could recoup any of its capital investments made to the Metrobus system, which includes the possibility of retaining the ownership of some of the buses. This motion was seconded by Supervisor McConnell.

Following further discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Frey clarified his amendment that the Board direct staff to explore any and all possibilities for saving the County money, and this clarification was accepted.

Supervisor Dix called to the Board's attention the fact that there has been inaccurate accounts of this issue in the press and that misrepresented information, in the form of flyers, has been distributed to bus riders. He asked unanimous consent that the Board request its representatives to the Metro Board to deal with this matter by reporting to the users that this proposal is not to reduce the available service to the public, that the County is simply looking at other potential service providers in an effort to economize. Without objection, it was so ordered.

For the record, Supervisor Dix clarified that the intent of this proposal is to provide the same level of service, as currently provided on Routes 5A through 5J, 5N, 5P, 5S, 5W, 5Y, and 5Z, at a lower cost to the County. The County replacement service would operate over the same routes, schedules, hours of service, and days of service as the current Metrobus service. In addition, the fare structure would remain the same and the provision of the same service at lower cost could assist the County in dealing with its current budgetary limitations. This proposal is not to reduce the available service to the public; the County is simply looking at other potential service providers in an effort to economize.

Supervisor Alexander reintroduced his previous motion that the Board concur in the recommendation of staff and:

- Authorize the issuance of a Request for Proposal (RFP), as contained in Attachment One of the Memorandum to the Board dated February 8, 1993, for the potential private operation of bus service in the Dulles/Reston/Herndon Corridor; and
- Direct staff, at the conclusion of the procurement process, to report to the Board with a recommendation regarding the contract award based on an analysis of potential savings compared with current Washington Metropolitan Area Transit Authority (WMATA) costs.

This motion was seconded by Supervisor Hyland.

Supervisor Frey asked that the motion be amended to include that the Board direct staff to explore any and all possibilities for saving the County money and report its findings to the Board, and this was accepted.

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

**15.A-1 - BOARD APPROVAL OF THE COUNTY'S PRIVATIZATION
EFFORTS ON FLEET MAINTENANCE AND OPTIONS FOR
DISPLACED EMPLOYEES (Tapes 4-5)**

(Verbatim)

[NOTE: Earlier in the meeting, action was deferred on **Action Item One - Board Approval of the County's Privatization Efforts on Fleet Maintenance and Options for Displaced Employees** until later in the meeting when the appropriate staff would be present in the Board Room to respond to specific questions regarding the operations of the Equipment Management Transportation Agency (EMTA). See Clerk's Summary Item CL#13.]

The following is only a brief synopsis of the actions taken. A verbatim transcript detailing the total discussion and question-and-answer period is being prepared and will be made available to interested individuals.

Chairman Davis recognized the presence of Harold Lewis, Sr., Employees Advisory Council (EAC) Representative for the Equipment Management Transportation Agency (EMTA), as well as other EMTA employees and he warmly welcomed them to the Board Room.

On behalf of EMTA employees, Mr. Lewis presented to Board Members a brief statement regarding the proposal to privatize the operations of EMTA.

Chairman Davis requested that all EMTA employees present in the Board Room stand and be recognized.

John W. diZerega, Director, Department of Public Works (DPW), gave a brief staff presentation.

For discussion purposes, Supervisor Berger placed the following motion on the floor: that the Board concur in the recommendation of staff and:

- Authorize staff to proceed to develop specifications for a solicitation for privatizing the EMTA West Ox Facility; and
- Adopt the recommendations of the Privatization Oversight Committee and staff for options for displaced employees as a result of the current privatization effort contained on Page 20 of the Memorandum to the Board, Items One through Three.

This motion was seconded by Supervisor McConnell.

An extensive question-and-answer period ensued among Board Members, with input from William J. Leidinger, County Executive; James D. Gorby, Director, EMTA; Fred K. Kramer, Director, Department of General Services; and Mr. diZerega.

Supervisor Dix asked unanimous consent that the Board direct staff to ensure that the following issues are clearly articulated in the contract specifications:

- What would be the County's liability responsibility for the vehicles?;
- How would the issue of abuse and neglect be determined?; and
- What would be the criteria for a private contractor to use "used" parts?

Without objection, it was so ordered.

Following discussion, Supervisor Berger moved to call the question; however, the Chair ruled that all Board Members had not yet had an opportunity to comment.

After further discussion, it was clarified that today's Board action would only direct staff to proceed with the specifications and to develop the Request for Proposal (RFP). Once completed, staff will report to the Board for approval of the specifications and authorization to advertise the RFP.

Supervisor Hyland asked unanimous consent that the Board direct staff to report with the following:

- Whether an agreement could be obtained from the Fairfax County Public Schools (FCPS) to continue to service their vehicles by a private contractor; and

•An analysis, conducted by the consultant, comparing both the negative and positive experiences of other jurisdictions throughout the country that have privatized this area.

Regarding the request for an analysis to be conducted by the consultant, Mr. diZerega pointed out that this is not included in the present scope of the consultant contract. He stated that staff would determine how much detail could be provided without expanding the scope of the present contract and report the findings.

Regarding the request for an agreement with the FCPS, Mr. diZerega stated that the FCPS is an active participant on the Privatization Action Team. He stated that prior to the advertisement of the RFP, staff would obtain a formal endorsement.

Without objection, it was so ordered.

Following further discussion among Board Members, with input from Mr. Leiding, Supervisor Hanley moved an amendment to the motion (Supervisor Berger), that the Board direct staff to include as an Option Four on Page 20 of the Memorandum to the Board, a provision in the contract specifications to retain EMTA's current employees for a trial period of one year and, at the end of the period, evaluate the operation to determine whether the system is working. This motion was seconded by Supervisor Hyland.

Following additional comments, with input from Mr. Gorby, the question was called on the motion which **FAILED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE.**"

The question was then called on the main motion (Supervisor Berger) which carried by unanimous vote.

16.A-3 - SUBMISSION OF FISCAL YEAR (FY) 1994 STATE

GRANT APPLICATION FOR MARKETING PROGRAM OF

RIDESHARING AND TRANSIT SERVICES (ALL DISTRICTS)

(Tape 5)

(R)On motion of Supervisor Hanley, seconded by Supervisor Alexander, 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 dated February 8, 1993, authorizing the submittal of a grant application, in the amount of

\$203,390, to the Virginia Department of Rail and Public Transportation (VDRPT) for the RIDESOURCES Marketing Program to include ridesharing and transit services for Fiscal Year (FY) 1994.

17.A-4 - APPLICATION FOR A FISCAL YEAR (FY) 1994

GRANT FROM THE VIRGINIA DEPARTMENT OF RAIL AND

PUBLIC TRANSPORTATION (VDRPT) FOR A PUBLIC

TRANSPORTATION APPRENTICE (ALL DISTRICTS) (Tape 5)

(R)On motion of Supervisor McConnell, seconded by Supervisor Alexander, 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 dated February 8, 1993, authorizing the submittal of a grant application for a Fiscal Year (FY) 1994 grant from the Virginia Department of Rail and Public Transportation (VDRPT) for a public transportation apprentice; and

- Authorized the Director of the Office of Transportation to take all necessary actions to apply for such grant funds.

18.A-5 - APPLICATION FOR A FISCAL YEAR (FY) 1994

TRANSPORTATION EFFICIENCY IMPROVEMENT FUND (TEIF)

GRANT FROM THE VIRGINIA DEPARTMENT OF RAIL AND

PUBLIC TRANSPORTATION (VDRPT) (ALL DISTRICTS)

(Tape 5)

(R)On motion of Supervisor Berger, seconded by Supervisor Alexander, 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 dated February 8, 1993, authorizing the submittal of a Transportation Efficiency Improvement Fund (TEIF) Fiscal Year (FY) 1994 grant application from the Virginia Department of Rail and Public Transportation (VDRPT) to implement a Transportation Demand Management (TDM) program at the County Government Center; and

- Authorized the Director of the Office of Transportation to seek endorsement for this project from the appropriate regional bodies and to take all necessary actions to apply for such grant funds.

19.A-6 - FAIRFAX COUNTY PUBLIC LIBRARY GRANT

APPLICATION TO THE UNITED STATES (U.S.)

DEPARTMENT OF EDUCATION, LSCA, TITLE V,

FOREIGN LANGUAGE MATERIALS PROGRAM (Tape 5)

On motion of Supervisor Trapnell, seconded by Supervisor Berger, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax County Public Library Grant Application to the United States (U.S.) Department of Education, LSCA, Title V, Foreign Language Materials Program, to purchase Spanish language materials.

20.A-7 - LAND ACQUISITION FOR MEMORIAL STREET

(WEST) NEIGHBORHOOD IMPROVEMENTS PROJECT

(LEE DISTRICT) (Tape 5)

(Rs)

(A)On motion of Supervisor Alexander, seconded by Chairman Davis, and carried by a unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolutions:

- Authorizing the purchase the necessary land rights for the Memorial Street (West) Neighborhood Improvements Project; and

- Authorizing the advertisement of the public hearing to be held before the Board of Supervisors on **March 8, 1993 at 4:00 p.m.** on the proposed acquisition.

