

SBE:sbe

The meeting was called to order at 2:25 p.m. with all Members being present, with the exception of Supervisor McConnell, and with Chairman Davis presiding.

Supervisor McConnell arrived at 7:50 p.m.

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

2.CERTIFICATE OF APPRECIATION RECOGNIZING CAMERON

GLEN CARE CENTER'S FIFTH ANNIVERSARY (Tape 1)

Supervisor Berger moved approval of the presentation of the Certificate of Appreciation, presented to Jack Olmstead, Administrator, recognizing Cameron Glen Care Center's fifth anniversary. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell not yet having arrived.

3.PROCLAMATION RECOGNIZING "GUN TURN-IN DAY"

(Tape 1)

Sheriff Carl R. Peed introduced to Board Members James Vickery, the newly-appointed Chief Deputy Sheriff. He stated that Mr. Vickery had been promoted to this position following the retirement of the former Chief Deputy Sheriff, Walter G. Lilley.

Supervisor Alexander moved approval of the presentation of the Proclamation, presented to Sheriff Peed, Ms. Julie Elseroad, and Ms. Diana Huggins, designating May 1, 1993 as "**GUN TURN-IN DAY**" in Fairfax County. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Following a brief presentation by Ms. Elseroad and Ms. Huggins, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff, prior to May 1, 1993 if possible, to announce "**GUN TURN-IN DAY**" in the Weekly Agenda, as well as in the Community Service Bulletin Board on Channel 16, to help increase the circulation of this information to the citizens of Fairfax County. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

4. "CARDIAC ARREST" (Tape 1)

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.

Sheriff Carl R. Peed briefed Board Members that Supervisor Dix had agreed to be "arrested" in a mock arrest situation in the Government Center, as well as Supervisor Hanley, Supervisor Bulova, Supervisor Hyland, and Chairman Davis. The event will be held from 11:30 a.m. until 2:00 p.m. and is hoped to raise approximately \$45,000 for the American Heart Association. He urged all Board Members to participate in this event.

5.2:00 P.M. - PRESENTATION OF THE CITIZEN SIGNATURE

PLAQUE SIGNED AT THE DEDICATION OF THE NEW

GOVERNMENT CENTER (Tape 1)

Aubrey Tarkington, FaxFair Corporation Board of Directors, presented to Board Members the citizen signature plaque that had been signed at the dedication of the new Government Center. He announced that this year the Fairfax Fair will be held at the Government Center, and not at George Mason University, on June 12, 1993 and June 13, 1993.

6. ADMINISTRATIVE ITEMS (Tape 1)

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

Supervisor Frey asked unanimous consent that the Board defer its consideration of **Administrative Item Two - Authorization to Advertise a Public Hearing on the Proposed Abandonment of a Portion of Mount Gilead Road (Sully District)** until April 26, 1993 to allow additional time for Supervisor Frey to discuss this item with staff. Without objection, it was so ordered.

Supervisor Dix asked unanimous consent that the Board pull and consider separately **Administrative Item Three - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 10, Sections 82-10-4 and 82-10-**

10(b) regarding the Motor Vehicle License Tax. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on Administrative Item Three. See Clerk's Summary Item CL#7.)

The question was called on the approval of the Administrative Items, with the exception of Administrative Items One and Three, which carried by a vote of nine, Supervisor McConnell not having yet arrived.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM

(SULLY DISTRICT)

(R)Approved the request that certain streets listed in the Memorandum to the Board dated April 12, 1993 be recommended for acceptance into the State Secondary System, as follows: Little Rocky Run, Section 38; Sully; Marblestone Drive (Route 8086), Stonefield Lane (Route 8089), and Marblestone Court.

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC

HEARING ON THE PROPOSED ABANDONMENT OF A PORTION

OF MOUNT GILEAD ROAD (SULLY DISTRICT)

[NOTE: During the approval of the Administrative Items (Clerk's Summary Item CL#6), action was taken to defer the Board's consideration of the authorization to advertise a public hearing on the proposed abandonment of a portion of Mount Gilead Road.]

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC

HEARING ON PROPOSED AMENDMENTS TO THE CODE OF

THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES

AND TRAFFIC), ARTICLE 10, SECTIONS 82-10-4 AND

82-10-10(B) REGARDING THE MOTOR VEHICLE LICENSE TAX

[NOTE: During the approval of the Administrative Items (Clerk's Summary Item CL#6), action was taken to pull and consider separately the authorization to advertise

the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 10, Sections 82-10-4 and 82-10-10(B). See Clerk's Summary Item CL#7 for the action taken to approve the advertisement.]

**7.ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC
HEARING ON PROPOSED AMENDMENTS TO THE CODE OF
THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES
AND TRAFFIC), ARTICLE 10, SECTIONS 82-10-4 AND
82-10-10(B) REGARDING THE MOTOR VEHICLE LICENSE TAX**

(A)Following discussion, with input from Susan S. Planchon, Director, Office of Finance, Supervisor Hyland moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **May 17, 1993 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 10, Sections 82-10-4 and 82-10-10(b), to:

- Eliminate the requirement to refund vehicle license fees;
- Incorporate the 1993 General Assembly change into the State Code; and
- Add the operator as liable for failure to obtain and display a decal.

This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell not yet having arrived

AP:ap

**8. A-1 - IMPLEMENTATION PLAN FOR THE ESTABLISHMENT
OF BOARD OF SUPERVISORS INDEPENDENT AUDIT
FUNCTION (Tape 2)**

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Bulova moved that the Board approve the memorandum distributed to Board Members (dated April 12, 1993) regarding the Independent Audit Position. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote

of eight, Supervisor Frey voting "NAY," Supervisor McConnell not yet having arrived.

(NOTE: Later in the meeting, Supervisor McConnell asked to be recorded as voting "AYE" on this item. See Clerk's Summary Item CL#84.)

**9.A-2 - AUTHORIZATION FOR CONDEMNATION OF CERTAIN
EASEMENTS NECESSARY FOR THE CONSTRUCTION OF
STRATFORD LANDING ELEMENTARY SCHOOL SIDEWALK
(MOUNT VERNON DISTRICT) (Tape 2)**

(R)On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the necessary legal proceedings to acquire certain easements necessary for the construction of a sidewalk along Elkin Street, Project K00440 - Stratford Landing Elementary School Sidewalk.

**10. A-3 - AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH
COMMUNITY SERVICES BOARD (CSB) TO ACCEPT FEDERAL
BLOCK FUNDING FROM THE DEPARTMENT OF MENTAL HEALTH,
MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES
(DMHMRSAS) TO PROVIDE INTENSIVE IN-HOME TREATMENT
SERVICES (Tape 2)**

On motion of Supervisor Hanley, the second being inaudible, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and authorized the Fairfax-Falls Church Community Services Board (CSB) to accept \$88,296 in Federal Block Funds from the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) to contract for intensive in-home treatment services through June 30, 1993.

11.A-4 - DESIGNATION OF APPLICANT'S AGENT FOR THE

PURPOSE OF OBTAINING FEDERAL FINANCIAL ASSISTANCE**UNDER THE DISASTER RELIEF ACT (Tape 2)**

On motion of Supervisor Frey, seconded by Supervisor Hanley, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and designated Ronald M. Phillips, Deputy Coordinator for Emergency Services, as the Applicant Agent.

**12.A-5 - DESIGNATION OF PLANS EXAMINERS STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM****(Tape 2)**

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and designated the following two individuals, identified with their registration numbers, as Plans Examiners:

- Joseph W. McClellan (102); and
- John F. Souser (103).

Further, the Board concurred in the Advisory Plans Examiner Board's (APEB) recommendation and designated inactive status for the following two individuals electing not to pursue the continuing education requirements of the Designated Plans Examiner Program:

- Harbans Matharoo (84); and
- Kerry Skinner (30).

13. A-6 - SERIES 1993 SEWER REVENUE REFUNDING BONDS**(Tape 2)**

(Rs)On motion of Supervisor Alexander, seconded by Chairman Davis, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and adopted Series Resolution as contained in the Memorandum to the Board.

