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

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

2. RESOLUTION RECOGNIZING THE JUNIOR LEAGUE OF NORTHERN VIRGINIA, THE URBAN LEAGUE OF NORTHERN VIRGINIA, VIRGINIA POWER, THE WOMEN'S CENTER, INOVA HEALTH SYSTEMS, DRUG EMPORIUM, COMITE HISPANO AND VIRGINIA EMPLOYMENT COMMISSION FOR THEIR EFFORTS IN PROVIDING JOB TRAINING AND PLACEMENT OPPORTUNITIES (Tape 1)

Supervisor Berger moved adoption of the Resolution presented to the following individuals:

- Deborah Brittain, President of the Junior League of Northern Virginia;
- Janet Kreutter, Chairman, Job Fair Committee;
- George Lambert, Urban League of Northern Virginia;
- Aubrey Tarkington, Virginia Power;
- Beth McCarty, The Women's Center;
- Gary Wilson, Drug Emporium;
- Suzy Rourk, Comite Hispano;
- Bill Perry, Virginia Employment Commission; and
- Jim Scott, INOVA Health System,

recognizing them for taking a significant social challenge and addressing it through private initiative, free enterprise, and volunteer support and for their time and effort in making the community a better place to work and live. This motion was seconded by Supervisor Dix and carried by unanimous vote.

3. PROCLAMATION DESIGNATING OCTOBER 18, 1993, AS "ADOPT-A-CAUSE DAY" IN FAIRFAX COUNTY (Tape 1)

Supervisor Bulova moved approval of the Proclamation designating October 18, 1993 as "**ADOPT-A-CAUSE DAY**" in Fairfax County and encouraging all sectors of the population to participate in this most unique partnership to strengthen the community, and extending the Board's appreciation and thanks to all the dedicated volunteers and

generous sponsors of the Adopt-A-Cause Program. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

4. CERTIFICATE TO RECOGNIZE CLEAN FAIRFAX COUNTY, INCORPORATED (Tape 1)

Supervisor Hyland moved approval of the Certificate presented to Virginia Weber, President, Clean Fairfax County, Incorporated; and Rosemary Byrne, Executive Director, Clean Fairfax County, Incorporated, for winning the "**1993 Keep Virginia Beautiful**" award for its outstanding accomplishments in litter prevention and control, recycling, and environmental education in Fairfax County. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Hanley and Supervisor McConnell being out of the room.

5. INTRODUCTION OF CHINESE DELEGATES FROM ANHUI PROVINCE OF CHINA (Tape 1)

Mr. Peter Sun of the World Bank introduced Board Members to Delegates from the Anhui Province of China who are visiting the United States.

Chairman Davis presented the Delegates with a Fairfax County flag.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct staff to provide the visitors from China with a video copy of the presentation. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

6. RECESS/EXECUTIVE SESSION (Tape 1)

At 10:20 a.m., Supervisor Dix moved that the Board recess and go into Executive Session for legal advice concerning the distribution of The Washington Blade in the Fairfax County Public Libraries. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor McConnell being out of the room.

SBE:sbe

At 11:10 a.m., the Board reconvened in the Board Auditorium with all Board Members present, and with Chairman Davis presiding.

7. ACTIONS FROM EXECUTIVE SESSION (Tape 2)

A. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed, or considered by the Board during the Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

B. LEGAL ISSUES SURROUNDING THE WASHINGTON BLADE AND THE BOARD OF SUPERVISORS' RELATIONSHIP TO THE LIBRARY BOARD (Tape 2)

Supervisor Dix moved that the Board request the Fairfax County Library Board to work with the County Attorney in developing a means by which free publications that may be harmful to children are made inaccessible to them. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

(NOTE: Later in the meeting, there were additional actions from Executive Session. See Clerk's Summary Items CL#63C thru 63F.)

8. ORDERS OF THE DAY (Tape 2)

Since members of the Library Board were present in the Board Auditorium, Chairman Davis stated that the Board would proceed with Information Item - I-10 - Overdue Books Checked out by Children in Fairfax County Libraries and Information Item I-11 - Proposed Fairfax County Public Library Foundation.

9. I-10 - OVERDUE BOOKS CHECKED OUT BY CHILDREN IN FAIRFAX COUNTY LIBRARIES AND I-11 - PROPOSED FAIRFAX COUNTY PUBLIC LIBRARY FOUNDATION (Tape 2)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 presenting the staff response regarding the current Library Board policy of not revealing to parents the names of the titles checked out by their children.

Phylis Salak, Chairman of the Library Board made a brief statement to the Board and introduced Edwin S. Clay, III, Director of the Fairfax County Library System.

David P. Bobzien, County Attorney, stated that he has reviewed this issue and does not think it is compelled under Virginia Law to withhold from parents the names of overdue books checked out by their children.

The Board proceeded with consideration of Information Item I-11 contained in the Memorandum to the Board dated October 11, 1993 presenting the status report on the proposed Fairfax County Public Library Foundation.

Discussion ensued, with input from Edwin S. Clay, III, Director of Fairfax County Library System.

Chairman Davis recognized other members of the Library Board who were present in the Board Auditorium and warmly welcomed them. He also recognized Linda Singer, former member and Chairman of the Library Board and warmly welcomed her.

10. ADMINISTRATIVE ITEMS (Tape 2)

Supervisor Alexander moved approval of the Administrative Items. The second to this motion was inaudible.

BOARD MATTER

PRESENCE OF MS. CECELIA HANLEY IN THE BOARD

AUDITORIUM (Tape 2)

Supervisor Hanley announced that her daughter, Cecelia, was present in the Board Auditorium and Chairman Davis warmly welcomed her.

Following input from William O. Howland, Jr., Assistant to the County Executive, Supervisor Dix amended the motion to defer until later in the meeting the consideration of Administrative Item 2 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 69 (Swimming Pool Ordinance), and this was accepted.

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

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND MOUNT VERNON DISTRICTS)

(R) Approved the request that certain streets listed in the Memorandum to the Board dated October 11, 1993 be recommended for acceptance into the State Secondary System as follows:

Subdivision District Street

Reston Parkway, Phase Two Hunter Mill Reston Parkway (4 Lanes)

Worthington Woods, Section II Mount Vernon Whernside Street,

Route 4009

ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 69 (SWIMMING POOL ORDINANCE)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#64.)