21.A-8 - AUTHORIZATION TO ADVERTISE PROPOSED

AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX,

CHAPTER 112 (ZONING ORDINANCE), REGARDING MINOR

**ADDITIONS TO APPROVED REZONINGS, SPECIAL
EXCEPTIONS, AND SPECIAL PERMITS (Tape 5)**

(A)

(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 authorizing the advertisement of a public hearing to be held before the Planning Commission on March 4, 1993 and before the Board of Supervisors on **March 22, 1993 at 3:30 p.m.** on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding minor additions to approved Rezoning, Special Exceptions, and Special Permits.

22.A-9 - FAIRFAX COUNTY TESTIMONY ON PROPOSED

VIRGINIA UNIFORM STATEWIDE BUILDING CODE

(VUSBC) REGULATIONS REGARDING BUNGEE JUMPING

FROM CRANES AND OTHER STRUCTURES (Tape 5)

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

- Endorsed the written comments of staff regarding whether the Commonwealth of Virginia Board of Housing and Community Development (VBHCD) should adopt regulations permitting bungee jumping from structures, including cranes and hot air balloons; and

- Authorized staff to forward the written comments to VBHCD which:

- *Oppose the enactment of legislation to permit bungee jumping from cranes unless the crane is specifically designed for this use;

- *Request that the legislation specify that bungee jumping from hot air balloons is prohibited; and

- *Support legislation to permit bungee jumping from other structures designed especially for that activity and subject to certain specific site and safety-related conditions.

23.A-10 - AUTHORIZATION FOR THE DISTRICT HOME BOARD TO PROCEED TO APPLY FOR REZONING OF PROPERTY OWNED BY MEMBER JURISDICTIONS IN WARRENTON, VIRGINIA (Tape 5)

Supervisor Hanley moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the application for the District Home Board to proceed to apply for a rezoning of property (the old District Nursing Home site) that is for sale in Warrenton, Virginia. The participating jurisdictions of the District Home Board own the property in Warrenton. The second to this motion was inaudible.

Following discussion, with input from Verdia L. Haywood, Deputy County Executive for Human Services, the question was called on the motion which carried by unanimous vote.

24.A-11 - PROPOSED COUNTY COMMENTS IN FEDERAL COMMUNICATIONS COMMISSION (FCC) RATE REGULATION RULE MAKING PROCEEDING (Tape 5)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the proposed comments to be filed in the Federal Communications Commission's (FCC) current rate regulation rule making proceeding. The second to this motion was inaudible.

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

25.I-1 - FINAL REPORT OF THE PLANNING AND DEVELOPMENT PROCESS REDESIGN COMMITTEE DELEGATED TO EXAMINE GAPS AND OVERLAPS IN FIRE SAFETY REVIEW (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to implement the six initiatives outlined below and further detailed in the Board Package regarding the recommendations of the Planning and Development Process Redesign Committee delegated to examine the gaps and overlaps in the Fire Safety Review:

1. Eliminate the duplicate review of certain items which are now jointly reviewed by the Division of Inspection Services of the Department of Environmental Management (DEM) and Fire Prevention Division of the Fire and Rescue Department (FRD);
2. Eliminate the Fire Prevention Division's review of building plans for residential townhouse construction (the Division of Inspection Services will retain exclusive review of townhouse plans and will coordinate with the Fire Prevention Division to ensure that all issues are addressed);
3. Eliminate the transportation of new building plans to the Fire Prevention Division for review (review all building plans at 12055 Government Center Parkway);
4. Delegate to the Division of Inspection Services' Plumbing Inspectors the responsibility of ensuring that a purity test of medical gas systems has been performed (currently this function is assigned to the Fire Prevention Division);
5. Delegate to the Fire Prevention Division the responsibility to require that cross connection devices are installed on fire suppression system piping (currently this function is performed by the Division of Inspection Services' Plumbing Inspectors); and
6. Schedule bi-weekly coordination meetings between the Division of Inspection Services and the Fire Prevention Division to continue the communication and cooperation between the agencies (the Division of Design Review of DEM will attend on an as-needed basis).

Following discussion, with input from Irving Birmingham, Director, DEM, the staff was directed administratively to proceed as proposed.

26.I-2 - COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 presenting the press release regarding the compliance with the Americans with Disabilities Act (ADA).

27.I-3 - STATUS REPORT - MANDATORY CURBSIDE

COLLECTION OF PLASTICS (COUNTYWIDE) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993:

- Presenting a status report on the mandatory curbside collection of plastics;
- Authorizing staff to continue to implement the program, as previously approved by the Board of Supervisors, including the voluntary plastics program outlined in the Board Package; and
- Authorizing staff to continue to monitor the plastics market and continue to pursue additional end market opportunities for the recycling of plastics in Northern Virginia and, when the situation warrants, to report to the Board with appropriate recommendations.

The staff was directed administratively to proceed as proposed.

**28.I-4 - CONTRACT AWARD - CONSTRUCTION OF A TOT LOT,
PLAYGROUND, MULTI-USE COURT, PICNIC AREA, OPEN
PLAY AREA, TRAILS, FITNESS COURSE, CUL-DE-SAC
AND RELATED WORK AT HUNTSMAN PARK (SPRINGFIELD
DISTRICT) (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to award a contract to Rock Hard Excavating of Fairfax Station, Virginia, in the amount of \$373,657, for the construction of a tot lot, playground, multi-use court, picnic area, open play area, trails, fitness course, cul-de-sac, and related work at Huntsman Park, Springfield District.

The staff was directed administratively to proceed as proposed.

**29.I-5 - CONTRACT AWARD - BACKLICK RUN SANITARY
SEWER RELOCATION (MASON AND LEE DISTRICTS)
(Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to award a contract to R.L. Rider and Company, in the amount of \$181,845, for the Backlick Run sanitary sewer relocation, Mason and Lee Districts.

The staff was directed administratively to proceed as proposed.

30.I-6 - CONTRACT AWARD - RED ROOF INN SANITARY

SEWER LINE RELOCATION (MOUNT VERNON DISTRICT)

(Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to award a contract to R.L. Rider and Company, in the amount of \$541,521, for the Red Roof Inn sanitary sewer line relocation, Mount Vernon District.

The staff was directed administratively to proceed as proposed.

31.I-7 - CONTRACT AWARD - NEW ALEXANDRIA PHASE II,

WEST WATERSHED (MOUNT VERNON DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to award a contract to S.J. Bell Construction Company, Incorporated, in the amount of \$903,493, for the New Alexandria Phase II, West Watershed, Mount Vernon District.

The staff was directed administratively to proceed as proposed.

32.I-8 - CONTRACT AWARD - DEMOLITION OF HOUSES

AT 12392, 12396, 12400 CAISSON ROAD; 12405

CANNONBALL ROAD; AND 6300 KARMICH STREET

(SULLY AND SPRINGFIELD DISTRICTS) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to proceed to award a contract to Finley Paving, Incorporated, in the amount of \$39,900, for the demolition

of houses at 12392, 12396, 12400 Caisson Road; 12405 Cannonball Road; and 6300 Karmich Street, Sully and Springfield Districts.

Following brief discussion, the staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, there was additional action taken by the Board on this matter. See Clerk's Summary Item CL#71.)

**33.I-9 - CONTRACT MODIFICATION -- ADDITIONAL
CONSULTING SERVICES FROM JAMES MARTIN AND
COMPANY TO ASSIST IN COMPLETION OF COMPUTER
SYSTEMS DEVELOPMENT WORK IN SUPPORT OF HUMAN
SERVICES INTAKE REDESIGN IMPLEMENTATION (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for the Purchasing Agent to proceed with the negotiation and award of the additional contract services, not to exceed \$497,408, to James Martin and Company to assist in the completing of computer systems development work in support of the Human Services Intake Redesign Implementation.

Following brief discussion, the staff was directed administratively to proceed as proposed.

**34.I-10 - AUTHORIZATION TO EXTEND HOUSING TRUST
FUND FLOAT TO THE FAIRFAX COUNTY REDEVELOPMENT
AND HOUSING AUTHORITY (FCRHA) FOR STONEGATE
VILLAGE APARTMENTS (HUNTER MILL DISTRICT) (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated February 8, 1993 requesting authorization for staff to extend the Housing Trust Fund (HTF) Float to the Fairfax County Redevelopment and Housing Authority (FCRHA) for the Stonegate Village Apartments, Hunter Mill District.

Following brief discussion, the staff was directed administratively to proceed as proposed.

VW:vw

**35.REQUEST TO INCLUDE A RELIGIOUS PRAYER AT THE
BEGINNING OF EACH BOARD OF SUPERVISORS' MEETING**

(Tape 6)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board open each meeting with a religious prayer, in addition to its Moment of Silent Meditation. He called to the Board's attention that other local jurisdictions, such as Prince William and Loudoun Counties, as well as the Senate and House Sessions of the General Assembly, practice this procedure.

Supervisor Hyland asked that the request be amended to refer this issue to the County Attorney for his review to ensure that the Board does has the authority to conduct religious prayer, and this was accepted.

Without objection, the amended request was so ordered.