AR:ar

**14.I-1 - PUBLIC HEARING ON THE APPOINTMENTS OF
SCHOOL BOARD MEMBERS (Tape 3)**

(BACs)

(A)The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to advertise a public hearing to be held before the Board of Supervisors on May 17, 1993 at 7:30 p.m. to receive the views of citizens on the appointment of School Board Members. The vacancies under consideration have been created by the expiring terms of representatives from the Dranesville, Hunter Mill, Lee, Mason, and Sully Districts, and two At-Large positions.

Board appointment of the School Board Members will be made on June 28, 1993. By law, appointments must be made by June 30, 1993.

Following discussion, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and moved that the Board authorize advertisement of public hearings on the appointment of School Board Members, to be held before the Board of Supervisors, as follows:

•For the two At-Large vacancies -

June 7, 1993;

•For the Mason District vacancy -

June 7, 1993; and

•All other District vacancies -

May 17, 1993 at 7:30 p.m.

This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

15.I-2 - PROPOSED ELDERLY HOUSING AT THE DISTRICT

HOME SITE (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to proceed to develop final lease and operating agreements for Board approval for the proposed elderly housing at the District Home Site.

There was a brief discussion regarding this Item.

The staff was directed administratively to proceed as proposed.

16. I-3 - DEPARTMENT OF CONSUMER AFFAIRS UTILITY PROGRAM

(Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 presenting information about the Department of Consumer Affairs Utility Program.

17. I-4 - POTENTIAL FOR MULTICHANNEL VIDEO COMPETITION

TO EXISTING FAIRFAX COUNTY CABLE TELEVISION

SYSTEMS (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 presenting a report on available options for multichannel video competition to existing cable television systems.

There was a brief discussion regarding this Item.

18. I-5 - LETTER TO NATIONAL CAPITAL PLANNING

COMMISSION TO TRANSMIT STAFF COMMENTS ON THE

DRAFT FORT BELVOIR REAL PROPERTY MASTER PLAN

(95 PERCENT SUBMITTAL) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 directing the Chairman to sign the letter to the National Capital Planning Commission transmitting staff comments on the draft proposal.

Following several comments by Board Members on a job well done, staff was directed administratively to proceed as proposed.

19. I-6 - DEVELOPMENT OF A NUTRIENT REDUCTION

STRATEGY FOR THE POTOMAC RIVER BASIN:

STATUS REPORT (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to:

- Notify the Department of Environmental Quality of the Board's desire for a period of at least 60 days to review the forthcoming Interstate Commission on the Potomac River Basin (ICPRB) options paper;
- Notify the Department of Environmental Quality of the Board's recommendation that a public meeting in Northern Virginia be held during the middle of the review period;
- Review and prepare comments for Board consideration regarding the options paper being prepared by ICPRB; and
- Attend public meetings in Northern Virginia regarding the tributary strategy development process and otherwise keep apprised of current developments.

The staff was directed administratively to proceed as proposed.

Supervisor Hyland asked unanimous consent that the Board direct staff to schedule a brief presentation on this matter by the Department of Environmental Quality before the Board of Supervisors. Without objection, it was so ordered.

20. I-7 - AMENDMENT TO THE UNITED STATES (U.S.)

DEPARTMENT OF TRANSPORTATION'S HAZARDOUS FACILITY

ORDER PERTAINING TO THE RUPTURE OF THE COLONIAL

PIPELINE IN RESTON (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 presenting an amendment to the United States (U.S.)

Department of Transportation's Hazardous Facility Order pertaining to the rupture of the Colonial Pipeline in Reston.

Chairman Davis expressed his appreciation to Supervisor Dix for his diligent efforts with regard to this serious pipeline rupture.

Supervisor Hanley moved that the Board direct staff to:

- Provide a large printed map which shows conclusively where all of the various pipelines run in Fairfax County; and
- Investigate what measures the technical staff would recommend should be taken to ensure the safety of all pipelines throughout the entire County.

This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Supervisor Hyland called the Board's attention to House Joint Resolution Number 1005 passed by the Virginia General Assembly on April 7, 1993, which basically expresses the sense of the General Assembly to the United States Congress requesting that the Administration and the Congress aggressively pursue a strengthening of the Pipeline Safety Act and the enforcement and inspection provisions of the Act.

Accordingly, Supervisor Hyland moved that the Board:

- Express its support of the action of the General Assembly in requesting action by the Administration to strengthen the inspection procedure; and
- When the cause of the rupture is received, ensure that action is taken to inspect the entire length of the pipeline in Fairfax County.

This motion was seconded by Supervisor Alexander, with a stipulation that all fuel pipelines throughout Fairfax County be outlined on the large print map which has been requested, and this was accepted.

Supervisor Bulova asked that the motion be amended to include information as to what and how the pipelines in the County are being monitored, and this was accepted.

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

21. I-8 - REQUEST FOR PROPOSAL (RFP) TO ACQUIRE

**SERVICES FROM A COLLECTION SERVICE TO COLLECT
DELINQUENT 1988, 1989, 1990 AND 1991 TAX**

ACCOUNTS CONSIDERED UNCOLLECTIBLE (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 presenting a Request for Proposal (RFP) to acquire services from a collection service to collect delinquent 1988, 1989, 1990 and 1991 tax accounts considered uncollectible.

Following discussion, with input from Susan S. Planchon, Director, Office of Finance, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board direct staff to provide a copy of the Request for Proposal (RFP) to each Board Member. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

**22. I-9 - PARTICIPATION BY THE OFFICE OF THE SHERIFF
WITH THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES
IN THE DEVELOPMENT OF A LOCAL JAIL INMATE
POPULATION FORECASTING COMPUTER MODEL (Tape 3)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 announcing the participation by the Office of the Sheriff with the Department of Criminal Justice Services in the development of a local jail inmate population forecasting computer model.

**23. I-10 - ARCHITECTURAL CONTRACT AWARD TO ZIVIC AND
HURDLE FOR THE DESIGN OF THE WEST CENTREVILLE
FIRE STATION (SULLY DISTRICT) (Tape 3)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to award a contract to Zivic and Hurdle in the amount of \$299,754 for design and construction of a four bay fire station, West Centreville Fire Station, Project 009078, within Subfund 476, Public Safety Construction.

The staff was directed administratively to proceed as proposed.

24. I-11 - CONTRACT AWARD - ROUTE 1/LORTON COMMUNITY

LIBRARY SIGNALIZATION (MOUNT VERNON DISTRICT)

(Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to award a contract to Phillip C. Clarke Electrical Contractor, Incorporated in the amount of \$96,929 for construction of Route 1 Signalization at Lorton Community Library, Project 004828, within Subfund 460, Library Construction.

The staff was directed administratively to proceed as proposed.

25. I-12 - APPROVAL OF ADDITIONAL SERVICES FOR

SETTLES ASSOCIATES TO PERFORM THE SERVICES FOR

THE AMERICANS WITH DISABILITIES ACT (ADA)

COMPLIANCE AND SYSTEMS FURNITURE MODIFICATIONS

TO THE CIRCUIT COURT II EXPANSION (CENTRAL

COUNTY COMPLEX) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for Settles and Associates in the amount of \$44,000 to perform additional services for Circuit Court II Expansion, Project 001038, within Subfund 461, County Construction.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, Supervisor Dix moved that the Board direct staff to provide information regarding the legal ramifications of requiring businesses which are awarded contracts in Fairfax County to obtain a County business license. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell not yet having arrived.

The staff was directed administratively to proceed as proposed.

**26. I-13 - ARCHITECTURAL CONTRACT AWARD TO HARRY
WEESE ASSOCIATES FOR THE DESIGN OF THE
HERNDON/MONROE PARK-AND-RIDE FACILITY
(HUNTER MILL DISTRICT) (Tape 3)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to award a contract to Harry Weese Associates in the amount of \$331,285 for the Herndon/Monroe Park-and-Ride Facility, Project 90A007, within Subfund 471, County Bond Construction.

There was a discussion regarding this item, with input from Paul E. Smith, Supervisor of Assessments, and Kevin C. Greenlief, Director, Personal Property, State Income and License Division, Office of Assessments.

The staff was directed administratively to proceed as proposed.

