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

Supervisor Trapnell arrived at 11:25 a.m.

Supervisor McConnell was absent from the entire meeting.

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 LIEUTENANT STAN BARRY OF THE FAIRFAX COUNTY'S SHERIFF'S OFFICE (Tape 1)

Supervisor Frey moved adoption of the Resolution presented to Lieutenant Stan Barry of the Fairfax County Sheriff's Office for his outstanding marksmanship in firearms competition at the International Law Enforcement Olympics. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

3. PROCLAMATION DESIGNATING NOVEMBER 7-13, 1993 AS "YOUTH APPRECIATION WEEK" IN FAIRFAX COUNTY (No Tape)

(NOTE: Later in the meeting, during Board Matters, action was taken to adopt the Proclamation designating November 7-13, 1993, as "YOUTH APPRECIATION WEEK" in Fairfax County. See Clerk's Summary Item CL#44.)

4. 10:00 A.M. - 1993 EXCEPTIONAL DESIGN AWARDS CEREMONY (Tape 1)

Carl E. Neuberg, AIA, Chairman, Design Jury, announced that the award winners of the Exceptional Design Awards are as follows:

- Honor Award - Fairfax County Government Center (Institutional) in Fairfax:
Architect: RTKL Associates Incorporated of Baltimore Maryland
Owner/Developer: County of Fairfax

Year Built: 1991;

- Merit Award - Calvary Church of the Nazarene (Institutional) in Annandale:

Architect: Bass and Mickley Architects, PC of Washington, D.C.

Owner/Developer: Calvary Church of the Nazarene

Year Built: 1991; and

- Merit Award - Hurd Sports Center, The Madeira School (Institutional) in McLean:

Architect: Bowie-Gridley Architects of Washington, D.C.

Owner/Developer: The Madeira School

Year Built: 1991.

5. DEFERRAL OF APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (BACS) (Tape 1)

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that appointments to Citizen Boards, Authorities, Commissions and Advisory Groups (BACs) be deferred until later in the meeting. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

(NOTE: Later in the meeting, appointments to BACs were made. See Clerk's Summary Item CL#66.)

AM:am

6. ADMINISTRATIVE ITEMS (Tape 2)

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE AND SPRINGFIELD DISTRICTS)

(R) Approved the request that certain streets listed in the Memorandum to the Board dated October 25, 1993 be recommended for acceptance into the State Secondary System as follows:

Subdivision District Street

Falls Pointe Dranesville Falls Pointe Drive

Falls Point Court

Burke Lake Meadows, Springfield Burke Woods Drive

Section 1A Lake Meadow Drive

Lake Meadow Court

Summerday Drive,

Route 7103

ADMIN 2 - ADDITION OF PORTIONS OF CUMBERLAND AVENUE, COMMERCE STREET, SPRINGFIELD BOULEVARD, CALAMO STREET AND AMHERST AVENUE INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY SYSTEM (LEE DISTRICT)

(R) Adopted the Resolution requesting the Virginia Department of Transportation (VDOT) to accept the new roadway portions as outlined in the Memorandum to the Board into the State Secondary System.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING AN AMENDMENT TO THE LEASE WITH GOOD SHEPHERD HOUSING AND FAMILY SERVICES FOR OFFICE SPACE AT 6301 RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 15, 1993 at 4:30 p.m.** regarding an amendment to the lease with Good Shepherd Housing and Family Services for office space at 6301 Richmond Highway.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PORTION OF RIGHT-OF-WAY KNOWN AS "ABANDONED ROAD" (SULLY DISTRICT)

(A) Authorized the advertisement and posting of a public hearing to be held before the Board of Supervisors on **December 6, 1993 at 3:30 p.m.** regarding the intent to abandon an unimproved portion of right-of-way known as "Abandoned Road."

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 29 INTERCHANGE SEGMENT OF THE FAIRFAX COUNTY PARKWAY (SULLY DISTRICT)

(A) Authorized 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 acquisition of interests in real property necessary for construction of the Route 29 Interchange segment of the Fairfax County Parkway, Project 064150.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE DEDICATION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR ROAD IMPROVEMENTS (HUNTER MILL DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 22, 1993 at 4:00 p.m.** regarding the dedication of County-owned property, Tax Map Reference 25-3((1))11(part) and 25-3((3))U(part) to the Virginia Department of Transportation (VDOT).

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF THE WEST SPRINGFIELD GOVERNMENTAL CENTER PROPERTY AT 6140 ROLLING ROAD TO SOUTHWESTERN BELL MOBILE SYSTEMS, INCORPORATED (SPRINGFIELD DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 15, 1993 at 4:00 p.m.** regarding a lease to Southwestern Bell Mobile Systems, Incorporated, of a portion of the West Springfield Governmental Center property located at 6140 Rolling Road, Tax Map Reference 79-3 ((4))32, 33 and 34, for the purpose of establishing a mobile telephone cell site.

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF THE JEFFERSON FIRE STATION PROPERTY AT 3101 HODGE PLACE TO SOUTHWESTERN BELL MOBILE SYSTEMS, INCORPORATED (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 15, 1993 at 4:30 p.m.** regarding a lease to Southwestern Bell Mobile Systems, Incorporated, of a .057 acre portion of the Jefferson Fire Station property located at 3101 Hodge Place, Tax Map Reference 50-3((4))B, for the purpose of establishing a mobile telephone cell site.

ADMIN 9 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) REGARDING THE TOWING ORDINANCE REGULATING VEHICLE TOWING FROM PRIVATE PROPERTY

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 22, 1993 at 4:00 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) (Towing Ordinance) to regulate towing of vehicles unlawfully parked on private property to become effective January 1, 1994.

ADMIN 10 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 24, (BINGO GAMES AND RAFFLES)

(A) Authorized the advertisement of a public hearing to be held 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 24 (Bingo Games and Raffles) in response to the State Code provisions on bingo games and raffles which were passed during the Virginia General Assembly's 1993 session.

ADMIN 11 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 9, RELATING TO RESTRICTIONS ON ACTIVITIES OF FORMER OFFICERS AND EMPLOYEES

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **November 15, 1993 at 4:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 9 relating to restrictions on activities of former officers and employees.

7. A-1 - BOARD APPROVAL OF AMENDMENTS TO THE ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT CONTRACTS (COUNTYWIDE) (Tape 2)

On motion of Supervisor Frey, seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved contract amendments necessitated by changes in the enabling statute related to rezoning of land to residential uses.

8. A-2 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) APPROVED NOISE ABATEMENT BARRIERS ON THE FAIRFAX COUNTY PARKWAY/FRANCONIA-SPRINGFIELD PARKWAY (DRANESVILLE, HUNTER MILL, SULLY, BRADDOCK, SPRINGFIELD, LEE AND MOUNT VERNON DISTRICTS) (Tape 2)

Following comments by Supervisor Bulova and Chairman Davis, and input from Shiva K. Pant, Director, Office of Transportation, Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Approve the noise barriers, approved by the Virginia Department of Transportation (VDOT) for the Fairfax County Parkway/Franconia-Springfield Parkway, which are required under the Final Environmental Impact Statement (FEIS) and in accordance with the VDOT Noise Abatement Policy; and
- Commit to construct the FEIS-required barriers on those segments (completed, under construction, or funded, but not yet under construction) from funds approved in the 1992 Transportation Bond Referendum.

