

**AR:ar**

The meeting was called to order at 9:40 a.m. with all Members being present, with the exception of Supervisor Alexander and Supervisor McConnell, and with Chairman Davis presiding.

Supervisor Alexander arrived at 9:45 a.m.

Supervisor McConnell was absent from the entire meeting.

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

**2. PRESENTATION OF SCHOLARSHIPS FROM THE VIRGINIA**

**SHERIFFS INSTITUTE SCHOLARSHIP PROGRAM (Tape 1)**

Carl R. Peed, Sheriff, presented the following scholarships from the Virginia Sheriffs Institute Scholarship Program:

- Virginia M. Fedor;
- Barry W. Maham;
- Jared Goff;
- Daniel Ssuna-Kalema; and
- Mariam Ildari.

**3.9:30 A.M. - PRESENTATION OF REPORT OF THE SMALL**

**AND DISADVANTAGED BUSINESS COMMISSION (Tape 1)**

Robert P. Rogers, Jr., Chairman, made a presentation on the Report of the Small and Disadvantaged Business Commission.

On behalf of the entire Board, Chairman Davis expressed his appreciation to the Commission for its outstanding efforts in the compilation of this thorough report.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board accept the Report of the Small and Disadvantaged Business Commission and refer it to the County Executive for his review and submission of recommended actions prior to the Board's August recess. This motion was seconded by Supervisor Dix.

Supervisor Hyland asked that the motion be amended to include a review of the present staffing of the Economic Development Authority (EDA) to determine if it could be restructured in order to immediately begin helping minority businesses, and this was accepted.

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

Acting-Chairman Alexander returned the gavel to Chairman Davis.

#### **4.10:00 A.M. - PRESENTATION BY THE SCHOOL BOARD ON**

#### **ITS FISCAL YEAR (FY) 1995 BUDGET (Tapes 1-3)**

(BACs)

Gary L. Jones, Chairman of the School Board, gave a presentation on the School Board's Fiscal Year (FY) 1995 Budget.

Following discussion, Supervisor Berger moved that the Chairman of the Board of Supervisors and the Chairman of the School Board appoint a task force consisting of two members of the each Board to explore what areas can be performed jointly rather than duplicating what each segment is performing for themselves, such as payroll, pension office, various computer services, etcetera. In addition, Supervisor Berger recommended that this task force return jointly to each Board with its recommendations prior to the end of September 1993. This motion was seconded by Supervisor Trapnell.

Following discussion, Supervisor Hyland asked that the motion be amended to change the language to read "request that the School Board consider the establishment of a task force and appoint two members....," and this was accepted.

Supervisor Bulova asked that the motion be amended to include an understanding that discussions regarding the areas to be addressed by the task force will be included as part of the agenda of the Reorganization Subcommittee, and this was accepted.

After further discussion, Chairman Davis announced his intent to appoint the maker of the motion, Supervisor Berger, and Supervisor Bulova to represent the Board of Supervisors on this task force.

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

## **Recognition of Linda Thang, Student**

### **Intern From Annandale High School**

Supervisor Trapnell introduced Linda Thang, a student intern from Annandale High School, who is assisting in the Mason District Office this summer and warmly welcomed her to the Board Auditorium.

## **Recognition of School Board Member**

### **Latricia "Letty" Fleetwood**

Supervisor Hanley recognized the presence of Providence District School Board Member Latricia "Letty" Fleetwood and congratulated her on receiving the 1993 Fitz Turner Award from the Virginia Education Association (VEA).

At this time, Chairman Davis invited Susan Sheridan, Budget Chairman of the Fairfax County Council of Parents and Teachers Associations (PTA), to give a brief presentation on the Council's estimates of the FY 1995 funding needs for the County's Public Schools.

**SBE:sbe**

### **5.ADMINISTRATIVE ITEMS (Tape 4)**

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

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

**(BRADDOCK, LEE, SPRINGFIELD, AND SULLY DISTRICTS)**

(R)Approved the request that certain streets listed in the Memorandum to the Board dated July 12, 1993 be recommended for acceptance into the State Secondary System, as follows:

**SubdivisionDistrict Street**

Vertain Park #2BraddockMaury Road

Kingstowne VillageLeeKingstowne Village

Parkway, Phase 2-AParkway (4 Lanes)

Route 8690

Park Village Drive

(2 Lanes)

Kingstowne VillageLeeKingstowne Village

Parkway, Phase 2-BParkway (4 Lanes)

Route 8690

Kingstowne VillageLeeKingstowne Village

Parkway, Phase 2-CParkway (4 Lanes)

Route 8690

Andrew ForestSpringfieldAndrew Forest Way

Middle Run EstatesSpringfieldWild Spruce Drive

Route 6909

Alder Woods DriveSullyAlder Woods Drive

Route 7201

Westport, Section 2SullyStillfield Place, Route 8570

Stillfield Court

Whitechapel Court

Jordans Journey Drive

Route 8571

Riverland Run, Route 6203

**ADMIN 2 - CONNECTION TO THE UPPER OCCOQUAN SEWAGE**

**AUTHORITY (UOSA) SYSTEM (SULLY DISTRICT)**

(R)Requested the Upper Occoquan Sewage Authority (UOSA) Board to permit the following connection, which is within the County's approved limits of sewer service, to be made to the UOSA System:

**•Brooks Ridge:**

One eight-inch connection to the Big Rocky Run Interceptor at existing Manhole 43-3A.

**ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION**

**FOR SPECIAL EXCEPTION APPLICATION SE 91-S-008**

**(NORTHERN VIRGINIA ELECTRIC COOPERATIVE COMPTON**

**SUBSTATION) (SULLY DISTRICT)**

(AT)Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 91-S-008 until **August 5, 1994** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**6.A-1 - PROPOSED PROCEDURES DEVELOPED BY THE PLANNING**

**COMMISSION TO AMEND THE COUNTY'S COMPREHENSIVE PLAN**

**(Tape 4)**

(P)Supervisor Frey moved that the Board concur in the recommendation of staff and take the following actions, recommended by the Planning Commission, regarding the Comprehensive Plan Review amendment process:

- Approve a four-year cycle, commencing in 1995, to include a Monitoring Year, Policy Year, and two full reviews of the Area Plans; and
- Designate 1994 as a full review year for all Area Plans.

In addition to the above-stated actions, Supervisor Frey moved that the Board direct staff to work with the Planning Commission to develop timing procedures for the individual process and to report with recommendations.

This motion was seconded by Supervisor Hanley.

Following a brief discussion, with input from James P. Zook, Director, Office of Comprehensive Planning, the question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Frey asked unanimous consent that the Board direct staff, after working with the Planning Commission, to report with specific timing and the costs associated with the individual process. Without objection, it was so ordered.

#### **7.A-2 - 1993 SCHOOL BOND REFERENDUM (Tape 4)**

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt a Resolution requesting the Circuit Court to order an election on November 2, 1993 on the question of contracting a debt, borrowing money, and issuing bonds of Fairfax County in the aggregate principal amount of \$138,720,000 for the purpose of providing funds for school improvements. This motion was seconded by Chairman Davis.

Supervisor Hyland asked that the motion be amended to request the School Board to consider adding the sum of \$1 million for the purpose of planning for the proposed renovation of West Potomac High School, and this was accepted.

Discussion ensued among Board Members, with input from James P. McDonald, Deputy County Executive for Management and Budget, regarding funding for additional classrooms for the School-Age Child Care (SACC) Program.

Supervisor Berger referred to the funding proposed for the technology of cable listed on handwritten Page Seven (Technology Cabling for Schools, \$8,500,000) of the Board Package material. He asked that additional information be provided on the type of cable proposed for installation.

Following further discussion, Chairman Davis suggested that the Board defer its action on this issue until later in the meeting to allow additional time for the School System staff to respond to the Board's concerns.

In response to a query by Supervisor Alexander regarding timing issues, Dr. McDonald reported that action must be taken prior to **OR** at the Board meeting scheduled for August 2, 1993.

For clarification purposes, Chairman Davis reported that, at today's meeting, the Board must take action on the following issues:

- Whether a public hearing should be held before the Board of Supervisors;
- Whether the Board of Supervisors should establish its own Task Force to study the question, in addition to the Task Force already established by the School Board; and
- Whether, because of Supervisor Hyland's motion to add the additional funds, the Board of Supervisors is amending and returning the issue to the School Board for approval.

Chairman Davis discussed the technical issues. He clarified if the Board takes action on the main motion, as amended to include the additional \$1 million, the issue must be returned to the School Board for approval by that body. The next meeting scheduled for the School Board is July 22, 1993. The Board would then be able to take final action on the issue at its meeting scheduled for July 26, 1993.