**27. I-14 - CONTRACT AWARD - ARCHITECTURAL AND
ENGINEERING SERVICES FOR DESIGN OF LAKE
ACCOTINK PARK MAINTENANCE FACILITY (LEE
DISTRICT) (Tape 3)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to award a contract to the Lukmire Partnership of Arlington in the amount of \$77,692 for the design of the Lake Accotink Park Maintenance Facility, Project 475288, within Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

**28. I-15 - CONTRACT AWARD - CONSTRUCTION OF SOCCER
FIELDS, MULTI-USE COURTS, PARKING LOT, TRAILS,
AND RELATED ITEMS AT ELLANOR C. LAWRENCE PARK
(SULLY DISTRICT) (Tape 3)**

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to award a contract to Prince William Construction Company of Manassas, Virginia, in the amount of \$417,830.31 for construction of soccer fields, multi-use courts, parking lot, trails and related items for Project 004698, within Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

29. I-16 - PRODUCTION OF TAX EVADERS CABLE TELEVISION

PROGRAM (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 requesting authorization for staff to air the Production of Tax Evaders Cable Television Program at 7:00 p.m. on Tuesdays and 5:00 p.m. on Thursdays beginning April 20 on Fairfax County Government Channel 16 which can be seen on both Media General, Incorporated and Warner Cable Systems.

Following the viewing of the subject video production by all those present in the Board Auditorium, and discussion, with input from Susan S. Planchon, Director, Office of Finance, the staff was directed administratively to proceed as proposed.

30. I-17 - VIRGINIA DEPARTMENT OF TRANSPORTATION

PRELIMINARY DESIGNATION OF THE NATIONAL HIGHWAY

SYSTEM (COUNTYWIDE) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 explaining the Virginia Department of Transportation (VDOT) Preliminary Designation of the National Highway System.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, there was discussion regarding this item. See Clerk's Summary Item CL#35).

31. ORDERS OF THE DAY (Tape 3)

Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Orders of the Day be changed in order to allow the Board

to proceed at this time with the scheduled public hearings, and then to Board Matters. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

CM:cm

32.3:00 P.M. - PH ON REZONING APPLICATION RZ 88-L-078

[FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY

(FCRHA)] (LEE DISTRICT) (Tape 4)

Mr. Jeffrey L. Kidwell reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Alexander moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 88-L-078 be amended from the C-8 and Highway Corridor Districts to the R-20 and Highway Corridor Districts subject to the executed proffers dated February 2, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Berger, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

33.3:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT

APPLICATION SEA 87-V-019 (HERITAGE CHRYSLER/

PLYMOUTH SALES, INCORPORATED) (MOUNT VERNON

DISTRICT) (Tape 4)

Mr. John P. Collins reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Berger, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Hyland moved approval of Special Exception Amendment Application SEA 87-V-019 subject to the development conditions dated March 23, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Berger, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Hanley further moved modification of the transitional screening requirements on the north and west, and modification of the peripheral parking lot landscaping on the south and east, subject to the implementation of the development conditions. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Berger, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Hyland moved **DENIAL** of the requested waiver of open space requirements. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Berger, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

34. ORDERS OF THE DAY (Tape 4)

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board next consider **Information Item 17 - Virginia Department of Transportation Preliminary Designation of the National Highway System**. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

35.I-17 - VIRGINIA DEPARTMENT OF TRANSPORTATION

PRELIMINARY DESIGNATION OF THE NATIONAL HIGHWAY

SYSTEM (COUNTYWIDE) (Tape 4)

(NOTE: Earlier in the meeting, Information Item 17 was presented to Board Members during "Matters Presented by the County Executive." See Clerk's Summary Item CL#30.)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 12, 1993 explaining the Virginia Department of Transportation (VDOT) Preliminary Designation of the National Highway System.

Supervisor Frey informed Board Members that he had requested that this item be returned to the Board so that Board Members would be aware of the item.

**36.3:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE
OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND
FINANCE), ARTICLE 6, SECTION 4-6-8 [LOCAL TAX FOR
ENHANCED EMERGENCY TELEPHONE SERVICE (E-911)]**

(Tape 4)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 11 and March 18, 1993.

Following the public hearing, Chairman Davis announced that Board decision on the 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, is scheduled for **April 19, 1993**. He stated that the record would remain open, for written testimony only, until that date.

**37.3:00 P.M. - PH ON PROPOSED AMENDMENT TO THE
CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67
(SANITARY SEWERS AND SEWAGE DISPOSAL),
ARTICLE 4, SECTION 67-4-2, SUBSECTION (D)
(SERVICE CHARGES) (Tape 4)**

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 11 and March 18, 1993.

Following the public hearing, Chairman Davis announced that Board decision on the proposed amendment to the Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Article 4, Section 67-4-2, Subsection (d) (Service Charges), to increase the service charge from \$2.34 per 1,000 gallons to \$2.50 per 1,000 gallons, is scheduled for **April 19, 1993**. He stated that the record would remain open, for written testimony only, until that date.

38.3:00 P.M. - PUBLIC HEARING ON THE ACQUISITION OF

DEDICATIONS AND EASEMENTS NECESSARY FOR THE

CONSTRUCTION OF MEMORIAL STREET (WEST)

NEIGHBORHOOD IMPROVEMENTS PROJECT (LEE DISTRICT)

(No Tape)

(NOTE: The affected property owner has granted the necessary land rights for this project; therefore, the public hearing is no longer required and has been cancelled.)

39.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 4)

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 **June 28, 1993 at 3:30 p.m.** This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Berger and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

40.3:30 P.M. - PH ON REZONING APPLICATION RZ 81-M-012

(VISTA POINT LIMITED PARTNERSHIP) (MASON DISTRICT)

(Tape 4)

Ms. Lynn 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, which included testimony by two speakers, Supervisor Trapnell moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Trapnell moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 81-M-012 be amended from the R-3 District to the R-8 District subject to the proffers dated March 17, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Trapnell moved waiver of the minimum district size requirement for the R-8 District. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

Supervisor Trapnell further moved modification of the transitional screening and waiver of the barrier along the eastern periphery of the site in favor of that shown on the Generalized Development Plan (GDP). This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Berger and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

41.3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT**APPLICATION PCA 85-L-032 (TAVARES CONCRETE****COMPANY, INCORPORATED) (LEE DISTRICT) (Tape 4)**

Ms. Elizabeth Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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, Robby Robinson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Alexander moved approval of Proffered Condition Amendment Application PCA 85-L-032 subject to the proffers dated March 24, 1993. This motion was seconded by Chairman Davis and carried by a vote of five, Supervisor Berger, Supervisor Dix, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

(NOTE: Since there was not a quorum present for the Board's approval of this amendment, action was taken by the Board at a subsequent meeting on the evening of April 14, 1993 to approve PCA 85-L-032.)

**42.3:30 P.M. - BOARD DECISION ON PROPOSED AMENDMENTS
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101
(SUBDIVISION PROVISIONS), CHAPTER 104 (EROSION AND
SEDIMENTATION CONTROL ORDINANCE), AND CHAPTER 112
(ZONING ORDINANCE), AND TO THE FAIRFAX COUNTY PUBLIC
FACILITIES MANUAL (PFM) REGARDING THE CHESAPEAKE BAY
AND EROSION AND SEDIMENT CONTROL REGULATIONS (PHASE II)
(Tapes 4-5)**

(NOTE: The public hearing was held on March 22, 1993 and Board Decision deferred until April 12, 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 March 4 and March 11, 1993.

Supervisor Hyland moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control Ordinance), Chapter 112 (Zoning Ordinance), and the Public Facilities Manual (PFM), regarding the Chesapeake Bay and Erosion and Sediment Control Regulations (Phase II). as recommended by staff in the Memorandum to the Board dated April 12, 1993, including Attachment One. This motion was seconded by Supervisor Bulova.

Following discussion, with input from Karen Harwood, Assistant County Attorney, Supervisor Dix moved that the motion be amended to include the list of "Exceptions" that had been distributed to Board Members. This motion was seconded by Supervisor Berger.

Following further discussion, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved to defer Board Decision until **April 26, 1993 at 11:30 a.m.** This motion was seconded by Supervisor Bulova.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

Supervisor Frey asked that the motion be amended to include that the Board direct staff to meet with the Northern Virginia Building Industry Association (NVBIA) and the National Association of Industrial and Office Parks (NAIOP) to discuss the issues distributed to Board Members by Supervisor Dix, and this was accepted.