This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

9. A-3 - WIEHLE AVENUE REALLOCATION OF FUNDS (DRANESVILLE AND HUNTER MILL DISTRICTS) (Tape 2)

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Berger moved that the Board:

- Concur in the recommendation of staff to consider approving the reallocation of the remaining \$1.4 million in Road Bond funds earmarked for Wiehle Avenue east of Dranesville Road to preconstruction activities on a larger segment of Wiehle Avenue;
- Direct staff to complete land acquisition activities on Project 6495B (Wiehle Avenue East) for the section east of Stuart Road to Reston Avenue;
- Direct staff to initiate engineering design for Wiehle Avenue west of Dranesville Road to Crestview Drive at the County Line (Wiehle Avenue West). No separate corridor study is proposed to be completed;

- Direct staff to complete the design plan modifications required for Wiehle Avenue East (new bridge and related environmental work); and
- Direct staff to return to the Board for direction on the use of remaining funds, if any, after completion of all of the design and the land acquisition east of Stuart Road.

This motion was seconded by Supervisor Dix and **FAILED** by a recorded vote of four, Supervisor Berger, Supervisor Dix, Supervisor Frey, and Chairman Davis voting "AYE," Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

10. A-4 - AUTHORIZATION TO EXECUTIVE PARK-AND-RIDE AGREEMENT WITH BLACKIE'S HOUSE OF BEEF, INCORPORATED (LEE DISTRICT)

(Tape 2)

On motion of Supervisor Alexander, seconded by Supervisor Dix, and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and authorized the Director of the Office of Transportation to execute a Park-and-Ride Agreement with Blackie's House of Beef, Incorporated.

11. A-5 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR BRIDGE REPLACEMENT OVER MIDDLE RUN ON GAMBRILL ROAD (ROUTE 640) (SPRINGFIELD DISTRICT) (Tape 2)

On motion of Supervisor Dix, seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and endorsed the design plans presented at the September 21, 1993 public hearing to:

- Replace the existing bridge structure over Middle Run with a culvert and to improve the horizontal and vertical alignment of Gambrill Road, including a slight realignment of Gambrill Road from just north of Southstream Run to north of Ridge Road;
- Pavement widening to 24 feet (two 12-foot lanes);
- Left turn lanes at Goins Street, Southstream Run, Ridge Road and Vogel's Way;
- An eight-foot wide shoulder on the west side of the road;
- Curb and gutter on the east side (except through the Fairfax County Park Authority property);

- An eight-foot multi-use asphalt trail on the east side of Gambrill Road from Southstream Run to Ridge Road, subject to the following:
 - Continue an eight-foot multi-purpose trail approximately 200 feet north of Ridge Road along the east side of the road and then an eight-foot paved shoulder, as an alternative to the trail, along Gambrill Road (frontage of Helen M. Hill property) to meet the shoulder pavement under construction for the Fairfax County Parkway at Hooes Road;
 - Improve the horizontal sight distance by partial clearing of underbrush and regrading within the existing right-of-way in the area south of Gambrill Lane on the west side of Gambrill Road; and
 - Recognizing that the Pohick Road/Gambrill Road intersection is outside of the project limits, evaluate the need for a traffic signal at this intersection.

12. A-6 - REVISIONS TO CHAPTERS 4 AND 10 OF THE PERSONNEL REGULATIONS REGARDING TRANSFERRED LEAVE AND LEAVE FOR INCLEMENT WEATHER AND OTHER EMERGENCIES (Tape 2)

Following discussion with input from John Burdette, Chairman, Employees Advisory Committee (EAC), and William J. Leidinger, County Executive, Supervisor Alexander moved that the Board concur in the recommendation of staff and approve the proposed revisions to Chapters 4 and 10 of the Personnel Regulations regarding transferred leave and leave for inclement weather or other emergencies.

The motion, the second to which was inaudible, **CARRIED** by a recorded vote of seven, Supervisor Berger voting "NAY," Supervisor Trapnell not yet having arrived, Supervisor Mcconnell being absent.

Supervisor Bulova moved to have this issue returned to the Personnel Subcommittee for further discussion and consideration. This motion was seconded by Supervisor Hanley.

Supervisor Hanley asked that the motion be amended to direct staff to provide Board Members with a copy of Mr. Burdette's proposed language and where he would like to have it inserted into the Ordinance, and this was accepted.

The question was called on the motion, and as amended, carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

13. A-7 - ADOPTION OF FINAL COMMUNITY IMPROVEMENT PROGRAM ASSESSMENTS FOR ENGLSIDE, PHASE II (LEE DISTRICT) (Tape 2)

(Rs) On motion of Supervisor Alexander, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and adopted the Resolutions establishing the final assessments for Engleside, Phase II Community Improvement Program Project.

14. A-8 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94031 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT VIRGINIA REFUGEE RESETTLEMENT PROGRAM GRANT (Tape 2)

(SAR) On motion of Supervisor Hanley, seconded by Chairman Davis, and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94031 totalling \$400,000 for the Department of Human Development to continue and expand the Virginia Refugee Resettlement Program (VRRP) Grant for the period October 1, 1993 through September 30, 1994.

15. A-9 - MCLEAN COMMUNITY CENTER'S VIRGINIA COMMISSION FOR THE ARTS TOURING ASSISTANCE GRANT APPLICATION (Tape 2)

On motion of Supervisor Berger, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the McLean Community Center's application to the Virginia Commission for the Arts for \$400. These monies, along with local funds in the amount of \$900, will provide funds toward two performances by The Virginia Company.

16. A-10 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SECONDARY COMMERCIAL USES IN THE PDH DISTRICT (Tape 2)

(R)

(A) On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent, 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 December 2, 1993 and 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 112 (Zoning Ordinance) to the PDH District to allow

the land area limitations for secondary commercial uses in the PDH District to be modified by the Board of Supervisors.