**36.REQUEST THAT THE BOARD OF ZONING APPEALS (BZA)
BE PERMITTED USE OF THE NEW GOVERNMENT CENTER
(NGC) BOARD ROOM TO CONDUCT PUBLIC HEARINGS**

(Tape 6)

Supervisor Davis distributed to Board Members copies of a letter that he had received from the Board of Zoning Appeals (BZA) requesting the use of the New Government Center (NGC) Board Room to conduct its public hearings. Currently, the BZA conducts its public hearings at the Massey Building. He called to the Board's attention the fact that when the BZA was originally invited to conduct its public hearings at the NGC, the BZA voted specifically to remain at the Massey Building.

Unfortunately, Supervisor Davis stated that the BZA had advertised the NGC as the location of its next scheduled meeting instead of the Massey Building. From a legal point of view, he stated that the BZA should be permitted to conduct this advertised meeting, scheduled for February 9, 1993, at the NGC. However, whether future BZA

meetings should be conducted at the NGC should be addressed at a later meeting. In addition, Supervisor Davis pointed out that the BZA meetings are conducted on Tuesdays and Thursdays which will be in conflict with the Board of Supervisors' budget public hearings and the Planning Commission's public hearings.

Accordingly, Supervisor Davis moved that the Board permit the BZA to conduct its public hearings, advertised for February 9, 1993, at the NGC; however, defer decision on whether the BZA should permanently conduct its meetings at the NGC until a later date. This motion was seconded by Vice-Chairman McConnell and **CARRIED** by a recorded vote of nine, Supervisor Hanley abstaining.

Supervisor Hanley asked unanimous consent that the Board direct staff to report on what the costs are for the BZA staff to commute to the Massey Building for its meetings.

Supervisor Davis asked that the request be amended to include any additional costs for the relocation of the meetings to the NGC, and this was accepted.

Without objection, the amended request was so ordered.

37. WAIVING TAXPAYER PENALTIES AND INTEREST

IN CERTAIN INSTANCES (Tape 6)

Supervisor Davis distributed to Board Members information regarding waiving taxpayer penalties and interest in certain instances. He stated that his office has recently reviewed a number of complaints from taxpayers who feel they have been victimized by County procedures that result in the levying of penalties and interest against them.

Supervisor Davis stated that the County is required to collect huge amounts of personal property taxes on or by a single date established by state law and that this results in a rush of phone calls and correspondence involving corrections to tax records. In addition, personal property tax notices include a warning or disclaimer that taxpayers must pay their bill as received even if they request an adjustment because the County cannot guarantee issuing a prorated bill before the tax deadline.

Although citizens have a responsibility to notify the County in a timely manner when they dispose of a vehicle, at the same time the County must be held to some standard of accountability in deciding to levy penalties and interest for late payment of taxes.

Supervisor Davis called to the Board's attention a particular situation whereby a citizen, who upon receiving his tax bill this past October 23, 1992, immediately wrote to the County to advise that he had sold his car the previous July and should, therefore, receive a prorated bill. His correspondence, in effect, allowed the County approximately six weeks to reply. The citizen never thought that it would take longer than that to receive a corrected bill and pay it. Yet, his prorated bill was mailed by the County on December 16, arriving on December 23, and notifying him that he owed not only the prorated tax, but also penalty and interest. Supervisor Davis pointed out that this taxpayer is currently on assignment with the United States Military in England and, therefore, was unable to appear in person at County offices to resolve his tax problem.

Supervisor Davis stated that State law permits penalties and interest to be waived only when the taxpayer is not at fault or when the County is at fault. Had this taxpayer stalled or waited, or had he ignored the bill and then complained after the fact, the taxpayer would clearly be at fault for any delinquency. However, this taxpayer acted immediately upon receipt of his bill and showed due diligence in attempting to meet his tax obligation. Because it took nearly two months for him to receive a response, he is suffering the penalty for what is, in effect, the County's inability to respond in a timely manner.

Because the County needs to establish some reasonable standard of what citizens have a right to expect and receive when corresponding with the County on matters of this kind, Supervisor Davis moved that the Board refer this issue to the County Executive for his review with staff and to develop for the Office of Finance a standard for determining when the County's overall workload is responsible for a delay in responding to a taxpayer acting in good faith that results in a late payment and the imposition of penalty and interest.

38.FAIRFAX COUNTY PARTICIPATION IN THE VIRGINIA STATE

NON-ARBITRAGE PROGRAM (SNAP) (Tape 6)

Supervisor Davis stated that for the past several months, his office has been involved in a detailed examination of the Virginia State Non-Arbitrage Program (SNAP). He distributed to Board Members copies of the correspondence and reports he has received as a result of ongoing meetings and discussions with SNAP officials, officials of other jurisdictions in Virginia, and County staff.

The SNAP program would allow Fairfax County to invest its bond proceeds in a pool which has been joined by 132 other local governments, as well as the Commonwealth

of Virginia. Although Fairfax County originally participated in developing SNAP, ironically it stands almost alone as a non-participant among jurisdictions in Virginia that issue bonds.

Supervisor Davis stated that he is very concerned that the County's non-participation has cost the County financially because of the better rate of return it would have received from participation in the pool, as well as the staff and consultant expense it has incurred from attempting to manage its own portfolio. Even more disturbing is the fact that the County is extremely exposed and vulnerable to an Internal Revenue Service (IRS) audit, since the County is going its own way and runs the risk of being singled out for noncompliance with any technical record keeping and management requirements of Federal law.

Supervisor Davis requested Board Members to review the information that he distributed and announced his intent, at the next scheduled Board Meeting, to present a Consideration Item requesting the Board's approval of the County's participation in the SNAP Program. At the meeting, he stated that he will request that the SNAP Program Administrator be present to discuss the advantages offered by the program, as well as Frank O'Leary, Treasurer, Arlington County, who is a user and strong advocate of SNAP.

39.RECOMMENDATIONS ON BALANCE DUE TAX BILLS LESS

THAN \$5.00 (Tape 6)

Supervisor Davis stated that Board Members have recently raised questions regarding problems and costs related to collecting outstanding tax bills having a balance due of less than \$5.00. Aside from the nuisance factor involved with such bills, there is obviously a point where the cost of collecting exceeds the revenue that can be derived.

Supervisor Davis asked unanimous consent that the Board refer his comments regarding this issue to the County Executive for his review and recommendation.

Supervisor Hanley stated that at the Board of Supervisors' meeting held on January 25, 1993, she had called to the Board's attention a similar issue regarding penalties under the amount of \$5.00. She asked that the request be amended to include that the County Executive also address this issue concurrently with Supervisor Davis' recommendations, and this was accepted.

Without objection, the amended request was so ordered.

40.RELOCATION OF THE ASSESSMENT SATELLITE OFFICE

**AND THE PROPOSED EXPRESS LINE DURING THE
CONSTRUCTION OF THE PARKING GARAGE AT THE
MASSEY BUILDING COMPLEX (Tape 6)**

Supervisor Davis announced that the construction of the parking garage behind the Massey Building Complex is scheduled to begin on March 15, 1993. More than 300 parking spaces will be lost for up to 10 months in an area already short of available parking. There will be many large vehicles moving through the streets surrounding the Massey Building.

Supervisor Davis stated that he is very concerned with the safety of taxpayers and employees of the Public Safety Complex (Massey Building) and he believes that there will be a dangerous situation with the additional traffic and construction.

Accordingly, Supervisor Davis asked unanimous consent that the Board direct staff to investigate the possibility of relocating the satellite Assessment Office tax payment function and the proposed express line from the Massey Building Complex to the New Government Center (NGC) starting approximately mid-April 1993. He asked that notices be posted directing taxpayers to the NGC where there is adequate parking. Advertising can either not include the Massey Building Complex on the list of locations or can announce that this satellite location will be closed until mid-May 1993. Without objection, it was so ordered.

William J. Leidinger, County Executive, reported that staff is currently reviewing this matter and will respond in a timely manner. In addition, he stated that staff is also reviewing the development of an employee off-site parking plan to utilize the surplus parking available at the New Government Center (NGC) once the construction at the Massey Building Complex commences.

**41. FAIRFAX COUNTY PARK AUTHORITY TO ESTABLISH
CORPORATE FEES FOR USE OF RECREATIONAL FACILITIES
(Tape 6)**

Supervisor Davis stated that many new companies are moving to Fairfax County and their employees will be seeking recreational opportunities. He asked unanimous consent that the Board direct the Fairfax County Park Authority to review the establishment of a "corporate fee" structure so that these companies can offer their employees group memberships. He stated that this effort will not only provide the

Park Authority with greater participation in the facilities, but will also indicate to newcomers how welcomed they are in Fairfax County. Without objection, it was so ordered.

42.NOISE ABATEMENT PLAN FOR DULLES AIRPORT

(Tape 6)

Supervisor Davis stated that it has been called to his attention that a noise abatement plan for Dulles Airport has not been updated since 1985, before the Metropolitan Washington Airports Authority (MWAA) took over the National and Dulles Airports. He stated that it is not clear as to whether MWAA has updated that noise abatement plan according to the Federal Aviation Association (FAA) requirements.

Therefore, Supervisor Davis asked unanimous consent that the Board request staff to direct the following questions to the MWAA:

- What noise abatement plans does the MWAA have for both Dulles and National Airports?;
- Do these plans comply with FAA requirements?;
- What funding has the MWAA earmarked to implement these noise abatement plans?; and
- What time schedule has the MWAA adopted to implement these plans?