Supervisor Trapnell moved that the Board defer action on the School Bond Referendum until July 26, 1993. This motion was seconded by Supervisor Berger.

For procedural purposes, Supervisor Hanley suggested that the Board:

- Defer action on this issue until later in the meeting to allow additional time for the School Board staff to address the Board's concerns; and
- Authorize the advertisement of a public hearing to be held before the Board of Supervisors' on July 26, 1993 to receive public comment on the issue.

However, this amendment was not placed on the floor.

Supervisor Alexander moved a substitute motion that the Board defer **all** action on this item until later in the meeting when the School System staff would be present to respond to the questions posed by the Board. This motion was jointly seconded by

Supervisor Hanley and Chairman Davis and carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, additional actions were taken on this issue. See Clerk's Summary Item CL#25.)

### **8.A-3 - REVISIONS TO CHAPTER 10 OF THE PERSONNEL**

#### **REGULATIONS REGARDING FAMILY AND MEDICAL LEAVE**

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

Supervisor Trapnell moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapter 10 of the Personnel Regulations regarding family and medical leave effective August 5, 1993. This motion was seconded by Supervisor Hyland.

Supervisor Hyland referred to handwritten Page Two, Section 10.15-3:

"3.Requests for family and medical leave must be made in writing and submitted 30 days in advance whenever possible."

Following discussion, with input from Paul L. Baldino, Acting Personnel Director, Supervisor Hyland moved that the motion be amended to direct staff to revise Section 10.15-3 to incorporate language that 30 days notice in advance would be given if the need for leave is foreseeable. This motion was seconded by Supervisor Trapnell and **CARRIED** by a recorded vote of five, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis voting "**NAY**," Supervisor McConnell being absent.

Supervisor Hyland referred to handwritten Page One, Section 10.15, Family and Medical Leave:

•"Family leave is defined as leave used for the birth or adoption of a child..."

Supervisor Hyland moved that the motion be amended to direct staff to revise Section 10.15 to incorporate language that amends the definition to include the placement of a child for foster care. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

Following discussion regarding whether a husband and wife, both employed by the County, are entitled to 12 weeks each or limited to 12 weeks per couple, Supervisor



Berger moved that the motion be amended that the Board exercise its option to limit the leave to 12 weeks per couple; however, this motion **DIED** for the lack of a second.

Following further discussion regarding a minimum requirement for service in order for an employee to be eligible for this type of leave, Supervisor Alexander announced that the Board's Personnel Subcommittee is scheduled to meet tomorrow morning, July 13, 1993.

Supervisor Alexander moved to call the question and end the debate on this issue. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

The question was then called on the main motion, as amended, which **CARRIED** by a recorded vote of seven, Supervisor Berger and Supervisor Dix voting "NAY," Supervisor McConnell being absent.

#### **9.A-4 - FAIRFAX COUNTY COMMUNITY ACTION ADVISORY**

##### **BOARD (CAAB) MEMBERSHIP APPOINTMENTS (Tape 4)**

(BACs)

(APPTs)

On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and appointed the following new members to service on the Fairfax County Community Action Advisory Board (CAAB) to represent the organizations approved by the Board of Supervisors at its meeting held on June 28, 1993:

- Ms. Mary M. Davenport to serve as the representative from the American Association of Retired Persons (AARP);
- Mr. Gregory Smith to serve as the representative from the Literacy Council of Northern Virginia; and
- Dr. David Potter to serve as the representative from the George Mason University (GMU).

#### **10.A-5 - FAIRFAX AREA AGENCY ON AGING APPLICATION FOR**

**ADMINISTRATION ON AGING DISCRETIONARY GRANT FOR  
REDESIGN OF LONG TERM CARE SYSTEM (Tape 4)**

Supervisor Hanley moved that the Board concur in the recommendation of staff and approve the submission of the application by the Fairfax Area Agency on Aging to apply, on behalf of the Long-Term Care Redesign Team, for an Administration on Aging Discretionary Grant for Special Projects in Long Term Care, in the amount of \$100,000 per year, for two projects to develop and implement a method for uniform authorization of community-based long term care services as part of the redesign of the human services system. This motion was seconded by Supervisor Alexander.

Following input from William J. Leidinger, County Executive, who stated that this application does not meet all the requirements, Supervisor Hanley asked that the motion be amended to ask unanimous consent that the Board **WITHDRAW** this item from its consideration, and this was accepted.

Without objection, the amended request was so ordered and the item was withdrawn.

**11.A-6 - APPROVAL FOR THE FAIRFAX-FALLS CHURCH**

**COMMUNITY SERVICES BOARD (CSB) TO ACCEPT A SEXUAL**

**ASSAULT CRISIS CENTER SERVICES GRANT FROM THE**

**VIRGINIA DEPARTMENT OF HEALTH (Tape 4)**

On motion of Supervisor Hanley, seconded by Supervisor Trapnell, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the acceptance by the Fairfax-Falls Church Community Services Board (CSB) of a Fiscal Year (FY) 1994 Sexual Assault Crisis Center Services grant in the amount of \$28,977 from the Virginia Department of Health to provide sexual assault counseling services with the Fairfax Victim Assistance Network at the Mount Vernon Mental Health Center.

**12.A-7 - APPLICATION TO THE STATE COUNCIL ON LOCAL**

**DEBT FOR REFUNDING AND SALE OF GENERAL OBLIGATION**

**BONDS, SERIES 1993C (Tape 4)**

(BONDS)

(Rs)Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the sale of general obligation refunding bonds, in an amount not to exceed \$265,000,000, the proceeds of which will be held in escrow and used to redeem portions of previously issued and outstanding Public Improvement Bonds in nine previous issued series totalling \$235,860,000, or as necessary to maximize the savings. The following actions are requested:

- Approve the Resolution and application to the State Council on Local Debt for general obligation refunding bonds;
- Approve the Resolution authorizing the issuance of general obligation refunding bonds and delegated to the County Executive or the Deputy County Executive for Management and Budget the authority to determine the details of the bonds;
- Approve the Resolution authorizing the sale of general obligation refunding bonds including preparation of the form of the Notice of Sale, the preparation of the Official Statement, and the Chairman's signature on the Official Statement (This Resolution also provides for the sale to be conducted and the award to be made at the discretion of the County Executive or Deputy County Executive for Management and Budget, in consultation with the County's Financial Advisor, not later than January 21, 1994. The winning bid must offer the lowest true interest cost, and the true interest cost rate may not exceed six percent. The Notice of Sale will announce that bids will be taken in the offices of Craigie, Incorporated, in Richmond); and
- Approve the form of the Escrow Agreement for the general obligation refunding bonds.

This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell being absent.

Brief discussion ensued among Board Members, with input from William J. Leidinger, County Executive, regarding the savings that this item brings to the County.

### **13.I-1 - FINANCIAL REPORT ON TOP 50 COUNTIES FROM CITY**

#### **AND STATE (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 transmitting the text of the June 21, 1993 article from City and State magazine on the Top 50 Counties, Financial Report. This is the second year City and State magazine has ranked counties on the basis of their fiscal strength and

financial management, with Fairfax County ranking first in this year's survey after finishing ninth in last year's survey.

On behalf of the Board, Supervisor Hyland expressed his appreciation to staff for their outstanding performance.

**14.I-2 - CONSOLIDATION OF HUMAN SERVICES ACTIVITIES IN THE SOUTH COUNTY AREA (LEE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to finalize a lease agreement for 6901 Richmond Highway, in accordance with the basic terms outlined in the Board Package, for the consolidation of human services activities in the south County area.

There was brief discussion regarding this item, with input from Fred K. Kramer, Director, Department of General Services.

On behalf of the Board, Supervisor Alexander commended the outstanding performance of Verdia L. Haywood, Deputy County Executive for Human Services, and Mr. Kramer on this item.

The staff was directed administratively to proceed as proposed.

**15.I-3 - CONTRACT AWARD - GATE POST ESTATES, SECTION 2, PHASE 2, DEVELOPER DEFAULTS (SULLY DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Coalson's Landscapes and Excavating, Incorporated, in the amount of \$131,408.08 for Gate Post Estates, Section 2, Phase 2, Developer Defaults.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and left the Board Auditorium to attend to important business in the Board Conference Room.

In response to a query by Supervisor Frey, Irving Birmingham, Director, Department of Environmental Management (DEM), responded that he would report, later in the

meeting, with additional information regarding the staff's decision and time frame to pull the bond or Letter of Credit.

(NOTE: Later in the meeting, action was taken to direct staff to proceed to award the contract. See Clerk's Summary Item CL#24.)

**16.I-4 - CONTRACT AWARD - CHELSEA ROAD STORM DRAINAGE IMPROVEMENTS (DRANESVILLE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Coalson's Landscapes and Excavating, Incorporated, in the amount of \$59,375.39 for the Chelsea Road Storm Drainage Improvements.