ADMIN 3 - PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE AND CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) CHANGING THE DUE DATES FOR PURCHASING MOTOR VEHICLE LICENSES AND PAYING PERSONAL PROPERTY TAXES)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **December 13, 1993 at 3:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) and Chapter 82 (Motor Vehicles and Traffic) regarding:

- Changing the due dates for purchasing motor vehicle licenses and paying personal property taxes.

(NOTE: The proposed amendments will result in the repeal of Chapter 4 (Taxation and Finance), Article 17, and the adoption of Chapter 4, Article 17.1 (Personal Property Tax); and, result in the repeal of Chapter 82, (Motor Vehicles and Traffic), Article 10, and adoption of Article 12 (Motor Vehicle License Tax).

11. A-1 - APPROVAL OF 10 TAXICAB OPERATOR'S CERTIFICATES FOR SPRINGFIELD YELLOW CAB (PAUL WALLACE MANAGEMENT COMPANY) (Tape 2)

Following discussion, Supervisor Alexander moved that the Board concur in the recommendation of staff and authorize the Department of Consumer Affairs to issue 10 additional taxicab operator's certificates to Springfield Yellow Cab (Paul Wallace Management Company) to provide additional taxicab service to the Route 1 corridor of Fairfax County. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

12. A- 2 - EVALUATION OF THE EXPERIMENTAL PLAN FOR ALTERNATIVE REGULATION OF VIRGINIA TELEPHONE COMPANIES - CASE NO. PUC920029 (Tape 2)

On motion of Supervisor Hanley, seconded by Supervisor Alexander, and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "NAY," the Board concurred in the recommendation of staff and authorized the Department of Consumer Affairs and the County Attorney's Office to file testimony with the State Corporation Commission (SCC) on the Board's behalf, regarding the evaluation of the experimental plan for alternative regulation of Virginia telephone companies in Case No. PUC920029.

13. A-3 - BOARD APPROVAL OF SALE OF BONDS BY THE FAIRFAX COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY FOR INOVA HEALTH SYSTEM (Tape 2)

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

- Adopt the Resolution authorizing the sale of up to \$200 million in bonds by the Industrial Development Authority (IDA), on behalf of the INOVA Health System Hospitals for the purpose of providing funds in the amount of up to \$130 million to refund a portion of previously issued Hospital Revenue Bonds on behalf of INOVA and funds in the amount of \$70 million to undertake a series of capital projects and facility renovations; and
- Delegate to the Chairman of the Board of Supervisors or the County Executive or his designee the authority to take actions necessary to execute any documents, including the execution of any documents to consummate the sale of said bonds, in line with the Board's direction.

This motion was seconded by Supervisor Alexander.

A question-and-answer period ensued with input from James P. McDonald, Deputy County Executive for Management and Budget, and John O'Brien, Assistant Treasurer, INOVA Health System.

Supervisor Dix asked unanimous consent that the Board defer Action Item 3 until later in the day to allow time for questions to be answered. Without objection, it was so ordered.

Chairman Davis stated that he would be abstaining on this item because his wife, who is a doctor, has privileges at the hospital and uses the hospital for patients.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#36.)

14. A-4 - APPROVAL FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT CONTINUATION GRANT FUNDING FROM VIRGINIA PROBATION AND PAROLE (Tape 2)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the acceptance of continuation grant funding in the amount of \$23,310 from Virginia Probation and Parole.

15. A-5 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX CHAPTER 112 (ZONING ORDINANCE) AND PUBLIC FACILITIES MANUAL AMENDMENTS REGARDING DUSTLESS SURFACE MODIFICATIONS AND WAIVERS (Tape 2)

(R)

(A) On motion of Supervisor Frey, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 4, 1993 and before the Board of Supervisors on **November 22, 1993 at 3:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax Chapter 112 (Zoning Ordinance) and Public Facilities Manual to:

- Delete the Special Permit requirement; and

- Allow the Director of the Department of Environmental Management (DEM) to modify or waive the requirement for a dustless surface for parking and loading spaces.

16. A-6 - FAIRFAX COUNTY POLICE DEPARTMENT, GRANT APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE OF THE UNITED STATES (U.S.) DEPARTMENT OF JUSTICE, POLICE HIRING SUPPLEMENT PROGRAM FOR COMMUNITY POLICING (Tapes 2-3)

Following discussion, Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the Fairfax County Police Department's application to the Bureau of Justice Assistance in the amount of \$2,625,000 to enable the hiring of additional law officers to support and expand community policing throughout the County. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

17. A-7 - AUTHORIZATION TO REIMBURSE CITIZEN FOR LIVESTOCK DAMAGE CAUSED BY STRAY DOG (PROVIDENCE DISTRICT) (Tape 3)

Following discussion, Supervisor Hanley moved that the Board concur in the recommendation of staff and approve an expenditure of \$75.00 from the Dog license Revenue in compliance with State Law - Section 3.1-796.118 to reimburse Mr. Roger W. Turley for replacement of five rabbits killed by two stray dogs. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

18. A-8 - CREATION OF AN ADVISORY COMMISSION TO THE DEPARTMENT OF ANIMAL CONTROL (Tape 3)

Supervisor Alexander moved to defer Action Item 8 - Creation of An Advisory Commission to the Department of Animal Control in order to allow additional time to work with staff. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

19. A-9 - PROPOSED RELEASE OF SANITARY SEWER EASEMENT (MOUNT VERNON DISTRICT) (Tape 3)

(R) On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the County Executive to endorse the release of a sanitary sewer easement located on Tax Map Number 111-1((3))3-7 in Section 5 of the Stratford Landing Subdivision in accordance with Section 15.1-320 of the Code of Virginia.

20. A-10 - AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR THE SALE OF REAL PROPERTY (CENTER ROAD/EAST SIDE (8700 BLOCK) IN WEST SPRINGFIELD) (SPRINGFIELD DISTRICT) (Tape 3)

At the request of William J. Leidinger, County Executive, Chairman Davis announced that Action Item 10 -Authorization to Issue a Request for Proposal (RFP) for the Sale of Real Property (Center Road/East Side (8700 Block) in West Springfield) would be deferred until later in the meeting.

