

**SBE:sbe**

The meeting was called to order at 9:50 a.m. with all Members being present, with the exception of Supervisor Alexander and Supervisor Frey, and with Chairman Davis presiding.

Supervisor Frey arrived at 9:55 a.m.

Supervisor Alexander arrived at 1:45 p.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; and Viki L. Wellershaus, Deputy Clerk to the Board of Supervisors.

**2.CERTIFICATES RECOGNIZING MS. JANE BROWN**

**AND MS. MARILYN KERSTEN (Tape 1)**

Chairman Davis announced that Ms. Jane Brown, who recently turned 104 years old, had injured her knee and was unable to be present at today's meeting.

Therefore, Chairman Davis announced that the presentation of the Certificates for Ms. Brown and Ms. Kersten would be rescheduled to a later date when they would be in attendance.

**3.CERTIFICATES OF RECOGNITION TO MEMBERS OF THE  
LEE HIGH SCHOOL "LANCER DANCERS" ON WINNING THE  
NATIONAL DANCE COMPETITION IN LOS ANGELES,  
CALIFORNIA (Tape 1)**

Supervisor McConnell introduced Ms. Sheryl Olecheck, Coach, and the Members of the "Lancer Dancers" to the Board of Supervisors.

Following a brief presentation by Ms. Olecheck regarding the creation of the "Lancer Dancers," the team gave a brief performance before the Board.

Supervisor McConnell moved approval of the presentation of the Certificates of Recognition, presented to the following Members of the Lee High School "Lancer Dancers" on winning the National Dance Competition in Los Angeles, California:

**Coach:**

•Sheryl Olecheck;

**Team Members:**

•Annette Adams;•Wunze Anne Kale;

•Lindsay Jessica Bowen;•Teffiny Marie Kemp;

•Sara Terese Brendmoen;•Cheryl Diane Miller;

•Kelly Marie Chamblee;•Ahn-Van Nguyen;

•Kimberly Shannon Dykes;•Andrea Lee Prosek;

•Jennifer Lee Feron;•Heather Anne Riddle;

•Laura Jean Feron;•Jennifer H. Smith;

•Shelly Admana Gutierrez;•Valerie Christine Stoops; and

•Amy Miharu Hard;•Victoria Lynn Stoops.

•Kari Louise Hardiman;

This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor Alexander not yet having arrived.

**4.PROCLAMATION DESIGNATING "INTERSTATE VAN LINES**

**DAY" (Tape 1)**

Supervisor McConnell moved approval of the presentation of the Proclamation, presented to Mr. and Mrs. Arthur Morressett, designating Monday, March 15, 1993 as "**INTERSTATE VAN LINES DAY**" in Fairfax County, and congratulating the Morressett's on the anniversary of their 50 years of service. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix out of the room, Supervisor Alexander not yet having arrived.

In celebration of Interstate Van Lines' 50 years of business, Mr. Morresett announced that Interstate Van Lines is sharing its good years of service with the consumer by offering a special of three movers and a truck for \$50.00 an hour.

**5.ABSENCE OF LEE DISTRICT SUPERVISOR**

**JOSEPH ALEXANDER (Tape 1)**

Chairman Davis read, for the record, a letter explaining that Lee District Supervisor Joseph Alexander would be absent from a portion of today's meeting in order to represent Metro at the American Public Transit Association (APTA) Legislative Conference being held in Washington, D.C.

(NOTE: Later in the meeting, prior to Executive Session, Supervisor Alexander arrived at 1:45 p.m.)

**CM:cm**

**6.10:00 A.M. - MARK-UP OF THE DRAFT DULLES SUBURBAN**

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

**(HUNTER MILL AND SULLY DISTRICTS) (Tapes 2-3)**

(NOTE: The public hearing was held on February 8, 1993 and Board Markup and Decision were deferred until March 8, 1993.)

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 a question-and-answer period between Board Members and staff from the Offices of Comprehensive Planning and Transportation regarding the draft Suburban Center Plan which constitutes proposed revisions to the Area III Plan for portions of the Bull Run and Upper Potomac Planning Districts, Supervisor Frey moved that the Board approve the Planning Commission recommendations, contained in the Board Package, with the following amendments:

- Incorporate the revisions contained in the "Draft Dulles Suburban Center Plan, Motion for Land Unit A," Pages One through Five, as distributed to Board Members by Supervisor Dix; and

• Incorporate the revisions contained in the "Dulles Suburban Center Plan," Pages One through Six, as distributed to Board Members by Supervisor Frey.

Supervisor Frey further moved that the Plan be amended to add language to Page 24B, to read as follows: "A station should be considered at the Air and Space Museum Annex during the detailed corridor analysis associated with this system." This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Alexander not yet having arrived.

Supervisor Frey moved that the Board direct staff to report to the Board, as expeditiously as possible, with discussion on what a detailed corridor analysis will entail in terms of time, effort, and funding. This motion was seconded by Chairman Davis.

Supervisor McConnell asked that the motion be amended to direct staff to provide the Board with a total schedule of the agenda, and this was accepted.

The question was then called on the motion, as amended, which carried by a vote of six, Supervisor Berger, Supervisor Trapnell, and Chairman Davis being out of the room, Supervisor Alexander not yet having arrived.

### **7. BOARD RECESS (Tape 3)**

At 11:25 a.m. the Board recessed briefly.

### **AR:ar**

At 11:55 a.m., the Board reconvened in the Board Room with all Members being present, with the exception of Supervisor Alexander, and with Chairman Davis presiding.

### **8.11:00 A.M. - BOARD DECISION 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 4)**

(O)(NOTE: The public hearing was held on February 8, 1993 and the Board decision was deferred until February 22, 1993 and then to March 8, 1993.)

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.

Supervisor Frey moved that the Board refer the issue of the noise contours to the Fairfax County Airports Advisory Committee with a request that the Committee work with the Federal Aviation Administration (FAA) in scheduling a review of the noise contours and providing the Board with its recommendations. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Hyland and Supervisor Trapnell being out of the room, Supervisor Alexander not yet having arrived.

Following a briefing by Anthony H. Griffin, Deputy County Executive for Planning and Development, Supervisor Dix moved that the Board adopt the proposed amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) as set forth in Attachment 3, dated February 22, 1993, to the Memorandum to the Board dated March 8, 1993, with the following adjustments:

- Adopt Option Number One of Alternative Set Number One as shown on hand-numbered Page 42 of Attachment Three - this option relates to the initiation of the Pro Rata District (Section 101-3-5);
- Adopt Option Number Three of Alternative Set Number Two as shown in its amended form on hand-numbered Page 46 of Attachment 3 - this option relates to the Submission Requirements for the Pro Rata District [Section 101-3-7(g)];
- Adopt Option Number One of Alternative Set Number Three as shown in its amended form on hand-numbered Pages 48 and 49 of Attachment Three - this option relates to the Calculation of Pro Rata Reimbursement Payments [Section 101-3-8(h)];
- Delete Subparagraph Three from Option Number 2 of Alternative Set Number Four, which is set forth on hand-numbered Page 52 of Attachment Three, revise the punctuation accordingly, and adopt Option Number 2 of Alternative Set Number Four as amended;
- Adopt Option Number Three of Alternative Set Number Five as shown in its amended form on hand-numbered Page 54 of Attachment Three - this option relates to the Adoption of Pro Rata Road Reimbursement Districts [Section 101-3-9(f)];

- Adopt all of the additional amendments to Chapter 101 as set forth on hand-numbered Page 57 of Attachment Three;
- Adopt the amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) as set forth on hand-numbered Pages 57 and 58; and
- Resolve at this time that a request to adopt any particular Pro Rata Road Reimbursement District will not be viewed favorably in the event the developer seeking the establishment of such a district owes any funds to the County for any items for which the developer is seeking reimbursement, and that the Board will require a developer to agree, before the establishment of the district, to allow the County to use reimbursement funds to pay such debts owed to the County before the developer would be entitled to any reimbursement payments.

This motion was seconded by Supervisor McConnell.

Following extensive discussion, with input from the staff of Office of the County Attorney, and Robert L. Moore, Chief, Transportation Planning Division, Office of Transportation, Supervisor Berger moved to call the question. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander not yet having arrived.

The question was then called on the main motion which **CARRIED** by a recorded vote of seven, Supervisor Bulova and Supervisor Hanley voting "NAY," Supervisor Alexander not yet having arrived.

#### **9.12:00 NOON - REPORT ON GENERAL ASSEMBLY**

#### **ACTIVITIES (Tape 4)**

Supervisor Dix, Chairman, Board's Legislative Subcommittee, briefly outlined the package distributed to Board Members entitled, "1993 General Assembly -- Report Number Six," dated March 8, 1993 and updated the Board on the status of pending legislation.

With an expression of his appreciation to Supervisor Hanley, Vice-Chairman of the Legislative Subcommittee, and the entire staff involved in this year's legislative efforts, Supervisor Dix moved that the Board adopt the legislative report as submitted. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Alexander not yet having arrived.

Following discussion, Supervisor Hyland moved that the Board direct staff to prepare an appropriate letter to each Member of the Northern Virginia Delegation expressing the Board's appreciation for each Member's incredible effort on behalf of Fairfax County. This motion was seconded by Supervisor Berger.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the motion be amended to request staff to prepare the letters for the signature of William J. Leidinger, County Executive, and this was accepted.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**AP:ap**

#### **10.ADMINISTRATIVE ITEMS (Tape 5)**

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

Supervisor Dix called the Board's attention to **Administrative Item Four - Authorization to Advertise Public Hearings on Proposed Amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), regarding Subdivision of Lots on Private Streets**. He asked that the motion be amended to pull and consider this item separately, and this was accepted.