17. A-11 - REPORT ON THE TOWN MEETINGS ON THE FAIRNESS OF THE CRIMINAL JUSTICE SYSTEM (Tape 2)

Supervisor Dix moved to defer action on the Report on the Town Meetings on the Fairness of the Criminal Justice System until 7:00 p.m. this evening, following the presentation of the Report by representatives of the Criminal Justice Policy Group. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

18. A-12 - RELEASE OF COVENANTS ON WORLDGATE PROPERTY (DRANESVILLE DISTRICT) (Tape 2)

Following discussion, with input from William J. Leidinger, County Executive, David P. Bobzien, County Attorney, George A. Symanski, Jr., Deputy County Attorney; and James P. Zook, Director, Office of Comprehensive Planning; Supervisor Berger, moved that the Board concur in the recommendation of staff and authorize the County Executive to execute the Deed of Release of Covenants regarding the Worldgate property on behalf of the Board. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

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19. C-1 - REFUNDING OF THE BRIARCLIFF I BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (PROVIDENCE DISTRICT) (Tape 3)

(R) The Board next considered an Item contained in the Memorandum to the Board dated October 25, 1993 regarding the issuance of tax-exempt revenue bonds for Briarcliff I as

provided for in the "Uniformed Policy for Issuance of Economic Development Authority (EDA) and the Fairfax County Redevelopment and Housing Authority (FCRHA) Industrial Development Bonds" adopted March 7, 1993, by the Board.

Supervisor Hanley moved adoption of the Resolution:

- Approving the issuance of the tax-exempt revenue bonds in an amount not to exceed \$1,630,000 million for the purpose of complying with Section 147(f) (2) (B) of the Internal Revenue Code, and only for that purpose; and
- Certifying the "ayes and nays" as recorded in the Minutes of the Board meeting for each Resolution.

This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

20. C-2 - APPEAL OF AN ARCHITECTURAL REVIEW BOARD (ARB) DECISION, HUNTLEY HISTORIC OVERLAY DISTRICT (LEE DISTRICT) (Tape 3)

Chairman Davis announced that this matter would be considered at 3:00 p.m. today.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#74.)

21. C-3 - 1993 VIRGINIA ASSOCIATION OF COUNTIES' (NACo) ANNUAL MEETING (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated October 25, 1993 regarding Board designation of a voting and alternate delegate to represent the County at the Virginia Association of Counties' (VACo) annual meeting.

Following discussion, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board designate:

- Chairman Davis as the Voting Delegate; and
- Supervisor Dix, Supervisor Hanley, and Supervisor Hyland as the Alternate Delegates, depending on who is present at the time.

This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

22. I-1 - OFFICE OF MANAGEMENT AND BUDGET DIRECTOR, EDWARD L. LONG, JR., RECEIVES AWARD FOR FINANCIAL EXCELLENCE (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 announcing that on October 13, 1993, Edward L. Long, Jr., Director, Office of Management and Budget (OMB), received the Anna Lee Berman Award for the Outstanding Leadership in Governmental Finance for 1993 given by the Washington Metropolitan Area Chapter of the Government Finance Officer's Association.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board go on record commending Mr. Long on his receipt of this prestigious award, and directing staff to include this award in Mr. Long's personnel file. This motion was seconded by Acting-Chairman Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

23. I-2 - INTERNATIONAL PERSONNEL MANAGEMENT ASSOCIATION AWARD FOR CUSTOMER SERVICE TRAINING (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 announcing that Fairfax County has won an achievement award from the Virginia State Chapter of the International Personnel Management Association (IPMA) for its Customer Service Training Program.

24. I-3 - YEAR END REPORT FOR ENHANCED REVENUE PROGRAMS REP/TARGET FISCAL YEAR (FY) 1993 (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 presenting the Year End Report for Enhanced Revenue Programs REP/Target Fiscal Year (FY) 1993.

25. I-4 - STATUS REPORT - PROCESS REDESIGN REGULATORY REVISIONS

(Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to proceed with considering all suggested amendments on the Regulatory Revisions List in accordance with the priorities as outlined in the Memorandum to the Board.

Following a brief discussion, with input from Jane W. Gwinn, Zoning Administrator, Office of Comprehensive Planning (OCP), the staff was directed administratively to proceed as proposed.

26. I-5 - ZONING ORDINANCE AMENDMENT WORK PROGRAM -FISCAL YEAR (FY 94) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to proceed with the Priority One List of requested amendments for Fiscal Year (FY) 1994 as set forth in Attachment B of the Memorandum to the Board.

Supervisor Dix referred to Attachment B, Page Two, Subject: Home Occupation, and

moved that the Board direct staff to also review home occupation limitations as they relate to the number of employees allowed. He stated that currently no employees, whether paid or not for their services, except persons who use the dwelling as their bona fide residence, can be involved in the home occupation on the property by right. Supervisor Dix suggested a possible revision to allow up to one employee by right, and, if necessary, this could be restricted to a limited number of hours. This motion was seconded by Supervisor Bulova.

Following discussion, the question was called on the motion which carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

Supervisor Frey moved that the Board:

- Endorse the Priority One List as set forth in Attachment B; and
- Establish a process whereby future amendments to this list will be referred to the Development Process Subcommittee for review.

This motion was seconded by Supervisor Hyland.

After additional discussion, Supervisor Bulova asked to amend the motion to include consideration of the establishment of a Board Workshop to review

this list and address decreasing its size, and this was accepted. Supervisor Frey stated that he would be willing to consider the establishment of a Workshop, but noted that this type of scrutiny is included in the Development Process Subcommittee review.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

27. I-6 - STATUS REPORT ON BOARD-INITIATED PROJECT TO REDUCE AND/OR ELIMINATE REPORTING REQUIREMENTS AND PAPERWORK (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 presenting the Status Report on Board-Initiated Project to Reduce and/or Eliminate Reporting Requirements and Paperwork.

28. I-7 - CONTINUED COUNTY OPERATION OF THE SATURDAY SOLID WASTE REDUCTION AND RECYCLING CENTERS (FORMERLY PARKOUTS) (SPRINGFIELD, SULLY, PROVIDENCE AND DRANESVILLE DISTRICTS) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to proceed with renewal of the County operation of the Saturday Solid Waste Reduction and Recycling Centers (formerly parkouts) as outlined in the Memorandum to the Board.

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, the staff was directed administratively to proceed as proposed.

29. I-8 - COMMENTS TO THE STATE LEGISLATIVE JOINT SUBCOMMITTEE ON STORMWATER MANAGEMENT AND PERMITTING POLICIES (COUNTYWIDE) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to send the written comments as contained in the Memorandum to the Board to the State Legislative Joint Subcommittee on Stormwater Management and Permitting Policies.

Supervisor Hyland referred to Handwritten Page Two, last paragraph, and moved that the Board direct staff to prepare a letter for submission to the appropriate State agency inquiring whether a Regional General Wetlands Permit may be granted to allow Northern Virginia localities to implement a planned system of regional ponds. This motion was seconded by Supervisor Alexander.

Following discussion and input from John W. di Zerega, Director, Department of Public Works, Supervisor Hyland amended his motion to include submission of an additional letter to the Corps of Engineers addressing this matter, and this was

accepted. The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

The staff was directed administratively to proceed as proposed.

30. I-9 - STAFF SUMMARIES OF THE AUGUST, 1993 TRANSPORTATION ADVISORY COMMISSION MEETINGS (COUNTYWIDE) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 presenting the Staff Summaries of the August, 1993 Transportation Advisory Commission Meetings.