Supervisor Frey stated that it has been called to his attention that there is additional design work that has been done by Dulles Airport, either by the operational staff or by MWAA, and the location of the two new runways has been slightly shifted. He stated that it is enough of a location shift to impact proposed development in the area. He asked that the motion be amended to also direct staff to gather the latest information from the MWAA on the exact location of the two runways.

Without objection, the amended request was so ordered.

43.REQUEST TO ADVERTISE FAIRFAX COUNTY PROCUREMENTS

ON CHANNEL 16 (Tape 6)

Supervisor Davis stated that he is very concerned that the County make every effort to provide information and assistance that will benefit the Fairfax County business

community and believes that the County should be especially sensitive about notifying the business community about the opportunities to market their goods and services to the County government. He called to the Board Members' attention that Channel 16 would be an excellent medium for advertising County procurements because it is directed and limited to a Fairfax County audience. He stated that his office has discussed this issue with staff and has confirmed that the County does not presently broadcast County procurement notices on Channel 16.

Accordingly, Supervisor Davis moved that the Board direct the County Executive to further review his request with County staff and that he also submit to the Board a proposal for broadcasting current County procurements on Channel 16 at such times and frequencies to assure maximum public awareness of the information. This motion was seconded by Vice-Chairman McConnell and carried by unanimous vote.

44.COMMENTS BY THE STUDENT ADVISORY COMMITTEE REGARDING A FULL VOTING STUDENT MEMBER ON THE SCHOOL BOARD (Tape 6)

Supervisor Davis briefed Board Members that he had recently met with the Student Advisory Committee and one issue that had been discussed had been a request for a full voting student member on the School Board. He stated that he had discussed with the Student Advisory Committee the legal difficulties that this request will face in the General Assembly; however, he had informed them that he would share their comments with the Board. In addition, Supervisor Davis suggested that they contact individual Board Members to discuss their comments. He distributed to Board Members copies of a resolution from the Student Advisory Committee regarding their comments.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

45.UPDATE ON THE HUNTER MILL DISTRICT EDUCATION FORUM (Tape 6)

Supervisor Dix briefed Board Members on the success of the Hunter Mill District Education Forum held on Saturday, January 30, 1992 at the James Madison High School. He expressed his appreciation to all participants, Board Members, County officials, and County staff who had contributed to the success of the forum.

46.EVALUATION REQUESTED FOR OUT-OF-TURN PLAN

**AMENDMENT TO ALLOW OFFICE DEVELOPMENT FOR THE
WATERBRIDGE SQUARE TRACT (FORMER SMITH-BOWMAN
DISTILLERY TRACT) (Tape 6)**

Supervisor Dix announced that Sallie Mae (Student Loan Marketing Association) is negotiating to purchase a 31-acre tract of land in Reston currently known as the Waterbridge Square Tract (the former Smith-Bowman Distillery Tract), for the construction of a new Virginia headquarters complex. This complex will provide space for the consolidation of several student loan servicing and computer operations which are currently located in six leased facilities in Herndon. He stated that Sallie Mae is an outstanding corporate citizen and welcomes their relocation to Reston.

Supervisor Dix moved that the Board direct staff to:

- Evaluate an Out-of-Turn Plan Amendment to allow for office development up to .65 FAR (Floor-Area-Ratio) for the Waterbridge Square Tract (the former Smith-Bowman Distillery Tract); and
- Consider associated transportation improvements.

Supervisor Dix stated that this area is described as part of Land Unit D of the Reston-Herndon Suburban Center of the Area III Plan. This motion was seconded by Supervisor Berger and carried by unanimous vote.

**47. STAFF TO INVESTIGATE TEMPERATURE IN NEW GOVERNMENT
CENTER'S (NGC) PRESS ROOM (Tapes 6-7)**

Supervisor Dix stated that he had recently read an article in a local newspaper that there have been some complaints regarding the temperature in the New Government Center's (NGC) press room. He moved that the Board direct staff to investigate the temperature level and ensure that the room is maintained at a comfortable level. This motion was seconded by Chairman Davis and carried by unanimous vote.

PMH:pmh

**48. PRIORITIZING LIST OF TRANSPORTATION PROJECTS
TO BE SENT TO THE STATE (Tape 7)**

Supervisor Berger stated that President Clinton has announced a major emphasis on infrastructure projects in an attempt to help the economy and create jobs. He said that the intent of such a program will be to fund projects that can proceed with implementation immediately. He said that the State will be asked to submit a list of critical and ready to go projects.

Supervisor Berger said that there are several transportation projects that are ready to go and also meet the eligibility criteria for federal funding.

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

- Prepare a letter for the Chairman's signature to Secretary Milliken requesting that the County be involved in the process of identifying critical projects to insure that the County's interests are adequately represented; and
- "Keep on top of this issue" in their discussions with Secretary Milliken and the Virginia Department of Transportation (VDOT).

This motion was seconded by Chairman Davis.

Following discussion, Supervisor Hyland asked that the motion be amended to include coordinating any list that is sent to Richmond regarding the prioritization of projects with the Northern Virginia VDOT Representative, and this was accepted.

Following further discussion, with input from Chairman Davis, Supervisor Hyland also asked that the Fairfax County Parkway down to Route 1 be prioritized, and this was accepted.

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

49. APPROVAL OF THE TRANSPORTATION ADVISORY

COMMISSION'S (TAC) 1993 WORK PLAN (Tape 7)

As a result of the Transportation Subcommittee meeting held this morning, Supervisor Berger moved that the Board approve the Transportation Advisory Committee's (TAC) 1993 Work Plan. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor Dix being out of the room.

50. LONG LINES AT THE SATELLITE OFFICE OF ASSESSMENTS

LOCATED AT THE MCLEAN GOVERNMENTAL CENTER

(Tape 7)

Supervisor Berger expressed concern about the long lines at satellite Office of Assessments in the McLean Governmental Center. He asked unanimous consent that the Board direct staff to review this issue and determine if employees need to be reallocated to assist with the overload at the satellite offices. Without objection, it was so ordered.

Supervisor Hyland said that there was also difficulty in Mount Vernon District to meet the needs of food stamp recipients, as well as individuals who are trying to pay their taxes.

Chairman Davis noted that banks are employed to assist with the food stamp program.

Following discussion, with input from William J. Leidinger, County Executive, Supervisor Hanley asked unanimous consent that this issue be included for discussion during the budget process this year. Without objection, it was so ordered.

51.DISCUSSION REGARDING AN OUTSIDE MANAGEMENT

CONSULTING FIRM TO RESTRUCTURE THE COUNTY

GOVERNMENT (Tape 7)

Supervisor Berger moved that the issue of contracting an outside management consulting firm to restructure the County Government be referred to the Reorganization Subcommittee for its review. This motion was seconded by Supervisor Bulova.

Supervisor Alexander suggested that the County Executive be included in the discussion regarding this issue.

Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked that the motion be amended to include the School System in this review, and this was accepted.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

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

52. PROPOSED INDEPENDENT AUDIT COMMITTEE AND AN INDEPENDENT AUDITOR (Tape 7)

(BACs)

Inasmuch as many Board Members have gone on record in support of creating an Independent Auditor position to report directly to the Board of Supervisors, Supervisor Berger stated that he believes the time has come to create that position and that further delay would only prevent the Board from accomplishing one of the goals of the citizens, that of knowing that the Board is creating a cost-effective, efficient government and that no abuses are occurring.

Therefore, Supervisor Berger moved that the Board refer the issue of hiring an Independent Auditor who would report directly to the Board, to the Reorganization Subcommittee. He clarified that it was his opinion that it is time to create an independent auditing committee. He further moved that the issues to be discussed are as follows:

- The hiring of an independent auditor, someone who would report directly to the Board;
- Determining how the Board would conduct the search;
- Salary for this position;
- Appointments:
 - *Two Board Members to be appointed to the Independent Auditing Committee; and
 - *Two Citizen Members [individuals with a Masters degree in accounting and also be a Certified Public Accountant (CPA)] to be appointed to the Committee.

Supervisor Berger said that the proposed committee would be empowered to review the financial affairs of the government, independently and report its findings to the Board. Also, the committee would take on matters of concern to the Board.

This motion was seconded by Chairman Davis.

Chairman Davis pointed out that this issue has already been referred to the Reorganization Subcommittee.

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

VW:vw

**53.RECONSIDERATION OF THE BOARD'S ACTION ON THE
PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING
CHURCHES AND OTHER PLACES OF WORSHIP, CONVENTS,
MONASTERIES AND CHILD CARE CENTERS AND PRIVATE
SCHOOLS AS SPECIAL EXCEPTION USES (Tape 7)**

(O)[NOTE: At the Board of Supervisors' meeting held on January 25, 1993, the public hearing was held and action taken on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as special exception uses.]