Regarding **Administrative Item Four**, Supervisor Berger moved that the Board authorize the advertisement of the public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), concerning subdivision of lots on private streets, for the **R-2 zoning district ONLY**. This motion was seconded by Supervisor Hanley.

Chairman Davis ruled that the Board proceed with the approval of the Administrative Items, with the exception of **Administrative Four**, and he requested Supervisor Berger to reintroduce his motion during the Board's separate consideration of that item.

The question was then called on the approval of the Administrative Items, with the exception of **Administrative Item Four**, which carried by a vote of nine, Supervisor Alexander not yet having arrived.

(NOTE: Later in the meeting, action was taken on **Administrative Item Four**. See Clerk's Summary Items CL#11 and CL#26.)

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

**(MOUNT VERNON AND SULLY DISTRICTS)**

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

**ADMIN 2 - ADDITIONAL TIME TO ESTABLISH THE USE FOR**

**SPECIAL EXCEPTION APPLICATION SE 87-S-011 (THE**

**ASSEMBLAGE LIMITED PARTNERSHIP) (SPRINGFIELD**

**DISTRICT)**

(AT)Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 87-S-011 until **March 19, 1994** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 - AUTHORIZATION TO ADVERTISE PUBLICATION**

**OF THE FISCAL YEAR (FY) 1994 BUDGET AND REQUIRED**

**TAX RATES**

(As)Authorized the advertisement of public hearings to be held before the Board of Supervisors on **April 12, 13 and 14, 1993** on the following:

- A real estate tax rate of \$1.17 per \$100 of assessed value for FY 1994 (This will allow the Board of Supervisors the maximum amount of flexibility when considering the FY 1994 Advertised Budget Plan; the Board can lower the rate as part of their budget discussions, but cannot increase the rate over the amount advertised);

- A proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-6-8 [Local Tax for Enhanced Emergency Telephone Service (E-911)] to increase the tax from \$0.44 to \$0.74 per line per month, or from \$5.28 per year to \$8.88 per year;

- Authorize public hearings on the proposed Capital Improvement Program for Fiscal Years 1994 through 1998;
- A proposed sewer charge increase;
- A proposed amendment to the Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Section 67-4-2(d) service charges to increase the service charge from \$2.34 per 1000 gallons;
- Imposition of a personal property tax rate of \$0.01 per \$100 of assessed valuation for vehicles owned by certain qualifying elderly and disabled citizens;
- A tax rate of \$4.57 per \$100 of assessed personal property;
- A brief synopsis of the FY 1994 Budget; and
- The notice of the proposed adoption of a resolution appropriating funds for FY 1994.

(NOTE: The Board has scheduled the mark-up of the Budget issues for April 19, 1993 and the adoption of the Fiscal Plan, Tax Levy, and Appropriation Resolution for April 26, 1993.)

**11. ADMIN 4 - AUTHORIZATION TO ADVERTISE PUBLIC  
HEARINGS ON PROPOSED AMENDMENT TO THE CODE OF  
THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION  
PROVISIONS), REGARDING SUBDIVISION OF LOTS ON  
PRIVATE STREETS (Tape 5)**

(NOTE: Action was taken during the approval of Administrative Items to pull and consider separately **Administrative Item Four**. See Clerk's Summary Item CL#10.)

Supervisor Berger restated his motion: that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on April 7, 1993 and Board of Supervisors on April 26, 1993 at 7:30 p.m. on the proposed amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), concerning the subdivision of lots on private streets for **zoning districts R-2 and above ONLY**. This motion was seconded by Supervisor Hanley.

Following discussion, Supervisor Dix moved to amend the motion that the Board authorize the advertisement of a public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), **to allow the creation of new lots on existing private streets in the R-1 and R-E zoning districts.** This motion was seconded by Supervisor Frey.

Following further discussion, with input from David P. Bobzien, County Attorney, Supervisor Hyland moved that the Board **TABLE** this action until later in the meeting when a full Board would be present. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander not yet having arrived.

(NOTE: Later in the meeting, action was taken on **Administrative Item Four**. See Clerk's Summary Item CL#26.)

## **12.A-1 - BOARD OF SUPERVISORS' PROPOSED ADJUSTMENTS TO THE FISCAL YEAR (FY) 1994 ADVERTISED BUDGET PLAN**

### **(Tape 5)**

In response to a query by Supervisor Hanley, William J. Leidinger, County Executive, responded that the original title in the Memorandum to the Board referenced "Fiscal Year 1993." He stated that staff had revised and distributed a corrected Memorandum to read, "Fiscal Year 1994."

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that:

- Board Members select which agencies that they would like to provide individual presentations before the full Board on their respective budgets; and
- Board Members be permitted to meet with Agency Directors on an individual basis regarding those agencies.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor McConnell moved that the Board concur in the recommendation of staff and authorize the process of distributing suggested adjustments proposed by Board Members to the proposed Fiscal Year (FY) 1994 Advertised Budget Plan, prior to the start of the public hearings scheduled for April 12, 1993, to the Director of the Office

of Management and Budget (OMB) no later than noon on Wednesday, April 7, 1993. Staff will compile all of the suggested adjustments and forward to the Board for discussion at the Budget Subcommittee meeting on April 12, 1993 at 10:00 a.m. This motion was seconded by Chairman Davis.

Supervisor Dix moved that the motion be amended to include that Board Members follow the previous year's procedure whereby Board Members who recommend additions to the general budget must also provide corresponding reductions at the time that those additions are presented. This motion was seconded by Supervisor Berger.

Following discussion, Supervisor Dix clarified that this is done at the time of the Board's mark-up on the budget.

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

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

**13.A-2 - AMENDMENT TO POLICY FOR INCLUSION OF NON-COUNTY AGENCIES OR GROUPS IN THE COUNTY HEALTH INSURANCE PLANS (Tape 5)**

(P)Following discussion, with input from Paul L. Baldino, Acting Director, Office of Personnel, Supervisor McConnell moved that the Board concur in the recommendation of staff and amend the policy for inclusion of non-County agencies and groups in the County health insurance plans to eliminate exceptions for non-contributory organizations. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander not yet having arrived.

**14.A-3 - AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY TO THE NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION (NVPDC) FOR COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT FUNDS (Tape 5)**

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

recommendation of staff and authorized the submission of this application for Comprehensive AIDS (Acquired Immunity Deficiency Syndrome) Resources Emergency (CARE) Act funding from the Northern Virginia Planning District Commission (NVPDC).

**15.A-4 - APPOINTMENT OF REPRESENTATIVES TO THE  
COMMUNITY POLICY AND MANAGEMENT TEAM FOR SERVICES  
TO AT-RISK YOUTH AND FAMILIES (Tape 5)**

(BACs)

(APPTs)

On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Alexander not yet having arrived, the Board concurred in the recommendation of staff and took the following actions regarding the Community Policy and Management Team:

- Revised the composition to add a 14th member;

- Appointed the following individuals to complete the Team membership:

- \*Mr. Jose E. Aunon, as the second Cultural Diversity of the Community Representative; and

- \*W. Michael Kendrick, Director, Department of Recreation and Community Services, to fill the newly-created 14th position.

**16.A-5 - APPLICATION TO THE STATE COUNCIL ON LOCAL  
DEBT FOR REFUNDING GENERAL OBLIGATION AND SEWER  
REVENUE BONDS AND SALE OF GENERAL OBLIGATION  
REFUNDING BONDS, SERIES 1993A (Tape 5)**

(BONDS)

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

- Approved the sale of general obligation refunding bonds in an amount not to exceed \$215,000,000, the proceeds of which will be held in escrow and used to redeem portions of previously issued and outstanding Public Improvement Bonds in Series 1986A, 1989A and 1989B, and 1990A totalling \$185,715,000, or as necessary to maximize savings;

- Approved a sale of sewer revenue refunding bonds in an amount not to exceed \$80,000,000 to refund outstanding Sewer Revenue Bonds, Series 1986, totalling \$64,500,000;

- Adopted the Resolutions and approved applications to the State Council on Local Debt for both general obligation and sewer revenue bonds;

- Adopted the Resolution authorizing the issuance of general obligation refunding bonds and delegating to the County Executive or the Deputy County Executive for Management and Budget authority to determine the details of the bonds;

- Adopted the Resolution authorizing the sale of general obligation refunding bonds including preparation of the form of the Notice of Sale, the preparation of the form of the Notice of Sale, the preparation of the Official Statement, and the Chairman's signature on the Official Statement;

- \*The Resolution also provides for the sale to be conducted and the award to be made at the discretion of the County Executive or the Deputy County Executive for Management and Budget in consultation with the County's Financial Advisor not later than September 17, 1993. The winning bid must offer the lowest true interest cost, and the true interest cost rate may not exceed 6.0 percent. The Notice of Sale will announce that bids will be taken in the Offices of Craigie Incorporated in Richmond; and

- Approved the form of the Escrow Agreement for the general obligation refunding bonds.

## **17.C-1 - UTILIZATION OF VOLUNTARY CONTRIBUTIONS FROM**

## **REZONING AND SPECIAL EXCEPTION APPLICATIONS FOR**

## **THE INSTALLATION OF STREET LIGHTS (COUNTYWIDE)**

**(Tape 5)**

(P)The Board next considered an Item contained in the Memorandum to the Board dated March 8, 1993 regarding policy options on the utilization of voluntary contributions from Rezoning and Special Exception applications for the installation of street lights.