31. I-10 - CONTRACT AWARD - RIVERWOOD AND MERRYWOOD SEWAGE PUMP STATION REHABILITATIONS (MOUNT VERNON AND DRANESVILLE DISTRICTS) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to award a contract to Herring Electric Company, Incorporated, in the amount of \$84,300 for the construction of improvements to the existing Riverwood and Merrywood Sewage Pump Stations, in Project I00351, Pump Station Renovations, in Subfund 524, Sewer Bond Extension and Improvement.

The staff was directed administratively to proceed as proposed.

32. I-11 - CONTRACT AWARD - PINWOOD REGIONAL STORMWATER DETENTION POND (PROVIDENCE DISTRICT) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to award a contract to District Paving Corporation in the amount of \$204,942.75 for the construction of the Pinewood Regional Stormwater Detention Pond, Project CA0176, in Subfund 490, Pro Rata Share Drainage Construction.

The staff was directed administratively to proceed as proposed.

33. I-12 - CONTRACT AWARD - CHESTERFIELD AVENUE SANITARY SEWER IMPROVEMENT (DRANESVILLE DISTRICT) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to award a contract to

R.L. Rider and Company, in the amount of \$41,720 for the construction of Chesterfield Avenue Sanitary Sewer Improvement, in Project X00905, Replacement and Transmission, in Subfund 524, Sewer Bond Extension and Improvement.

The staff was directed administratively to proceed as proposed.

34. I-13 - CONTRACT AWARD - BENSON DRIVE NEIGHBORHOOD IMPROVEMENTS (LEE DISTRICT) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to:

- Award a contract to CBJ Construction Company, Incorporated, in the amount of \$323,539 for the construction of Projection C00094, Benson Drive Neighborhood Improvements, in Subfund 488, Neighborhood Improvement Program; and
- Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

35. I-14 - CONTRACT AWARD - CENTREVILLE PARK AND RIDE COMMUTER LOT (SULLY DISTRICT) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to:

- Award a contract to the R.L. Rider and Company, in the amount of \$613,260 for the construction of Project 88A005, Centreville Park-and-Ride Commuter Lot, in Subfund 471, County Bond Construction; and
- Reallocate funds as outlined in the Memorandum to the Board.

Following a brief discussion, with input from Shiva K. Pant, Director, Office of Transportation, the staff was directed administratively to proceed as proposed.

36. I-15 - AWARD OF CONTRACT TO HUNTER ALLIED, INCORPORATED FOR THE ANNANDALE ADULT DAY HEALTH CARE CENTER RENOVATION (MASON DISTRICT) (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to award a contract to Hunter Allied, Incorporated, in the amount of \$114,000 for the renovation of Project

003849, the Annandale Adult Day Health Care Center, in Subfund 178, Community Development Block Grant (CDBG).

Supervisor Dix expressed his appreciation to staff for its excellent work in providing additional information which he has requested as it relates to the award

of contracts.

The staff was directed administratively to proceed as proposed.

37. I-16 - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY DISCUSSION PAPER: REDUCING NUTRIENTS IN VIRGINIA'S TIDAL TRIBUTARIES--THE POTOMAC RIVER BASIN (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 requesting authorization for staff to:

- Transmit the letter enclosed as Attachment 1 in the Memorandum to the Board to the Virginia Department of Environmental Quality;
- Review and prepare comments for Board consideration regarding any follow-up documents produced by the Virginia Department of Environmental Quality; and
- Attend public meetings, if scheduled, in Northern Virginia regarding the tributary strategy development process and otherwise keep apprised of current developments.

Supervisor Hyland commended staff for its comprehensive work on this item.

Following discussion and input from Noel K. Kaplan, Office of Comprehensive Planning (OCP), the staff was directed administratively to proceed as proposed.

38. I-17 - STATUS OF STAFF REVIEW OF THE APPLICATION OF UTILITY TAXES AS THEY PERTAIN TO RELIGIOUS INSTITUTIONS (Tape 3)

The Board next considered an Information Item contained in the Memorandum to the Board dated October 25, 1993 presenting the status of staff review of the application of utility taxes as they pertain to religious institutions.

BOARD MATTERS

39. PRESENTATION BY COALITION OF ETHNIC ORGANIZATIONS OF A "MEET THE CANDIDATES" NIGHT (Tape 3)

Chairman Davis announced that a coalition of ethnic organizations would present a "Meet the Candidates" night on Thursday, October 28, 1993, from 7:00 p.m. until 9:00 p.m. at the Government Center, and that a special invitation has been issued by the coalition to all candidates seeking the Office of Governor, Lieutenant Governor, and Attorney General. In addition, invitations have been extended to all Northern Virginia candidates running for seats in the Virginia House of Delegates.

Accordingly, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board direct staff to reserve the Forum area of the Government Center for this presentation. This motion was seconded by Supervisor Hyland with a request that the motion be amended to include a request for staff to examine the acoustical problem which still exists in the Forum.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

Supervisor Dix asked unanimous consent that the Board refer these types of meetings to the Procedures Subcommittee for the establishment of criteria in the matter of televising the presentations of candidates at the Government Center. Without objection, it was so ordered.

40. VOLUNTARY WITHHOLDING OF COUNTY EMPLOYEE PERSONAL PROPERTY TAX PAYMENTS (Tape 3)

Supervisor Davis stated that he was pleased to share with Board Members a copy of a memorandum from the County Executive announcing his intent to proceed with setting up a voluntary system for County employees to pay their personal property taxes by payroll deduction.

Supervisor Davis acknowledged that the suggestion came to him from a County employee who is interested in the work which has been done to overhaul the County's tax administration system. Supervisor Davis expressed his appreciation for the suggestion, and complimented Mr. Leidinger and staff for their follow-up in such a positive manner.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

41. NEW CONSTRUCTION AT THE GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT (Tape 3)

Supervisor Alexander moved that the Board direct staff to waive the Department of Environmental Management (DEM) fees associated with the new construction at the Greater Springfield Volunteer Fire Department. He stated that, due to the increased need for service from this station, the proposed addition is to provide living quarters for additional personnel. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

Supervisor Alexander noted that the applicants understand that this neither provides them with a vested right in the Plan approval nor relieves them from the responsibility of any Plan modifications as a result of Board or staff review.

42. CONSIDERATION OF OUT-OF-TURN PLAN AMENDMENT FOR PROPERTY

LOCATED THE INTERSECTION OF BUCKMAN ROAD AND MAIN STREET, LEE DISTRICT (Tape 3)

Supervisor Alexander moved that the Board direct the Office of Comprehensive Planning (OCP) to prepare an out-of-turn plan amendment, for consideration by the Board, to amend the Comprehensive Plan for the property located in

the northeast corner of the intersection of Buckman Road and Main Street, Tax Map Number 101-3-001-15B, to

allow a residential density of up to 12 dwelling units per acre. Supervisor Alexander added that he is making this request on behalf of a constituent who bought property in 1981 which contained rental apartments. Unfortunately, all the property surrounding this site has been zoned for multi-family use, and somehow inadvertently over the years, the subject property has been zoned in the R-3 category.