(NOTE: Later in the meeting, action was taken on Action Item 10. See Clerk's Summary Item CL#65.)

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21. C-1 - PROPOSAL TO REQUEST BIDS FOR BOND COUNSEL AND FINANCIAL ADVISOR SERVICES (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated October 11, 1993 presenting a proposal to request bids for Bond Counsel and Financial Advisor services.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Berger moved that the Board authorize the County Executive, at the conclusion of the pending issues involving the Government Center properties (Buildings B2/B3), to proceed with the Requests for Proposal (RFPs) for Bond Counsel and Financial Advisor services, with the understanding that the two RFPs will be separated by at least one year in order to maintain continuity of advice and corporate knowledge in a very critical area. This motion was seconded by Chairman Davis.

After additional comments from Board Members, the question was called on the motion which **FAILED** by a recorded vote of five, Supervisor Berger, Supervisor Dix, Supervisor McConnell, Supervisor Trapnell, and Chairman Davis voting "AYE."

22. C-2 - AMENDMENTS TO FAIRFAX COUNTY ATHLETIC COUNCIL BYLAWS (Tape 4)

(BACs)

The Board next considered an Item contained in the Memorandum to the Board dated October 11, 1993 presenting amendments to the Fairfax County Athletic Council bylaws.

Following discussion, Supervisor Dix moved approval of the proposed amendments as follows:

- Add an At-Large Representative to represent diverse populations to be appointed by the Chairman of the Board of Supervisors; and
- Eliminate the Sports Media Representative.
- The Fairfax County Athletic Council will be comprised of the following Members:
 - A representative from each Supervisor district;
 - A representative Member-At-Large;
 - A representative diversity Member-At-Large;
 - A representative from the Town of Vienna;
 - A representative from the Town of Herndon;
 - A representative from the Town of Clifton;
 - A representative from the Fairfax County Youth Baseball/Softball Advisory Council;
 - A representative from the Fairfax County Youth Soccer Advisory Council;
 - A representative from the Fairfax County Youth Basketball Council;
 - A representative from the Fairfax County Youth Football Board of Commissioners;
 - A representative from the Fairfax County Adult Softball Council; and
 - A representative from Women's Sports.

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

Supervisor Hanley expressed her appreciation to the Athletic Council for a job well done.

23. C-3 - ESTABLISHMENT OF A HERITAGE RESOURCES MUSEUM IN THE GOVERNMENT CENTER (Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated October 11, 1993 presenting options for establishing a Fairfax County Heritage Resources Museum in the Fairfax County Government Center.

Following discussion, Supervisor McConnell moved that the Board adopt the "Non-staffed Exhibit Alternative" which will be accomplished by existing County staff and will involve a large exhibit case located on the main lobby (atrium) level of the

Government Center. This motion was seconded by Supervisor Berger and carried by unanimous vote.

24. C-4 - APPROVAL OF COUNTY SEWER FUND INVESTMENT IN BOND ANTICIPATION NOTES, AUTHORIZATION TO ENTER INTO TWO LEASE AGREEMENTS (A GROUND LEASE AND AN OPERATING LEASE), NOTIFICATION BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY OF THE FINANCING PLAN FOR THE BRADDOCK COMMUNITY CENTER AND ITS REQUEST AND REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (SPRINGFIELD DISTRICT) (Tape 4)

Supervisor McConnell moved that the Board authorize the Fairfax County Redevelopment and Housing Authority (FCRHA) to:

- Advertise the construction of the Braddock Community Center for bid;
- Enter into a ground lease agreement and an operating lease agreement with the County;
- Reallocate \$450,000 for the Braddock Community Center from Community Development Block Grant (CDBG) Contingency Fund 003899, Subfund 178; and
- Make funds available to the Virginia Department of Transportation (VDOT) and the Fairfax County Water Authority (FCWA) in accordance with the Enclosure One as contained in the Memorandum to the Board.

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

25. 1-1 - APPROVAL OF THE ESTABLISHMENT OF ONE ADDITIONAL ASSISTANT COMMONWEALTH'S ATTORNEY II POSITION AND THE RECEIPT OF ASSOCIATED COMPENSATION FROM THE COMMONWEALTH FOR THE OFFICE OF THE COMMONWEALTH'S ATTORNEY (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 requesting authorization for the Office of the Commonwealth Attorney to proceed to establish one additional Assistant Commonwealth's Attorney II regular merit position.

The staff was directed administratively to proceed as proposed.

26. I-2 - INFORMATION REGARDING DIRECT DEPOSIT PROGRAM AND TIME AND ATTENDANCE REPORTING (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 presenting information regarding the Direct Deposit Program and Time and Attendance (T&A) processing.

27. I-3 - COST ESTIMATE TO INSTALL FAX AND COPY MACHINES IN ALL FIRE AND RESCUE STATIONS (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 presenting the costs associated with providing FAX and copy machines at all fire stations that do not have this equipment.

28. I-4 - AWARD OF CONTRACT - UNARMED SECURITY GUARD SERVICES AT THE FAIRFAX COUNTY GOVERNMENT CENTER (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 requesting authorization for staff to award a contract to MVM International Security to provide unarmed security guard services for one year with an option for two additional years at the Fairfax County Government Center.

Supervisor Dix cited the specific language in the Board Item which addresses, "the savings that could be achieved while maintaining the same quality of service,"

and suggested that the Board withhold judgment on the quality of service until it has had an opportunity to determine that.

The staff was directed administratively to proceed as proposed.

29. I-5 - AWARD OF CONTRACT - PRESCRIBED MEDICATIONS (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 requesting authorization for staff to award a contract to Giant Food, Incorporated, to provide prescribed medications to patients/clients of the Health Department Community Health Care Network, Community Services Board Mental Health Services, and the Department of Human Development Emergency Shelter Program.

The staff was directed administratively to proceed as proposed.

30 . I-6 - CONTRACT AWARD - PROFESSIONAL PSYCHIATRIC SERVICES IN SUPPORT OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 requesting authorization for staff to award a contract to Mario E. Pruss, M.D. in the amount of \$56,355 for professional psychiatric services.

The staff was directed administratively to proceed as proposed.