Supervisor Dix moved that the Board approve **Alternative II: Installation of Street Lights within a Specific Magisterial District,"** contained on Page 38 of the Memorandum to the Board dated March 8, 1993. This was seconded by Supervisor Frey.

Discussion ensued among Board Members, with input from John W. diZerega, Director, Department of Public Works.

In response to a query by Supervisor Frey, David Bobzien, County Attorney, responded that he would distribute to Board Members copies of his memorandum outlining his legal opinion on cash contributions in lieu of Public Facilities Manual (PFM) standards.

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

**18.C-2 - DELINQUENT TAXES AND PARKING TICKETS****(Tapes 5-6)**

The Board next considered an Item contained in the Memorandum to the Board dated March 8, 1993 requesting authorization for staff to obtain additional resources necessary to collect delinquent taxes and parking tickets.

Following an extensive question-and-answer period, with input from William J. Leidinger, County Executive, James P. McDonald, Deputy County Executive for Management and Budget, and Susan S. Planchon, Director, Office of Finance, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize funding to extend the existing seasonal personnel to continue the efforts on the collection of delinquent taxes and parking tickets. This motion was seconded by Supervisor Hyland.

Vice-Chairman McConnell returned the gavel to Chairman Davis and moved a substitute motion that the Board:

- Address individual concerns to the County Executive for his response; and
- Defer consideration for two weeks to allow additional time for staff to respond to those concerns.

This motion was seconded by Supervisor Berger.

Further discussion ensued among Board Members, with input from Ms. Planchon and Mr. Leidinger.

Supervisor Hyland moved to call the question on the substitute motion. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

The question was called on the substitute motion to defer consideration for two weeks which **FAILED** by a recorded vote of six, Supervisor Berger, Supervisor Dix, Supervisor McConnell, and Supervisor Trapnell voting "**AYE.**"

The question was called on the main motion to authorize the funding to extend the existing seasonal personnel which **CARRIED** by a recorded vote of seven, Supervisor Berger, Supervisor Dix and Supervisor Trapnell voting "**NAY.**"

#### **19.I-1 - NO REPORTABLE AUDIT FINDINGS (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 8, 1993 presenting no reportable audit findings. Fiscal Year 1992 marks the first year since 1968, when the County first hired independent external auditors, in which there were no findings of great enough significance to be brought to the attention of the Board of Supervisors.

Supervisor Hyland asked unanimous consent that the Board direct the County Executive to forward to Board Members copies of the response to the letter regarding the Uniform Retirement Program. Without objection, it was so ordered.

#### **20.I-2 - GRANT AWARD TO THE FAIRFAX COUNTY**

##### **REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)**

##### **FOR THE PUBLIC HOUSING DRUG ELIMINATION PROGRAM**

**(Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 8, 1993 presenting the grant award to the Fairfax County Redevelopment and Housing Authority (FCRHA) for the Public Housing Drug Elimination Program.

There was a brief discussion concerning this item, with input from Verdiana L. Haywood, Deputy County Executive for Human Services.

With regard to the date of September 1992 listed in the Memorandum to the Board, Supervisor Hanley reminded staff, once again, to forward issues to the Board on a more expeditious basis.

**21.I-3 - FAIRFAX COUNTY EMPLOYER CHILD CARE**

**COUNCIL MEMBERSHIP UPDATE AND PROCEDURAL**

**MODIFICATIONS (Tape 6)**

(BACs)

(APPTs)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 8, 1993 requesting approval of the Fairfax County Employer Child Care Council Membership update and procedural modifications as outlined in the Board Package.

**22.I-4 - CONTRACT AWARD - TURKEY RUN STORM DRAINAGE**

**IMPROVEMENT (BRADDOCK DISTRICT) (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 8, 1993 requesting authorization for staff to award a contract to New Construction, Incorporated in the amount of \$261,467 for construction of Turkey Run Storm Drainage Improvement, Project X00089, Subfund 470, Storm Drainage Bond Construction.

The staff was directed administratively to proceed as proposed.

**23.I-5 - SUBMISSION OF THE FISCAL YEAR (FY) 1993**

**(PROGRAM YEAR 2) HOME PROGRAM DESCRIPTION TO**

**THE UNITED STATES (U.S.) DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT (HUD) (Tape 6)**

The Board next considered an Information Item contained in the Memorandum to the Board dated March 8, 1993 presenting the submission of the Fiscal Year (FY) 1993 (Program Year 2) Home Program Description to the United States (U.S.) Department of Housing and Urban Development (HUD).

There was a brief discussion concerning this item, with input from Verdiana L. Haywood, Deputy County Executive for Human Services.

**24.RECESS/EXECUTIVE SESSION (Tape 6)**

At 1:55 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 and, at 3:00 p.m., reconvene and continue the agenda by proceeding with "Board Matters." This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**NV:nv**

At 4:40 p.m., the Board reconvened in the Board Room with all Board Members present, and with Chairman Davis presiding.

**25.ACTIONS FROM EXECUTIVE SESSION (Tape 7)**

**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 Alexander and carried by unanimous vote.

**B.SETTLEMENT OF BOARD OF SUPERVISORS**

**VERSUS HL LIMITED PARTNERSHIP, ET AL.,****AT LAW NUMBER 111661**

Supervisor Alexander moved that the Board authorize the County Attorney's Office to accept the developer's offer to settle Board of Supervisors versus HL Limited Partnership, et al., At Law Number 111661, according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**C.CONTRACT OF SALE AND CONTRACT ADDENDUM****BETWEEN BOARD OF SUPERVISORS AND ROUTE****ONE SOUTH ASSOCIATES, LIMITED PARTNERSHIP,****FOR PROPERTY LOCATED NEAR LOWER POTOMAC****SEWAGE TREATMENT PLANT**

Supervisor Hyland moved that the Board approve the Contract of Sale and attached Contract Addendum between the Board of Supervisors and Route One South Associates, Limited Partnership, A Virginia Limited Partnership, and authorize the execution of said instruments by the Deputy County Executive for Planning and Development. He stated that the property is located in the Mount Vernon District, and identified as Tax Map Parcel Numbers 108-3((1))0012-A, 0013-A, and 0014. This motion was seconded by Supervisor Berger and carried by unanimous vote.

**26.ADMIN 4 - AUTHORIZATION TO ADVERTISE PUBLIC****HEARINGS ON PROPOSED AMENDMENT TO THE CODE OF****THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION****PROVISIONS), REGARDING SUBDIVISION OF LOTS ON****PRIVATE STREETS (Tape 7)**

(A)(NOTE: Earlier in the meeting, this item was discussed and decision deferred until after the Executive Session. See Clerk's Summary Items CL#10 and CL#11.)

Supervisor Frey moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on April 7, 1993 and Board of Supervisors on **April 26, 1993 at 7:30 p.m.** on the proposed amendment to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions), concerning subdivision of lots on private streets. This motion was seconded by Supervisor Bulova.

Supervisor Dix moved to amend the motion to add R-E properties to the original motion. This motion was seconded by Supervisor Frey and **FAILED** by a recorded vote of eight, Supervisor Dix and Supervisor Frey voting "**AYE.**"

Supervisor Berger moved to amend the motion to change the advertisement from R-1 to R-2. This motion was seconded by Supervisor Hanley and **FAILED** by a recorded vote of six, Supervisor Berger, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE.**"

The question was then called on the main motion which **CARRIED** by a recorded vote of seven, Supervisor Berger, Supervisor Hyland, and Supervisor Trapnell voting "**NAY.**"

**SBE:sbe**

**27. DEFERRAL OF PH ON THE ACQUISITION OF DEDICATIONS  
AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF  
MEMORIAL STREET (WEST) NEIGHBORHOOD IMPROVEMENT  
PROJECT (LEE DISTRICT) (Tape 8)**

Supervisor Alexander moved to defer the public hearing on the proposed acquisition of dedications and easements necessary for the construction of Memorial Street (West) Neighborhood Improvement Project until **April 12, 1993 at 3:00 p.m.** This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**28. DEFERRAL OF PH ON PROPOSED OUT-OF-TURN PLAN  
AMENDMENT S92-III-P1 FOR THE AREA LOCATED ON  
THE NORTH SIDE OF OX ROAD NEAR ITS INTERSECTION  
WITH HAMPTON ROAD (SPRINGFIELD DISTRICT)**

**(No Tape)**

(NOTE: Because of the Planning Commission's deferral of its decision, the Board deferred its public hearing on proposed Out-of-Turn Plan Amendment S92-III-P1, for the area located on the north side of Ox Road near its intersection with Hampton Road, until **April 26, 1993 at 4:00 p.m.**)

**29.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 8)**

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 **April 12, 1993 at 3:30 p.m.** This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**30.DEFERRAL OF PH ON SPECIAL EXCEPTION APPLICATIONS**

**SE 92-Y-030 AND SE 92-Y-041 AND PROFFERED CONDITION**

**AMENDMENT APPLICATION PCA 81-S-090-3 (SHELL OIL**

**COMPANY) (SULLY DISTRICT) (Tape 8)**

On behalf of Supervisor Frey, who had to leave the meeting due to a family emergency, Supervisor Hanley moved to defer the public hearing on Special Exception Applications SE 92-Y-030 and SE 92-Y-041 and Proffered Condition Amendment Application PCA 81-S-090-3 until **March 22, 1993 at 4:30 p.m.** This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**31. DEFERRAL OF PH ON REZONING APPLICATION RZ 87-Y-074**

**(CHARLIE AND JUDY BEATY) (SULLY DISTRICT) (Tape 8)**

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 87-Y-074 until **June 7, 1993 at 3:30 p.m.** This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Frey being out of the room.