Following further discussion, Supervisor Hanley moved to call the question. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell not yet having arrived.

The question was then called on the motion to defer Board Decision until April 26, 1993 at 11:30 a.m., as amended by Supervisor Frey, which **CARRIED** by a recorded vote of seven, Supervisor Berger and Supervisor Dix voting "**NAY**," Supervisor McConnell not yet having arrived.

Supervisor Hyland moved that the Board refer the proposed changes to Section 118-6-9, as suggested by Supervisor Dix, to the Chesapeake Bay Local Assistance Department (CBLAD) to determine the legality of the proposed changes and to report the response to the Board by the next scheduled meeting. This motion was seconded by Supervisor Hanley.

Following further discussion, Supervisor Berger moved to call the question on the motion. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell not yet having arrived.

The question was called on the motion which **FAILED** by a recorded vote of five, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "AYE," Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

BOARD MATTERS

AR:ar

43.APPOINTMENT TO EMPLOYER CHILD CARE

COUNCIL (Tape 6)

(APPT)

Chairman Davis relinquished the Chair to Acting-Chairman Bulova and moved the appointment of Mr. Haldane B. Smith of AAC Associates, Incorporated, as the Small Business Representative to the Employer Child Care Council. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

44.MEETINGS OF THE EROSION AND SEDIMENT

CONTROL REVIEW BOARD (ESCRB) (Tape 6)

(BACs)

Supervisor Davis stated that it has come to his attention that the Erosion and Sediment Control Review Board (ESCRB) has not convened a meeting since early in 1992. He added that this has been due in part to a lack of grievances filed for the Board to review.

Since the Board of Supervisors authorized the ESCRB's continuance for two more years at its meeting of February 8, 1993, Supervisor Davis stressed the importance of reviewing the function of the ESCRB in order that the Board can best benefit from its existence. The Department of Environmental Management (DEM) staff has suggested that there are additional matters relating to erosion and sedimentation controls which it would find useful to have the ESCRB address, and according to staff the current ESCRB members are field professionals who offer valuable expertise and technical skills.

Therefore, Supervisor Davis asked unanimous consent that the Board:

- Direct staff to provide its suggestions on how the Board may best utilize this resource and, if necessary, expand the ESCRB's responsibilities; and
- Direct the Clerk to the Board to notify the Board of Supervisors of any outstanding vacancies on the ESCRB so that necessary action may be taken to fill them.

Without objection, it was so ordered.

45.COMMEMORATIVE GIFT ITEMS (Tape 6)

Supervisor Davis stated that he wished to discuss something which he believes will interest Board Members collectively as well as individually; specifically, the availability - or lack thereof - of nominal gifts bearing the official crest of Fairfax County.

Supervisor Davis noted that, although the County issues certificates to honor citizens and groups at public ceremonies, it utterly lacks any other tangible means to thank those who perform some meritorious public service.

Supervisor Davis stated that he would like consideration to be given to options for Fairfax County to procure a variety of inexpensive goods, including but not limited to, Fairfax County crest pins, tie tacks, coffee mugs, letter openers, tee shirts, sweatshirts, coaster sets, and the like, that can, in turn, be offered for sale to the Board, employees, and the public. Such items could perhaps be sold at the Information Booth at the entrance to the Government Center. Supervisor Davis acknowledged that he has been told that many County employees would like to purchase items of this type as gifts for family and friends. He expressed his belief that the Board and its Members would have many occasions where it would like to present some gift of nominal value to citizens who do volunteer work for the County or perform some other public service deserving special recognition.

Supervisor Davis emphasized that he is not proposing a major business enterprise or expense to taxpayers, and believes that by offering these items for sale to employees and the public, the County could, in fact, make a small amount of revenue. This type of operation would be similar to the gift stands which can be found at many Federal Government buildings, including the Capitol, the National Archives, and the Supreme Court, except that the range of products offered would be smaller.

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

- Develop a list of products bearing the Fairfax County crest that might be suitable for such a vending operation;
- Informally consult with Board Members and staff concerning their interest in such products; and
- Propose options for marketing these products at the Government Center.

This motion was jointly seconded by Acting-Chairman Bulova and Supervisor Hyland.

Following discussion, with concern expressed by Supervisor Berger regarding the indiscriminate use of the 250 year old seal of Fairfax County, the question was called on the motion which carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

46.CHESTNUT HILLS SUBDIVISION SANITARY SEWER

EXTENSION PROJECT (Tape 6)

Supervisor Bulova stated that the Chestnut Hill Subdivision Sanitary Sewer Extension Project was recommended to be included in the County's E&I Program by the Health Department and was funded in the Fiscal Year (FY) 1993 budget cycle. She added that, during the preliminary design of the Chestnut Hills Project, residents from the adjacent Fairfax Hills Subdivision submitted a petition request for a sanitary sewer extension of the small portion of their community that is not sewerred. The Health Department surveyed the area and is recommending that Fairfax Hills be included in the County's E&I Program.

Since design of the Chestnut Hills Project is in the preliminary stages, and since the outfall for this project goes through Fairfax Hills, Supervisor Bulova noted that it would be cost effective to combine the design of both expansions and do them as one project. There are sufficient funds available to add the design of Fairfax Hills to the Project, and funding for construction of Fairfax Hills would come in a later budget cycle.

Since it would be more cost effective and less disruptive to the communities to combine these two sanitary sewer expansion areas, Supervisor Bulova moved that the Board direct staff to include the design of Fairfax Hills in the Chestnut Hills E&I, Project M00048. This motion was seconded by Chairman Davis and carried by a vote

of six, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

47.RUTHERFORD AREA SWIMMING CLUB SPECIAL

PERMIT AMENDMENT (Tape 6)

Supervisor Bulova stated that the Rutherford Area Swimming Club, a non-profit organization, has had its application for an amendment to its Special Permit accepted. She added that the Club is asking permission to erect a pavilion to enhance the site and hopes to have it in place for the start of this year's season starting Memorial weekend. For this reason, the Club has submitted a letter requesting an Out-of-Turn hearing.

Therefore, Supervisor Bulova moved that the Board:

- Request the Board of Zoning Appeals (BZA) to agree to an Out-of-Turn hearing; and
- Direct staff to concurrently review the Site Plan Waiver.

Supervisor Bulova noted that the Club understands that these actions do not guarantee approval of the amendment to the Special Permit.

This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

48.EXPANSION OF THE ANNANDALE RESIDENTIAL

PERMIT PARKING DISTRICT (RPPD) (Tape 6)

Supervisor Bulova stated that student parking on residential streets around Annandale High School continues to be a serious problem. Enforcement of parking violations by the Mason District Police has been vigorous, and while they are to be commended for their efforts, expansion of the Annandale Residential Permit Parking (RPPD) is the best solution.

Supervisor Bulova stated that she is forwarding a petition for the expansion of the RPPD to the Office of Transportation. This petition requests relief on Park Lane from Medford Drive to Davian Drive. In order to proceed with the request, Board approval of the waiver of the minimum parking space standards is needed.

Therefore, Supervisor Bulova moved that the Board direct staff to waive the minimum number of parking spaces and the fees, and to proceed as expeditiously as possible on the expansion of the Annandale RPPD. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell not yet having arrived.

49.SUMMARY OF ADOPT-A-CAUSE MEETING**(Tape 6)**

Supervisor Bulova called the Board's attention to the summary of the Adopt-A-Cause Meeting, which has been distributed to each Board Member, and welcomed Members' inquiries and participation in this concept.

PMH:pmh**50.APPRECIATION EXPRESSED TO CHAIRMAN DAVIS AND****STAFF (Tape 7)**

Supervisor Dix expressed his appreciation to Chairman Davis, William J. Leidinger, County Executive, and staff for their participation with him, in hosting nine Russians that were visiting Fairfax County.

51.CONGRATULATIONS TO STAFF ON THE EFFORT THAT TOOK**PLACE WHEN THE COLONIAL GAS PIPELINE RUPTURE WAS****DISCOVERED (Tape 7)**

Supervisor Dix congratulated staff and acknowledged the effort that took place when it was discovered on a Sunday afternoon that there was a rupture of the Colonial Gas Pipeline.