The staff was directed administratively to proceed as proposed.

**17.I-5 - CONTRACT AWARD - CRYSTAL SPRINGS SANITARY SEWER EXTENSION AND IMPROVEMENTS (SULLY DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to R.G. Griffith, Incorporated, in the amount of \$219,990 and reallocate funds as noted in the Board Package, for the Crystal Springs Sanitary Sewer Extension and Improvements.

The staff was directed administratively to proceed as proposed.

**18.I-6 - CONTRACT AWARD - CONSTRUCTION OF PLAYGROUND AND TOT LOT EQUIPMENT RELATED WORK - PLAYGROUND EQUIPMENT REPLACEMENT AT ANNANDALE, MASON DISTRICT AND BACKLICK PARKS (MASON DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Triple J Construction, Incorporated, of Kensington, Maryland, in the

amount of \$54,710, for the construction of playground and tot lot equipment related work, playground equipment replacement at Annandale, Mason District and Backlick Parks.

The staff was directed administratively to proceed as proposed.

#### **19.I-7 - EMPLOYEE ASSISTANCE PROGRAM (EAP)**

##### **(Tapes 4-5)**

Upon his return to the Board Auditorium, Acting-Chairman Alexander returned the gavel to Chairman Davis.

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 transmitting the additional information, requested at the Board of Supervisors' meeting held on June 7, 1993, on the feasibility of consolidating the Employee Assistance Programs (EAPs) currently provided for public safety, non-public safety, and school system employees and reporting on whether EAP services could be provided at a lesser cost on a fee-for-service or voucher basis rather than under the current fixed-fee contract arrangement.

Following lengthy discussion among Board Members, with input from William J. Leidinger, County Executive, Supervisor Frey moved that the Board concur in the original recommendation of staff, as presented at the Board of Supervisors' meeting held on June 7, 1993, and:

- Authorize staff to award the contract to the low bidder, Montgomery General Hospital, Incorporated, for the administration of the EAP; and
- Direct staff to proceed, over the life of the contract, to determine whether or not the County can save money through consolidation.

This motion was jointly seconded by Supervisor Bulova and Supervisor Hyland and **FAILED** by a recorded vote of four, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland voting "AYE," Supervisor Alexander being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#21.)

#### **20.I-8 - CONTRACT AWARD - SITE STONEMWORK IMPROVEMENTS**

**AND RELATED WORK AT CABELL'S MILL AND ELLANOR C.**

**LAWRENCE PARK (SULLY DISTRICT) (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Southern Maryland Restoration, Incorporated, of Washington, D.C., in the amount of \$137,550, for the site stonework improvements and related work at Cabell's Mill and Ellanor C. Lawrence Park.

The staff was directed administratively to proceed as proposed.

**21.ADDITIONAL COMMENTS REGARDING INFORMATION ITEM**

**I-7 - EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**(Tape 5)**

[NOTE: Earlier in the meeting, there was additional discussion regarding the Employee Assistance Program (EAP). See Clerk's Summary Item CL#19.]

William J. Leidinger, County Executive, asked for a point of clarification on the Board's earlier discussion regarding EAP.

Chairman Davis clarified that, because the motion failed, no action was taken at today's meeting. He restated the Board's action taken at its meeting held on June 7, 1993 to defer the award of the contract and to direct staff to examine whether EAP services could be provided at a lesser cost on a fee-for-service or voucher basis rather than under the current fixed-year contract arrangement.

Following further discussion, staff responded that the current contract will be extended at the current rate.

Chairman Davis suggested that the County Executive factor everything together and report with a broader Request-for-Proposal (RFP) that would consolidate these services under one roof.

**22.I-9 - CONTRACT AWARD - RENOVATION OF THE CLARK**

**HOUSE AT BARCROFT MEWS PARK (MASON DISTRICT)**

**(Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Siegfried Construction, Incorporated, of Vienna, Virginia, in the amount of \$447,000, for the renovation of the Clark House at Barcroft Mews Park.

At the request of the Park Authority, William J. Leidinger, County Executive, informed Board Members that there is a protest being filed regarding this contract.

Accordingly, it was the consensus of the Board to defer its consideration of this request until **July 26, 1993**.

**23.I-10 - CONTRACT AWARD - CONSTRUCTION OF EMERGENCY**

**POOL REPAIRS AT WAKEFIELD RECREATION CENTER**

**(BRADDOCK DISTRICT) (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Golden Construction, Incorporated, of Annandale, Virginia, in the amount of \$122,935, for the construction of emergency pool repairs at Wakefield Recreation Center.

Supervisor Bulova asked unanimous consent that the Board defer its consideration of this request until July 26, 1993. Without objection, it was so ordered.

(NOTE: Later in the meeting, the award of this contract was authorized by the Board. See Clerk's Summary Item CL#74.)

**24.ADDITIONAL ACTION REGARDING INFORMATION ITEM I-3 -**

**CONTRACT AWARD - GATE POST ESTATES, SECTION 2,**

**PHASE 2, DEVELOPER DEFAULTS (SULLY DISTRICT)**

**(Tape 6)**

(NOTE: Earlier in the meeting, there was additional discussion regarding the award of this contract and staff was directed to report later in the meeting with additional information. See Clerk's Summary Item CL#15.)



The Board next considered an Information Item contained in the Memorandum to the Board dated July 12, 1993 requesting authorization for staff to proceed to award a contract to Coalson's Landscapes and Excavating, Incorporated, in the amount of \$131,408.08 for Gate Post Estates, Section 2, Phase 2, Developer Defaults.

Irving Birmingham, Director, Department of Environmental Management (DEM), addressed the concerns expressed earlier in the meeting by Supervisor Frey regarding timing issues. He stated that the Letter of Credit was handled through DEM, rather than through the County Attorney's Office. DEM pulled the Letter of Credit on February 25, 1992 when the bankruptcy of the contractor occurred. The Letter of Credit was then forwarded to the Department of Public Works in April 1992 and, as a result, staff is now requesting authorization to proceed to award the contract.

Without objection, the staff was directed administratively to proceed as proposed.

## **25.ADDITIONAL COMMENTS REGARDING ACTION ITEM A-2 -**

### **1993 SCHOOL BOND REFERENDUM (Tape 6)**

(NOTE: Earlier in the meeting, the Board discussed this issue and action was taken to defer action until later in the meeting to allow additional time for the School System staff to respond to the Board's concerns. See Clerk's Summary Item CL#7.)

In response to the previous query by Supervisor Berger concerning the funding proposed for the technology of cable listed on handwritten Page Seven (Technology Cabling for Schools, \$8,500,000) of the Board Package material, School System staff informed Board Members that fiber optic cable is planned.

A question-and-answer period ensued among Board Members and staff regarding coaxial cable versus fiber optic cable.

Additional discussion ensued regarding timing aspects of this item. Supervisor Hanley briefed Board Members that, in discussion with the County Attorney, she has been informed that, if the Board of Supervisors elects to conduct a public hearing, the exact language must be advertised that will appear on the bond question; however, the public hearing before the Board is optional. She stated that it is her understanding that the issue could be returned to the School Board for amendment and approval at their meeting scheduled for July 22, 1993. After the School Board's amendments and approval, the School Board would then return the issue to the Board for final adoption either on July 26 or August 2, 1993.

In response to a query by Supervisor Hanley, David L. Bobzien, County Attorney, responded that the School Board **would not** be required to conduct another public hearing in order to amend and reapprove the question.

The question on the floor, as introduced by Supervisor Hyland and seconded by Chairman Davis earlier in the meeting, was restated for clarification purposes:

• "...That the Board concur in the recommendation of staff and adopt a Resolution requested the Circuit Court to order an election on November 2, 1993 on the question of contracting a debt, borrowing money, and issuing bonds of Fairfax County in the aggregate principal amount of \$138,720,000 for the purpose of providing funds for school improvements..."; and

• "...That the Board request the School Board to consider an amendment to add the sum of \$1 million for the purpose of planning in connection with the proposed renovation of West Potomac High School..."

Further discussion ensued among School System staff and Supervisor Hanley regarding the proposed location of a west County maintenance facility.

The question was then called on the motion, as previously restated, which as amended, carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Dix moved that the Board not appropriate funding for an information pamphlet on this particular bond issue because there are no County items listed on the referendum and it is the responsibility of the School System. The question was called on the motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

## **BOARD MATTERS**

**AR:ar**

### **26.APPOINTMENTS TO THE COUNTY GOVERNMENT**

#### **COMMITTEE (Tape 7)**

(APPTs)

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved the following appointments to the County Government Committee:

•Ms. Darragh J. Davis, Esquire,

Representative of the Fairfax Bar Association; and

•Ms. Mary Beth Coya, Representative of the Northern Virginia Association of Realtors.