**ADDITIONAL BOARD MATTER****32.RECOGNITION OF WINDSOR COGGESHALL, LEAD BASKETBALL  
PLAYER AT JAMES MADISON HIGH SCHOOL (Tape 8)**

Supervisor Dix recognized the presence of Windsor Coggeshall, lead basketball player, of James Madison High School Basketball Team in Vienna, Virginia. He congratulated Windsor and the team members for winning the Northern Virginia Basketball Tournament Championship.

**33. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE  
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING  
ORDINANCE) REGARDING SITE PLANS, AGREEMENTS,  
SECURITIES, AND APPLICATION FOR A BUILDING  
PERMIT (Tape 9)**

(O)Certificates of Publication were 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 February 18 and February 25, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance):

- Section 17-108 (Agreements, Security and Fees), to revise the provisions regarding site plans, agreements, security and fees;
- Section 18-602 (Application for a Permit) and Section 18-603 (Permits Not to be Issued), to revise the provisions regarding required items to accompany an application for a building permit; and
- Section 20-300 (Definitions), to add a definition of construction permit,

**with an effective date of 12:01 a.m. on March 9, 1993. This amendment shall apply to all site plans submitted after March 8, 1993 and to site plans submitted as of March 8, 1993 which have not been approved as of March 8, 1993. This**

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

**34. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE  
OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING  
ORDINANCE) REGARDING OFF-STREET PARKING (Tape 9)**

(O)Certificates of Publication were 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 February 18 and February 25, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Articles 11, 17, and 20, to revise certain off-street parking requirements which primarily relate to the applicability of the parking requirements to existing developments, the grandfather status of compact car spaces, and the deletion of the medical office parking requirement, **with an effective date of 12:01 a.m. on March 9, 1993**. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**35. 3:30 P.M. - PH TO AMEND THE CODE OF THE COUNTY OF  
FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),  
ARTICLE 10, SECTION 4-10-1, AND ARTICLE 17,  
SECTION 4-17-4, RELATING TO TAXES AND FINANCE  
(Tape 9)**

(O)Certificates of Publication were 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 February 18 and February 25, 1993.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 10, Section 4-10-1, and Article 17, Section 4-17-4, providing for a minimum penalty for the late payment of personal property taxes of 10 percent or \$10.00, whichever is greater, and the charging of interest for the late payment of personal and

real property taxes for the second and subsequent years of delinquency at the rate of ten percent or the rate established by the Internal Revenue Code, whichever is greater, **to become effective upon adoption**. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Trapnell being out of the room.

**36. 3:30 P.M. - PH ON REZONING APPLICATION RZ 87-Y-074**

**(CHARLIE AND JUDY BEATY) (SULLY DISTRICT) (No Tape)**

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Rezoning Application RZ 87-Y-074 until June 7, 1993 at 3:30 p.m. See Clerk's Summary Item CL#31.)

**37. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT**

**APPLICATION SEA 89-S-058-2 (AMOCO OIL COMPANY)**

**(SPRINGFIELD DISTRICT) (Tape 9)**

Mr. Thomas W. Smith reaffirmed the validity of the affidavit for the record.

Mr. Smith 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 Chase, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved approval of Special Exception Amendment Application SEA 89-S-058-2 subject to the development conditions contained in Appendix One of the Staff Report dated February 4, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Frey, Supervisor Hanley, and Supervisor Trapnell being out of the room.

Supervisor McConnell further moved that the Board reiterate the approval of all modifications and waivers previously granted pursuant to the approval of Special Exception Amendment Application SEA 89-S-058. This motion was seconded by Supervisor Davis and carried by a vote of six, Supervisor Alexander, Supervisor Frey, Supervisor Hanley, and Supervisor Trapnell being out of the room.

**38. 4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN  
AMENDMENT S92-III-P1 FOR THE AREA LOCATED ON  
THE NORTH SIDE OF OX ROAD NEAR ITS INTERSECTION  
WITH HAMPTON ROAD (SPRINGFIELD DISTRICT) (No Tape)**

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on proposed Out-of-Turn Plan Amendment S92-III-P1, for the area located on the north side of Ox Road near its intersection with Hampton Road, until April 26, 1993 at 4:00 p.m. See Clerk's Summary Item CL#28.)

**39. 4:00 P.M. - PH ON 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 (No Tape)**

(NOTE: At the request of the Board of Trustees of the Supplemental Retirement System, this public hearing has been CANCELLED and will be rescheduled at a later date.)

**40. 4:00 P.M. - PH 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 NEGATION OF  
EFFECT ON RETIREMENT BENEFITS OF MERIT  
INCREMENT DEFERRALS (Tape 9)**

Certificates of Publication were 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 February 18 and February 25, 1993.

Following the public hearing, Supervisor Dix moved that the Board:

- Defer Board decision on the proposed revisions to the Code of the County 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; and
- Direct staff to research and report in two weeks on how other jurisdictions are dealing with this issue.

Following discussion, with input from William O. Howland, Jr., Assistant to the County Executive, Board decision was scheduled for **March 22, 1993 at 10:00 a.m.**

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

#### **41. 4:00 P.M. - PH ON THE ACQUISITION OF DEDICATIONS**

#### **AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF**

#### **MEMORIAL STREET (WEST) NEIGHBORHOOD IMPROVEMENT**

#### **PROJECT (LEE DISTRICT) (No Tape)**

[NOTE: Earlier in the meeting, action was taken to defer the public hearing on the proposed acquisition of dedications and easements necessary for the construction of Memorial Street (West) Neighborhood Improvement Project until April 12, 1993 at 3:00 p.m. See Clerk's Summary Item CL#27.]

#### **42. 4:00 P.M. - PH ON REZONING APPLICATION RZ 92-P-026**

#### **(ERNEST R. AND HAZEL B. ANDERSON) (PROVIDENCE**

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

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 92-P-026 be amended from the R-1 District to the R-2 District subject to the executed proffers dated January 27, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**43. 4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT**

**APPLICATION PCA 77-D-053 (BOARD OF SUPERVISORS,**

**OWN MOTION) (DRANESVILLE DISTRICT) (Tape 9)**

(NOTE: Because this application is a Board of Supervisors, Own Motion, an attorney is not present to reaffirm the validity of the affidavit.)

Regina Murray, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, confirmed that the necessary notices had been filed showing that at least 25 adjacent and/or interested persons had been notified of the date and hour of this public hearing.

Following the public hearing, which included testimony by four speakers, Ms. Murray, presented the staff and Planning Commission recommendations.

Following discussion, with input from John W. Koenig, Director, Utilities Planning and Design Division, Department of Public Works, Supervisor Berger moved approval of Proffered Condition Amendment Application PCA 77-D-053 subject to the executed proffers dated February 29, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

**AP:ap**

**44. 4:30 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, action was taken to defer the public hearing on Rezoning Application RZ 92-H-027 and Proffered Condition Amendment Application PCA 85-C-008-2. See Clerk's Summary Item CL#29.)

**45. 4:30 P.M. - PH ON REZONING APPLICATION RZ 92-D-021**

**(WILLIAM J. DALEY AND GEORGE S. WEBB AND HAROLD L.**

**SHOTWELL, TRUSTEES) (DRANESVILLE DISTRICT)**

**(Tape 10)**

Mr. Thomas D. Rust reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Berger moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 92-D-021 be amended from the R-1 District to the R-3 District subject to the executed proffers dated February 19, 1993. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of six, Supervisor Hanley abstaining, Supervisor Alexander, Supervisor Bulova, and Supervisor Frey being out of the room.

Supervisor Berger moved that the Board direct the Director of the Department of Environmental Management (DEM) to waive the service drive requirement on Dranesville Road. This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of six, Supervisor Hanley abstaining, Supervisor Alexander, Supervisor Bulova, and Supervisor Frey being out of the room.

**46. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATIONS**

**SE 92-Y-030 AND SE 92-Y-041, AND PROFFERED**

**CONDITION AMENDMENT APPLICATION PCA 81-S-090-3**

**(SHELL OIL COMPANY) (SULLY DISTRICT) (No Tape)**

(NOTE: Earlier in the meeting, action was taken to defer the public hearing on Special Exception Applications SE 91-Y-030 and SE 92-Y-041, and Proffered Condition Amendment Application PCA 81-S-090-3. See Clerk's Summary Item CL #30.)

**47.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**

**SE 91-V-039 (FAIRFAX INDUSTRIAL PARK ASSOCIATES)**

**(MOUNT VERNON DISTRICT) (Tape 10)**

Mr. John W. Farrell reaffirmed the validity of the affidavit for the record.

Mr. Farrell 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 discussion with input from staff, Supervisor Hyland moved to defer the Board decision on Special Exception Application SE 91-V-039 until **March 22, 1993 at 3:30 p.m.**

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

**48. 4:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT**

**APPLICATION SEA 85-L-136 (WILLIAM E. SCHULLING)**

**(LEE DISTRICT) (TAPE 10)**

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

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

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

Supervisor Alexander moved approval of Special Exception Amendment Application SEA 85-L-136 subject to the development conditions dated February 4, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

**49. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT**

**APPLICATION PCA 84-P-035 (TWO B LIMITED**

**PARTNERSHIP) (PROVIDENCE DISTRICT) (Tape 10)**

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

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

Supervisor Hanley moved approval of Proffered Condition Amendment Application PCA 84-P-035 subject to the proffers and development conditions dated March 8, 1993; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 84-P-035 on February 4, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Chairman Davis being out of the room.