31. I-7 - NOTICE OF GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO ASSIST IN THE PURCHASE OF REPLACEMENT VEHICLES TO RUN ON COMPRESSED NATURAL GAS (CNG) AS AN ALTERNATIVE FUEL (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 announcing that the Commonwealth Transportation Board (CTB) has awarded Fairfax County \$100,000 from the Virginia Alternative Fuels Revolving Fund for the conversion of 22 light duty trucks and sedans to operate on Compressed Natural Gas (CNG) as well as assist in construction of a fast-fill CNG fuel site.

Following discussion and input from Fred K. Kramer, Director, Department of General Services, Supervisor Dix asked unanimous consent that the Board direct staff to provide information regarding all previous grants which have been received for this purpose. Without objection, it was so ordered.

32. I-8 - APPLICATION TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE REGIONAL LOAN FUND DEMONSTRATION PROGRAM (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 announcing that the Fairfax County Redevelopment and Housing Authority (FCRHA) has applied to the Virginia Department of Housing and Community Development (DHCD) for funding under the Regional Loan Fund Demonstration Program.

33. I-9 - CONTRACT AWARD - HILLWOOD/WESTOVER STREET NEIGHBORHOOD IMPROVEMENTS (PROVIDENCE DISTRICT) (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 11, 1993 requesting authorization for staff to:

- Award a contract to Adler B. Stanley and Sons, Incorporated in the amount of \$84,364.50; and
- Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

34. I-10 - OVERDUE BOOKS CHECKED OUT BY CHILDREN IN FAIRFAX COUNTY LIBRARIES (No Tape)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#9.)

35. I-11 - PROPOSED FAIRFAX COUNTY PUBLIC LIBRARY FOUNDATION (No Tape)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#9.)

36. A-3 - BOARD APPROVAL OF SALE OF BONDS BY THE FAIRFAX COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY FOR INOVA HEALTH SYSTEM (Tape 4)

(BONDS)

(R)

(NOTE: Earlier in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#13.)

Following additional discussion, with input from representatives of INOVA, James P. McDonald, Deputy County Executive for Management and Budget, and Katie Conrad, Health Planner, Department of Health, the question was called on Supervisor Hanley's earlier motion, seconded by Supervisor Alexander, which is restated below for the record:

- Adopt the Resolution authorizing the sale of up to \$200 million in bonds by the Industrial Development Authority (IDA), on behalf of the INOVA Health System Hospitals for the purpose of providing funds in the amount of up to \$130 million to refund a portion of previously issued Hospital Revenue Bonds on behalf of INOVA and funds in the amount of \$70 million to undertake a series of capital projects and facility renovations; and

- Delegate to the Chairman of the Board of Supervisors or the County Executive or his designee the authority to take actions necessary to execute any documents, including the execution of any documents to consummate the sale of said bonds, in line with the Board's direction.

The motion **CARRIED** by a recorded vote of six, Supervisor Hyland, Supervisor McConnell, and Chairman Davis abstaining, Supervisor Frey being out of the room.

BOARD MATTERS

37. ACHIEVEMENT AWARD FROM THE VIRGINIA STATE CHAPTER OF THE INTERNATIONAL PERSONNEL MANAGEMENT ASSOCIATION (IPMA)

(Tape 4)

Chairman Davis stated that it has come to his attention that the Fairfax County Office of Personnel has won an Achievement Award from the Virginia State Chapter of the International Personnel Management Association (IPMA). Acting Personnel Director, Paul Baldino, submitted the entry entitled "Customer Service Training," and a panel of three independent judges rated the program very high on innovation, results, and adaptability to use in other jurisdictions.

With a notation that the award will be presented at the Annual Conference of the Virginia Chapter of IPMA on October 14, 1993, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board direct staff to prepare a letter, for the Chairman's signature, to Mr. Baldino and the Personnel staff congratulating them on their outstanding effort and achievement on behalf of the County. This motion was seconded by Vice-Chairman McConnell and carried by a vote of nine, Supervisor Frey being out of the room.

38. APPOINTMENTS TO THE CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (Tape 4)

(APPTs)

Supervisor Davis moved that the Board confirm the following appointments to the Criminal Justice Advisory Board (CJAB):

- Mr. Joshua Thomas as the National Association for the Advancement of Colored People (NAACP) primary

Representative; and

- Mr. Kenny Smith as the NAACP (Alternate) Representative.

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

39. 300TH ANNIVERSARY OF THE BIRTH OF THOMAS, SIXTH LORD FAIRFAX (Tape 4)

Supervisor Davis stated that he is in receipt of a letter from Milburn Sanders, Vice-Chairman of the Fairfax County History Commission noting that October 22, 1993 marks the 300th anniversary of the birth of Thomas, Sixth Lord Fairfax, Proprietor of Virginia's Northern Neck and namesake of Fairfax County.

Supervisor Davis noted that the Northern Neck proprietary was first granted to a group of supporters by Charles II of England in 1649. The Fairfax family came into control of the proprietary by marriage in 1690 and Thomas by inheritance in 1719. Thomas was the first proprietor of the Northern Neck to actually see Virginia.

40. AUDIT COMMITTEE (Tape 3)

(BACs)

Supervisor Davis recalled that the Board has approved the Independent Auditor and now must establish an Audit Committee of three Board Members and two outsiders. He asked unanimous consent that, when the next vacant appointments are filled by the Board, resumes be made available for consideration by the Board of the two outside members to be appointed to the committee. He added that, at that point, the Board will appoint the three Board Members who will serve on the Audit Committee. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

41. FAIRFAX COUNTY PERSONAL PROPERTY TAXES ON EQUIPMENT AND ASSETS OF HOMEOWNERS' ASSOCIATIONS AND CONDOMINIUMS

(Tape 4)

Supervisor Dix stated that it has come to his attention that Fairfax County taxes, under its Personal Property Tax, the equipment and assets of homeowners' associations and

condominiums. He asked unanimous consent that the Board refer this matter to the Legislative Subcommittee for its review and comments. Without objection, it was so ordered.

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42. PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), TO EXTEND ZONING DISTRICTS FOR CHURCHES (Tape 5)

Supervisor McConnell reminded the Board of a motion she made several months ago requesting staff to prepare an amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) which would expand zoning districts in which churches would be allowed by-right. She stated her understanding that the Ordinance was now complete and asked unanimous consent that the proposed amendment be brought before the Board as soon as possible for authorization of a public hearing. Without objection, it was so ordered.