In addition, due to delays and financial hardship, Supervisor Alexander asked that the motion include a request for staff to waive the fees connected with the rezoning of this property. The motion was seconded by Supervisor Hyland and carried by a vote of seven, Chairman Davis being out of the room, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

CM:cm

43. DEFERRAL OF SUPERVISOR DIX'S BOARD MATTERS (Tape 4)

Supervisor Dix asked unanimous consent that his Board Matters be deferred until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, Supervisor Dix presented his Board Matters. See Clerk's Summary Items CL#60-65.)

44. PROCLAMATION DESIGNATING NOVEMBER 7-13, 1993 AS "YOUTH APPRECIATION WEEK" IN FAIRFAX COUNTY (Tape 4)

Supervisor Hanley informed the Board that The Optimists Clubs of Vienna and Oakton have a traditional annual event of honoring youth during Youth Appreciation Week. This year's event will honor eight local high school seniors with college scholarships. She stated that in the past, the Board has issued a proclamation to honor this event that is sponsored by Optimist International and the Optimists Clubs of Vienna and Oakton.

Therefore, Supervisor Hanley moved that the Board issue a Proclamation designating November 7-13, 1993 as "**YOUTH APPRECIATION WEEK**" in Fairfax County. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

45. PRIVATE SECURITY/MAINTENANCE ISSUES (Tape 4)

Supervisor Hanley stated that the County has had private maintenance and private security for some time now in the County's B-2 and B-3 Buildings and is now providing it in the Government Center also.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide the Board with information regarding security issues in any County buildings where there is private security and private maintenance. Without objection, it was so ordered.

46. WAIVING LATE FILING AND PAYMENT PENALTIES/INTEREST (Tape 4)

Chairman Davis noted that on February 8, 1993, he requested staff to review the County's policies regarding waiving penalties for late filing of payment of taxes in instances where citizens acted in good faith but the County had delayed the processing of a tax bill. He stated that he had received a memorandum from the County Executive dated October 19, 1993, advising the Board that new waiver guidelines had been established as of October 18, 1993.

Chairman Davis thanked the staff for their thoughtful and reasonable efforts to respond to legitimate circumstances where a taxpayer should not be penalized.

47. ADOPT-A-CAUSE (Tape 5)

Supervisor Bulova reported on the Adopt-A-Cause event which took place in the Government Center on Monday, October 18, 1993 and moved that the Board invite the members of the Steering Committee, the contributors, and the supporters who made the event possible to come before the Board to be thanked and recognized for their efforts.

Supervisor Bulova stated that the Steering Committee would be meeting on Tuesday, October 26, 1993, to discuss the results of the Adopt-A-Cause Event and will report to the Board with recommendations for future endeavors.

This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

PMH:pmh

48. WAIVER OF FEES ASSOCIATED WITH ARROWHEAD PARK (Tape 6)

Supervisor Frey stated that the need for ballfields in Centreville is growing. He said that an agreement has been worked out between the Fairfax County Park Authority and a private developer to provide Arrowhead Park (located off of Stringfellow Road) with fill-dirt and to grade it for ballfields.

Supervisor Frey moved waiver of the fees associated with submission of the Grading Plan. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

49. RETIREMENT OF NANCY K. DRAHEIM (Tape 6)

Supervisor Frey announced that Nancy K. Draheim, former Deputy Clerk to the Board of Supervisors, has announced her plans for retirement.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to prepare a letter wishing her well and acknowledging her tenure in the Office of the Clerk to the Board. Without objection, it was so ordered.

50. RESOLUTION RECOGNIZING OCTOBER 29, 1993 AS "MATTIE BROWN DAY" IN FAIRFAX COUNTY (Tape 6)

Supervisor Frey announced that on October 29, 1993, Ms. Mattie Brown of Centreville will celebrate her 100th birthday.

Therefore, Supervisor Frey moved adoption of the Resolution acknowledging October 29, 1993 as "**MATTIE BROWN DAY**" in Fairfax County. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Trapnell not yet having arrived, Supervisor McConnell being absent.

51. WAIVER OF ALL FEES ASSOCIATED WITH THE CENTREVILLE VOLUNTEER FIRE DEPARTMENT (Tape 6)

Supervisor Frey reminded Board Members of the lengthy efforts and travails of the Centreville Volunteer Fire Department. He noted that after the Special Exception Application had been through the process and approved, it was determined that through the process of dedicating right-of-way the proposed Fire Station now has two front yards.

Therefore, Supervisor Frey moved that the Board:

- Waive all of the Department of Environmental Management (DEM) and Variance Application fees;
- Direct staff to expedite processing of the Site Plan;
- Direct staff to concurrently process the Site Plan and the Variance request; and
- Direct the Chairman to send a letter to the Board of Zoning Appeals (BZA) requesting an expedited public hearing.

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

52. BISHOP DENNIS J. O'CONNELL HIGH SCHOOL RECOGNIZED AS SCHOOL OF EXCELLENCE (Tape 6)

Supervisor Trapnell stated that she had been representing Fairfax County at the Bishop Dennis J. O'Connell High School where it was recognized by the U.S. Department of Education as a recognized school of excellence. She added that it was an honor for her to be recognized as a distinguished alumni.

53. STOP THE VIOLENCE ACTION PLAN (Tape 6)

Supervisor Hyland stated that the Council of Governments' (COG) Human Services and Public Safety Policy Committee is seeking comment on its draft anti-violence action plan. This plan is an outgrowth of COG's "Stop the Violence" summit meetings

and an attempt to identify specific action strategies that the metropolitan Washington region can agree upon and institute.

Supervisor Hyland explained that the committee is now seeking final comment which must be received by the COG's Human Services and Public Safety Policy Committee no later than the first week in November. He said that if more information is required, contact David Robertson, staffer to the Committee at 202-962-3260.

Therefore, Supervisor Hyland moved that the Board direct the Deputy County Executives for Human Services and Public Safety to review the draft "Recommended Action Strategies to Combat Violence in the Washington Metropolitan Area" and report with their comments. This motion was seconded by Acting-Chairman Alexander and carried by a vote of eight, Supervisor Davis being out of the room, Supervisor McConnell being absent.

54. LORTON BUS SERVICE (Tape 6)

Supervisor Hyland stated that he has been requested to find a way of providing bus service to the Lorton community. Terrace Town Homes of Gunston's Recreation for Kids Program has drafted a route with stops and connections with existing bus routes.

Supervisor Hyland said that along the Route One Corridor in Lorton there are apartment complexes, townhouse complexes, condominiums, the Fairfax Retirement Facility, the Sunrise Assisted Care Facility, Gunston Plaza Shopping Center, the Lower Potomac Pollution Control Facilities (with expansion activities), and Telegraph Road Industrial Parks.