**BOARD MATTERS**

**AR:ar**

**50.APPOINTMENT TO THE EMPLOYER CHILD CARE**

**COUNCIL (Tape 11)**

(APPT)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved the appointment of Ms. Gay Furst as the second IBM Corporation representative to serve on the Employer Child Care Council, along with Mr. Dennis Murray who was appointed earlier. This motion was seconded by Vice-Chairman McConnell and carried by a vote of eight, Supervisor Berger and Supervisor Frey being out of the room.

## **51.SOLID WASTE VARIABLE RATE STUDY**

### **(Tape 11)**

Supervisor Davis called the Board's attention to two items regarding the solid waste variable rate study proposed for funding in the County Executive Fiscal Year (FY) 1994 budget. If this study is approved in the budget, Supervisor Davis asked unanimous consent that the Board direct staff to address the following two items in the study:

1.A constituent has expressed concern that the elderly and disabled, who may have limitations as to the size and weight of garbage bags which they can physically handle, might be disadvantaged by a pay-by-bag system. As an example, these persons often have to use more bags because they are only partially filled in order to be manageable.

The study should fully take into consideration needs such as this. Perhaps the American Disabilities Act could provide guidance and the Local Area Disability Services Board should be requested to provide input and comments.

2.The Citizens Advisory Committee (CAC) on Solid Waste and Disposal Matters should be directly involved in this study. The County is fortunate to have members of the CAC who have already done extensive investigation of the variable rate concept and should be able to provide valuable input.

The CAC should have sufficient opportunity to formally comment on the findings of the study before the findings are brought back to the Board. If it can be arranged, the CAC should have a representative present before the Board to answer any questions about their comments on the study findings.

Without objection, the above requests were so ordered.

## **52.DISPLAY CASES FOR GEORGE WASHINGTON**

### **FAMILY WILLS (Tape 11)**

Supervisor Davis stated that he has been contacted by John Frey, Clerk of the Court, regarding the situation involving the George Washington family wills which are in Mr. Frey's custody. As has been highlighted in several media reports, the wills are stored in a separate section of the Court's evidence vault.

Supervisor Davis noted that Mr. Frey has expressed an interest in acquiring appropriate display cases for the wills in order that these historic documents may be examined by the general public on a regular basis. Mr. Frey has been advised by experts at the Virginia State Library and Archives that a case with the necessary preservation features will cost approximately \$80,000.

Accordingly, Supervisor Davis asked unanimous consent that the Board direct the Office of the County Attorney to advise the Clerk of the Court of the details of, and any appropriate limitations to, the establishment of a 501(c)3 organization or similar non-profit foundation to receive donations for this purpose. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**53."CARDIAC ARREST" (Tape 11)**

Supervisor Dix reminded Board Members of the "Cardiac Arrest" event scheduled at the Government Center on Wednesday, April 28, 1993, to benefit the American Heart Association and invited everyone to participate.

**54.CONGRATULATIONS TO JAMES MADISON, W.T. WOODSON,  
HAYFIELD, AND SOUTH LAKES HIGH SCHOOLS (Tape 11)**

Supervisor Dix publicly expressed his congratulations to James Madison, W. T. Woodson, Hayfield, and South Lakes High Schools on their recent accomplishments as basketball champions.

**55.JOE GIBBS APPRECIATION DAY (Tape 11)**

Supervisor Dix asked unanimous consent that the Board concur in his working with staff to honor a prominent constituent of the Hunter Mill District with "Joe Gibbs Appreciation Day." Without objection, it was so ordered.

**56.BICYCLE HELMET ORDINANCE (Tape 11)**

Supervisor Dix stated that the Virginia General Assembly has passed legislation which will allow Fairfax County, among other jurisdictions, to pursue an important public safety initiative that will, hopefully, reduce the incidence of serious injury in accidents involving bicycle riders. He noted that, since the Board has endorsed the bicycle helmet legislation, it should be prepared to move forward with its implementation on July 1, 1993, assuming Governor L. Douglas Wilder signs the bill.

Supervisor Dix clarified that the ordinance would only apply to bicycle riders up through the age of 14 and would include a maximum fine of \$25, which would be waived for the first offense, and even for subsequent offenses if it could be demonstrated that a helmet had been purchased.

With a notation that the approach here is persuasive, not coercive, and the goal - a serious reduction in head injuries - is a laudable one, Supervisor Dix moved that the Board direct the County Executive to begin the process of drafting a local ordinance and advise the Board of the necessary process for such an ordinance, to take effect on July 1, 1993, or as soon thereafter as possible. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

## **57.NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

### **(NASA) FACILITY IN RESTON (Tape 11)**

Supervisor Dix recalled that by a resolution, adopted on October 26, 1992, the Board rededicated itself to attracting federal government facilities to Fairfax County and, in particular, to the maintenance of the National Aeronautics and Space Administration (NASA) Facility in Reston.

Supervisor Dix stated that, as a result of the recent words and deeds of Virginia's senior representative in the United States Senate, the maintenance of the NASA Facility in Fairfax County is in greater jeopardy than ever.

Therefore, Supervisor Dix moved that the Board:

- Reiterate its strong commitment to NASA and its recognition of the value of its Facility and employees to Fairfax County;
- Strongly implore each member of Virginia's Congressional Delegation to weigh in with the Clinton Administration and their colleagues in the United States Congress about the importance of NASA to Virginia and to Fairfax County; and

•Request Chairman Davis to promptly communicate these sentiments to President Clinton and the Congressional Delegation on behalf of the Board.

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

**58.APPOINTMENTS TO THE ATHLETIC COUNCIL AND THE  
FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE**

**(Tape 11)**

(APPTs)

Supervisor Dix moved the following appointments:

•Mr. Wayne Martin to fill the unexpired term of Mr. Donald Koval as the Town of Vienna's (ALTERNATE) Representative to the Fairfax County Athletic Council [Mr. Koval was appointed previously as the Town's PRINCIPAL Representative)];

•Mr. George J. Aste as the Hunter Mill District Representative to the Fairfax County Airports Advisory Committee;

•Mr. Harold Leff as the Hunter Mill (PRINCIPAL) District Representative to the Fairfax County Athletic Council; and

•Mr. William G. Bouie as the Hunter Mill (ALTERNATE) District Representative to the Fairfax County Athletic Council.

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

**CM:cm**

**59.BRADDOCK DISTRICT TOWN MEETING REGARDING THE  
BUDGET (Tape 12)**

Supervisor Bulova announced that the Braddock District Town Meeting has been scheduled for March 10, 1993 at the Chapel Square Center. The meeting is sponsored by the Braddock District Council of Community Association and there will be a briefing on Fairfax County's proposed Fiscal Year (FY) 1994 Budget. She stated that

Edward Long, Director, Office of Management and Budget (OMB), and William J. Leidinger, County Executive, will be available to describe the Advertised Fiscal Plan and to answer questions.

Supervisor Bulova extended an invitation to all Board Members and interested individuals. Interested individuals may contact her office at 703/425-9300 for directions to the Chapel Square Center located in Annandale.

Supervisor Bulova publicly expressed her appreciation to the Braddock District Council of Community Association for conducting this event for the second year in a row.

#### **60.NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION'S (NVPDC) FIRST ANNUAL SOCIAL EVENT (Tape 12)**

Supervisor Bulova stated that last year, as he was retiring from his position as Chairman of the Northern Virginia Planning District Commission (NVPDC), Supervisor Dix made a recommendation for an annual social event for past and present NVPDC members.

As the current Chairman, Supervisor Bulova stated that she has "gussied up" Supervisor Dix's excellent idea and requested Board Members to reserve the morning and afternoon of May 22, 1993 in order to attend the "First Annual SHOWCASE OF AN NVPDC JURISDICTION." She announced that, by the time invitations are sent, the name of the event will probably be changed.

Supervisor Bulova stated that NVPDC has agreed that every year, one of the counties, towns, and cities of NVPDC will have an opportunity to "spotlight" their jurisdiction. This event is an opportunity for the jurisdiction to showcase their past and present in an informal atmosphere. It is also an opportunity for staff from the region to relax and get to know each other better, which will enhance regional cooperation. Invited guests will be NVPDC members and their families, all local and state elected officials, the Chief Executive Officers, Planning Directors, and other staff from each jurisdiction.

Supervisor Bulova announced that Mayor Thomas Davis Rust, Town of Herndon, has volunteered to go first by offering to showcase Herndon. He is planning a bus tour to highlight the Town's history, current notable features, and future plans. The tour will culminate at Mayor Rust's home for a barbecue and picnic.

Supervisor Bulova stated that this event will not only be educational, but unique and a lot of fun. She suggested that Fairfax County may want to consider hosting such an

event in future years and announced that she will be reporting with a more specific recommendation following Herndon's Showcase event scheduled for May 22, 1993.

## **61.CLEAN AIR ACT AMENDMENT AND STATE IMPLEMENTATION**

### **PLAN (Tape 12)**

Supervisor Bulova announced that the Northern Virginia Planning District Commission (NVPDC) will be holding its fourth annual Land Use Conference on Saturday, June 26, 1993 and she requested all Board Members to reserve this date on their calendars. Unofficially, this conference is billed as "NOT JUST a Land Use Conference..." The conference will feature the unveiling of the Regional Land Use Map and, while not yet confirmed, Frederick S. Pena, Secretary of the United States Department of Transportation, is planned as the Keynote Speaker.

Additionally, Supervisor Bulova announced that the agenda will include discussions regarding the Metropolitan Washington Area Council of Governments (COG) Partnership on Regional Excellence, ISTEA, and the Clean Air Act Amendment.