43. WEDDING CELEBRATION FOR SUPERVISOR BULOVA'S SON (Tape 5)

Supervisor Bulova thanked the Board Members who were able to join her this past Saturday at her son's wedding and also for proclaiming Saturday, October 9, 1993 as "David and Gretchen Bulova Celebration Day."

PMH:pmh

44. AMERICA'S NEW SURFACE TRANSPORTATION NETWORK MAP AND TRANSIT MAP (Tape 6)

Supervisor Hanley distributed to Board Members a map entitled America's New Surface Transportation Network Map which includes the transportation options for the 21st century. She said that a transit map is included so that transit links can be identified and established throughout the country. She added that the transit map will provide an overlay with the highway map so that it will show a "seamless" system that is intermodal which will provide better transportation and mobility.

45. UNFUNDED MANDATES (Tape 6)

(R) Supervisor Hanley distributed to Board Members a draft Resolution concerning unfunded mandates with an attached letter from the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). She said that the Board has been

requested to adopt this Resolution because October 27, 1993 will be National Unfunded Mandates Day.

Therefore, Supervisor Hanley moved the adoption of the Resolution with the inclusion of the County of Fairfax in the appropriate places. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

46. GEORGE MASON DAY (Tape 6)

Supervisor Hanley moved that the Board proclaim "George Mason Day" in Fairfax County on December 11, 1993 and take the appropriate actions to celebrate George Mason and all of the things that he stood for in the Bill of Rights. This motion was seconded by Supervisor Dix and carried by unanimous vote.

47. THE LINES OF BUSINESS (Tape 6)

Following a query from Supervisor Hanley, Chairman Davis stated that the Board would address the issue of the Lines of Business and the scheduling of public hearings at the next Budget Subcommittee meeting.

48. REQUEST FOR EXTENSION OF THE PUBLIC HEARING FOR CELLULAR ONE - APPLICATION 456-D-93-11 (Tape 6)

Supervisor Berger moved that the Board extend the date of the public hearing to November 19, 1993 for the Cellular One Case - Application 456-D-93-11. This motion was seconded by Chairman Davis and carried by unanimous vote.

49. REQUEST FOR STAFF AND LEGISLATIVE REVIEW OF THE CRITERIA FOR SETTING UP AN AGRICULTURAL AND FORESTAL DISTRICT (Tape 6)

Supervisor Berger stated that at the last meeting of the Agricultural and Forestry Commission, the Commission unanimously, but reluctantly, rejected an application that would have combined two parcels, one of which was 23.01 acres and the other 5.5 acres. These parcels are owned by non-related parties. He said that the current Enabling Legislation specifies that not less than 25 acres can be considered. That was the reason the owner of the larger parcel sought to combine with his neighbor's smaller parcel. Fairfax County's criteria for setting up the Agricultural and Forestal District calls for 25 acres to be owned by the same owner or family members.

Supervisor Berger said that it was the unanimous view of the Commission that to continue the program and to preserve more land and forest from development, that the current size of 25 acres be reduced to 20 acres.

Therefore, Supervisor Berger moved that Board:

- Refer this issue to staff so that the State Ordinance can be rewritten; and
- Refer the staff proposal to the Legislative Subcommittee.

This motion was seconded by Chairman Davis.

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

50. REQUEST TO REMOVE ITEMS FROM THE PRIVATIZATION REQUEST FOR PROPOSAL (RFP) LIST (Tape 6)

Supervisor Alexander reminded Board Members that a Request for Proposal (RFP) has been drafted for the privatization of maintenance in a number of facilities in the southeastern portion of the County (Zone 1).

Supervisor Alexander said that included in these facilities are the Franconia Governmental Center and the Mount Vernon Governmental Center. Each of these facilities is composed of a Police Station, Assessments/Finance Branch Office, and a District Supervisor's Office. In addition, the Crossroads residential drug rehabilitation facility is included.

Supervisor Alexander stated that in a governmental center, the Assessments and Finance Office handles large sums of money, and manages sensitive tax records. The Supervisor's Office contains a great deal of sensitive material. He said that he is not comfortable with the idea of relatively uncontrollable contract employees enjoying complete access to these facilities.

Supervisor Alexander explained that the Crossroads Program would not receive contract custodial work under this plan, because the residents and staff perform their own upkeep. He pointed out that the drug free environment of Crossroads cannot be compromised.

Therefore, Supervisor Alexander moved that the Board strike the Franconia and Mount Vernon Governmental Centers, and the Crossroads Residential Drug Rehabilitation Program, entirely from the list of facilities covered in RFP 40021020. This motion was seconded by Supervisor Hyland.

Following discussion, the question was called on the motion which **CARRIED** by a recorded vote of seven, Supervisor Berger and Supervisor Dix voting "NAY," Supervisor McConnell being out of the room.

51. REQUEST FOR CERTIFICATE OF APPRECIATION FOR GARY ERENRICH, DEPUTY DIRECTOR, AND CHRISTOPHER JENKS, SECTION CHIEF, BUS SERVICE PLANNING BRANCH, OFFICE OF TRANSPORTATION (Tape 6)

Supervisor Alexander announced that Gary Erenrich, Deputy Director, Office of Transportation; and Christopher Jenks, Section Chief, Bus Service Planning Branch, Office of Transportation have resigned.

On behalf of the Board, Supervisor Alexander expressed his appreciation to Gary Erenrich and Christopher Jenks for their work in Fairfax County. Supervisor Alexander moved that the Board direct staff to prepare an appropriate Certificate of Appreciation to be presented to them congratulating them on their work and expressing the Board's appreciation for their efforts on behalf of Fairfax County. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Supervisor Alexander pointed out that the loss of staff from the Office of Transportation makes it difficult for them to accomplish the tasks assigned by the Board.

52. ELECTRIC BUS TO BE ON DISPLAY AT THE GOVERNMENT CENTER ON OCTOBER 18, 1993 (Tape 6)

Supervisor Alexander announced that an electric bus will be on display at the Government Center on October 18, 1993.

Supervisor Alexander encouraged Board Members to observe the electric bus.