Supervisor Dix expressed his appreciation to William J. Leidinger, County Executive, the Fire and Rescue Department, the Police Department, the Health Department, the Department of Public Works, the Game Warden, the Fairfax County Water Authority, the Department of Environmental Management (DEM), and the County Attorney's Office.

52.REGULATIONS REGARDING BUILDING CONSTRUCTION

ADJACENT TO PIPELINES (Tape 7)

Supervisor Dix said that it has come to his attention during the review of a development plan for residential construction adjacent to the Colonial Gas Pipeline easement in Reston, that the County has no specific regulations regarding building construction adjacent to pipelines. He said that it is his understanding that a 50-foot setback is the standard practice in Fairfax County, but it is not written in any policy or ordinance.

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

- Review the existing Zoning Ordinance and any other documents or manuals relating to development and construction in Fairfax County; and
- Make recommendations to the Board on measures to enhance the safety of the citizens and the quality of the environment of Fairfax County with regard to construction, operation and maintenance of underground utilities (including intercounty or interstate pipelines passing through Fairfax County) and new construction adjacent to such underground utilities.

This motion was seconded by Supervisor Hanley.

Following discussion, the question was called on the motion which carried by a vote of seven, Supervisor Hanley and Chairman Davis being out of the room, Supervisor McConnell not yet having arrived.

53.UTILIZATION OF A MERCURY VAPOR LIGHT SOURCE**FOR ALL NEW STREET LIGHTS WITHIN RESTON****(Tape 7)**

Supervisor Dix moved that the Board direct staff to develop a policy that could be incorporated in the Public Facilities Manual (PFM) to include the utilization of a mercury vapor light source for all new street lights within Reston and the development of criteria to require the installation of street lights only at critical locations, i.e., street entrances, intersections, pedestrian crossings, hazardous locations, and other appropriate locations. This motion was seconded by Supervisor Alexander.

Chairman Davis relinquished the Chair to Acting-Chairman Bulova and amended the motion to direct staff to report to the Board on April 26, 1993 with a Consideration Item regarding this issue, and this was accepted.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

Supervisor Hanley asked that the motion be amended to direct staff to include a report on the budget impact of this proposal, and this was accepted.

Following discussion, the question was called on the motion, and as amended, carried by a vote of nine, Supervisor McConnell not yet having arrived.

54.CHANGE IN LOCATION OF BOARD OF ZONING APPEALS

(BZA) MEETINGS (Tape 7)

Chairman Davis pointed out that there is construction ongoing at the Massey Building which is creating problems for citizens and staff with regard to parking.

Chairman Davis reminded Board Members that the Board had received a previous request from the Board of Zoning Appeals (BZA) that it meet in the Government Center. He said that he has been advised by staff that given the parking situation it would be helpful if the BZA could meet in the Government Center.

Therefore, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board allow the BZA to meet in the Government Center provided it does not interfere with Board or Planning Commission meetings. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

55.APPOINTMENTS TO THE FAIRFAX COUNTY AIRPORTS

ADVISORY COMMITTEE AND THE TRANSPORTATION

ADVISORY COMMISSION (Tape 7)

(APPTs)

Supervisor Hyland moved the appointment of Mr. Robert H. Thornton as the Mount Vernon District Representative to the Fairfax County Airports Advisory Committee.

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

Supervisor Hyland moved the appointment of Mr. Sidney R. Steele as the Mount Vernon District Representative to the Transportation Advisory Commission. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

56.PROCLAMATION DESIGNATING "PREVENT A

LITTER MONTH" (Tape 7)

Supervisor Hyland noted that he is frequently involved in litter control, but this request is a "litter" bit different.

Supervisor Hyland stated that in 1986, a bill sponsored by United States (U.S.) Senator Robert Dole and supported by the Humane Society of the U.S. passed through Congress. The bill proclaimed April as "Prevent a Litter Month".

Supervisor Hyland added that each year animal organizations across the nation ask their local legislators to proclaim this event as a continued way to keep the public aware of the tragic pet overpopulation crisis, while asking them to help solve this preventable problem.

Supervisor Hyland stated that the Prevent a Litter Coalition (PALC), the Fairfax County Shelter Advisory Committee, and the Fairfax County Animal Shelter, along with area humane and rescue groups, are requesting that Fairfax County proclaim April 1993 as "Prevent a Litter Month". Many of these groups are also contributing to an April Metro bus advertising campaign with a spay/neuter reminder and a message about pet overpopulation. In addition, PALC and the Fairfax County Department of Animal Control are sponsoring a spay/neuter contest in County elementary schools this month. Winning posters will be on display for public education for one week during April 1993 in Springfield Mall.

Accordingly, Supervisor Hyland "litter-ally" moved that the Board proclaim April as "**PREVENT A LITTER MONTH**" in Fairfax County as a demonstration of the County's continuing support for the benefits of spaying and neutering its community pets. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

57.REQUEST FEE WAIVER FOR THE AMERICAN HORTICULTURAL

SOCIETY (Tape 7)

Supervisor Hyland stated that he is in receipt of a request from The American Horticultural Society to have the fee waived for the modifications it proposes to make to its Special Exception Application SE 79-V-073. The current Special Exception limits the Society's use of River Farm, the property which was once one of George Washington's five farms, and which now provides a home to The American Horticultural Society. While the Society has conformed to the terms and conditions of Special Exception Application SE 79-V-073, it reports that increasing financial difficulty over the past five years has necessitated checking into the possibility of raising rental use of River Farm as a way of permitting the Society to further its mission in the community.

Therefore, Supervisor Hyland moved that the Board direct staff to grant a waiver to The American Horticultural Society of the fee for its application to amend a previously approved and currently valid Special Exception with no new construction. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

58.PORTION OF LORTON ROAD PROPOSED FOR ABANDONMENT**(Tape 7)**

Supervisor Hyland stated that Curry Development, on behalf of the Bank of Alexandria (the present property owner), is currently in the process of assembling parcels for the purpose of a rezoning which is in conformance with the Comprehensive Plan. A previous attempt to do this by another developer failed due to the financial difficulties they encountered. However, Curry has reinitiated this effort in order to develop the site as a neighborhood retail center.

Supervisor Hyland said that as a part of this rezoning application, Curry/Bank of Alexandria is seeking abandonment of old Lorton Road which is adjacent to their property. He said that it would be appropriate to include this portion of Lorton Road in their application subject to the concurrence of adjoining property owners.

Supervisor Hyland moved that the Board direct staff to accept a rezoning application by Bank of Alexandria (Curry) that would include portions of Lorton Road (Route 968), as a part of a rezoning application or proffered condition amendment application, subject to the concurrence of all contiguous property owners. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

59. EXPEDITIOUS AND CONCURRENT PROCESSING FOR THE CAMERON STATION FEDERAL CREDIT UNION (Tape 7)

Supervisor Alexander said that due to the closure of Cameron Station, it is critical to establish the Cameron Station Federal Credit Union at a new location for its members. Therefore, the Credit Union will be on a tight time schedule regarding land use approvals and construction.

Supervisor Alexander moved that the Board direct staff to expeditiously process and accept the site plan for concurrent processing for rezoning, special exception and proffer condition amendment applications for Cameron Station Federal Credit Union (which will be renamed Genesis Federal Credit Union) at 90-2((2))2, 3, and 4. He said that the application understands that this neither provides him with a vested right in the plan approval or relieves him from the responsibility of any plan modifications as a result of Board review. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

60. EXPEDITIOUS PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 89-L-049 (Tape 7)

Supervisor Alexander said that on August 5, 1991, the Board approved Special Exception Application SE 89-L-049 to permit the Fairfax County Water Authority to fill in the floodplain and construct a utility supply yard on Cinderbed Road. The Special Exception was approved with 18 months to commence construction but was allowed to lapse on February 4, 1993. The site plan is ready for approval and the Water Authority is ready to begin construction.

However, since the site plan cannot be approved without a valid special exception and a request for additional time was not filed prior to the expiration date, approval of a new special exception is required. Since the Water Authority is seeking the same approval as granted in 1991 and the circumstances of the property have not changed since then, staff is able to process this application on an expedited basis so that construction can commence as soon as possible.