Regarding the Clean Air Act Amendment, Supervisor Bulova reported that the Honorable Ellen Bozman of Arlington, chair of the regional committee of elected officials overseeing the technical work to prepare the Metropolitan region's air quality control measures, addressed NVPDC last month. Joining Ms. Bozman were James E. Sydnor, Assistant Executive Director for the Bureau of Policy, Planning and Mobile Sources programs for the Department of Air Pollution Control, and staff from the Metropolitan Washington Air Quality Committee. Supervisor Bulova stated that the region is going to be required to do some very, very tough things in order to comply with this Act. In order to comply, Fairfax County will need to conduct hearings on the plan sometime in July and August.

Supervisor Bulova stated that staff from Fairfax County were also present at the NVPDC meeting and have been involved in this issue. She asked unanimous consent that the Board direct staff to report with additional information and a schedule for the Board to address the air quality measures to be recommended by the Metropolitan Washington Air Quality Committee. Without objection, it was so ordered.

## **62.BOARD OF SUPERVISORS MEETING ON APRIL 12, 1993**

### **(Tape 12)**

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize a Board of Supervisors' meeting for **April 12, 1993 beginning at**

**2:00 p.m.** This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

### **63.INTRODUCTION OF NEW WASHINGTON POST REPORTER**

**(Tape 12)**

Chairman Davis introduced to Board Members a new reporter with the Washington Post, Mr. Michael D. Shear from Tampa, Florida and warmly welcomed him to the Board Room.

### **64.ROUTE SEVEN WIDENING PROJECT (Tape 12)**

Supervisor Trapnell stated that at the last Board meeting she had raised the issue of the Route 7 widening project between Seven Corners and Bailey's Crossroads. She reminded Board Members of the conflict between the proposed Crosswoods Center at Bailey's and the Route 7 widening project which was approved by the Board of Supervisors and the Commonwealth Transportation Board. The timing of the Route 7 widening project is uncertain at this time, however it is important for the development plans to proceed and yet allow for improvements to be made to Route 7 at a later date.

Supervisor Trapnell stated that she has discussed this issue with staff and moved that staff request Virginia Department of Transportation (VDOT) on behalf of the Board of Supervisors to review both the Development Plan and the Project Plan and provide the County with comments as soon as possible so that the two plans can be made mutually compatible recognizing that the County needs to move forward on this development proposal. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

### **65.EXPEDITIOUS AND MODIFIED PROCESSING PROCEDURE FOR REZONING APPLICATION RZ 93-M-001 (MASON DISTRICT)**

**(Tape 12)**

Supervisor Trapnell stated that Rezoning Application RZ 93-M-001, a request for a 25-acre shopping center to be located at Bailey's Crossroads, is currently pending in Mason District. The applicant is poised to submit and commence expeditious processing of the site plan and is requesting modified processing of the site plan.

Currently, there are no pending modified processing requests at the Department of Environmental Management (DEM) and Edward Jankiewicz, Director, Design Review Division, DEM, has indicated that he has no objection to a modified processing request by this applicant. There is, however, one technical matter which requires the Board's attention. A project which requires modified processing must exceed \$25 million in costs, \$20 million in improvements, and \$5 million in land costs. DEM additionally requires that each individual building exceeds \$20 million.

Supervisor Trapnell stated that, in the case of this project, the total cost will be approximately \$37 million, well exceeding the \$25 million requirement. DEM is currently constrained to rule that each building must exceed \$20 million to secure modified processing approval. Because the applicant will develop the entire project, and all three buildings simultaneously, Supervisor Trapnell stated that she believes that the applicant has fulfilled the requirements for modified processing.

Accordingly, Supervisor Trapnell moved that the Board direct DEM to process the site plan for Rezoning Application RZ 93-M-001 under its modified processing procedure. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**66.SPECIAL EXCEPTION AMENDMENT APPLICATION FOR  
RENEWAL FOR MONTESSORI SCHOOL OF NORTHERN  
VIRGINIA (Tape 12)**

Supervisor Trapnell informed the board that the Montessori School of Northern Virginia is preparing to submit a Special Exception Amendment Application renewal of the Special Exception approved by the Board of Supervisors three years ago. The applicant is requesting a modification of the filing fee for this application.

Supervisor Trapnell moved that the Board authorize modification of the Zoning Ordinance filing fee to allow one-half of the \$1,980 to be waived. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**67.EXPEDITIOUS PROCESSING REQUESTED FOR SPECIAL  
EXCEPTION APPLICATION REGARDING USES FOR THE  
SKYLINE CENTER (MASON DISTRICT) (Tape 12)**

Supervisor Trapnell announced that Third Skyline Associates will soon be submitting for review a Special Exception Application for the Skyline Center. The applicant is requesting a clarification of the uses that may be permitted within the existing Skyline Center office buildings. Skyline Center was approved by the Board in the late 1960s and the types and variety of uses, defined by the Fairfax County Zoning Ordinance, have gone through considerable change since the original Skyline approval. The applicant does not propose increasing development on the site, but simply to clarify the types of commercial and retail uses that may be appropriate within the existing office buildings.

Because of the minor nature of the request, Supervisor Trapnell moved that the Board direct the Office of Comprehensive Planning (OCP) to expeditiously process the Special Exception Application regarding uses for the Skyline Center. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

**VW:vw**

#### **68.SPRINGFIELD TOWN MEETING (Tape 13)**

Supervisor McConnell announced that the Springfield Town Meeting has been scheduled for March 9, 1993 at the West Springfield High School Auditorium from 7:30 p.m. to 9:30 p.m. The topic of discussion will be the Fairfax County proposed Fiscal Year (FY) 1994 Budget. She urged all interested individuals to attend.

#### **69.WAIVER OF SITE PLAN REVIEW FEES FOR THE ANTIOCH**

##### **BAPTIST CHURCH (Tape 13)**

Supervisor McConnell called to the Board's attention that the Antioch Baptist Church has finally made it through the site plan process and has moved forward to the bonding process with Fairfax County. She stated that this church has endured many hardships as it went through the process. The adjoining property owner would not give the church an easement for storm drainage which required the church to expend an additional \$50,000 to re-engineer and go a different route with the storm drainage. In addition, problems with the Virginia Department of Transportation (VDOT) delayed the plan and required numerous meetings.

Given those reasons stated above, Supervisor McConnell moved that the Board waive the site plan review fees for the Antioch Baptist Church. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

**70.REQUEST FOR REAUTHORIZATION AND SCHEDULING  
OF OUT-OF-TURN PLAN AMENDMENT TO EXPAND  
THE HAMPTON-OX ROAD PLAN AMENDMENT AREA  
(SPRINGFIELD DISTRICT) (Tape 13)**

Supervisor McConnell stated that at the Board of Supervisors' meeting held on November 16, 1992, the Board considered an Out-of-Turn Plan Amendment for property in the Dominion Community Planning Sector as generally described in Rezoning Application RZ 92-S-028. The proposed plan amendment would consider allowing residential use not to exceed two dwelling units per acre coupled with an area reserved for a church or day care center.

However, there are other similarly situated parcels in this area that are currently addressed under the same Comprehensive Plan text. Supervisor McConnell stated that it would be appropriate to evaluate these parcels for a Plan amendment at the same time as those parcels involved with the Rezoning Application.

Accordingly, Supervisor McConnell moved that the Board:

- Reauthorize the Out-of-Turn Plan Amendment to consider allowing residential use up to two dwelling units per acre for the area generally south of Crosspointe between the southwest corner of Crosspointe and Ox Road, including the properties referred to in Rezoning Application RZ 92-S-028; and
- Direct staff to schedule the public hearing on the proposed Out-of-Turn Plan Amendment for April 26, 1993.

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

Following discussion, with input from William O. Howland, Jr., Assistant to the County Executive, the public hearing was scheduled for **April 26, 1993 at 4:00 p.m.**

**71.REQUEST FOR WAIVER OF THE LANDFILL DUMPING FEE  
FOR THE SPRINGFIELD STATION HOMEOWNERS ASSOCIATION  
(Tape 13)**

Supervisor McConnell announced that the Springfield Station Homeowners Association is planning a Community Clean-Up Day for May 22, 1993. Because this is an event that improves the appearance of the community, Supervisor McConnell moved that the Board direct staff to waive the Landfill Dumping Fee for this spring cleaning activity. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

## **72.IN-HOUSE INTERNAL AUDIT ON SCHOOL-AGE CHILD CARE**

### **(SACC) COSTS TO BE DISTRIBUTED TO BOARD MEMBERS**

#### **(Tape 13)**

Supervisor McConnell stated that it has been called to her attention that the in-house internal audit on the School-Age Child Care (SACC) costs had been completed. This audit examined the SACC program for both direct and indirect costs associated with the program.

In light of the Board's previous discussion on this issue, Supervisor McConnell stated that the information contained in this report is extremely valuable to Board Members. Accordingly, she moved that the Board direct the County Executive to release this report to each Board Member. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Frey being out of the room.

## **73.REQUEST FOR ADDITIONAL INFORMATION ON THE SCHOOL-**

### **AGE CHILD CARE (SACC) PROGRAM SPONSORED BY THE**

### **PARENTS-TEACHERS ASSOCIATION (PTA) AND THE**

### **DEPARTMENT OF RECREATION AND COMMUNITY SERVICES**

#### **(Tape 13)**

Supervisor McConnell stated that there is a School-Age Child Care (SACC) program at Old Creek Elementary School in the Braddock District that has survived six years independently. The Parents-Teachers Association (PTA) and the Department of Recreation and Community Services have conducted this program successfully with reasonable fees. She asked unanimous consent that the Board direct the County Executive to present additional information on this particular SACC program, in the form of an Information Item, at a future Board meeting. Without objection, it was so ordered.