NV:nv

53. WAIVER OF FILING FEE FOR PROPOSED RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) IN THE GLEN FOREST/WESTMORE SUBDIVISION (Tape 7)

Supervisor Trapnell said that the residents on 6th Street and 6th Road in the Glen Forest/Westmore subdivision have submitted an application for a Residential Permit Parking District (RPPD) in their neighborhood, with the hope of alleviating an overflow parking problem from a nearby hospital and nursing home.

Therefore, Supervisor Trapnell moved that the Board waive the \$10 filing fee for homes within the proposed RPPD. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Hanley being out of the room.

54. REQUEST FOR A SANITARY DISTRICT EXEMPTION FOR SKYLINE VILLAGE CONDOMINIUM, INCORPORATED (Tape 7)

Supervisor Trapnell stated that the Skyline Village Condominium, Incorporated, a 30 unit condominium located in the Mason District is requesting that the Board grant them a Sanitary District exemption for the purposes of leaf collection.

Supervisor Trapnell said that, since its inception, Skyline Village has retained the services of a private landscaping firm which handles leaf collection and removal. She added that the County has never provided them with this service.

Supervisor Trapnell moved that the Board direct staff to draw up the necessary papers to remove Skyline Village from the County Sanitary District. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Hanley being out of the room.

55. STREETLIGHT FEE WAIVER FOR SAINT ANDREWS LUTHERAN CHURCH (Tape 7)

Supervisor Frey stated that Saint Andrews Lutheran Church in the Chalet Woods subdivision in Centreville has completed an expansion and is seeking to satisfy their bond. During this process, the church was found not to have applied for a streetlight waiver. Supervisor Frey noted that the surrounding residential area does not have streetlights.

Accordingly, Supervisor Frey moved to waive the fee for the streetlight waiver. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

56. CEMETERY INVENTORY (Tape 7)

Supervisor Frey stated that he had met recently with several County historic groups and that they had expressed a concern about the status of small family cemeteries. Supervisor Frey noted that some time ago an inventory had been conducted by Brian Conley who works in the Virginia Room of the Fairfax City Regional Library.

Because the inventory needs to be updated, Supervisor Frey moved that the Board direct the staff to review this issue to return the completion of the cemetery inventory

into the work program and have it completed this winter. This motion was seconded by Supervisor Hyland.

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

57. PRESENCE OF MATTHEW AND ASHLYN McCONNELL IN THE BOARD AUDITORIUM (Tape 7)

Chairman Davis recognized the presence of Matthew and Ashlyn McConnell, Supervisor McConnell's grandchildren, and warmly welcomed them to the Board Auditorium.

58. ECOLODAY - A VERY SUCCESSFUL EVENT (Tape 7)

Supervisor Hyland stated that the County's first environmental festival sponsored by the Board of Supervisors was held on Saturday, October 2, 1993. This exciting event attracted over 7000 people to the "user friendly" Government Center. All participants, as well as the League of Women Voters and more than 90 exhibitors, were pleased to

have had the opportunity to meet to experience, learn more about, and discuss mutual issues facing the environment. He stated that environmental groups were equally excited and that everyone involved hoped that the Board would declare Ecoloday an annual Fairfax County "happening."

Supervisor Hyland briefed the Board on a survey that was conducted at Ecoloday. Of those responding, 54% were attending their first environmental event, 70.2% were accompanied by at least one child, and 93.5% would return for Ecoloday, 1994.

Supervisor Hyland praised Faxfair for producing the event. Without the Faxfair staff, volunteers, and staff from many other agencies and the organizations that provided financial grants, the event could not have taken place.

Supervisor Hyland stated that the Community Ecoloday Mural painted by thousands of Fairfax County residents under the supervision of artist Michael McMullen is hung in the reception area of the Conference Center. A descriptive plaque will be installed soon, but this is a temporary display. Supervisor Hyland stated his recommendation that the Board accept this mural to become part of the County's acquisitions and direct staff to find a permanent location for display purposes.

Supervisor Hyland stated that a copy of the Channel 16 Environmental Roll of Honor was available in the lobby. He said that there are more than 1500 Fairfax County

residents who have helped improve the quality of life in Fairfax County by being involved in environmental activities. Because of the interest and the number of people involved, Supervisor Hyland stated that he would like to have staff investigate the possibility of providing an opportunity to have environmental associations, federations, and non-profit organizations announce their environmental activities on Channel 16 to reach more people.

Supervisor Hyland moved that the Board establish Ecoloday as an annual festival and invite the Faxfair Corporation to become the permanent producer of this event. This motion was seconded by Supervisor Alexander.

Supervisor Dix asked unanimous consent that the Board direct staff to produce an accounting of the expenses incurred by Fairfax County to produce the recent Ecoloday. These expenses would include both manpower and operating costs. Without objection, it was so ordered.

Supervisor Hyland deferred his motion pending receipt of the cost information.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to schedule a time for an environmental award presentation to children at any future Ecolodays. Without objection, it was so ordered. Vice-Chairman McConnell returned the gavel to Chairman Davis.

Chairman Davis commended Supervisor Hyland for his part in producing the recent Ecoloday.

Supervisor Hyland moved that the Board direct staff to invite Faxfair staff, staff from all participating agencies, all volunteers who helped staff, the grantors, and the exhibitors to appear before the Board to receive a Certificate of Appreciation. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Trapnell being out of the room.

Supervisor Hyland distributed to Board members Ecoloday T-shirts.

(NOTE: Later in the meeting, there were additional actions regarding Ecoloday. See Clerk's Summary Item CL#61.)

59. REALLOCATION REQUEST FOR FUNDS TO COMPLETE IMPROVEMENTS IN WOODLEY HILLS ESTATES MOBILE HOME PARK (Tape 7)

Supervisor Hyland stated that the County is in the final phase of development of the Woodley Hills Estates Mobile Home Park on Route One in the Woodley-Nightingale Redevelopment Area. The Fairfax County Redevelopment and Housing Authority (FCRHA) is proceeding with plans for some additional landscaping and screening, construction of a small tot lot to serve residents of the park, demolition of the remaining old unused structures on the site, and some remaining storm drainage improvements.