Supervisor Hyland noted that in 1990, the Office of Transportation reviewed the public transportation issues in Lorton. At that time staff determined there was a growing need for bus service, but the numbers were not quite adequate. He said that conditions have changed and now warrant new analysis to determine if a bus route can be devised connecting Lorton with an existing bus route on Route One in the Mount Vernon area.

Therefore, Supervisor Hyland moved that the Board direct the staff of the Office of Transportation to determine a way of providing a bus route to serve the Lorton community and connection to the Alexandria/Mount Vernon area and report to the Board with an action plan by December 6, 1993. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

NV:nv

55. ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR ELAINE MCCONNELL (Tape 7)

Chairman Davis announced that Springfield District Supervisor Elaine McConnell was absent because she is in Florida to be with her mother who is ill.

56. "NO TRESPASSING AFTER DARK" SIGNS FOR HUNTSMAN LAKE (Tape 7)

On behalf of Supervisor McConnell, Chairman Davis stated that staff from Supervisor McConnell's office had met with the staff from the Department of Public Works, the Park Authority, the West Springfield Police Station, and several communities adjacent to Huntsman Lake concerning activity on both the park property and the County property during the late evening hours. The communities have experienced problems with youth gathering and having parties at night in this area. The police cannot ask the kids to leave since the area is not posted "No Trespassing After Dark."

Chairman Davis said that at the meeting, it was agreed that the best solution was to have the entire area surrounding Huntsman Lake posted with the appropriate signage. To accomplish this, Chairman Davis relinquished the Chair to Acting-Chairman Alexander, and moved that the Board direct the staff of the Department of Public Works to:

- Send a letter to the surrounding homeowners associations requesting them to sign a letter in agreement to the posting of the "No Trespassing After Dark" signs; and
- After this has been accomplished, proceed with the necessary arrangements to have the area posted as expeditiously as possible.

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

Acting-Chairman Alexander returned the gavel to Chairman Davis.

57. PARKING AGREEMENT FOR MCLEAN CHILDREN'S ACADEMY (Tape 7)

Supervisor Berger stated that the McLean Children's Academy, a pre-school which has served parents in the McLean area for 12 years, appeared before the Board of Zoning Appeals (BZA) in April to renew their Special Permit for a nursery school and child care center located at 6900 Elm Street. He stated that the BZA requested a parking agreement be formalized with the Library for shared parking and deferred the

decision on the renewal until the applicant can obtain the Board of Supervisors' approval on the shared parking. There are no improvements or additions to the Special Permit.

Supervisor Berger added that the BZA requested that the Board waive the fees for the coordinated parking agreement and expedite this agreement and he circulated to Board Members a copy of the request. He noted that staff is working with the applicant on the parking study.

Accordingly, Supervisor Berger moved that the Board:

- Waive the fees for the coordinated parking study and agreement on Special Permit Renewal Application SPR 82-D-083-2 and Special Permit Amendment Application SPA 82-D-083-4; and
- Direct Staff to expedite the review process and prepare an Action Item for Board consideration no later than November, 1993.

This motion was seconded by Supervisor Hyland.

Following discussion, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board direct staff to return with a Consideration Item on this issue at the next meeting. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

Supervisor Hanley asked unanimous consent that the Board direct staff to determine how many times a public parking lot is shared with a private entity. Without objection, it was so ordered.

58. AIRPORT AUTHORIZATION BILL (Tape 7)

(R) Supervisor Berger stated that the United States House of Representatives (HR) recently passed HR 2739, the "Aviation Infrastructure Investment Act of 1993" and that the United States Senate is considering companion legislation. He stated that this HR bill mandates that collective bargaining will take place at both Washington Dulles International and Washington National Airports.

Accordingly, Supervisor Berger moved adoption of the following Resolution:

WHEREAS, HR 2739, the "Aviation Infrastructure Investment Act of 1993" currently as written mandates collective bargaining for the employees at Washington National and Washington Dulles International Airports; and

WHEREAS, this provision presents an unprecedented intrusion by the Congress in Virginia state and local matters; and

WHEREAS, this would be the first time ever that Congress has imposed the National Labor Relations Act (NLRA) on a group of state employees; and

WHEREAS, the NLRA specifically excludes state employees; and

WHEREAS, this provision is a unilateral change in labor laws in the absence of a single public hearing; and

WHEREAS, when the airports were transferred to local control, in the agreement, Congress promised never to impose any federal mandates simply because the two ports had once been owned by the federal government; and

WHEREAS, the Metropolitan Washington Airport Authority has already raised its strong opposition to the mandate;

NOW, THEREFORE, BE IT RESOLVED that the Fairfax County Board of Supervisors opposes this provision on the basis that the Airports Authority is not a federal agency and its labor policy is not the responsibility of the Congress; and

BE IT FURTHER RESOLVED that the Fairfax County Board of Supervisors calls upon the Governor and Secretary of the Commonwealth of Virginia to intervene on its behalf.

This motion was seconded by Chairman Davis.

Following discussion, Supervisor Berger amended his motion to include directing staff to send copies of the resolution to Congresswoman Leslie Byrne (D-11), Congressman James Moran (D-8), Congressman Frank Wolf (R-10), Senator Charles Robb (D), and Senator John Warner (R), and this was accepted.

Supervisor Bulova moved a substitute motion to confirm the Board's support for state rights for jurisdictional autonomy and issues of concern to the local jurisdiction and that this position be transmitted to local federal representatives. This motion was seconded by Supervisor Hyland. Following discussion, the question was called on the motion which **FAILED** by a recorded vote of five, Supervisor Bulova and Supervisor

Hyland voting "AYE," Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

The question was called on the main motion (Supervisor Berger's), as amended, which **CARRIED** by a recorded vote of five, Supervisor Bulova and Supervisor Hyland voting "NAY," Supervisor Alexander and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

59. CLEARVIEW MANOR SANITARY SEWER EXTENSION AND IMPROVEMENT (Tape 7)

Supervisor Berger stated that in September, 1993, residents within the Clearview Manor Subdivision petitioned Fairfax County for inclusion in the Sanitary Sewer Extension and Improvement (E & I) Program. The E & I Program provides sewer facilities to alleviate the health hazards associated with irreparable septic system failures. Based on the results of an evaluation by the Fairfax County Health Department, Clearview Manor Subdivision qualifies for inclusion in the E & I Program.

Accordingly, Supervisor Berger moved that the Board direct the staff of the Department of Public Works to:

- Immediately initiate field survey and preliminary design of sanitary sewer facilities to serve the petition area within Clearview Manor using available funding within Subfund 524, Sewer Bond Extension and Improvement, Project X00824; and
- Request an E & I project be included in the Fiscal Year (FY) 1994 Midyear Budget Request for the engineering design, land acquisition, and construction of remedial improvements.

This motion was seconded by Supervisor Dix.

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

60. CONDEMNATION PROCEEDINGS FOR INTERSECTION OF RAGLAND ROAD AND GOSNELL ROAD (Tape 7)

Supervisor Dix stated that Amberwood A Corporation ("Amberwood"), a subsidiary of South Charles Realty, is in the process of developing a townhouse subdivision off Raglan Road and Gosnell Road in the vicinity of Tysons Corner.