Supervisor Bulova stated that her office has worked with the Old Creek Elementary School on this program and that she would also provide additional information to interested Board Members.

**74.WAIVER OF ADDITIONAL STREET LIGHTS ON THE  
SAINT FRANCIS PROPERTY (Tape 13)**

Supervisor Berger stated that the Department of Environmental Management (DEM) is requiring additional street lights at the Saint Francis Church which appears to be excessive and are exactly the kind of visual intrusion which threatens the character of Virginia's first scenic byway, Georgetown Pike.

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

- Waive the additional street lights on the Saint Francis property;
- Notify the applicant of the Board's action; and
- Because this request came from the Citizens Association of Great Falls and not the church, waive the street light waiver.

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

**75.APPOINTMENT TO THE FAIRFAX COUNTY AIRPORTS  
ADVISORY COMMITTEE (Tape 13)**

(APPT)

Supervisor Berger moved the appointment of Mr. Robert K. Ackerman as the Dranesville District (Business) Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being out of the room.

**76.BOARD RECOGNITION FOR PARTICIPANTS OF ADOPT-  
A-FAMILY PROGRAM (Tape 13)**

Supervisor Hyland stated that the "Adopt-A-Family" program, sponsored by the Fairfax County's Department of Community Actions (DCA), provides new clothing,

toys, food, and seasonal decorations to low-income families throughout Fairfax County. He reported that during last year's holiday season, many corporations, businesses, individuals, and various county agencies made the effort to "adopt" needy families.

Accordingly, Supervisor Hyland moved that the Board recognize the participants of the 1992 Adopt-A-Family program and direct staff to invite all participants to appear before the Board to be recognized for their generous efforts on the behalf of others. This motion was seconded by Chairman Davis.

Chairman Davis stated that he counted over 200 participants, many of them schools and churches which would, in theory, amount to thousands of participants. He relinquished the Chair to Vice-Chairman McConnell and asked that the motion be amended that the Board direct the Office of Public Affairs to work with Supervisor Hyland's Office and the Department of Community Action (DCA) to select a representative group to appear for recognition on behalf of all of the participants, and this was accepted.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

## **77.FAIRFAX COUNTY'S POSITION ON PRESIDENT WILLIAM**

### **CLINTON'S ECONOMIC STIMULUS PACKAGE (Tape 13)**

Supervisor Hyland reported that last week, members of the National Association of Counties (NACo) Board, of which he is a member, met with President William Clinton, regarding support for the economic stimulus piece of his proposed total economic plan. The individuals who had attended the meeting with the President were specifically asked to go back to their jurisdictions and encourage their respective county boards and constituents to write to their legislators in support of the economic stimulus package. Even though the economy has been improving modestly, the President stressed that the economic stimulus package is instrumental to any real recovery and crucial in returning thousands of Americans to work. Supervisor Hyland stated that NACo, which is comprised of Republicans, Democrats, and Independents, agrees with the President's package.

Supervisor Hyland distributed to Board Members a fact sheet outlining the impact of the economic stimulus package to the Commonwealth of Virginia. A review of the materials shows that a few of the benefits of the package include: the construction of

more roads and mass transit facilities, more assistance for the Head Start programs, more assistance for affordable housing, increase wastewater treatment efforts, provide summer jobs for youth, and increase childhood immunizations.

As a member of NACo Board, Supervisor Hyland requested that a letter be sent to the Board and members of the Virginia Association of Counties (VACo) strongly urging that they, too, involve themselves personally to move this economic plan forward in an effort to not only address the national debt and budget deficit that hurts all jurisdictions, but also to generate funding for the kinds of activities and programs that will bring vitality and health to the economy of the Commonwealth of Virginia and, particularly, to its counties. To help identify specific benefits, NACo staff has highlighted these in terms of dollars which would result in programs for the Metropolitan area and Supervisor Hyland distributed this list to Board Members.

Supervisor Hyland noted that the benefits which will accrue to Fairfax County are substantial. He requested that Board Members consider **only** the Economic Stimulus portion of the plan and he moved that the Board go on record as supporting Economic Stimulus Package and communicate to the Congressional Delegation its support of this portion of the plan. This motion was seconded by Supervisor Hanley.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board **TABLE** Supervisor Hyland's motion. This motion was seconded by Vice-Chairman McConnell and **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor Frey being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **78. OPERATION GREEN LIGHTS (Tape 13)**

Supervisor Hyland reported that the Metropolitan Washington Area of Council of Governments' (COG) Board of Directors has recently adopted a resolution endorsing the Environment Protection Agency's (EPA) Green Lights Program. He stated that this program is an important new energy-reducing, indoor air pollution-reducing plan and, if Fairfax County participates, it would have a significant positive impact on the County's indoor air pollution, the work force, the budget, as well as assist the Metropolitan region in meeting the Clean Air Act regulations.

Accordingly, Supervisor Hyland moved that the Board direct staff to report with recommendations on how and when Fairfax County could implement the EPA's Green Lights Program. This motion was seconded by Supervisor Dix.

Following brief discussion, Supervisor Hyland amended his motion that the Board direct staff to report in the form of a Consideration Item, and this was accepted.

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

#### **79.SILVERBROOK PROPERTIES (Tape 13)**

Supervisor Hyland stated that Silverbrook Properties General Partnership is representing York Limited Partnership, et al., in the sale and development of 11 lots known as Section 19 of Crosspointe, located in the general area of Lorton, Virginia.

Supervisor Hyland stated that Section 19 was originally included on the Second Addition to the Crosspointe Preliminary Plan approved by the Board on August 27, 1990. He noted that due to the slowdown in the construction market, the Preliminary Plan had expired without Section 19 being approved.

Accordingly, Supervisor Hyland moved that the Board direct staff to concurrently process the Preliminary and Site Plans for Crosspointe, Section 19. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Dix, and Supervisor Frey being out of the room.

#### **80."TREMENDOUS PROGRAMS": SEEDLING SALES BY**

#### **FAIRFAX RELEAF AND THE NORTHERN VIRGINIA SOIL**

#### **AND WATER CONSERVATION DISTRICT (NVSWCD)**

#### **(Tape 13)**

Supervisor Hyland reported on programs in Fairfax County which are meeting different tree needs.

Supervisor Hyland stated that Fairfax ReLeaf will be making available to the public, by the end of the March, free tree seedlings for large planting projects. He stated that interested organizations should contact Jim Frazier at Fairfax ReLeaf at 703/324-1426.

Supervisor Hyland also reported on the Northern Virginia Soil and Water Conservation District's (NVSWCD) Annual Seedling Sale. He stated that NVSWCD is taking orders for packages of 17 bare-rooted tree seedlings at a price of \$15. He said that several tree species are available and orders with payment must be sent to

NVWSCD by April 4, 1993. He stated that a smaller package of ten seedlings is also available for \$10. All orders should be mailed as follows:

**NVSWCD****12055 Government Center Parkway, Suite 905****Fairfax, Virginia 22035****(703) 324-1460**

Supervisor Hyland moved that the Board direct the Office of Public Affairs to prepare an appropriate press release on these "Treemendous" programs, as well as advertise the programs on Channel 16. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Supervisor Trapnell being out of the room.

Supervisor Hyland distributed seedling certificates to Board Members for one package of seedlings for distribution to constituents.

**81.CLEAN BUS STOPS (Tape 13)**

Supervisor Hyland distributed to Board Members copies of a resolution that he had received from the Board of Directors of Clean Fairfax County, Incorporated, addressing the litter problems at bus stops throughout the County. Clean Fairfax is a non-profit organization that is dedicated to the sole purpose of finding ways to keep litter under control.

The resolution, adopted by Clean Fairfax, recommends that Fairfax County consider strongly encouraging all future applicants for rezonings, special exceptions, and special permits to provide bus stop trash receptacle installation, servicing, and maintenance.

Accordingly, Supervisor Hyland moved that the Board refer the resolution to staff for its review and to report with recommendations on whether Fairfax County could implement this litter control program. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Trapnell being out of the room.

**82.BRIEFING ON ENVIRONMENTAL SUBCOMMITTEE MEETING****(Tape 13)**

Supervisor Hyland briefed Board Members that earlier this morning, at the Board's Environmental Subcommittee meeting, a presentation was given by Mobil Oil and Washington Gas Corporations regarding a joint venture between those two corporations to utilize compressed natural gas in fleet vehicles.

Supervisor Hyland stated that the Environmental Subcommittee had requested Mobil Oil and Washington Gas Corporations to provide the same presentation before the Board, in conjunction with the Metropolitan Washington Area of the Council of Governments' (COG) staff presentation on the Clean Air Act, issues of non-attainment, and how the region should bring itself into compliance with the Clean Air Act, scheduled for May 10, 1993.

### **83.UPDATE ON "ECOLODAY" (Tape 13)**

Supervisor Hyland reported that an initial planning group has been formed to discuss this year's "Ecoloday." FaxFair Corporation has agreed to sponsor this event, tentatively scheduled for October 2, 1993.

Supervisor Hyland stated that an Information Item regarding this event will be forwarded to Board Members sometime during the next month.

**NV:nv**

### **84.WAIVER OF FEES FOR EASTER SEALS SUMMER CONCERT**

#### **SERIES AT WESTFIELDS (Tape 14)**

On behalf of Supervisor Frey, Supervisor Hanley announced that the Easter Seals Summer Concert Series will be held at Westfields. She noted that this charitable event is a series of family-oriented outdoor music concerts which will be held on Thursday evenings from May until September in the Westfields Corporate Center.