This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

## **27.APPLICATION FOR PROPERTY TAX EXEMPTION**

### **FROM THE HAYFIELD FARMS SWIM CLUB**

#### **(Tape 7)**

Supervisor Alexander stated that the Hayfield Farms Swim Club submitted an application to Fairfax County in 1992 for property tax exemption based on their status as a non-profit organization. He added that they fully meet the criteria specified in Virginia Code Section 30-19.04 and should have been included in last year's public hearing cycle for the County's submission of tax exemptions to the General Assembly.

However, Supervisor Alexander stated that, when he forwarded the Club's request to the Office of Assessments, the nature of the request was not understood, which apparently prevented the submission from being included in the State package. Supervisor Alexander noted that his office has conferred with the Office of Assessments and he is confident that the Club will be able to get its exemption processed without difficulty in 1993.

Due to the County's error on this matter, Supervisor Alexander stated that the Club will encounter some financial hardship this year and have difficulty paying its 1993 taxes. Since it was the County's misunderstanding which was responsible for the Club's tax liability this year, Supervisor Alexander stated that it is entirely appropriate to request the Board to grant some latitude to the Club in the payment schedule for its 1993 taxes.

Accordingly, Supervisor Alexander moved that the Board direct staff to immediately forward the account for the Hayfield Farms Swim Club to the TARGET program for the establishment of a deferred payment program, and waive any late fees or penalties

incurred by the Club in 1993. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

**PMH:pmh**

## **28.JOINT MEETING WITH THE PRINCE WILLIAM COUNTY**

### **BOARD OF SUPERVISORS (Tape 8)**

Supervisor Frey announced that a joint meeting with the Prince William County Board of Supervisors has been scheduled for Tuesday, July 27, 1993 at 4:00 p.m. in Room 1 of the Conference Center located in the Government Center.

## **29.TRANSFER OF DECAL BETWEEN LEASED VEHICLES**

**(Tape 8)**

Supervisor Frey said that it has come to his attention that there is a discrepancy between leased vehicles and owned vehicles with regard to County decal transfer. He asked unanimous consent that the Board direct staff to report with information regarding why a decal cannot be transferred from one leased vehicle to another vehicle for the cost of \$1.00.

Following discussion, without objection, the request was so ordered.

## **30.REPLACEMENT OF LOST COUNTY CHECKS TO FOSTER**

**PARENTS (Tape 8)**

Supervisor Frey stated that a constituent contacted his office regarding a lost County check for a foster parent. He said that there is a "wait" period before a check will be reissued. He pointed out that this situation was critical and the foster parent needed the funds.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to review this situation to determine if there is a safeguard provision which could be included to ensure that there is no abuse and address emergency situations where funds are desperately needed. Without objection, it was so ordered.

## **31.REVIEW OF THE ZONING ORDINANCE AND DECKS**

**(Tape 8)**

Supervisor Frey referred to a situation regarding the Zoning Ordinance and decks. He said that, under the Ordinance, if there is any siding higher than three-feet, it is not considered an open deck. He said that a constituent wanted to install a lattice to provide privacy screening and it was deemed to be not in conformance with the Ordinance.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to review this situation to determine if there could be a change which would take into account privacy screening without violating the requirements for open decks. Without objection, it was so ordered.

### **32.ADOPT-A-CAUSE (Tape 8)**

Supervisor Bulova stated that on February 22, 1993, the Board supported her request to have staff work with her to develop an ADOPT-A-CAUSE event.

Supervisor Bulova reminded Board Members that ADOPT-A-CAUSE is proposed to be a cooperative effort, sponsored by Fairfax County, to facilitate the development of working partnerships between non-profit agencies, businesses (especially small to medium size), and community organizations (service clubs, fraternal organizations, and student groups). During a half day "kick-off" event, for profit and non-profit businesses and community organizations will be able to highlight their projects and resources available to support community programs to serve the citizens more completely.

Supervisor Bulova announced that the "kick-off" event is tentatively scheduled for October 18, 1993 and would take place at the Government Center. Throughout the morning, non-profits will have an opportunity to promote their efforts by displaying literature at tables provided to them in the atrium and conference center. Businesses and community attendees would be encouraged to discuss with non-profits their particular needs and interests. Additionally, workshops would take place throughout the morning, so that the for-profit attendees can learn how to evaluate a potential partner, and non-profits can learn how best to promote themselves and seek funding and assistance from the private sector.

Supervisor Bulova pointed out that the budget for this event will be minimal. Therefore, she moved that the Board express its continued support for this endeavor. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

Supervisor Bulova stated that the biggest challenge for making ADOPT-A-CAUSE work will be attracting the small and medium sized businesses to the event. An idea

came from a business focus group conducted to assist with the planning for ADOPT-A-CAUSE that has merit. She said that the idea is to request Board Members to provide a list of 10 small and medium sized businesses in their Districts with whom they have a rapport. She said that for the Braddock District she would include a dry cleaner at the Twinbrook Shopping Center and several small restaurants. A letter would then be drafted for the Supervisor's signature which would urge the small business to participate in the ADOPT-A-CAUSE event. She distributed a copy of the draft letter to Board Members.

Supervisor Bulova expressed her appreciation to Board Members for assistance with this method for attracting business participants to this event.

### **33.RUTHERFORD AREA SWIMMING CLUB REQUEST FOR**

#### **WAIVER OF DEPARTMENT OF ENVIRONMENTAL**

#### **MANAGEMENT (DEM) FEE (Tape 8)**

Supervisor Bulova stated that the Rutherford Area Swimming Club, a non-profit organization, is trying to erect a pavilion to enhance the site. She said that the Board of Zoning Appeals (BZA) has granted the amendment to their Special Use Permit and the Department of Environmental Management (DEM) is processing their Site Plan Waiver. Because of their limited budget, they are requesting a waiver of the fee.

Therefore, Supervisor Bulova moved that the Board direct staff of DEM to pay all fees related to the Site Plan Waiver and Exception review associated with this pavilion. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

### **34.REOPENING OF THE KINGS PARK LIBRARY (Tape 8)**

Supervisor Bulova announced that the reopening of the Kings Park Library occurred on Saturday, July 10, 1993. She expressed her appreciation to Chairman Davis for attending and for his comments.

### **35.CLEAN AIR ACT AMENDMENT (Tape 8)**

Supervisor Bulova stated that several months ago she had a Board Matter that requested information regarding the scheduling of the Board of Supervisors' public hearings or workshops regarding the implementation of the Clean Air Act. Supervisor Bulova said that she would like to involve her constituents as much as possible and

she asked unanimous consent that the Board direct staff to respond to her previous request. Without objection, it was so ordered.

Supervisor Hanley announced that there are hearings scheduled for Wednesday, July 14, 1993 in the Government Center Board Auditorium. She asked unanimous consent that the Board direct staff to determine if the hearings could be televised. Without objection, it was so ordered.

A brief discussion regarding this issue ensued.

(NOTE: Later in the meeting, there was additional discussion regarding this issue. See Clerk's Summary Item CL#40.)

### **36.PRESENCE IN THE BOARD AUDITORIUM OF SUPERVISOR**

#### **ROBERT DIX'S WIFE AND SON (Tape 8)**

Supervisor Dix announced the presence in the Board Auditorium of his seven year old son, Ryan, and his wife, Patti.

Chairman Davis warmly welcomed them to the Board Auditorium.

### **37.SUGGESTIONS FOR IMPROVEMENT OF THE PERMIT**

#### **PROCESS (Tape 8)**

Supervisor Trapnell said that she recently received a document from a Mason District resident who was concerned over his recent experience with the Department of Environmental Management (DEM), as he attempted to acquire the appropriate permits for an expansion project on his home.

Supervisor Trapnell asked unanimous consent that the document be referred to the Development Process Subcommittee for discussion at an upcoming meeting. Without objection, it was so ordered.

### **38.WAIVER OF FEES ASSOCIATED WITH THE MISSIONARY**

#### **SERVANTS OF SAINT JOSEPH APPLICATION (Tape 8)**

Supervisor Trapnell said that the Missionary Servants of Saint Joseph, who reside at 3438 Charles Street in Baileys Crossroads, and work out of a small office in the Saint Anthony Catholic Church are preparing to submit a Group 3 Special Permit

Application to the County. This permit would allow for the expansion of their existing residence and provide for three additional bedrooms.

Supervisor Trapnell stated that the filing fees for the application, totalling over \$1000, are a great deal more than the sisters had budgeted for this project.