Supervisor Hyland stated that the Board has appropriated Community Development Block Grant (CDBG) funds for the Woodley Hills Estates Project for relocation costs in Woodley-Nightingale as required by federal law and for the acquisition of substandard mobile homes. These activities are basically complete, and approximately \$98,000 in CDBG funds in addition to the amount of \$85,760 set-aside for improvements in the park, would be sufficient to complete this last stage of improvements in Woodley Hills Estates.

Accordingly, Supervisor Hyland moved that the Board approve the reallocation of the remaining CDBG funds originally programmed for relocation payments and mobile home acquisition in the amount of \$98,430 bringing the total of funds available for completing the improvements in the Woodley Hills Estates Mobile Home Park to \$184,190. This motion was seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Trapnell being out of the room.

60. STATUS OF REQUEST FOR STAFF REVIEW PERTAINING TO APPLICATION OF UTILITY TAXES IMPOSED ON RELIGIOUS INSTITUTIONS (Tape 7)

Supervisor Hyland stated that on July 12, 1993 he had presented a Board Matter concerning an inquiry from a constituent regarding the County's treatment of religious institutions in the same manner as commercial enterprises in the application of taxing utility bills. He stated that he had asked staff to review the County's present practice concerning taxation of religious institutions and churches and return to the Board with the rationale for treating these organizations as commercial ventures. He had also requested staff to report with their recommendations for a possible change in policy.

Noting that he had not received any response to the item, Supervisor Hyland moved that the Board direct staff to advise the Board on the status of the original request and to include a projected time table for the production of the report. This motion was seconded by Chairman Davis, and carried by a vote of eight, Supervisor McConnell and Supervisor Trapnell being out of the room.

61. **ECOLODAY** (Tape 7)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item CL#58.)

Supervisor Hyland asked unanimous consent that the Board:

- Accept the Fairfax County Community Ecoloday Mural as part of the County's acquisitions and request staff to find a permanent location for its display; and
- Request staff to review the idea of creating an opportunity to have environmental associations, federations, and non-profit organizations announce their environmental activities on Channel 16 and return to the Board with their findings and recommendations.

Without objection, it was so ordered.

There was a brief discussion on this matter.

62. **RECESS/EXECUTIVE SESSION** (Tape 7)

At 1:20 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion of matters set forth in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- Discussion of personnel matters as enumerated in Virginia Code Section 2.1-344.8.1;
- Discussion concerning the disposition of publicly held property as enumerated in Virginia Code Section 2.1-344.8.3; and
- Discussion concerning the acquisition of real property for a public purpose as enumerated in Virginia Code Section 2.1-344.8.3.

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

SBE:sbe

At 3:30 p.m., the Board reconvened in the Board Auditorium with all Board Members present, and with Chairman Davis presiding.

(NOTE: Earlier in the meeting, there were Actions from Executive Session. See Clerk's Summary Items CL#7A & B.)

63. ACTIONS FROM EXECUTIVE SESSION (Tape 8)**C. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION**

Supervisor Bulova moved that the Board of Supervisors certify that, to the best of their knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed, or considered by the Board during the Executive Session. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

D. ACQUISITION OF REAL PROPERTY LOCATED AT 1502 BEULAH ROAD

(A) Supervisor Dix moved that the Board authorize notice and advertisement of a Public Hearing as soon as possible on the Acquisition by quick-take of property located at 1502 Beulah Road, Tax Map 19-3((1))37. This motion was seconded by Alexander and carried by unanimous vote.

E. SETTLEMENT OF SAMUEL P. WARREN ET AL VERSUS THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AT LAW NUMBER 111463

Supervisor Frey moved that the Board authorize the settlement of Samuel P. Warren et al Versus the Board of Supervisors of Fairfax County, At Law Number 111463, according to terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

F. AUTHORIZATION TO BID AT THE FORECLOSURE SALE OF 8409 ELECTRIC AVENUE

Supervisor Hanley moved that the Board authorize a member of the County Attorney's Office to bid up to the amount of its lien plus interest and sales expenses at the foreclosure sale of property located at 8409 Electric Avenue. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

64. ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 69 (SWIMMING POOL ORDINANCE) (Tape 8)

(A) (Note: Earlier in the meeting, Administration Item 2 was deferred until later in the meeting. See Clerk's Summary Item CL#10.)

Supervisor Dix moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **November 15, 1993 at 4:00 p.m.** regarding the proposed amendment to the Code of the County of Fairfax, Chapter 69 (Swimming Pool Ordinance) to permit the installation of diving platforms in combination with diving boards in existing or new pools that meet the Federation Internationale de Natation Amateur (FINA) standards. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

65. A-10 - AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR THE SALE OF REAL PROPERTY (CENTER ROAD/EAST SIDE (8700 BLOCK) IN WEST SPRINGFIELD) (SPRINGFIELD DISTRICT) (Tape 8)

(NOTE: Earlier in the meeting, Action Item 10 was deferred until later in the meeting. See Clerk's Summary Item CL#20.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and direct staff to prepare and issue a Request for Proposal (RFP) for the sale of surplus real property, Tax Map Number 79-3((6))29, 30, 32A, and 33. This motion was seconded by Supervisor Frey.

Following a brief discussion, Supervisor McConnell withdrew her motion.

Supervisor Bulova moved that the Board concur in the recommendation of staff and direct staff to prepare and issue a Request for Proposal (RFP) for the sale of surplus real property, Tax Map Number 79-3((6))29, 30, 32A, and 33. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of nine, Supervisor McConnell abstaining.

AM:am

66. 3:30 P.M. - PH ON REZONING APPLICATION RZ 93-H-009 (MANUEL SERRA, TRUSTEE) (HUNTER MILL DISTRICT) (Tape 9)

Mr. Antonio J. Calabrese reaffirmed the validity of the affidavit for the record.

Supervisor Dix disclosed the following campaign contribution which he had received:

- In the amount of \$500 from Curtis Coward, Partner with McGuire, Woods, Battle and Boothe.

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

- In the amount of \$297 from John Stump, Partner with McGuire Woods, Battle and Boothe.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In the amount of \$200 from Carson Lee Fifer, Partner with McGuire, Woods, Battle and Boothe.

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

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

Supervisor Dix moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-H-009 be amended from the R-1 and R-2 Districts to the R-3 District subject to the proffers dated October 6, 1993. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Chairman Davis being out of the room.