Supervisor Berger moved that the Board **RECONSIDER** its action taken at the Board of Supervisors' meeting held on January 25, 1993 regarding the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as special exception uses. This motion was seconded by Supervisor Frey and **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY.**"

Supervisor Frey stated that he remains convinced that the proposed amendment is in the best interest of the citizens as well as the church community. Accordingly, he moved the **exact** motion that he introduced at the Board of Supervisors' meeting held on January 25, 1993:

SUPERVISOR FREY'S MOTION ON JANUARY 25, 1993:

•That the Board adopt the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding churches and other places of worship, convents, monasteries and child care centers and private schools as special exception uses, **as advertised**, with the following editorial revisions for consistency:

*On handwritten Page 18 of the Staff Report, Paragraph 3C of Sections 5-504 and 5-604 should read:

"C.Child care centers, nursery schools and private schools of general education when located in conjunction **on the same lot** with a church, chapel, temple, synagogue or other such place of worship"; and

*On handwritten Page 19 of the Staff Report, Paragraph 15C of Section 6-103 and Paragraph 12C of Section 6-203 should read:

"C.Child care centers, nursery schools, private schools of general education and private schools of special education when located in conjunction **on the same lot** with a church, chapel, temple, synagogue or other such place of worship."

This motion was seconded by Supervisor Dix and **FAILED** by a recorded vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis voting "**AYE.**"

Supervisor Frey moved that the Board direct staff to prepare text, for formal adoption later in the meeting, to amend the process such that only churches and other places of worship, which also have child care centers or schools with 100 or more students, shall require special exception approval and all other places of worship shall remain a special permit use. This motion was seconded by Chairman Davis.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the motion be amended to also include that the Board direct staff to report, at the Board of Supervisors' meeting scheduled for February 22, 1993, with proposed text for authorization to advertise a public hearing which will make places of worship, which have child care centers or schools of 100 or more students daily, a special permit use, such that applicants with this combination could choose either the Board of Zoning Appeals (BZA) or the Board of Supervisors with appropriate limits on reapplication. This motion was seconded by Vice-Chairman McConnell.

This amendment was **not** accepted by Supervisor Frey.

Supervisor Frey asked unanimous consent that a seriatim vote be taken on the motion and the amendment in the event that Supervisor Davis' amendment passes. Without objection, it was so ordered.

Discussion ensued among Board Members, with input from Jane W. Gwinn, Zoning Administrator/Division Director, Zoning Administration Division, and James P. Zook, Director, Office of Comprehensive Planning (OCP).

Ms. Gwinn distributed to Board Members copies of a handwritten draft text for Board adoption, in accordance with Supervisor Frey's motion.

The question was called on the amendment to the motion (Supervisor Davis) that the Board direct staff to report, at the Board of Supervisors' meeting scheduled for February 22, 1993, with proposed text for authorization to advertise a public hearing which will make places of worship, which have child care centers or schools of 100 or more students daily, a special permit use, such that applicants with this combination could choose either the BZA or the Board of Supervisors with appropriate limits on reapplication which **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Hanley voting "NAY."

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Hyland moved an amendment to the main motion (Supervisor Frey) that the implementation of the motion made by Supervisor Frey to change church applications with a school or a child care facility in excess of 100 persons shall only occur in the event that this Board adopts the amendment which gives that church the option to go to either the BZA or the Board of Supervisors. This motion was seconded by Supervisor Davis.

Following discussion, with input from George Symanski, Deputy County Attorney, Supervisor Hyland **WITHDREW** his amendment.

Supervisor Hyland moved an amendment to the main motion (Supervisor Frey) that the Board defer its decision on the adoption of the ordinance amendment pending the Board's action on the readvertised change to the ordinance (Supervisor Davis). This motion was seconded by Supervisor Bulova.

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

Discussion ensued among Board Members regarding the request for a seriatim vote and Chairman Davis ruled that the question would be called on both the main motion and the amendment.

The question was then called on the main motion (Supervisor Frey), as amended (Supervisor Davis):

•**Main Motion:** Direct staff to prepare text, ***for formal adoption later in the meeting,*** to amend the process such that only churches and other places of worship, which also have child care centers or schools with 100 or more students, shall require special exception approval and all other places of worship shall remain a special permit use; and

•**Amendment:** Direct staff to report, at the Board of Supervisors' meeting scheduled for February 22, 1993, with text for authorization to advertise a public hearing on a proposed amendment which will make places of worship, which have child care centers or schools of 100 or more students daily, a special permit use, such that applicants with this combination could choose either the BZA or the Board of Supervisors with appropriate limits on reapplication,

which **CARRIED** by a recorded vote of eight, Supervisor Alexander and Supervisor Hyland voting "**NAY.**"

(*NOTE: In anticipation of the Board's action, Ms. Gwinn prepared and distributed, for Board adoption, copies of a handwritten draft in conjunction with Supervisor Frey's motion.*)

Supervisor McConnell moved that the Board adopt the proposed amendment, prepared and distributed to Board Members by Ms. Gwinn, to amend the process such that only churches and other places of worship, which also have child care centers or schools with 100 or more students, shall require special exception approval and all other places of worship shall remain a special permit use. The question was called on the motion, the second to which was inaudible, which **CARRIED** by a recorded vote of eight, Supervisor Alexander and Supervisor Hyland voting "**NAY.**"

Supervisor McConnell moved that the Board direct staff to report with specific language, for authorization to advertise a public hearing, which will allow conditional by-rights for churches to go into residential properties, such as five acre lots on main arterial highways. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Trapnell called the Board's attention to the testimony presented by Columbia Pines at the public hearing held on January 25, 1993. She suggested that staff review this testimony for recommendations to address this issue.

CM:cm

54.TRANSPORTATION ADVISORY COMMISSION'S (TAC)

TRANSPORTATION DEMAND MANAGEMENT (TDM)**STRATEGIES (Tape 8)**

Supervisor Frey informed the Board of a Transportation Subcommittee meeting he had attended in which he was briefed by the Transportation Advisory Commission (TAC) on the value of pursuing a Transportation Demand Management (TDM) Strategies program within Fairfax County. He stated that he was also made aware of the difficulties that the TAC faces in meeting the Clean Air Act Amendment standards. He stated his belief that the County needs to move forward on some of the TDM strategies as outlined in the TAC's memorandum.

Supervisor Frey moved that the Board:

- Endorse the seven recommendations identified by the TAC in its memorandum dated December 15, 1992; and
- Direct staff to report on the progress made at each of the TAC meetings in achieving the TDMs, including a commitment to prepare a firm schedule for implementation of these actions.

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

55.CHANNEL 16 PROGRAMMING FOR BOARD MEMBERS (Tape 8)

Supervisor Bulova called the Board's attention to a memorandum from the County Executive summarizing his understanding of the Board's discussion and decisions regarding Channel 16 programming for Board Members and stated her disagreement with the County Executive's interpretation that the Board agreed that new programming for all Members be studio-based (Item Number Five on the memorandum distributed to Board Members). She stated that she had discussed the issue with Richard A. King, Deputy County Executive for Public Safety, and has posed the following question/suggestion that other Board Members may want to consider.

Supervisor Bulova stated that she would probably not want to use Channel 16 for a one-half hour monthly program. However, she stated that when she holds a town meeting, once or twice a year in an elementary school within her District, she would like very much to televise it. This would allow her constituents the option of tuning in to watch the town meeting and perhaps call in with a comment or a question if they are not able to attend the meeting in person.

Supervisor Bulova stated that she asked Mr. King if he would calculate the cost of doing such a non-studio-based program once or twice a year, as opposed to the cost of a regular one-half hour monthly studio program. If the cost is the same or less, she stated that she would prefer this option.

Supervisor Bulova moved that the Board:

- Direct staff to prepare a report regarding this cost information; and
- Concur that this would be an allowable option to all Board Members if the cost of a once or twice a year non-studio program is the same or less than the monthly program.

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

56.BOARDS AUTHORITIES AND COMMISSIONS ATTENDANCE

PROCEDURES (Tape 8)

(BACs)

Supervisor Bulova called the Board's attention to the fact that when citizens are appointed to Boards, Authorities, Commissions or Citizen Advisory Groups (BACs), they are governed by certain procedures that are spelled out in a document that most Board Members may not have had an opportunity to peruse - Procedural Memorandum Number 99. She stated that she suspects that one of the responsibilities listed in this Memorandum may not be carried out, referring to Page Four, Paragraph Three, when an appointee misses three consecutive meetings, this information is supposed to be transmitted to the Office of the Clerk to the Board of Supervisors by the supporting staff agency. This information would then be provided to that appointee's District Supervisor.

Supervisor Bulova moved that the Board direct staff to transmit a "refresher" memo to supporting agency staff regarding this requirement and that Paragraph Three of Page Four of Procedural Memorandum Number 11 be amended to indicate that when the Clerk to the Board receives information regarding an appointee who has been absent for three consecutive meetings, the responsible district or appointing Board Member be provided with this information. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being out of the room.

57.DEFRAYAL OF FEES FOR MORLEY PROPERTY (Tape 8)

Supervisor Bulova informed the Board that the Morley Property project in the Braddock District involves certain unique features, as well as complex and unusual issues. She stated that resolution of these issues has taken an extended period of time and has delayed pursuit of the project.

Supervisor Bulova moved that the Board direct the staff of the Department of Environmental Management (DEM) to pay the following fees associated with the Morley Property project: the resubmission of the preliminary plat and any resubmission fees for waivers that may expire while the project is under review. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being out of the room.