Supervisor Dix explained that as a part of this process, it is essential that Raglan Road be improved to the extent necessary for its acceptance for maintenance by the Virginia Department of Transportation (VDOT). Insufficient right-of-way exists for acceptance by VDOT at the intersection of Raglan Road and Gosnell Road, where the existing curb and gutter were constructed either on or immediately abutting an open-space parcel of land owned by the homeowners association in the Tysons Corner subdivision. VDOT is requiring additional right-of-way in this location for maintenance purposes, consisting of approximately 100 square feet of land.

Supervisor Dix added that it has further been determined that a voluntary dedication of the necessary right-of-way by the Tysons Court Association, Incorporated, would result in a violation of the minimum amount of open space required for this townhome development under the current provisions of the Zoning Ordinance.

Therefore, Supervisor Dix moved that the Board direct staff to expeditiously undertake whatever process is necessary for the condemnation of the necessary right-of-way. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

61. RESTON COMMUNITY CENTER PREFERENCE POLL RESULTS (Tape 7)

(APPT)

Supervisor Dix stated that the annual Preference Poll for members of the Reston Community Center Board of Governors was held on Saturday, October 16, 1993.

Based on the results of the Preference Poll, Supervisor Dix moved the appointment of the following individuals to the Reston Community Center;

- Adult members: (three-year term, November 1, 1993-October 31, 1996)
- Barbara W. Bonner;
 - Ruth C. Overton;
 - Byron L. Kolding; and
- Student member: (one-year term, November 1, 1993-October 31, 1994)· Rita Kay Colbert.

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

62. WELCOME SIGN ON DULLES ACCESS/TOLL ROAD (Tape 7)

Supervisor Dix reminded the Board that on his motion on July 12, 1993, the Board passed a resolution requesting 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 request was forwarded to VDOT by the Office of Transportation, and VDOT's response was that there is a sign on the Dulles Access/Toll Road at the entrance to Fairfax County from Loudoun County, and that if the Board wanted a special "Welcome to Fairfax County" sign, VDOT would work with the County to pursue the possibility of issuing a permit to the County to install such a sign at County expense.

Supervisor Dix stated that a preliminary cost estimate for an eight foot by 10 foot "Welcome to Fairfax County " sign, similar in type, material, and quality to the "Fairfax County Government Center" sign to be installed on Interstate 66 is around \$2,500.

Accordingly, Supervisor Dix moved that the Board direct the County Executive to return this item as a Consideration Item to determine how to accomplish the installation of this sign. He further moved that this item to be returned to the Board no later than November 22, 1993. This motion was seconded by Supervisor Hyland.

Supervisor Hyland asked to amend the motion to add other welcomes to the sign in languages other than English, and this was accepted.

Supervisor Alexander asked to amend the motion to direct staff to canvass sign companies in the area to determine if they would be willing to contribute time or materials for such an endeavor, and this was accepted.

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

63. SCHOOL FUNDING APPROPRIATION BY CATEGORY (Tape 7)

Supervisor Dix stated that he had previously raised for Board consideration the merits of making the annual Fairfax County Public Schools (FCPS) budget transfer by category rather than as one lump sum appropriation.

Supervisor Dix noted that a funding transfer in seven categories is provided for under Virginia law. At the end of each fiscal year, FCPS submits the State Annual Report by State category of expenditures.

Supervisor Dix expressed his belief that the Board, as governing body, would be in a better position to analyze and evaluate the equitable distribution of available resources

while insuring direct accountability through a process that appropriates the annual FCPS funding by category.

Supervisor Dix stated that he had been advised by the County Executive that, should the Board decide to appropriate funds to the FCPS by state expenditure categories, revisions to both the County and School's financial systems would be required, and that discussions with KPMG Peat Marwick, indicate that such a system change would have a budgetary impact of approximately \$100,000.

Accordingly, Supervisor Dix moved that the Board direct staff to return with a Consideration Item at the next Board meeting which would authorize the necessary process to allocate funding to the School Board by the seven categories as permitted under State law. Major classification of expenditures pursuant to Section 22.1-89, 22.1-92, and 22.1-94, Code of Virginia, consist of the following elements:

1. Instructions;
2. Administration, Attendance, and Health;
3. Pupil Transportation;
4. Operation and Maintenance;
5. School Food Services and other Non-Instructional Operations;
6. Facilities; and
7. Debt Service and Fund Transfers.

This motion was seconded by Supervisor Trapnell.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked to amend the motion to include the number of jurisdictions that currently fund the schools by category, and this was accepted.

Supervisor Hanley asked unanimous consent that the Board direct staff to ask the Virginia School Boards Association (VSBA) as well as the State Department of Education how other school divisions report. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

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

64. FAIRFAX COUNTY BOARD OF SUPERVISORS' POSITION ON A MANDATORY LOW EMISSIONS VEHICLES PROGRAM (Tape 7)

Supervisor Dix stated that he has followed with interest the debate and discussion related to the "Low Emissions Vehicles" (LEV) program for Northern Virginia. He reminded the Board that for the last two years this notion has been rejected by the Virginia legislature.

Supervisor Dix stated that the Ozone Transport Commission, a product of the 1990 Clean Air Act amendments, and whose membership includes representation from 14 eastern states from Maine to Virginia, including Virginia's Secretary of Natural Resources, Elizabeth Haskell, is considering forwarding a request to the Environmental Protection Agency (EPA) which would mandate a LEV program for the ozone transport area. He added that this effort would supersede and usurp the authority of the impacted states and local governments. He stated that there is no positive evidence from a cost benefit analysis that such a program is justified or necessary.

Supervisor Dix asserted that consumers would be negatively impacted by increased prices of automobiles and fuel. He stated that the retail automobile industry would be negatively impacted in many ways, not the least of which would be the creation of a non-competitive arena within its own industry. Additionally, local governments would be negatively impacted through increased costs of administering another unfunded mandate.

Therefore, Supervisor Dix moved the following:

- That the Fairfax County Board of Supervisors oppose any mandatory LEV program and particularly the measure currently being considered by the Ozone Transport Commission which would clearly discriminate against Northern Virginia jurisdictions and in doing so would unfairly and unnecessarily negatively impact the taxpayers of Fairfax County (which includes both citizens and businesses); and
- That the Board authorize the Chairman to communicate this position to the Mayors and Chairs of the other Northern Virginia jurisdictions, the Governor of Virginia, and the Chairperson of the Ozone Transport Commission.

The second to this motion was inaudible.

Following discussion, Supervisor Hyland moved a substitute motion that the Board defer this matter until the next meeting and direct staff to review this issue and provide the impact on Fairfax County, the timetable, and the status of the marketplace regarding LEVs. This motion was seconded by Supervisor Hanley.

Following further discussion, Supervisor Frey asked unanimous consent that the Board defer this item until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, there was further action on this issue. See Clerk's Summary Items CL#73 and CL#95.)