Therefore, Supervisor Alexander moved that the Board direct staff to expedite Special Exception Application SE 93-L-011 and that the Planning Commission hearing and Board of Supervisors' public hearings be scheduled as expeditiously as possible. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

61.NOISE WALLS REGARDING REZONING APPLICATION**RZ 81-P-116 (Tape 7)**

Supervisor Hanley stated that in the proffers for Rezoning Application RZ 81-P-116 the developer was to build acoustic barriers while constructing the project. Before being released from bond the money for the noise walls was escrowed with the County and now the Sutton Green Homeowners Association does not believe that extra noise walls are necessary because the Virginia Department of Transportation (VDOT) has just completed its construction of its noise walls along I-66.

Supervisor Hanley moved that the Board direct staff to determine whether it is necessary to submit a Proffered Condition Amendment (PCA) Application to delete the noise wall construction from Rezoning Application RZ 81-P-116 or whether this can be accomplished administratively. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

VW:vw

62.WAIVER OF FEES REQUESTED FOR SPECIAL EXCEPTION**AMENDMENT APPLICATION SEA 86-P-011-4 (TALENT****HOUSE) (PROVIDENCE DISTRICT) (Tape 8)**

Supervisor Hanley moved that the Board direct staff to waive the fees for the amendment filed by Special Exception Amendment Application SEA 86-P-011-4 for the appropriate height of the roof. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

63.REQUEST FOR ADDITIONAL INFORMATION REGARDING BOW**HUNTING IN FAIRFAX COUNTY (Tape 8)**

In response to a query by Supervisor Hanley regarding the issue of restricting crossbow hunting in Fairfax County, Supervisor Bulova clarified that action had been taken previously by the Board to direct staff to investigate and report on the authority of the Board to restrict crossbow and compound bow hunting in Fairfax County. She stated that the Board has not yet received a response regarding this request.

Supervisor Hanley announced that the Office of the Attorney General recently issued an opinion that local governments may not regulate hunting or game management practices. In response to a request regarding whether a city could enact an ordinance prohibiting hunting, including bow hunting, within the city limits, the Attorney General opined that, "...hunting should be regulated by the state rather than at the local level." She asked unanimous consent that the Board refer this response to the County Attorney for his review and response.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked that the request be amended to include that the Board also refer this issue to the Legislative Subcommittee, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

Supervisor Bulova asked that the request be amended to also include the Board's previous request to staff to report on the need for and past attempts to obtain legislation to regulate the use of bows in residential areas, and this was accepted.

David Bobzien, County Attorney, stated that it is his understanding that the distinction being made by the Attorney General is that cities may have a "city-wide" prohibition on hunting; however, counties have to be more discreet to make a "county-wide" prohibition. He stated that staff would review the opinion and report to the Board.

Without objection, the amended request was so ordered.

64. CLARIFICATION REGARDING "GOVERNMENT CENTER"

LOCATIONS IN THE COUNTY (Tape 8)

Supervisor Hanley referred to the information being distributed to residents regarding the County's household battery collection and disposal program. She clarified for staff, once again, that there are not nine government centers. Supervisor Hanley stated that the offices for the Braddock, Providence, and Sully District Supervisors are not government centers. She asked unanimous consent that the Board direct staff to **NOT** refer to these offices as government centers in the future. Without objection, it was so ordered.

65. WAIVER OF FEES REQUESTED FOR SPECIAL EXCEPTION

AMENDMENT APPLICATION SEA 82-M-049-2 (SAINT

ALBAN'S HOUSING CORPORATION) (MASON DISTRICT)

(Tape 8)

Supervisor Trapnell stated that the Board recently approved Special Exception Amendment Application SEA 82-M-049-2, in the name of the Saint Alban's Housing Corporation, for the construction of the Elmwood House, located next to the existing Lockwood House. The proposed Elmwood House and its 50 units will help to provide much needed low cost elderly housing in Fairfax County.

In order for this project to proceed without any undue delays, Supervisor Trapnell moved that the Board direct staff to waive the following for Special Exception Amendment Application SEA 82-M-049-2:

- Preliminary Plat review fees;
- Site Plan review fees;
- Soils Report review fees;
- Subdivision Plat review fees; and
- Building Permit fee.

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

66.PROPOSED RELOCATION OF THE UNITED STATES (U.S.)**NAVY SYSTEMS COMMAND HEADQUARTERS (Tape 8)**

Supervisor Trapnell distributed to Board Members copies of a letter and informational flyer that she had recently received from a concerned resident of the Mason District regarding President William Clinton's proposal to relocate the United States (U.S.) Navy Systems Command Headquarters out of the Crystal City area of Arlington County.

Supervisor Trapnell stated that this proposal reaches far beyond the boundaries of Arlington County and touches all of Northern Virginia. It is reported that this relocation would cost Northern Virginia some 30,000 jobs. Many of those employed at the Naval System Command Headquarters are Fairfax County residents who commute into Crystal City to work. If this proposal is to become a reality, it would greatly affect the tax base and business community in Fairfax County.

Therefore, Supervisor Trapnell moved that the Board:

- Immediately send a letter to The Honorable James B. Hunter, III, Chairman, Arlington County Board of Supervisors, expressing Fairfax County's interest in this issue and offering the Board's support and assistance; and
- Direct staff to continue to monitor this issue and the effects the proposed relocation will have on the Fairfax County business community and the County's tax base.

This motion was seconded by Supervisor Berger.

Chairman Davis clarified, for the record, that this is not President Clinton's proposal, that this base is being included in the overall base closing plan.

The question was called on the motion which carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

**67.WAIVER OF FEES REQUESTED FOR REZONING, SPECIAL
EXCEPTION AND VARIANCE APPLICATIONS FILED BY
THE ANNANDALE UNITED METHODIST CHURCH (MASON
DISTRICT) (Tape 8)**

Supervisor Trapnell stated that the Annandale United Methodist Church has submitted, or is poised to submit, plans to Fairfax County for the expansion of its facilities. County staff has requested that the three applications [rezoning, special exception, and variance (for the historic old chapel)] applications be filed simultaneously for review as a single application.

Accordingly, Supervisor Trapnell moved that the Board direct staff to waive the fees associated with the rezoning and special exception applications, and the variance application for the front yard of the chapel. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

**68.APPRECIATION EXPRESSED TO COUNTY STAFF FOR THEIR
PERFORMANCE IN THE CONTAMINATION WELL SITUATION
(Tape 8)**

Supervisor Trapnell expressed her appreciation to the staff of the Fire and Rescue and Health Departments for their timely reaction to the contaminated well situation. She further commended the performance of Jean V. White, Director, Office of Public Affairs, for her assistance as well.

69.APPOINTMENT TO THE FAIRFAX/FALLS CHURCH

COMMUNITY SERVICES BOARD (CSB) (Tape 8)

(APPT)

Supervisor Frey moved the appointment of Ms. Leye J. Chrzanowski as the Sully District Representative to the Fairfax-Falls Church Community Services Board (CSB) to fill the unexpired term of Mr. David T. Ralston who had resigned. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

70.APPOINTMENT TO THE COMMISSION FOR DISABLED

(Tape 8)

(APPT)

Supervisor Frey moved the appointment of Ms. Susan J. Fitzgerald as the Sully District Representative to the Commission for Disabled. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

71.APPOINTMENT TO THE FAIRFAX COUNTY AIRPORTS

ADVISORY COMMITTEE (Tape 8)

(APPT)

Supervisor Frey moved the appointment of Mr. John K. Henderson, Jr., as the Sully District Representative to the Fairfax County Airports Advisory Committee to fill the unexpired term of Mr. Larry Palmer who had resigned. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

72.REQUEST TO RENAME LEGATO ROAD AS "AMS DRIVE"

IN AN EFFORT TO WELCOME THE AMERICAN MEDICAL SYSTEMS (AMS) LOCATION TO CENTERPOINTE (Tape 8)

Supervisor Frey announced that the American Medical Systems (AMS) has recently moved into the Centerpointe buildings located on Legato Road. With approximately 1,000 employees, AMS will occupy one building and 11 floors in the second building. These buildings are the only buildings located on that portion of Legato Road. In an effort to welcome AMS to its new location, Supervisor Frey moved that the Board direct staff to proceed to process the request to change the name of that portion of Legato Road to "AMS Drive." This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

73.PROCLAMATION DESIGNATING THE AREA WITHIN THE BOUNDARIES CREATED BY I-66, ROUTE 50, AND WEST OX ROAD AS "FAIR OAKS" (Tape 8)

Supervisor Frey moved that the Board approve the following Proclamation designating the area within the boundaries created by I-66, Route 50, and West Ox as "FAIR OAKS":

"WHEREAS, the triangle-shaped land unit created by the intersections of I-66, Route 50, and West Ox Road is generally recognized as the Fair Oaks area; and

WHEREAS, the Board of Supervisors should do all that it can to foster and promote healthy business in the County; and

WHEREAS, Fair Oaks Mall is known as the retail centerpiece of Western Fairfax County; and

WHEREAS, designating the aforementioned area as 'FAIR OAKS' would help to clarify and aid in directing potential patrons to County businesses; and

WHEREAS, the Virginia Department of Transportation (VDOT) will install directional signs designating Fair Oaks after the Board of Supervisors has officially created and named the appropriate area;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby proclaim the area within the boundaries created by I-66, Route 50, and West Ox Road designated FAIR OAKS; and

BE IT FURTHER RESOLVED that County staff will work with VDOT to assure that proper signs are installed to see that the Fair Oaks area receives the recognition it deserves."