58.MOTION FOR OUT-OF-TURN PLAN AMENDMENT

FOR MVQI JOINT VENTURE PROJECT (Tape 8)

Supervisor Alexander called the Board's attention to a matter regarding a proposal by MVQI Joint Venture for a project to develop an infill townhome project on Route One on commercially-zoned land. He stated that one of the goals of the Plan for the Route One area is to focus commercial development on nodes and to plan for residential development between these nodes. He stated that this proposal offers the County the opportunity to provide for residential development along Route One and stated his belief that the Board should do everything possible to facilitate this type of proposal.

Supervisor Alexander moved that the Board direct staff to evaluate an Out-of-Turn Plan Amendment to consider residential use of 12 to 16 dwelling units per acre for properties identified as Tax Map Parcels 101-3 ((1)) 36, 37, and 63, parcels that are addressed in Sub-unit A1 of the Woodlawn Community Business Center of the Area IV Plan. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

59.BROOKLAND/BUSH HILL PHASE II COMMUNITY

IMPROVEMENT PROJECT (Tape 8)

Supervisor Alexander informed the Board members of a number of capital construction projects that have been delayed in order to keep the County's debt payment below Board imposed limits. He stated that several of these delayed projects are in the Community Improvement Program, including Phase II of the Brookland/Bush Hill project and the Board did earmark \$60,000 in Fiscal Year (FY) 1994 for land acquisition on this project.

Due to the fact that Phase I of the Brookland/Bush Hill project has been recently completed and, in order to show the County's good faith intention to construct Phase II when funds become available, Supervisor Alexander stated that land acquisition on Phase II should commence as expeditiously as possible. He stated his belief that authorizing the expenditure of this relatively small FY 1994 allocation in the current fiscal year would not, in his opinion, violate the Board imposed debt limits. He stated that this action would, however, go a long way towards keeping good relations with the citizens who will have to wait some time before the construction of improvements.

Accordingly, Supervisor Alexander moved that the Board authorize the Department of Public Works to begin land acquisition for the Brookland/Bush Hill Phase II Community Improvement Project as soon as possible. This motion was seconded by Supervisor Hyland.

Supervisor Hanley moved a substitute motion that the Board direct staff to report with additional information regarding where all the community improvement projects are and what phases of those have not been funded under the Capital Improvement Program (CIP) Plan. This motion was seconded by Chairman Davis and **CARRIED** by a recorded vote of six, Supervisor Alexander voting "NAY," Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

The question was then called on the main motion, as substituted, which **CARRIED** by a recorded vote of six, Supervisor Alexander voting "NAY," Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

60.POLICE ENFORCEMENT OF PERSONAL PROPERTY AND

DECAL LAWS (Tape 8)

Supervisor Alexander stated that it has been called to his attention that the Police Department is having difficulty enforcing personal property/county decal laws on the common property of some residential developments with private streets. Traditionally, the police have enforced such laws on private property when they have been formally asked to do so by the governing board or property owner of such a development. Many neighborhoods have gladly accepted police enforcement on their property and have welcomed personal property tax enforcement to ensure that all pay their fair share. Unfortunately, a disturbing recent development has taken place in which some communities have refused police enforcement on private streets in order to create a haven for tax scofflaws, and he stated that this cannot be tolerated.

Supervisor Alexander moved that the Board direct staff from the Office of Assessments, the Police Department, and the County Attorney's office to report with a recommendation regarding what action should be taken to allow police enforcement of personal property and decal laws, without the permission of the property owner, on private streets which serve as common areas in private developments. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

PMH:pmh

61.WAIVER OF FEES REQUESTED FOR PARKLAWN RECREATION

ASSOCIATION RESTORATION PROJECT (Tape 9)

Supervisor Trapnell moved that the Board direct staff of the Office of Comprehensive Planning (OCP) to waive all fees associated with the Special Exception Application and the Department of Environmental Management (DEM) to pay all fees associated with the plan review and inspections for the Parklawn Recreation Association Restoration Project. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

62.ALTERNATIVE FOR SUSPENDED OR EXPELLED HIGH

SCHOOL STUDENTS (Tape 9)

Supervisor Trapnell expressed concern about high school students who are being suspended or expelled. She said that this is a potential problem and she asked unanimous consent that the Board direct staff to review this issue and determine if a work/learn situation would be beneficial. Without objection, it was so ordered.

63.PRESENTATION MADE REGARDING THE FAIRFAX COUNTY

ADVISORY COMMITTEE FOR EXCEPTIONAL CHILDREN

(Tape 9)

Supervisor Hanley stated that she had received a copy of the presentation made regarding the Fairfax County Advisory Committee for Exceptional Children. She distributed copies to the Board.

64.EXPEDITED PROCESSING FOR SPECIAL EXCEPTION

AMENDMENT APPLICATION SEA 86-P-101-3 (Tape 9)

Supervisor Hanley moved that the Board:

- Expedite processing for Special Exception Amendment Application SEA 86-P-101-3; and
- Direct staff to address the issue of waiving the fees.

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

65.SCHEDULING OF PROFFERED CONDITION AMENDMENT

APPLICATION PCA C-634-6 (Tape 9)

Supervisor Hanley stated that Proffered Condition Amendment Application PCA C-634-6 is currently scheduled for a public hearing by the Planning Commission on February 24, 1993. She noted that the public hearing before the Board has not yet been set.

Supervisor Hanley said that the applicant and staff would like to defer the application to the first available Planning Commission date which is April 21, 1993 without delaying the Board hearing.

Therefore, Supervisor Hanley moved that the Board direct staff to schedule the public hearing for PCA C-634-6 on April 26, 1993. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor McConnell being out of the room.

66.VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

OWES FAIRFAX COUNTY \$4.37 MILLION FOR THE

MONEY THAT THE COUNTY ADVANCED VDOT TO BUILD

THE TOLL ROAD (Tape 9)

Supervisor Hanley stated that the Virginia Department of Transportation (VDOT) owes Fairfax County approximately \$4.37 million for the money that the County advanced VDOT to build the Toll Road. She pointed out that the County has never been repaid.

Supervisor Hanley said that the State has been holding that revenue to use it as security for bonds that have been sold elsewhere. She pointed out that there is a legal requirement that surplus toll revenue has to be spent in the Corridor. She added that the flyover over Route 7 was an example of how the surplus toll revenue had been used. She expressed concern about what the surplus toll revenue is going to be used for and whether it is going to be spent on the High Occupancy Vehicles (HOV) study.

Therefore, Supervisor Hanley moved that Board direct the:

- Chairman to send a letter requesting that the County be repaid;
- Staff to report on whether and how much surplus toll revenue there is; and
- *what it is being spent on or planning to be spent on.

This motion was seconded by Chairman Davis.

Following discussion, Chairman Davis relinquished the gavel to Acting-Chairman Bulova and asked that the motion be amended to direct staff to provide a status report at the next Board meeting, and this was accepted.

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

Acting-Chairman Bulova returned the gavel to Chairman Davis.

**67. INTENT TO CANCEL THE PUBLIC HEARING ON THE
LEASING OF COUNTY-OWNED PROPERTY TO THE
HOLLINDALE CITIZENS ASSOCIATION (MOUNT VERNON
DISTRICT) (Tape 9)**

Supervisor Hyland stated that a public hearing is scheduled for 3:30 p.m. this afternoon concerning the leasing of County property to the Hollindale Citizens Association. He said that, after reviewing the lease arrangement, the Citizens Association has indicated concern about their liability and the necessity to purchase liability insurance. Consequently, they have requested that the public hearing be cancelled.

Therefore, Supervisor Hyland moved that his intent is to cancel the public hearing scheduled for 3:30 p.m. this afternoon concerning the leasing of County property to the Hollindale Citizens Association. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Chairman Davis being out of the room.

**68.REQUEST THAT JANE BROWN BE FORMALLY ACKNOWLEDGED
BEFORE THE BOARD OF SUPERVISORS (Tape 9)**

Supervisor Hyland stated that he had requested staff to prepare a certificate of recognition for Ms. Jane Brown in honor of her 104th birthday. He said that on February 2nd he was there to join in the celebration of this extraordinary lady's 104th year.

In light of the significance of Ms. Brown's life and successes and the role of her tutor from the Literacy Council, Supervisor Hyland moved that a time be designated for appropriate recognition by the Board of this fine lady and her tutor and friend, Ms. Marilyn Kersten. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Chairman Davis being out of the room.

**69.REQUEST THAT CONSIDERATION BE GIVEN TO MERGING
THE RESPONSIBILITIES OF THE HOUSING HYGIENE
DIVISION OF THE BOARD OF BUILDING CODE APPEALS**

(Tape 9)

(BACs)

Supervisor Hyland said that it has come to his attention that the Board of Building Code Appeals - Housing Hygiene Division have begun to question the efficacy and the necessity of this group. According to some members, no applications for appeals occurred last year, and in fact, since 1988, there have been only three, all requesting time extensions which could have been handled by telephone.

Supervisor Hyland said that the functions of the Housing Hygiene Division could be combined with those of the Technical Division of the Board of Building Code Appeals.

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

- Review and report to the Board the possibility of dissolving the Housing Hygiene Division; and
- Determine if appeals concerning the Housing Hygiene Division could be heard by the Technical Division.

Without objection, it was so ordered.