Therefore, on behalf of Supervisor Frey, Supervisor Hanley moved to:

- Waive the filing fee;
- Direct staff to waive the special permit plat requirements in favor of the proposed map and sketch; and
- Request the Board of Zoning Appeals (BZA) to hold an out-of-turn hearing.

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

### **85.FISCAL YEAR 1994 BUDGET QUESTIONS**

#### **(Tape 14)**

Supervisor Hanley stated that she had circulated to Board Members copies of her Fiscal Year (FY) 1994 budget questions. She noted that one of her questions was what expenditures or programs had to be cut for the County Executive to remain within the two percent overall budget guideline.

### **86.STATE WATER CONTROL BOARD SETTLEMENT WITH STAR ENTERPRISE (Tape 14)**

Supervisor Hanley reported that the State Water Control Board (SWCB) has proposed a settlement with Star Enterprise. She stated that this consent order is the SWCB enforcement action. She reported that a group of citizens had asked her to ask the County Attorney if the Board has the authority to delay the action of the SWCB enforcement.

Accordingly, Supervisor Hanley asked unanimous consent that the Board direct the County Attorney to respond to this request. Without objection, it was so ordered.

On behalf of the citizens, Supervisor Hanley announced that she would be asking the County Attorney for a delay in the enforcement action of the SWCB.

### **87.STATE WATER CONTROL BOARD VOTE ON PROPOSED CONSENT SPECIAL ORDER REGARDING STAR ENTERPRISE PICKETT ROAD TANK FARM (Tape 14)**

Supervisor Hanley announced that on March 15, 1993, the State Water Control Board (SWCB) will vote on the proposed consent special order between the SWCB and Star Enterprise concerning the petroleum contamination from the Pickett Road Tank Farm. She stated that there has been discussion in the community regarding the fine levied at \$2.7 million. She stated that it is her understanding that the maximum fine allowed by state code could be approximately \$17 million.

Accordingly, Supervisor Hanley moved that the Board direct staff to indicate to the SWCB that the Board believes that the \$2.7 million fine is too low and the SWCB should levy the maximum penalty allowed by law. This motion was seconded by Chairman Davis.

After discussion, the question was called on the motion which carried by a vote of seven, Supervisor Alexander, Supervisor Dix, and Supervisor Frey being out of the room.

#### **88.REIMBURSEMENT TO FIRE DEPARTMENT FOR FUNDS**

#### **EXPENDED IN RESPONSE TO PETROLEUM CONTAMINATION**

#### **FROM THE PICKETT ROAD TANK FARM (Tape 14)**

Supervisor Hanley called the Board's attention to a Resolution which she had circulated to all Board Members regarding the expenditure of County funds for the Fire Department's response to the petroleum contamination from the Pickett Road Tank Farm.

Accordingly, Supervisor Hanley moved that the Board direct the County Attorney, with the support of the Fire Department, to request of Star Enterprise payment in full for all Fairfax County expenses associated with responding to the petroleum contamination in Mantua. This motion was seconded by Supervisor Bulova.

Supervisor Hanley stated that currently Fairfax County has been reimbursed for approximately \$1-2 million out of about \$5 million costs incurred.

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

#### **89.BOARD ENDORSEMENT OF TESTIMONY ON DRAFT**

#### **REGULATIONS CONCERNING TANK FARMS (Tape 14)**

Supervisor Hanley called the Board's attention to copies of testimony on draft regulations concerning tank farms which she had delivered as an individual and that the Fire and Rescue Department had delivered before the State Water Control Board (SWCB). She moved that the Board endorse the testimony as the position of the Board. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Dix, and Supervisor Frey being out of the room.

**90.AUTHORIZATION OF EXTENSION OF WATER MAINS****TO MANTUA (Tape 14)**

Supervisor Hanley moved that the Board authorize Memorandum Number 93-05 from the Fairfax County Water Authority for the extension of water mains in Mantua. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**91.SECURING OF THE MOUNT, AN HISTORIC HOME****LOCATED NEAR ROUTE 66 AT ITS INTERSECTION****WITH ROUTE 7 (Tape 14)**

Supervisor Hanley stated that on April 6, 1992, the Board approved Special Exception Amendment Application SEA 91-P-051 with Proffer Number 25 stating, "Until such time as the Mount may be rehabilitated, it shall be kept secured, stabilized, and kept in good repair. The applicant will provide access to the Mount to authorized representatives of Fairfax County to ensure compliance with this condition." She stated that the Mount is an historic home on Route 66 just west of its intersection with Route 7. She explained that the land has been taken over by the Resolution Trust Corporation (RTC) and the Mount has not been stabilized or kept in good repair.

Supervisor Hanley moved that the Board direct staff to secure all the buildings on the site as soon as possible and to determine who is responsible for ensuring that they remain secured. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**92.SITE PLAN WAIVER FOR FIRST BAPTIST****CHURCH OF MERRIFIELD IN CONJUNCTION WITH****SPECIAL PERMIT APPLICATION SP 87-P-073 (Tape 14)**

Supervisor Hanley stated the First Baptist Church of Merrifield will be applying for a Site Plan Waiver in conjunction with Special Permit Application SP 87-P-073. Because this is an extension of a previous waiver, Supervisor Hanley moved to waive the fees for this application. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**93.NOISE WALL FOR SHREVEWOOD NEIGHBORHOOD (Tape 14)**

Supervisor Hanley stated that the citizens in the Shreveewood community are very concerned about the Virginia Department of Transportation (VDOT) project to add the auxiliary lane between Route 50 and I-66 on the Beltway, VDOT Project Number 0495-029-128, PE-101, C-501, and D-668. She stated that this project will bring highway noise even closer to their homes.

Because there is a gap in the current noise walls, Supervisor Hanley moved that the Board direct staff to investigate what size and height of noise wall would alleviate the problem and the approximate cost of such a wall. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**94.BUS TRANSPORTATION TO EMPLOYMENT CENTER****(Tape 14)**

Supervisor Hanley stated that Senator Jane Woods (R) called to her attention the fact that the Employment Commission has relocated from Merrifield to the Greenbriar area and that buses run only during rush hour. Supervisor Hanley stated that Senator Woods would ask the State not to relocate until the bus service is available.

Supervisor Hanley moved that the Board support Senator Woods' efforts and direct staff to look into the bus service situation. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**95.SUPPORT FOR ERIC ANDERSON, MEMBER OF SPIRIT****OF AMERICA NATIONAL HONOR BAND (Tape 14)**

Supervisor Hanley announced that Eric Anderson, one of her constituents, has been chosen to represent Fairfax County in the Spirit of America National Honor Band. She referred to a press release which she stated she would circulate. She announced that Mr. Anderson is seeking community support and sponsorship to help him raise the \$3,000 needed for travel.

**96.WAIVER OF FILING FEES FOR SPECIAL EXCEPTION****APPLICATION FOR RALPH THOMPSON, ET AL, PROPERTIES**

**(Tape 14)**

Supervisor Hanley moved to waive the filing fees associated with special exception (SE) application for the Ralph Thompson, Et Al, Properties on Fairfax Tax Map 48-4 ((1)) Parcels 33 and 48-4 ((1)) Parcel 33B because the SE has been necessitated by the widening of the highway. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

**97.TAXPAYER PROBLEM (Tape 14)**

Supervisor Hanley referred to a letter which she had received from a taxpayer in which he describes his problems in resolving his assessment and late charges. She asked unanimous consent that the Board refer this matter to the staff for resolution. Without objection, it was so ordered.

**98.RESOLUTION BY THE FEDERATION REGARDING****A REVISION OF CRITERIA USED TO EVALUATE****THROUGH-TRUCK TRAFFIC IN THE COMMONWEALTH****OF VIRGINIA (Tape 14)**

Supervisor Hanley called the Board's attention to a resolution adopted by the Federation of Citizens Associations regarding a revision of criteria used to evaluate through-truck traffic in the Commonwealth of Virginia. She noted that the Pine Ridge Civic Association also adopted this resolution.

**99.WALL STREET JOURNAL ARTICLE REGARDING****MUNICIPAL-WASTE DISPOSAL INVESTMENTS****(Tape 14)**

Supervisor Hanley called the Board's attention to an article in the Wall Street Journal entitled "Municipal Waste-Disposal Investments Undermined by Federal Court Rulings" dated March 2, 1993. She asked unanimous consent that the Board direct the County Attorney to review the implications of this article. Without objection, it was so ordered.

**100.STATUS REPORT FROM FEDERAL LOBBYIST**

**(Tape 14)**

Supervisor Hanley stated that the County had a lobbyist representing it on federal legislation and that recently staff had circulated an emerging work program for the federal lobbyist. She asked unanimous consent that the Board direct staff to report with an Information Item on what the lobbyist has done specifically and what results have been achieved. Discussion ensued with input from William J. Leidinger, County Executive.

Without objection, the request was so ordered.

**101.ALTERNATE MEMBERS FOR THE BOARD OF BUILDING**

**CODE APPEALS-TECHNICAL REVIEW DIVISION**

**(Tape 14)**

(BACs)

Supervisor Hanley referred to a letter written to Chairman Davis from the Chairman of the Board of Building Code Appeals-Technical Review Division regarding the possibility of appointing alternate members.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board refer this item to staff. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**102.NO BOARD MATTERS FROM SUPERVISOR ALEXANDER**

**(Tape 14)**

Lee District Supervisor Joseph Alexander stated that, in the interest of time, he had no Board Matters to present.

**103.BOARD ADJOURNMENT (Tape 14)**

At 7:05 p.m., the Board adjourned.