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

74.REQUEST FOR AMENDMENT TO THE CODE OF THE COUNTY

OF FAIRFAX, CHAPTER 30 (MINIMUM PRIVATE SCHOOL

AND CHILD CARE STANDARDS) (Tape 8)

Supervisor Frey stated that provisions to the Code of the County of Fairfax, Chapter 30 (Minimum Private School and Child Care Standards) require a specific number of child-sized toilet and sink units for every 20 children. He explained that this makes it impossible for some existing churches to be utilized for preschool or day care centers. However, these same churches have very successful Sunday School programs and church events for children without the necessity or requirement of having altered bathroom facilities.

To cite a specific example, Beginning Bridges, Incorporated, was proceeding to establish a preschool at the Community of Faith United Methodist Church in Franklin Farm. This was viewed as a benefit to the Church as well as to the community, and 74 families expressed a strong desire to enroll their children in one of the 9:15 a.m. to noon sessions. However, the existing bathroom facilities in the Church cannot meet the Chapter 30 requirements. If the two standard and one handicapped bathroom units were replaced with child-size units, they would not be adequate for the church use, and construction of a bathroom addition would be cost prohibitive for either the church or the preschool.

Supervisor Frey said that it is his understanding that there are no waiver procedures for these provisions, and previous language which allowed for the use of platforms so children could access the standard sized facilities, was deleted.

Therefore, Supervisor Frey asked unanimous consent that the Board refer this issue to staff to determine whether an amendment to Chapter 30 would provide some flexibility in the application of these provisions for existing churches is possible, and

if so, to draft such an amendment for the Board's consideration as soon as possible. Without objection, it was so ordered.

**75.ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF
TRANSPORTATION (VDOT) DESIGN PLANS FOR
IMPROVEMENTS TO I-66 BETWEEN ROUTES 50
AND 234 (Tape 8)**

Supervisor Frey announced that the Virginia Department of Transportation (VDOT) had held a public hearing on March 25, 1993 to receive comments on the improvements to I-66 between Routes 50 and 234. The proposal is to widen the existing four lane facility to eight lanes, with two of the new lanes being designated as High-Occupancy-Vehicle (HOV). VDOT has placed this improvement project on an accelerated schedule and final approval by the Commonwealth Transportation Board (CTB) is presently scheduled for April 15, 1993.

Supervisor Frey moved that the Board endorse the VDOT design plans to improve I-66 between Routes 50 and 234 as presented at the March 25, 1993 design public hearing, subject to the provision that VDOT consider the following actions to address concerns expressed by citizens at the public hearing:

- That an alternative connection to Stringfellow Road be pursued by VDOT to replace the existing Audrey Drive connection which will be closed as part of the project and that the Northbourne Drive connection be considered as one of those alternatives;
- That the noise barriers for the Meadows of Newgate, Cables Mill/Fox Meadow, and Center Ridge be reevaluated for inclusion in the project;
- That the approved noise barriers be provided in first phase of the project construction wherever possible; and
- That the County and VDOT pursue expedited construction of the road improvements to coincide with the I-66 project improvements which include the HOV rail from Stringfellow Road.

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

76.CANDIDATES ANNOUNCED FOR THE MCLEAN COMMUNITY

CENTER BOARD OF GOVERNORS (Tape 8)

(BACs)

Supervisor Berger announced the following names of candidates who have petitioned that their names be placed on the ballot for the McLean Community Center Board of Governors election that is scheduled for May 15, 1993 at Lewinsville Park:

Adult Candidates:

- Mr. Howard E. Ball;**
- Ms. Barbara Comstock;**
- Ms. Hillary J. Cunningham;**
- Mr. John F. Hannon;**
- Ms. Rebecca J. Horahan;**
- Mr. David G. Sanders; and**

Youth Candidates:

- Brett Prince**
- Cary VanDoren; and**
- James Wilkenson.**

77.CONNECTION OF BENNETT STREET IN THE KINGSTREAM

AREA (Tape 8)

In conjunction with Fairfax County working with the Town of Herndon to connect Bennett Street in the Kingstream area, Supervisor Berger moved that the Board direct staff to expeditiously do the following prior to April 19, 1993:

- Survey the proposed road connection;
- Stake the town/county boundary; and
- Title search the land at the point of connection.

This motion was seconded by Supervisor Alexander.

Following discussion, with input from William J. Leidinger, County Executive, and Anthony H. Griffin, Deputy County Executive for Planning and Development, the question was called on the motion which carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

78.PRIVATIZATION OF PARKOUTS (Tape 8)

Supervisor Berger moved that the Board direct staff:

- To contact parkout users and prepare to sell parkout permits for a six-month period beginning on July 1, 1993 and ending January 1, 1994 at a fee of \$75 per user; and
- At the same time, finalize and issue a Request for Proposal (RFP) for each permit parkout with the expectation that the contract be let to become effective January 1, 1994.

This motion was seconded by Chairman Davis.

Following discussion, with input from John W. diZerega, Director, Department of Public Works, Supervisor Frey asked that the motion be amended to include a request that staff provide a response to the Board on the issue of private individuals using public property for profit, and this was accepted.

The question was called on the motion which carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell not yet having arrived.

79.RECESS/EXECUTIVE SESSION (Tape 8)

At 6:10 p.m., Supervisor Trapnell 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, as well as:

- Fairfax County Economic Development Authority (EDA) and Board of Supervisors of Fairfax County, Virginia, versus taxpayers, property owners, and citizens of Fairfax County, Virginia, At Law Number 121909;
- Decision of the Fairfax County Public Library Board of Trustees to retain and to permit the continued distribution of the Washington Blade;

- The Board of Supervisors of Fairfax County and others versus Telecommunication Industries, Incorporated, Record Number 930073, At Law Number 106820;
- Thomas versus County of Fairfax, Idas versus County Fairfax, and Bell versus County of Fairfax; and
- Virginia Department of Taxation claim against Fairfax Bar Association, Fairfax Law Library.

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

NV:nv

At 7:45 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor McConnell and Supervisor Trapnell, and with Chairman Davis presiding.

80.ACTIONS FROM EXECUTIVE SESSION (Tape 9)

A.CERTIFICATION BY BOARD MEMBERS

REGARDING ITEMS DISCUSSED IN

EXECUTIVE SESSION

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed or considered by the Board during the Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

(NOTE: Later in the meeting, Supervisor Trapnell asked to be recorded as voting "AYE" on this certification. See Clerk's Summary Item CL#83H.)

(NOTE: Later in the meeting, there were additional actions from Executive Session. See Clerk's Summary Items CL#83B-H.)