**70.REQUEST GREATER SUPPORT FOR SMALL AND
DISADVANTAGED BUSINESSES (Tape 9)**

(BACs)

Supervisor Hyland stated that in the course of a briefing by the Mount Vernon District Representative to the Small and Disadvantaged Business Commission, it was disclosed that almost 90 percent of the businesses in Fairfax County were small businesses comprised of 25 people or less. He said that there was a need for greater support for small and disadvantaged businesses in Fairfax County. He said that the support should consist of not only information, assistance and encouragement to businesses currently existing in the County, but should also provide a program of outreach to the small and disadvantaged companies as well as provide them with a mechanism for greater participation in the County's procurement process.

Supervisor Hyland explained that most of the emphasis by the Fairfax County Economic Development Authority (EDA) appears to be directed toward large corporate business which seems to leave the small businesses on their own. In the Mount Vernon/Lee District areas, the Southeast Fairfax Development Corporation (SFDC) fills part of that niche but gaps still exist.

Supervisor Hyland asked unanimous consent that the Board direct staff to respond to the following questions:

- What EDA programs currently exist that reach out specifically to small and disadvantaged businesses in the County?;
- What efforts are being made to attract small and disadvantaged businesses from other areas to Fairfax County?;

- Is there someone on staff who has the responsibility of servicing small and disadvantaged business?;
- If not, what will be required to fill that void?; and
- On the subject of the County's purchasing and procurement process, what are these in terms of directing some of the County's toward the small and disadvantaged community.

Without objection, it was so ordered.

Supervisor Hyland said that in many instances, the small/disadvantaged business, because of its smaller size and limited resources, is truly disadvantaged when it comes to even participating in the bid process. If they make the effort, often it is at great sacrifice to the firm. Furthermore, the scope of many Request for Proposals (RFPs) may be too large for a small company, but if the overall RFP is divided into segments there may be greater opportunity for a small business to compete and participate in some of the County's purchasing and procurement needs.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to respond to the following questions:

- Does such a process already exist?; and
- If not, what will it require for the County to provide such an opportunity?

Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff, working with the EDA to develop a memorandum of information concerning the questions raised on behalf of the small and disadvantaged business community to be brought before the Board on March 22, 1993. Without objection, it was so ordered.

Supervisor Berger asked unanimous consent that the Board direct staff to notify the newspapers formally or informally and try to get them involved in trying to reach members of the community and let them know of the opportunities to bid. Without objection, it was so ordered.

71.KARMICH STREET HOUSE (Tape 9)

(NOTE: Earlier in the meeting, action was taken by the Board on this matter. See Clerk's Summary Item CL#32.)

Supervisor McConnell stated that on November 23, 1992 the Board made a decision to either demolish the home located at 6300 Karmich Street or open a bid to have the home relocated in an expedited manner.

Supervisor McConnell said that on January 25, 1993, the home was awarded at an open bid contingent upon several conditions being met by the purchaser. One of these conditions require that the necessary steps to acquire permits to relocate the house start immediately.

Therefore, Supervisor McConnell moved that the Board direct staff to determine a method that the permits needed for the relocation of this home be done in a consistent and expedited manner. She said that because the Board decided that the relocation would have to occur in a six-month timeframe, this process will have to begin immediately. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix and Supervisor Hanley being out of the room.

Supervisor McConnell expressed her appreciation to staff for their prompt attention to this matter in working out the details with the purchaser and her office, of all the permits that will be necessary for the relocation.

72.COLLECTION OF RECYCLABLE MATERIALS (Tape 9)

Supervisor McConnell asked unanimous consent that the Board direct staff to report on the progress of the Request for Proposal (RFP) IF30049829 - for recyclable materials included, but not limited to the following materials:

- Sorted White Ledger Paper;
- General Office Mix Paper;
- Mixed Paper;
- High Grade Computer Printout;
- Mixed Computer;
- Groundwood Computer Printout;
- File Stock;
- Sorted Colored Ledger;

- Newsprint;
- Corrugated Cardboard Containers;
- Aluminum Beverage Cans;
- Container Glass (three colors);
- Food Cans (steel and thin);
- Polystyrene (food service related);
- Telephone Books;
- Aseptic Packaging; and
- Magazines.

Without objection, it was so ordered.

Supervisor McConnell said that the Bid was closed on December 15, 1992 at 2:00 p.m. She explained that the period of the contract was to run from January 1, 1993 or date of award, whichever was later, through December 31, 1993.

Supervisor McConnell asked unanimous consent that the Board direct staff to report at the next Board meeting with an Information Item. She said that the Item should include the following information:

- When the current County Recyclable contract is due to expire?;
- If it can be extended and for how long?;
- How many of these items on the list are NOT being collected by the current contractor, and Why?;
- If the items on the list are not recycled, do they all then go to the incinerator?;
- If not, do they go to the landfill?;
- If they go to the landfill, what percentage?;
- Provide the Board with the cost to the County for tipping fees for the percentage that goes to the landfill;

- If appropriate, provide the Board with a list of who the RFP bidders were;
- Where are their businesses located?; and
- How many small, women and disadvantaged businesses bid on the contract?

Without objection, it was so ordered.

73.MARCH 15, 1993 DESIGNATED AS INTERSTATE VAN

LINES DAY (Tape 9)

(R)Supervisor McConnell moved that the Board adopt the following Resolution:

"WHEREAS, Interstate Van Lines of Springfield, Virginia, has provided 50 years of invaluable service to the citizens and businesses of Fairfax County and the Commonwealth of Virginia;

WHEREAS, Interstate Van Lines has been committed to community service, both within Fairfax County and on a state-wide basis;

WHEREAS, Interstate Van Lines has a history of continued support of education from the elementary school level through and including endowed scholarships at universities in Fairfax County, Virginia;

WHEREAS, Interstate Van Lines is nationally known as an innovator in the moving industry and thereby brings special recognition to the County with its corporate headquarters in the County of Fairfax, in the Commonwealth of Virginia;

THEREFORE, the Fairfax County Board of Supervisors designates that Monday, March 15, 1993, be designated as Interstate Van Lines Day, on the anniversary of their 50 years of business."

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

74.NOTICE OF PUBLIC MEETING TO ALL SPRINGFIELD

DISTRICT BUSINESSES (Tape 9)

Supervisor McConnell announced that she will host a public forum at the Washington Irving Intermediate School in order to discuss business related issues with Springfield District businesses.

Supervisor McConnell said that representatives of the Fairfax Economic Development Authority (EDA), the Fairfax County and Springfield Chambers of Commerce, and various County officials including the County Executive will be on hand to answer questions relative to doing business in the Springfield District.

Supervisor McConnell said for further information, individuals can contact Mr. Bernie Cieplak at her Springfield District Office at 703-451-8873.

75.RECESS/EXECUTIVE SESSION (Tape 9)

At 2:40 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, the second to which was inaudible, carried by unanimous vote.

SBE:sbe

At 3:45 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Davis presiding.

76.ACTIONS FROM EXECUTIVE SESSION (Tape 10)

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.IBM CREDIT CORPORATION VERSUS FAIRFAX

COUNTY, AT LAW NUMBERS 96846 AND 111441;

IBM CREDIT CORPORATION/ROLM CREDIT

**CORPORATION VERSUS FAIRFAX COUNTY, AT
LAW NUMBER 111442; AND MCI TELECOMMUNICATIONS
CORPORATION VERSUS BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA, PST
NUMBER 920002**

Supervisor Hanley moved that the Board authorize settlement of IBM Credit Corporation versus Fairfax County, at Law Numbers 96846 and 111441; IBM Credit Corporation/Rolm Credit Corporation versus Fairfax County, at Law Number 111442; and MCI Telecommunications Corporation versus Board of Supervisors of Fairfax County, Virginia, PST Number 920002, according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

AP:ap

**77. 3:30 P.M. - PH ON THE CONVEYANCE OF A PORTION OF
COUNTY PROPERTY LOCATED AT 5830 OLD CENTREVILLE
ROAD TO THE CENTREVILLE VOLUNTEER FIRE DEPARTMENT
(SULLY 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 January 21 and January 28, 1993.

Following the public hearing, Supervisor Frey moved adoption of the Resolution authorizing the conveyance of County property, located at 5830 Old Centreville Road, Fairfax to the Centreville Volunteer Fire Department. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

78. ORDERS OF THE DAY (Tape 11)

(NOTE: Due to an oversight by the Board, it proceeded with the public hearing on Special Exception Amendment Application SEA 82-M-049-2.)

79. 3:30 P.M. - PH ON REZONING APPLICATION

RZ 92-S-030 (ALI A. VASSETIZADEH AND SAMAD

VASSETIZADEH) (SPRINGFIELD DISTRICT)

(Tape 11)

(NOTE: Due to an oversight by the Board, this public hearing was held later in the meeting. See Clerk's Summary Item CL#81.)

80. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT

APPLICATION SEA 82-M-049-2 (SAINT ALBAN'S

HOUSING CORPORATION) (MASON DISTRICT) (Tape 11)

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

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

Following the public hearing, which included testimony by six speakers, Gregory Chase, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Trapnell moved that the Board:

- Approve Special Exception Amendment Application SEA 82-M-049-2 subject to the development conditions dated February 3, 1993;
- Reaffirm a waiver of paragraph 5, Section 9-306 of the Zoning Ordinance requiring that the Use:
 - *Front on or have access to an existing or a planned collector or arterial street as previously waived by the Board pursuant to the approval of Special Exception Application SE 82-M-049; and
- The Site Plan be returned to the Planning Commission for review prior to approval by the Department of Environmental Management (DEM).