Therefore, Supervisor Trapnell moved that the Board waive the fees associated with this application. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

### **39.APPOINTMENT TO THE FAIRFAX COUNTY WATER AUTHORITY**

**(Tape 8)**

(APPT)

Supervisor Trapnell moved the reappointment of Mr. Harry Day as the Mason District Representative to the Fairfax County Water Authority. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

### **40.THE CLEAN AIR CHALLENGE (Tape 8)**

(NOTE: Earlier in the meeting, there was additional discussion relating to the Clean Air Act. See Clerk's Summary Item CL#35.)

Supervisor Hyland called the Board's attention to the fact that the Clean Air Act Amendments of 1990 are beginning to have an impact on the Washington Metropolitan region and it is time that Fairfax County gets involved.

Supervisor Hyland stated that the Clean Air Act Amendments of 1990 were passed because it is demonstrated that air pollution clearly adversely impacts human health. The Clean Air Act has categorized the Washington Metropolitan region in the "Serious" category. For instance, the region has had four exceedence days (.12 parts per million of ozone concentration) since June. Since 1972, there has been an average of 11 exceedence days each summer. In addition, on almost any summer day, Supervisor Hyland stated that we are breathing above one-half that level of the ozone pollutant. He said that we breathe it every day and there is scientific evidence that it does bioaccumulate in the body, in lung tissue causing premature aging of the lungs, in young developing tissues of children, and it exacerbates existing lung-related diseases.



On behalf of the Washington region, the Washington Council of Governments (COG) has developed draft control measures that will reduce the 1990 total volatile organic compound air emissions by 15 percent by the year 1996. The region must develop a plan that will reduce ozone-causing pollutants by 137 tons per day to meet the target of the Clean Air Act. A State Implementation Plan must be submitted to the Environmental Protection Agency by November 15, 1993 for approval.

Supervisor Hyland stated that the Metropolitan Washington Air Quality Committee (MWAQC) is the air quality policy body for the region and was formed under the authority of the governors of Maryland and Virginia and the mayor of the District of Columbia (D.C.) to develop recommendations for regional strategies to control ozone. MWAQC is seeking public input on the draft control measures that could achieve the required reductions. The first forum will be held July 14, 1993 at the Government Center beginning at 6:00 p.m. There will be an hour informational session, followed by a presentation on air quality issues at 7:00 p.m., and at 8:00 p.m. public comments will begin. MWAQC will then prepare its final recommendations to the governments of Virginia, Maryland, and D.C. The planning will continue at the state level by developing State Implementation Plans (SIP). This process will include public hearings. The SIP must then be adopted by the states and D.C. by legislative and regulatory actions.

Supervisor Hyland announced that the background documents are located in the regional libraries and he encouraged all interested individuals to review the documents and attend the session scheduled for July 14, 1993 and take the opportunity to be heard. He announced that there are other forums being held in Maryland and D.C.

Supervisor Hyland moved that the Board direct staff to announce this information on the cable channels and to prepare a press release by the close-of-business today. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Frey and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

(NOTE: Later in the meeting, there was additional discussion regarding this matter. See Clerk's Summary Item CL#64.)

#### **41.LANDFILL'S TRUCK ACCESS RAMP ON I-95 (Tape 8)**

Supervisor Hyland called the Board's attention to the fact that in the Comprehensive Master Plan, extensive language can be found regarding the landfill's truck access ramp on I-95. The Mount Vernon District continues to support the need for such a

ramp on the interstate highway. The Board has received correspondence from County staff, as well as from the Virginia Department of Transportation (VDOT), stating that further study needs to be done, including a traffic assessment showing impacts to the interstate system.

Supervisor Hyland stated that the Mount Vernon Council of Citizens Association (MVCCA) has once again unanimously passed a resolution requesting the study to begin and involve members of the MVCCA and public officials in the study.

Accordingly, Supervisor Hyland moved that the Board direct staff to request the Federal Highway Administration (FHA) to:

- Conduct a traffic assessment showing the impacts of the interstate system;
- Include in that assessment the alternatives suggested and cost impacts; and
- Identify funding sources.

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

**VW:vw**

## **42.IMPACTS ON FAIRFAX COUNTY OF THE PROPOSED BELMONT**

### **CENTER IN PRINCE WILLIAM COUNTY (Tape 9)**

Supervisor Hyland stated that the Belmont Center is a land use rezoning case encompassing 312 acres of land located along the Occoquan River, directly across the river from Mason Neck. The application consists of a mix of residential, retail, office, hotel, and recreational uses, including approximately 2,000 dwelling units, housing for the elderly, and 1.9 million square feet of non-residential development with heavy industrial uses and buildings up to 12 stories high.

Supervisor Hyland stated that he has received a letter from the Mason Neck Citizen's Association requesting that Prince William and Fairfax Counties meet to discuss the issues and potential impacts this significant project could have on Fairfax County and the environment. Mason Neck residents would like this meeting to occur prior to the Prince William County public hearing scheduled for July 20, 1993. Particular concerns to Fairfax County are the following:

- Off-site traffic impacts along the Route One corridor, Route 123 and I-95;
- Environmentally sensitive areas on the site and on the Occoquan and Potomac Rivers;
- Waterway traffic; and
- Archaeological studies.

Because the Boards of Supervisors for Prince William and Fairfax Counties will be meeting on July 27, 1993, Supervisor Hyland moved that the Board:

- Request the Prince William County Board of Supervisors to hold open its public hearing and defer its decision on this rezoning application until after the meeting scheduled between the two counties and to add this subject to the meeting agenda for discussion; and
- Direct County staff to meet with Prince William County's staff to determine the impacts this proposal could have on Fairfax County and to report to the Board prior to the meeting scheduled on July 27, 1993 with their findings and recommendations.

This motion was seconded by Supervisor Bulova.

Following discussion, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked that the motion be amended that a letter be prepared, under the Chairman's signature, requesting that the Prince William County Board of Supervisors defer its decision on this issue until after its meeting scheduled with Fairfax County and that the letter be forwarded as expeditiously as possible, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

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

#### **43.COMMENDATION TO FAIRFAX COUNTY FIRE AND RESCUE**

##### **SERVICES (Tape 9)**

Supervisor Hyland announced that he had recently received a letter from a Mount Vernon District resident describing his experience with the Fairfax County Fire and Rescue Services during a time of extreme emergency. The letter expressed, in glowing

terms, the professional, prompt, and caring treatment that he had received at the hands of the Fire and Rescue teams.

Supervisor Hyland stated that he recognizes that many Board Members receive similar letters acknowledging the performance of the Fire and Rescue Personnel from grateful residents and he feels that it is appropriate that the Board formally commend the personnel who service this vital emergency service.

Accordingly, Supervisor Hyland moved that the Board formally commend the Fairfax County Fire and Rescue Services and, specifically, the two-unit Emergency Medical Service (EMS) team, comprised of Lieutenant Harry Scott and Technicians James Lee and Dennis Micalogin, who responded in the case described, for continuing to perform in the excellent manner to which the County has come to expect in the quality service provided the citizens of Fairfax County. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Frey and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

#### **44.REQUEST FOR STAFF REVIEW OF THE APPLICATION OF**

#### **UTILITY TAXES AS THEY PERTAIN TO RELIGIOUS**

#### **INSTITUTIONS (Tape 9)**

Supervisor Hyland said that an inquiry from a Fairfax County resident and active volunteer in his church was directed to him. In the course of reviewing his church's bills, he found that \$1,800 was paid to the County on electric and gas billings alone. Upon further investigation, he learned that the same usage billed to a residential user would have amounted to \$96 over the same period.

Supervisor Hyland said that the key question this individual raises is the County's treatment of religious institutions from the standpoint of taxing utility bills. He said that the citizen maintains that since churches are considered tax-exempt under Federal and State law for income tax purposes, why are they viewed as commercial enterprises by the County. He noted that religious institutions make valuable contributions to Fairfax County.

Accordingly, Supervisor Hyland moved that staff review the County's present practice concerning taxation of religious institutions and churches and provide the Board with the rationale for treating these organizations as commercial enterprises and report with recommendations for possible change in policy. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Frey and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

**45. ACTION TO AMEND THE PREVIOUSLY ADOPTED AMENDMENTS  
TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101  
(SUBDIVISION PROVISIONS) REGARDING THE  
SUBDIVISION OF LOTS ON PRIVATE STREETS (Tape 9)**

(P)[NOTE: At the Board of Supervisors' meeting held on June 28, 1993, action was taken to adopt amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) regarding the subdivision of lots on private streets.]

Supervisor Berger stated that at the Board of Supervisors' meeting held on June 28, 1992, the Board adopted amendments to the Subdivision Ordinance by adopting the Planning Commission's recommended text regarding requests to waive the public street frontage requirements to permit the subdivision of lots on private streets.