67. 3:30 P.M. - PH ON REZONING APPLICATION RZ 93-B-006 (THE SCHOOL BOARD OF FAIRFAX COUNTY, VIRGINIA) (BRADDOCK DISTRICT)

(Tape 9)

Mr. Thomas A. Williamson reaffirmed the validity of the affidavit for the record.

Supervisor Trapnell disclosed the following:

- One of the attorneys with Hunton and Williams has been a registered agent for her husband's company; therefore, she left the Board Auditorium.

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

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

Supervisor Bulova moved that the:

- Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-B-006 be amended from the R-1 and R-2 Districts to the R-2 District subject to the proffers dated September 17, 1993; and
- Board waive the transitional screening requirements along the northern, western and southern lot lines to that shown on the Generalized Development Plan (GDP).

This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of five, Chairman Davis abstaining, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Supervisor Trapnell being out of the room.

68. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 90-C-006 (PLAZA AMERICA DEVELOPMENT CORPORATION) (HUNTER MILL DISTRICT) (Tape 9)

Mr. Carlos M. Montenegro reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Dix moved approval of Proffered Condition Amendment Application PCA 90-C-006 subject to the proffers dated October 8, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Hanley, Supervisor Hyland, and Supervisor Trapnell being out of the room.

Supervisor Dix moved approval of the modification of the transitional screening and barrier requirement along the western boundary to that shown on the Conceptual

Development Plan Amendment (CDPA) and Final Development Plan Amendment (FDPA) and is further specified in the development conditions as revised through October 8, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Hanley, Supervisor Hyland, and Supervisor Trapnell being out of the room.

Supervisor Dix moved approval of a waiver of the 75-foot commercial structure setback requirement from the Dulles Airport Access and Toll Road. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Hanley, Supervisor Hyland, and Supervisor Trapnell being out of the room.

**69. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT
APPLICATION PCA 88-D-010 (PIERRE L. NYS AND JOHN W. LEONARD)
(DRANESVILLE DISTRICT) (Tape 9)**

Mr. Pierre L. Nys reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Regina Murray, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Berger moved approval of Proffered Condition Amendment Application PCA 88-D-010 subject to the executed proffers dated September 23, 1993, and the General Development Plan (GDP), dated June 3, 1993.. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Berger moved waiver of the minimum district size requirement for cluster subdivisions. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Berger moved modification of the open space requirement for cluster subdivisions. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Berger moved that the Board:

- Direct the Director of the Department of Environmental Management (DEM) to grant a temporary waiver regarding the clearing and grading prohibition associated with the approved Best Management Practices (BMP) waiver only for the area 25 feet from the rear property line of lot four in order to allow an existing depression to be leveled off. This temporary waiver will expire upon completion of all grading activity related to lot four.

Supervisor Berger noted for the record that the applicant has agreed to replace any trees removed on lot four due to this grading activity with an equivalent number of trees which are a minimum of eight-feet in height at the time of planting, subject to the review and approval of the Urban Forester.

This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Supervisor McConnell being out of the room.

70. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-M-017 (ARIF HODZIC) (MASON DISTRICT) (Tape 9)

Mr. Arif H. Hodzic reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Trapnell moved approval of Special Exception Application SE 93-M-017 subject to the development conditions dated September 22, 1993. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor Hyland, and Supervisor McConnell being out of the room.

71. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112, (ZONING ORDINANCE) REGARDING CIVIL PENALTIES (Tape 9)

(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 September 23 and September 30, 1993.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to revise the fines for civil penalties and procedures for service of a civil penalty summons to become **effective at 12:01 a.m. on October 12, 1993**. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix, Supervisor Hyland, and Supervisor McConnell being out of the room.

72. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING OFF-STREET PARKING AND SHOPPING CENTERS (Tape 9)

(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 September 23 and September 30, 1993.

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

- Revise the off-street parking requirement for shopping centers;
- Modify the definition of gross floor area (GFA) for parking purposes; and
- Revise the definition of shopping center.

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

73. 4:00 P.M. - PH ON PROPOSED REVISION TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) ARTICLE 2, SUPPLEMENTAL RETIREMENT SYSTEM AND ARTICLE 3, UNIFORMED RETIREMENT SYSTEM REGARDING TRANSFERRING SERVICE BETWEEN FAIRFAX COUNTY RETIREMENT SYSTEMS (Tape 9)

(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 September 23 and September 30, 1993.

Following the public hearing, Supervisor Trapnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2, Supplemental Retirement System; and Article 3, Uniformed Retirement System regarding transferring service between Fairfax County Retirement Systems. This motion was seconded by Supervisor Dix and carried by a vote of seven,

Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

74. 4:00 P. M. - PH TO CONSIDER THE PROPOSED VOLUNTARY RELOCATION OF THE BOUNDARY BETWEEN THE CITY OF FAIRFAX AND FAIRFAX COUNTY (BRADDOCK DISTRICT) (Tapes 9-10)

(R) A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of September 23 and September 30, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the Resolution approving the agreement to relocate the present boundary between the City of Fairfax and Fairfax County. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

75. 4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 5, FINANCIAL DISCLOSURES RELATING TO THE REQUIREMENT FOR FILING FINANCIAL INTEREST DISCLOSURE FORMS BY EMPLOYEES AND APPOINTEES OF THE BOARD OF SUPERVISORS (Tape 10)

(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 September 23 and September 30, 1993.

Following the public hearing, Supervisor Trapnell moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 5, Financial Disclosures relating to the requirement for filing financial interest disclosure forms by employees and appointees of the Board of Supervisors; and
- Removal of the Tysons Task Force from the Inactive List on Page 10 to the Active List on Page Eight (as contained in the Memorandum to the Board).

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

76. 5:00 P.M. - PH ON REZONING APPLICATION RZ 93-H-004 (STUDENT LOAN MARKETING ASSOCIATION) (HUNTER MILL DISTRICT) (No Tape)

(NOTE: On September 27, 1993, the Board deferred the public hearing on Rezoning Application RZ 93-H-004 until November 15, 1993 at 4:30 p.m.)

77. BOARD ADJOURNMENT (Tape 10)

At 4:35 p.m., the Board adjourned.