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

81. 3:30 P.M. - PH ON REZONING APPLICATION

RZ 92-S-030 (ALI A. VASSETIZADEH AND SAMAD

VASSETIZADEH) (SPRINGFIELD DISTRICT)

(Tape 11)

Mr. Samad Vassetizadeh reaffirmed the validity of the affidavit for the record.

Mr. Vassetizadeh 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, Gregory Riegle, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 92-S-030 be amended from the C-5 District to the R-3 District subject to the proffers dated February 1, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

82. 3:30 P.M. - PH ON THE LEASING OF COUNTY-OWNED

PROPERTY TO THE HOLLINDALE CITIZENS ASSOCIATION

(MOUNT VERNON DISTRICT) (Tape 11)

(Note: Earlier in the meeting, Supervisor Hyland announced his intent to cancel this public hearing. See Clerk's Summary Item CL#67.)

Supervisor Hyland moved to cancel the public hearing on the leasing of County-owned property to the Hollindale Citizens Association at the request of the Hollindale Citizens Association because of a liability issue. This motion was seconded by Chairman Davis and carried by unanimous vote.

83. 3:30 P.M. - PH ON A PROPOSAL TO VACATE AN

UNIMPROVED PORTION OF WREN DRIVE (LEE DISTRICT)**(Tape 12)**

(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 January 21 and January 28, 1993.

Following the public hearing, which included testimony by one speaker, Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved adoption of the Ordinance vacating a portion of Wren Drive from Calamo Street, to Oriole Avenue, a distance of 562.03 feet (long side) and 575.75 feet (short side). This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

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

**84. 3:30 P.M. - DEFERRAL OF PH ON THE ACQUISITION OF
CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION
OF THE MADISON LANE DEVELOPMENT (MASON DISTRICT)****(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 January 21 and January 28, 1993.

Supervisor Trapnell moved to defer the public hearing on the acquisition of certain land rights necessary for construction of the Madison Lane Development until **February 22, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

AR:ar**85. 4:00 P.M. - PH ON AMENDMENT TO THE CODE OF THE
COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES
AND TRAFFIC) SECTION 82-2-4 TO EXCLUDE POLICE,**

**FIRE, AND OTHER PUBLIC SAFETY VEHICLES FROM
RESTRICTED TRAVEL ON CERTAIN STREETS (Tape 12)**

(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 January 21 and January 28, 1993.

Following the public hearing, Supervisor Berger moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 2 (Signs, Signals and Markers), Section 82-2-4 that will exclude all public safety vehicles from travel restrictions on certain streets, **to become effective on February 9, 1993 at 12:01 a.m.** This motion was seconded by Supervisor Dix and carried by a vote of five, Supervisor Alexander, Supervisor Frey, Supervisor Hyland, Supervisor Trapnell, and Chairman Davis being out of the room.

86. 4:00 P.M. - DEFERRAL OF PH ON REZONING APPLICATION

RZ 92-H-027 AND PROFFERED CONDITION AMENDMENT

**APPLICATION PCA 85-C-008-2 (BAHMAN BATMANGHELIDJ,
TRUSTEE) (HUNTER MILL DISTRICT) (Tape 12)**

Supervisor Dix moved to defer the public hearing on Rezoning Application RZ 92-H-027 and Proffered Condition Amendment Application PCA 85-C-008-2 until **March 8, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Frey, Supervisor Trapnell, and Chairman Davis being out of the room.

87. 4:00 P.M. - PH ON REZONING APPLICATION

RZ 89-V-062 AND SPECIAL EXCEPTION APPLICATION

**SE 92-V-042 (GUNSTON LAND COMPANY) (MOUNT
VERNON DISTRICT) (Tapes 12-14)**

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by 18 speakers, Kevin Guinaw, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

With regard to Rezoning Application RZ 89-V-062, Supervisor Hyland moved **DENIAL** of the I-5 District for the 2.06 acre portion of Land Bay A, and approval of the I-4 District for this portion and the remainder of Land Bay A subject to the executed proffers dated February 8, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Hyland moved approval of Rezoning Application RZ 89-V-062 to the I-4 District for Land Bay B and to the I-5 District for Land Bay C subject to the executed proffers dated February 8, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Hyland moved **DENIAL** of the I-5 District for Land Bay D and approval of the I-4 District for Land Bay D, subject to the executed proffers dated February 8, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Hyland moved that the transitional screening requirement be modified along the northern and southern boundaries of Land Bays A, B, and C, and along the northern boundary of Land Bay D in favor of the landscaping shown on the Generalized Development Plan (GDP), the landscape detail, and subject to the proffers dated February 8, 1993 rather than the language as contained in Attachment One A, and that the barrier requirements be waived along the northern and southern boundaries of Land Bays A, B, and C, and along the northern boundary of Land Bay D. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Hyland moved that the requested waiver of the transitional screening and barrier requirements between land uses within each Land Bay be **DENIED** and that these waiver requests be considered by the Director of the Department of

Environmental Management (DEM) at the time of Site Plan review. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Hyland noted, for the record, that the proposed contribution to the Lorton Area Road Fund proffered in this application has not been endorsed by staff or the Planning Commission and should not be construed as setting a precedent for future rezoning applications within the Lorton Area.

In addition, Supervisor Hyland moved that the Board approve Special Exception Application SE 92-V-042 subject to the proposed development conditions dated February 3, 1993, and contained in Attachment One B of the second Staff Report Addendum. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

88. 4:00 P.M. - BOARD DECISION ON SPECIAL EXCEPTION

APPLICATION SE 91-V-039 (FAIRFAX INDUSTRIAL PARK

ASSOCIATES) (MOUNT VERNON DISTRICT) (Tape 14)

(A)(NOTE: The public hearing was held on December 7, 1992 and the Board decision deferred until February 8, 1993.)

In light of the applicant's submission of a revised Special Exception Plat which significantly changes the proposed development for Special Exception Application SE 91-V-039, Supervisor Hyland moved that the Board direct staff to readvertise a public hearing on this application to be heard before the Board of Supervisors on **March 8, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Bulova, Supervisor Hanley, Supervisor Trapnell, and Chairman Davis being out of the room.

89. 4:00 P.M. - PH ON PROPOSED AMENDMENTS TO

THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101

(SUBDIVISION PROVISIONS) AND CHAPTER 112 (ZONING

ORDINANCE) REGARDING THE ESTABLISHMENT OF PRO

RATA ROAD REIMBURSEMENT DISTRICTS (Tape 14)

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 November 26 and December 3, 1992.

Following the public hearing, which included testimony by six speakers, Supervisor McConnell moved that the Board defer its decision on the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) and Chapter 112 (Zoning Ordinance) regarding the establishment of pro rata road reimbursement districts until **February 22, 1993 at 10:00 a.m.**, with the understanding that the record will remain open until that time for submission of questions and/or comments. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Bulova being out of the room.

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

RZ 92-H-027 AND PROFFERED CONDITION AMENDMENT

APPLICATION PCA 85-C-008-2 (BAHMAN BATMANGHELIDJ,

TRUSTEE) (HUNTER MILL DISTRICT) (No Tape)

(NOTE: Earlier in the meeting, this public hearing was deferred until **March 8, 1993 at 4:30 p.m.** See Clerk's Summary Item CL#86.)

91. 7:00 P.M. - PRESENTATION BY THE SCHOOL BOARD ON

ITS PROPOSED FISCAL YEAR (FY) 1994 BUDGET

(Tapes 14-15)

A presentation was made by Joanne T. Field, Chairman, Fairfax County School Board, on the School Board's proposed Fiscal Year (FY) 1994 Budget.

Following the presentation, Chairman Davis expressed his appreciation to Ms. Field and the entire School Board for their diligent efforts during this difficult past year.

92. BOARD RECESS (Tape 15)

At 7:45 p.m., the Board recessed briefly, and at 8:20 p.m. reconvened in the Board Room with all Members being present with the exception of Supervisor Alexander and Chairman Davis, and with Vice-Chairman McConnell presiding.

93. 7:30 P.M. - PH ON DRAFT DULLES SUBURBAN CENTER

PLAN OF THE ROUTE 28 TASK FORCE (S92-CW-4CP)

(HUNTER MILL AND SULLY DISTRICTS) (Tapes 15-17)

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 January 21 and January 28, 1993.

Following the public hearing, which included testimony by 18 speakers, Supervisor Frey moved that the Board:

- Schedule a Work Session on the draft Dulles Suburban Center Plan of the Route 28 Task Force (S92-CW-4CP) (Hunter Mill and Sully Districts) for **March 1, 1993 at 10:00 a.m.**; and

- Schedule the Mark-up and Board Decision on this Plan for **March 8, 1993 at 10:00 a.m.**

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

Chairman Davis announced that the record will remain open for submission of testimony until the Board decision on March 8, 1993.

94. BOARD ADJOURNMENT (Tape 17)

At 10:15 p.m., the Board adjourned.