At that meeting, the Board also directed staff to advertise, for future public hearings, two additional amendments to the Subdivision Ordinance. One amendment would require requests to waive the public street frontage requirements to be subject to public hearings before the Planning Commission and the Board. The second amendment would provide that lots located in five acres or larger lot subdivisions would be ineligible to request a waiver of the public street frontage requirements.

Supervisor Berger stated that an amendment is needed to that portion of the Board's action which directed staff to advertise an amendment to the Subdivision Ordinance which would provide that lots located in five acres or larger lot subdivisions would be ineligible to request a waiver of the public street frontage requirements. Specifically, the directive to staff should be deleted and, in its place, the Board should adopt a policy statement regarding waiver requests filed on lots located in five acres or larger lot subdivisions.

Supervisor Berger informed Board Members that under Robert's Rules of Order, this motion is called a motion to "Amend Something Previously Adopted."

Accordingly, Supervisor Berger moved that the Board:

- Amend the action which it took at its last meeting following the public hearing on the amendment to the Subdivision Ordinance by deleting the directive that staff advertise an amendment to the Subdivision Ordinance which would provide that lots located in five acres or larger lot subdivisions would be ineligible to request a waiver of the public street frontage requirements; and

• Adopt, as a matter of policy, that although lots located on private streets in five acres or larger lot developments may be the subject of a specific waiver request, it is likely that the Board may determine that the further subdivision of lots within large lot developments, which have been platted and recorded in the land records and have been planned to be developed as five-acre, large lot neighborhoods, would be inharmonious with and would adversely affect neighboring properties.

In addition, Supervisor Berger stated that staff has advised him that this change to the future amendments to be advertised will cause the public hearings before the Planning Commission and the Board of Supervisors's to occur in the fall instead of prior to the Board's August recess. This motion was seconded by Chairman Davis.

Following discussion, with input from Karen J. Harwood, Assistant County Attorney, and David Bobzien, County Attorney, the question was called on the motion which carried by a vote of seven, Supervisor Frey and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

#### **46. TRANSPORTATION ADVISORY COMMISSION'S (TAC)**

#### **RECOMMENDATIONS REGARDING PRIORITIZATION OF FUTURE**

#### **ROAD PROJECTS (Tape 9)**

As a reminder, Supervisor Berger announced that all Board Members have not yet contacted him regarding the Transportation Advisory Commission's (TAC) recommendations for prioritization of future road projects. He stated that his staff will be contacting those Board Members for their comments.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct the County Executive to work with Supervisor Berger on the preparation of a Board Item, for consideration at the Board's meeting scheduled for August 2, 1993, regarding the TAC's recommendations for prioritization of future road projects. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

#### **47. BRIEFING ON WILDFLOWER DEDICATION CEREMONY TO**

#### **REMEMBER THOSE INDIVIDUALS WHO LOST THEIR**

#### **LIVES TO AN ACT OF TERRORISM THAT OCCURRED**

**IN FRONT OF THE CENTRAL INTELLIGENCE AGENCY****(CIA) BUILDING IN MCLEAN, VIRGINIA (Tape 9)**

Supervisor Berger briefed Board Members on the recent wildflower dedication ceremony that had been held on June 30, 1993 to remember those individuals who lost their lives to an act of terrorism that occurred in front of the Central Intelligence Agency (CIA) building in McLean, Virginia earlier this year.

**48.BRIEFING ON PUBLIC HEALTH FORUM HELD IN THE****DRANESVILLE DISTRICT (Tape 9)**

Supervisor Berger briefed Board Members on the recent Public Health Forum that had been conducted on June 30, 1993 at the McLean Community Center.

**49.APPOINTMENT TO THE HUMAN SERVICES COUNCIL****(Tape 9)****(APPT)**

Supervisor Dix moved the appointment of Ms. Charlotte Callif as the Hunter Mill District Representative to the Human Services Council to fill the unexpired term of Ms. Priscilla Ames who has resigned. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

Supervisor Dix asked unanimous consent that the Board direct the Office of Public Affairs to prepare the appropriate Certificate of Appreciation for Ms. Ames, for presentation before the Board of Supervisors, recognizing her years of service. Without objection, it was so ordered.

**50.RESOLUTION REGARDING THE INSTALLATION OF A "WELCOME SIGN" ON THE DULLES ACCESS ROAD AND DULLES TOLL****ROAD (Tape 9)**

(R)Supervisor Dix moved that the Board adopt the following Resolution regarding the installation of a "Welcome Sign" on the Dulles Access Road and the Dulles Toll Road:

"**WHEREAS**, Washington Dulles International Airport is, in part; situated in Fairfax County; and

**WHEREAS**, travelers on the Dulles Access Road and the Dulles Toll Road are entering the area - perhaps, the country - through Fairfax County; and

**WHEREAS**, Fairfax County has long been a strong supporter of the growth, development, and promotion of the Airport; and

**WHEREAS**, the only welcoming signage to travelers welcomes them to Virginia; and

**WHEREAS**, such welcoming signage is potentially viewed by millions of domestic and international business travelers and others each year;

**NOW, THEREFORE BE IT RESOLVED THAT** the Fairfax County Board of Supervisors does request that the Virginia Department of Transportation (VDOT) authorize the construction of a sign to welcome travelers on the Dulles Access Road and the Dulles Toll Road to Fairfax County, Virginia."

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

**51.DEFERRAL OF PH ON REZONING APPLICATION RZ 93-H-004**

**(STUDENT LOAN MARKETING ASSOCIATION) (HUNTER MILL DISTRICT) (Tape 9)**

Supervisor Dix moved that the Board defer the public hearing on Rezoning Application RZ 93-H-004 until **October 11, 1993**.

Relative to this same application, Supervisor Dix stated that, on March 16, 1993, Sallie Mae (Student Loan Marketing Association) filed Rezoning Application RZ 93-H-004 for an office development on the former Bowman Distillery site in Reston. He moved that the Board authorize simultaneous processing to allow the Department of Environmental Management (DEM) to review the site plan during the rezoning process. In addition, he announced that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the Rezoning Application in any way. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell being out of the room, Supervisor McConnell being absent.



**52.REQUEST FOR SIMULTANEOUS PROCESSING OF THE SITE  
PLAN AND BUILDING CONSTRUCTION PLAN WITH THE  
DEVELOPMENT PLAN AMENDMENT FOR DEVELOPMENT  
PLAN AMENDMENT APPLICATION DPA A-502-1 (SAINT  
ANNE'S EPISCOPAL CHURCH) (HUNTER MILL DISTRICT)**

**(Tape 9)**

Supervisor Dix stated that Saint Anne's Episcopal Church, located at 1700 Wainwright Drive, Reston, was approved by the Board on December 15, 1986, pursuant to Development Plan Amendment Application DPA A-502-1. The church would like to build an addition to its current facility that differs from the one approved by the Board and to make some other minor amendments to the approved Development Plan. As such, a Development Plan Amendment is required. The church has completed its building plans and would like to proceed with construction as soon as possible.

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

- Expedite the scheduling of the application to amend Development Plan Amendment Application DPA A-502-1; and
- Simultaneously process the site plan and the building construction plan with the Development Plan Amendment.

In addition, Supervisor Dix announced that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the Development Plan Amendment Application in any way. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

**53.DESIGNATION OF SUPERVISOR ROBERT B. DIX, JR.,  
HUNTER MILL DISTRICT, TO PRESENT TESTIMONY,  
ON THE BOARD'S BEHALF AT THE TRANSPORTATION**

**TRUST FUND PUBLIC HEARING (Tape 9)**

Supervisor Dix announced that a Transportation Trust Fund hearing will be held before the General Assembly subcommittee that is charged with reviewing this issue. The hearing is scheduled for July 21, 1993 at 10:00 a.m. at the Center for Innovative Technology in Herndon.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board designate Supervisor Dix to present testimony, on the Board's behalf, at this hearing. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

Supervisor Dix asked unanimous consent that the Board direct staff to circulate to Board Members, prior to the hearing, copies of the County's testimony. Without objection, it was so ordered.

**54. BRIEFING ON OPENING OF AN ADDITIONAL SECTION OF  
THE FAIRFAX COUNTY PARKWAY FROM THE DULLES TOLL  
ROAD TO SUNSET HILLS ROAD (Tape 9)**

Supervisor Dix briefed Board Members on the recent opening of an additional section of the Fairfax County Parkway from the Dulles Toll Road to Sunset Hills Road. He announced that this new section opened for public use on July 7, 1993.

**55. REQUEST FOR REVIEW OF THE ORGANIZATION OF THE  
COMMISSION FOR WOMEN (Tape 9)**

Supervisor Hanley briefed Board Members that representatives of the Commission for Women discussed with her a proposal that the Commission for Women report directly to the Board of Supervisors and that the staff report directly to the Commission for Women. The Commission for Women would then have the authority to either hire or fire the Executive Director of the Commission for Women.