AP:ap

81.7:30 P.M. - PUBLIC HEARINGS ON THE: PROPOSED FISCAL YEAR (FY) 1994 FISCAL PLAN (BUDGET); COUNTY'S AND SCHOOLS' FY 1993 THIRD QUARTER REVIEW; THE PROPOSED REAL ESTATE TAX RATE INCREASE FOR FY 1994; PROPOSED PERSONAL PROPERTY LEVY FOR CERTAIN QUALIFYING ELDERLY AND DISABLED CITIZENS; PROPOSED AMENDMENT TO CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67 (SANITARY SEWERS AND SEWAGE DISPOSAL), SECTIONS 67-4-2, SEWER CHARGE INCREASE FOR FY 1994 (AVAILABILITY FEE); AND PROPOSED CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEARS 1994 THROUGH 1998 (Tapes 9-13)

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

March 11, 1993:

- Proposed adoption of the County Executive's Fiscal Year (FY) 1994 Advertised Budget Plan;
- Proposed real estate tax rate increase for FY 1994; and
- Proposed personal property levy for certain qualifying elderly and disabled citizens.

March 11 and March 18, 1993:

- Proposed amendment to Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Sections 67-4-2, Sewer Charge Increase for FY 1994 (Availability fee).

March 26 and April 1, 1993:

- Proposed Capital Improvement Program for the Fiscal Years 1994 through 1998.

April 4, 1993:

- Proposed County and Schools' FY 1993 Third Quarter Review.

The public hearing was held, with testimony being presented by 71 speakers, and scheduled for continuation on Tuesday, April 12, 1993, at 7:30 p.m.

ADDITIONAL BOARD MATTER

82.PROCLAMATION DESIGNATING "THOMAS JEFFERSON DAY"

(Tape 13)

Following testimony by Ms. Mary Lou Curtis (Speaker 16), Supervisor Hyland moved approval of the Proclamation, designating April 12, 1993 as "**THOMAS JEFFERSON DAY**" in Fairfax County in honor of his 250th birthday. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Trapnell and Chairman Davis being out of the room.

83.ADDITIONAL ACTIONS FROM EXECUTIVE

SESSION (Tape 14)

(NOTE: Earlier in the meeting, there was other action from Executive Session. See Clerk's Summary Item CL#80A.)

B.REPRESENTATION OF OUTSIDE COUNSEL SERVICES

BY DANIEL A. SPEIGHTS TO PURSUE CLAIMS IN

FURTHER ASBESTOS COST RECOVERY LAWSUITS

Supervisor Hanley moved that the Board authorize the continued representation of outside counsel services by Daniel A. Speights of Speights and Runyan, Hampton, South Carolina, to pursue Fairfax County's claims in further asbestos cost recovery lawsuits. This motion was seconded by Chairman Davis and carried by unanimous vote.

**C.AMENDMENT TO THE AGREEMENT GOVERNING THE
RELATIONSHIPS AMONG THE COUNTY, THE CLERK
OF THE CIRCUIT COURT OF FAIRFAX COUNTY,
AND THE FAIRFAX COUNTY BAR ASSOCIATION
CONCERNING THE FAIRFAX LAW LIBRARY**

Supervisor McConnell moved that the Board authorize the County Executive to amend, by declaration, the September 28, 1981, Agreement governing the relationships among the County, the Clerk of the Circuit Court of Fairfax County, and the Fairfax County Bar Association, concerning the Fairfax Law Library, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Dix and **CARRIED** by a recorded vote of eight, Supervisor Hyland and Chairman Davis abstaining.

**D.DAVE PYLES LINCOLN-MERCURY, INCORPORATED;
JERRY'S FORD SALES, INCORPORATED; STOHLMAN
VOLKSWAGEN, INCORPORATED; TYSONS MITSUBISHI,
INCORPORATED; D/B/A STOHLMAN MITSUBISHI;
TEMPLETON OLDSMOBILE, INCORPORATED; TYSONS
FORD, INCORPORATED; MOORE CADILLAC COMPANY;
PALLONE CHEVROLET, INCORPORATED, VERSUS
BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA, AT LAW NUMBER 120702**

Supervisor Alexander moved that the Board **NOT** authorize settlement of Dave Pyles Lincoln-Mercury, Incorporated, Jerry's Ford Sales, Incorporated, Stohlman Volkswagen, Incorporated, Tysons Mitsubishi, Incorporated, d/b/a Stohlman Mitsubishi; Templeton Oldsmobile, Incorporated; Tysons Ford, Incorporated, Moore Cadillac Company; Pallone Chevrolet, Incorporated, versus Board of Supervisors of Fairfax County, Virginia, At Law number 120702, for reasons outlined by the County

Attorney in Executive Session. This motion was jointly seconded by Supervisor Bulova and Supervisor Hyland and **CARRIED** by a recorded vote of eight, Supervisor Berger and Chairman Davis voting "NAY."

**E.COUNTY ATTORNEY'S OFFICE TO REPRESENT
THE BOARD OF ZONING APPEALS (BZA) IN THE
PETITION BY BRIARWOOD CITIZENS ASSOCIATION
CHALLENGING APPROVAL OF SPECIAL PERMIT
APPLICATION SP 92-P-015 FILED BY SANDRA
WILLWORTH, AT LAW NUMBER 122123**

Supervisor Alexander moved that the Board direct the County Attorney's Office to represent the Board of Zoning Appeals (BZA) in the petition by Briarwood Citizens Association Challenging Approval of Special Permit Application SP 92-P-015 filed by Sandra Willwerth, At Law Number 122123. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of eight, Supervisor Bulova and Supervisor Hanley voting "NAY."

**F.SETTLEMENT OF DORETHA F. DUPREE VERSUS
DANIEL W. GOLLHARDT, AT LAW NUMBER 26968;
ROCKWELL HALL VERSUS DANIEL W. GOLLHARDT,
AT LAW NUMBER 29818; AND LISA DUPREE VERSUS
DANIEL W. GOLLHARDT, AT LAW NUMBER 29819**

Supervisor Berger moved that the Board authorize settlement of Doretha F. Dupree versus Daniel W. Gollhardt, At Law Number 26968; Rockwell Hall versus Daniel W. Gollhardt, At Law Number 27718; and Lisa Dupree versus Daniel W. Gollhardt, At Law Number 29819, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

G.OPTION TO PURCHASE, CONTRACT OF SALE, AND

**CONTRACT ADDENDUM NUMBER ONE FOR PROPERTY
LOCATED AT THE CORNER OF RESTON AVENUE
AND LEESBURG PIKE, AS THE SITE FOR THE
NORTHPOINTE FIRE AND RESCUE STATION
FACILITY**

Supervisor Dix referred to the Option to Purchase, Contract of Sale, and Contract Addendum Number One for certain property located at the corner of Reston Avenue and Leesburg Pike, as the site for the Northpoint Fire and Rescue Station Facility. Accordingly, he moved that the Board approve the Option to Purchase, Contract of Sale, and Contract Addendum Number One between the Board and owners of said property, and authorize the execution of said instruments by the Deputy County Executive for Planning and Development. He noted that the property is located in the Hunter Mill District, and is identified as a portion of Tax Map Parcel Number 011-2((1))0034. This motion was seconded by Supervisor Berger and carried by unanimous vote.

H.REQUEST TO RECORD VOTE REGARDING

CERTIFICATION BY BOARD MEMBERS

REGARDING ITEMS DISCUSSED IN

EXECUTIVE SESSION

Supervisor Trapnell asked unanimous consent that she be recorded as voting "AYE" on the motion certifying Actions from Executive Session. Without objection, it was so ordered.

84.REQUEST TO RECORD VOTE REGARDING INDEPENDENT

AUDITOR (Tape 14)

(NOTE: Earlier in the meeting, during the "Matters Presented by the County Executive," the Board took action to create an Independent Auditor. See Clerk's Summary Item CL#8.)

Supervisor McConnell asked unanimous consent that she be recorded as voting "AYE" on the Board's earlier motion creating an independent auditor. Without objection, it was so ordered.

85.BOARD RECESS (Tape 14)

At 12:30 a.m., on Tuesday, April 13, 1993, the Board recessed until 7:30 p.m. for the continuation of the following public hearings:

- Proposed adoption of the County Executive's Fiscal Year (FY) 1994 Advertised Budget Plan, and the County and Schools' FY 1994 Third Quarter Review;
- Proposed real estate tax rate increase for FY 1994;
- Proposed personal property levy for certain qualifying elderly and disabled citizens;
- Proposed amendment to Code of the County of Fairfax, Chapter 67 (Sanitary Sewers and Sewage Disposal), Sections 67-4-2, Sewer Charge Increase for FY 1994 (Availability fee); and
- Proposed Capital Improvement Program for the Fiscal Years 1994 through 1998.