Supervisor Hanley moved that the Board refer this issue to the Legislative Subcommittee for its review and recommendation. This motion was seconded by Supervisor Alexander.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked that the motion be amended to include that the Board also refer this issue to the County Attorney for his review and recommendation, and this was accepted.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

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

**56.STAFF TO REVIEW PROFFER REGARDING TSM PROGRAM FOR  
REZONING APPLICATION RZ 88-D-005 (Tape 9)**

Supervisor Hanley stated that Proffer Three of Rezoning Application RZ 88-D-005 (currently located in the Providence District), states that:

•"Applicants shall submit a draft TSM program within six months of rezoning. Applicants shall provide a team with an evaluation at the third and sixth year of final TSM program to determine whether adjustments need to be made to the program."

Supervisor Hanley moved that the Board direct staff to respond to the following issues:

- When did the class start regarding the three and six year evaluations; and
- An interpretation as to whether it started with the approval of Rezoning Application RZ 88-D-005 (October 15, 1990), or whether it will start when the TSM program has been mutually approved by the applicant and the County.

This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

**57.DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND  
FOR PUBLIC PURPOSES (OAK STREET) (PROVIDENCE  
DISTRICT) (Tape 9)**

(R)Supervisor Hanley stated the following with regard to density credit for Oak Street:

"**WHEREAS**, improvements to Oak Street require a dedication of a portion of the following properties:

**Tax Map Reference Density Credit**

39-4 ((11)) A4,637 square feet

(approximately)

**WHEREAS**, the owners of the land are willing to grant the dedication provided the density credit is granted for the parcel is noted-above in connection with any future development of the land; and

**WHEREAS**, the dedication will remain without any monetary considerations;

**THEREFORE**, Supervisor Hanley moved that the Board of Supervisors approve a reservation of density credit pursuant to the Fairfax County Zoning Ordinance, Section 2-308, for land dedicated for public use by the said owners in connection with the project set forth and proportioned to the amount of land dedicated from Parcel 39-4 ((11)) A as recorded on the recorded deed of dedication."

This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

**58.TENANT ASSISTANCE PROGRAM (TAP) (Tape 9)**

Supervisor Hanley distributed to Board Members information titled, "Tenant Assistance Program (TAP)." She stated that on April 19, 1993, during the Board's Markup for the Fiscal Year (FY) 1994 Budget, unanimous action was taken to delay the pronouncement that the TAP would be dead by FY 1995 until the Board could address the program during the Carryover Budget this August/September.

To ensure that the Board has adequate information about TAP before any decisions are made, Supervisor Hanley asked unanimous consent that the Board direct staff to:

- Provide a review of TAP, including the purpose of the program, the criteria for eligibility, the application procedures for selecting families to receive assistance;

- Provide a history of the program that would address the following:

  - \*How long TAP has been in operation;

\*How much money has been spent for administrative and operational expenses; and specifically, what for;

\*How much money has been spent on actual assistance to families;

\*How many families have been served;

\*How many are currently in the program;

\*How long families stay in TAP; and

\*How this length of time in the program compares with the length of time families may stay in transitional housing programs.

•Provide information about any administrative issues that may have come to staff's attention;

•Provide information about whether or not TAP participants, once they receive financial assistance, have moved from their current housing to other housing. It would be useful to know how many have done so, and also helpful to know where they have moved and why. For example, did a family that was "doubling up" move into an apartment of its own, once it had the assistance?;

•Provide information about what it would cost to operate this program as it was originally conceived; and

•Provide an analysis that would show, as an alternative, what kind of program would provide as much "bang for the buck" for both the low income renters and the County, which is trying to prevent evictions, a TAP, should the Board decide to discontinue it.

Without objection, it was so ordered.

#### **59.RECESS/EXECUTIVE SESSION (Tape 9)**

At 2:00 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion or consideration of matters enumerated in Virginia Code 2.1-344 and listed in the Agenda for this meeting. In addition, as well as for discussion of:

•Rezoning Application RZ 92-V-013 (Bahman Batmanghelidj, Applicant);

•Philip G. Norton, Trustee versus Board of Supervisors of Fairfax County, Virginia, At Law Number 111456;

•Derek A. Baker, et al., versus County of Fairfax, Virginia, United States District Court - Eastern District of Virginia (Alexandria Division), Civil Action Number 93-826-A;

•Lonnie George Belk, Jr., Anthony Paul Ball, et al., versus County of Fairfax, Virginia, United States District Court - Eastern District of Virginia (Alexandria Division), Civil Action Number 92-0342-A;

•Curtis G. Thomas, et al., versus County of Fairfax, Virginia, Fourth Circuit, Number 93-1152; and

•Paul Jeffrey Ivins, et al., versus County of Fairfax, Virginia, United States District Court - Eastern District of Virginia (Alexandria Division), Civil Action Number 90-0356-A.

This motion was seconded by Supervisor Alexander.

Supervisor Bulova asked that the motion be amended to include for discussion an item, distributed to Board Members earlier in the meeting, regarding a violation of the grass ordinance and potential litigation, and this was accepted.

The question was then called on the motion, and as amended, carried by a vote of nine, Supervisor McConnell being absent.

**SBE:sbe**

At 4:05 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor Hanley and Supervisor McConnell, and with Chairman Davis presiding.

**60.ACTIONS FROM EXECUTIVE SESSION (Tape 10)**

**A.CERTIFICATION BY BOARD MEMBERS**

**REGARDING ITEMS DISCUSSED IN**

**EXECUTIVE SESSION**

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard,

discussed or considered by the Board during the Executive Session. This motion was seconded by Supervisor Berger and carried by a vote of eight, **\*Supervisor Hanley\*** being out of the room, Supervisor McConnell being absent.

**\*Following the vote, Supervisor Hanley returned to the Board Auditorium. She asked unanimous consent to be recorded as voting "AYE" on the motion for certification by Board Members regarding items discussed in Executive Session. Without objection, it was so ordered.\***

## **B.BOARD OF SUPERVISORS VERSUS BURKE VILLAGE**

### **CENTER ASSOCIATES LIMITED PARTNERSHIP, ET**

#### **AL., AT LAW NUMBER 116885**

(R)

(A) Supervisor Alexander moved that the Board authorize the County Attorney to proceed with the settlement of the Board of Supervisors versus Burke Village Center Associates Limited Partnership, et al., At Law Number 116885, in accordance with the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

Supervisor Alexander moved that the Board direct staff to vacate or abandon the Old Burke Road right-of-way which used to run directly in front of the Burke Village Center Shopping Center and to the west to the railroad right-of-way. This motion was seconded by Chairman Davis and **CARRIED** by a recorded vote of eight, Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

Supervisor Alexander moved that the Board adopt the Resolution, distributed to Board Members, authorizing the advertisement of a Board's Own Motion rezoning and directing staff to expedite this action. This motion was seconded by Chairman Davis and **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

## **C.BOARD OF SUPERVISORS VERSUS RESOLUTION**

### **TRUST CORPORATION AS RECEIVER OF VISTA**

**FEDERAL SAVINGS BANK, CIVIL ACTION**

**NUMBER 93-216-A**

Supervisor Berger moved that the Board authorize settlement of Board of Supervisors versus Resolution Trust Corporation as Receiver of Vista Federal Savings Bank, Civil Action Number 93-216-A, according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

**D.PHILLIP G. NORTON, TRUSTEE, VERSUS BOARD**

**OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**

Supervisor Dix moved that the Board authorize settlement of Phillip G. Norton, Trustee, versus Board of Supervisors of Fairfax County, Virginia, At Law Number 111456, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

**E.USAIR, INCORPORATED/F&M ASSOCIATE AND BELL**

**ATLANTIC SYSTEMS LEASING INTERNATIONAL**

Supervisor Hanley moved that the Board authorize the filing of an action in the Fairfax County Circuit Court for correction of a double assessment in the case of USAir, Incorporated/F&M Associates, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

**AP:ap**

**61.3:30 P.M. - PH ON REZONING APPLICATION**

**RZ 92-L-039 (MVQI JOINT VENTURE) (LEE**

**DISTRICT) (Tape 11)**

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, Supervisor Alexander moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 92-L-039 be amended from the C-8 and Highway Corridor Districts to the R-16 and Highway Corridor Districts, subject to the proffers dated July 8, 1993. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved modification of the transitional screening requirements as shown on the Generalized Development Plan (GDP) for Alternatives One and Two and a waiver of the barrier requirements. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved waiver of the minimum district size from 4 to 3.8 acres and the minimum lot width from 18 to 16 feet. This motion was jointly seconded by Chairman Davis and Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Alexander moved waiver of the service drive and trail requirements along Route 1 in favor of a sidewalk. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Hanley being out of the room, Supervisor McConnell being absent.

### **62.3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT**

#### **APPLICATION PCA 88-D-010 (PIERRE L. NYS AND**

#### **JOHN W. LEONARD) (DRANESVILLE DISTRICT) (Tape 11)**

(NOTE: The Planning Commission deferred its public hearing on Proffered Condition Amendment Application PCA 88-D-010 until July 21, 1993.)

Supervisor Berger moved to defer the public hearing on Proffered Condition Amendment Application PCA 88-D-010 until **July 26, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell being absent.

**63.3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT****APPLICATION PCA C-131-5 (RAINBOW DAY CARE CENTER,  
INCORPORATED) (SULLY DISTRICT) (Tape 11)**

Mr. Jimmy Jackson reaffirmed the validity of the affidavit for the record.

Mr. Jackson 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 Frey moved approval of Proffered Condition Amendment Application PCA C-131-5 subject to the development conditions dated June 28, 1993; the Planning Commission having approved Final Development Plan Amendment Application FDPA C-131-5 on July 1, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Frey moved modification of the transitional screening and barrier requirements to that shown on the Conceptual/Final Development Plan. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**ADDITIONAL BOARD MATTER****64.AIR QUALITY PUBLIC HEARING ON WEDNESDAY,****JULY 14, 1993 (Tape 11)**

(NOTE: Earlier in the meeting, this matter was discussed. See Clerk's Summary Item CL#40.)

Supervisor Dix moved that the Board direct staff to prepare a video recording of the 7:00 to 7:30 p.m. portion of the Air Quality Public Hearing scheduled for Wednesday, July 14, 1993, as there is a conflict on Channel 16 with Supervisor Dix's program. The live coverage will resume at 7:30 p.m. and the entire hearing will be re-broadcast at a later time. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**65.3:30 P.M. - PH ON THE ACQUISITION OF A CERTAIN  
DEDICATION AND EASEMENTS NECESSARY FOR THE  
CONSTRUCTION OF THE ELLISON HEIGHTS NEIGHBORHOOD  
IMPROVEMENTS PROJECT (DRANESVILLE DISTRICT)**

**(Tape 11)**

(R)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of June 24 and July 1, 1993.

Following the public hearing, Supervisor Berger moved adoption of the Resolution authorizing the acquisition of certain land rights necessary to implement the Ellison Heights Neighborhood Improvements Project - C00089. The motion, the second to which was inaudible, carried by a vote of six, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

**66.3:30 P.M. - BOARD DECISION ON PROJECTS SELECTED  
FOR APPLICATION TO THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION (VDOT) FOR CONSIDERATION UNDER  
THE TRANSPORTATION ENHANCEMENT PROGRAM)**

**(Tape 11)**

(NOTE: The public hearing was held on June 7, 1993 and Board decision deferred until July 12, 1993.)

Supervisor Berger moved approval of the staff recommendation for the Transportation Enhancement Program. This motion was seconded by Supervisor Bulova.

Following discussion with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Bulova moved to amend the motion to add Kings Park Cut-Through traffic devices to the list of projects in the staff recommendation. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

The question was called on the motion, which carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and **\*Supervisor Hanley\*** being out of the room, Supervisor McConnell being absent.

**\*Following the vote, Supervisor Hanley returned to the Board Auditorium. She asked unanimous consent to be recorded as voting "AYE" on the motion for the Transportation Enhancement Program. Without objection, it was so ordered.\***

### **67.3:30 P.M. - BOARD DECISION ON THE ACQUISITION**

### **OF CERTAIN LAND RIGHTS NECESSARY FOR THE**

### **CONSTRUCTION OF THE BAILEY'S ROAD IMPROVEMENTS**

### **PHASE D PROJECT (MASON DISTRICT) (Tape 11)**

(NOTE: The public hearing on this item was held on June 7, 1993 and Board Decision deferred until July 12, 1993.)

Supervisor Trapnell moved that the Board:

- Defer Board decision on the acquisition of certain land rights necessary for the construction of the Bailey's Road Improvements Phase D Project to such a time that all outstanding land acquisition issues have been resolved or to such a time that the project is funded for construction and these land rights must be acquired; and
- Transfer the remaining portion of Munson Road currently in Phase D into Phase C.

The motion, the second to which was inaudible, carried by a vote of eight, Supervisor Alexander being out of the room, Supervisor McConnell being absent.

**CM:cm**

**68.4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION**

**SE 93-D-003 (FIRST VIRGINIA BANK) (DRANESVILLE**

**DISTRICT) (Tape 12)**

Ms. Sarah H. Reifsnyder reaffirmed the validity of the affidavit for the record.

Ms. Reifsnyder 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.

Chairman Davis disclosed the following campaign contribution that he had received and he left the Board Auditorium:

- In the amount of \$200 from Mr. Zaldacort; and
- In the amount of \$200 from Mr. Anzelotti.

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

Supervisor Berger moved approval of Special Exception Application SE 93-D-003 subject to the revised development conditions contained in Appendix One of the Staff Report dated May 12, 1993. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander and Chairman Davis being out of the room, Supervisor McConnell being absent.

**69.4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT**

**APPLICATION SEA 92-Y-038 (YORK LIMITED**

**PARTNERSHIP) (SULLY DISTRICT) (Tape 12)**

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

Supervisor Frey moved approval of Special Exception Amendment Application SEA 92-Y-038 subject to the revised development conditions dated May 27, 1993. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Trapnell, and Chairman Davis being out of the room, Supervisor McConnell being absent.

Supervisor Hanley stated for the record that she supported comments by Patrick Hanlon, Providence District Representative, Planning Commission, that were included in the Planning Commission's verbatim transcript.

**70. 4:00 P.M. - PH TO AMEND THE CODE OF THE COUNTY  
OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND  
TRAFFIC), ARTICLE 6, CREATING SECTION 82-6-58  
(FAILURE TO WEAR A PROTECTIVE BICYCLE HELMET)**

**(Tapes 12-13)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of June 24 and July 1, 1993.

Following the public hearing, which included testimony by 10 speakers, Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 6, creating Section 82-6-58 (Failure to Wear a Protective Bicycle Helmet), **to become effective upon adoption.** This motion was seconded by Supervisor Hanley and **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor McConnell being absent.

**71. 4:00 P.M. - PH TO AMEND THE CODE OF THE COUNTY  
OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE),  
ARTICLE 7 [BUSINESS, PROFESSIONAL AND OCCUPATIONAL  
LICENSE (BPOL) TAX], SECTION 4-7-1(a)(2)(A)**

**RELATING TO GROSS RECEIPTS (Tape 13)**

(O)A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of July 1 and July 8, 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 4 (Taxation and Finance), Article 7 [Business, Professional and Occupational License (BPOL) Tax], Section 4-7-1(a) (2) (A), to exclude from the definition of gross receipts, certain pass through funds of qualifying money lender cooperatives, **to become effective January 1, 1994**. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

**72.DEFERRAL OF PH ON REZONING APPLICATION RZ 93-M-001**

**(MARBART, INCORPORATED, AND REZONING APPLICATION**

**RZ 93-M-003 (DIEHL HOMES, INCORPORATED, AND RALPH H.**

**STOWE) (Tape 13)**

Because of the Planning Commission's deferral of its decision until July 15, 1993, Supervisor Trapnell moved to defer the public hearing on Rezoning Applications RZ 93-M-001 and RZ 93-M-003 until **August 2, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

**73.DEFERRAL OF PH ON REZONING APPLICATION RZ 93-H-004**

**(STUDENT LOAN MARKETING ASSOCIATION) (HUNTER MILL**

**DISTRICT) (Tape 13)**

Supervisor Dix moved to defer the public hearing on Rezoning Application RZ 93-H-004 until **October 11, 1993 at 5:00 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor McConnell being absent.

**74.APPROVAL OF INFORMATION ITEM I-10 - CONTRACT**

**AWARD - CONSTRUCTION OF POOL REPAIRS AT  
WAKEFIELD RECREATION CENTER (BRADDOCK DISTRICT)**

**(Tape 13)**

(NOTE: Earlier in the meeting, action on Information Item I-10 was deferred. See Clerk's Summary Item CL#23.)

Supervisor Bulova asked unanimous consent that the Board approve Information Item I-10 - Contract Award for Construction of Emergency Pool Repairs at Wakefield Recreation Center (Braddock District). Without objection, it was so ordered.

**75.BOARD ADJOURNMENT (Tape 13)**

At 5:55 p.m., the Board adjourned.