65. HUNTER MILL DISTRICT ASSAULT PREVENTION SEMINAR SERIES

(Tape 7)

Supervisor Dix announced that he will be sponsoring an Assault Prevention Seminar Series at the Reston Regional Library Saturday, November 6 and Saturday, November 13, 1993 from 10:00 a.m. to 12:30 p.m. The topics which will be covered on the first Saturday will involve crime prevention techniques and confronting an assailant. The second Saturday will revolve around an immediate and long term perspective on recovering from assault.

Supervisor Dix stated that the program is being presented in cooperation with the Fairfax County Office for Women, the Fairfax County Police Department and the Victim Witness Unit, the Victim Assistance Network, the INOVA Health System, the Reston Hospital, and The Women's Center. He extended an invitation to anyone who is interested in this important topic. Anyone interested in attending one or both of these free sessions should call Supervisor Dix's office at 703-478-0283.

CM:Cm

66. APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (BACS) (Tapes 7-8)

(BACs)

(APPTS)

ADVISORY SOCIAL SERVICES BOARD

(NOTE: The appointment of the Dranesville District Representative to the Advisory Social Services Board was deferred.)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Davis moved the appointment of Ms. Frieda Tatem as the At-Large Representative to the Alcohol Safety Action Program Local Policy Board. This

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

CONFIRMATIONS:

Supervisor Alexander moved that the Board confirm the following appointments to the Alcohol Safety Action Program Local Policy Board:

- Mr. Robert Horan as the Commonwealth's Attorney Representative;
- Mr. Bruce Blanchard as the Fairfax Bar Association Representation; and
- Colonel Michael Young as the Chief of Police Representative.

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

ATHLETIC COUNCIL

[NOTE: The appointments of the Dranesville (Alternate), the Sully (Alternate), and the At-Large (Diverse Population) Representatives to the Athletic Council were deferred.]

CONFIRMATION:

Supervisor Dix moved that the Board confirm the following appointment to the Athletic Council:

- Mr. Gary Cooper as the Youth Basketball Council (Alternate) Representative.

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

BOARD OF BUILDING CODE APPEALS (HOUSING HYGIENE DIVISION)

(NOTE: The appointment of the At-Large Representative to the Board of Building Code Appeals-Housing Hygiene Division was deferred.)

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor Dix moved the reappointment of Mr. Thomas Hutchins as the At-Large (Citizen) Representative to the Board of Equalization of Real Estate Assessments.

Supervisor Frey moved the appointment of Mr. James W. Bray as the At-Large (Citizen) Representative to the Board of Equalization of Real Estate Assessments.

Chairman Davis moved the appointment of Mr. David S. Hoag as the At-Large Representative to the Board of Equalization of Real Estate Assessments.

Chairman Davis moved the appointment of Mr. James Falk, Jr. as the At-Large (Attorney) Representative to the Board of Equalization of Real Estate Assessments.

Supervisor Hanley moved the reappointment of Mr. Abe Spero as the At-Large (Attorney) Representative to the Board of Equalization of Real Estate Assessments.

Supervisor Bulova moved the reappointment of Mr. Richard Mortimer as the At-Large (Appraiser) Representative to the Board of Equalization of Real Estate Assessments.

The second to the motion was inaudible.

Following a brief discussion, the question was called on the motion to:

- Appoint Mr. David S. Hoag as the At-Large Representative;
- Reappoint Mr. Thomas Hutchins as the At-Large (Citizen) Representative;
- Appoint Mr. James W. Bray as the At-Large (Appraiser) Representative; and
- Reappoint Mr. Richard Mortimer as the At-Large (Appraiser) Representative;

which carried by a vote of nine, Supervisor McConnell being absent.

By a show of hands vote, Mr. James Falk, Jr. was appointed as the At-Large (Attorney) Representative to the Board of Equalization of Real Estate Assessments.

CHAS COORDINATING COMMITTEE

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

CONFIRMATION:

Supervisor Dix moved that the Board confirm the following appointment to the CHAS Coordinating Committee:

- Mr. James H. Pickford as the Human Services Council Representative.

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

CIVIL SERVICE COMMISSION

Chairman Davis moved the reappointment of Ms. Norma Ragland as the At-Large Representative to the Civil Service Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Providence District Representative to the Commission for Women was deferred.)

COMMISSION FOR WOMEN

Chairman Davis, on behalf of Supervisor McConnell, moved the reappointment of Ms. Linda Hossenlopp as the Springfield District Representative to the Commission for Women. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell being absent.

COMMUNITY ACTION ADVISORY BOARD

(NOTE: The appointment of the Springfield District Representative to the Community Action Advisory Board was deferred.)

CONFIRMATION:

Chairman Davis moved that the Board confirm the following appointment to the Community Action Advisory Board:

- Ms. Jennifer Smith to temporarily replace Ms. Carla Foster (until 2/94) as the Family and Early Childhood Education Representative.

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

COMMUNITY IMPROVEMENT COMMITTEE

(NOTE: The appointment of the Dranesville District Representative to the Community Improvement Committee was deferred.)

ENGINEERING STANDARDS REVIEW COMMITTEE

(NOTE: The appointment of the At-Large Representative to the Engineering Standards Review Committee was deferred.)

CONFIRMATIONS:

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

- Mr. Gary J. Leygraaf to be reinstated as the Heavy Construction Contractors Association Representative;
- Mr. P. J. Bruner to fill the unexpired term of Emad Saadeth as the Washington Area Engineering Council of Laboratories, Incorporated Representative; and
- Mr. John Koenig as the Department of Public Works (DPW) Representative.

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

(NOTE: The appointment of the Dranesville and the Springfield District Representatives to the Environmental Quality Advisory Council were deferred.)

EROSION & SEDIMENT CONTROL REVIEW BOARD

CONFIRMATIONS:

Supervisor Alexander moved that the Board confirm the following appointments to the Erosion and Sediment Control Review Board:

- Mr. John W. Ewing as the Virginia Society of Professional Engineers (Principal) Representative;
- Mr. Robert Almirall, P.W. as the Virginia Society of Professional Engineers (Alternate) Representative;
- Mr. Donn S. Smith as the Northern Virginia Building Industry Association (Principal) Representative; and
- Mr. Robert E. Kohnke as the Northern Virginia Soil & Water Conservation District (Principal) Representative.

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

FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE

Supervisor Frey moved the appointment of Dr. William Crutchfield to fill the unexpired term of Mr. William Keech as the Sully Business District Representative to the Fairfax County Airports Advisory Committee. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

(NOTE: The appointments of the Springfield, Sully, and Mount Vernon District Representatives to the Fairfax/Falls Church Community Services Board were deferred.)

HISTORY COMMISSION

Supervisor Dix moved the reappointment of Ms. Margaret Peck as the At-Large (Citizen) Representative to the History Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Davis moved the reappointment of Ms. Lea Coryell as the At-Large (Historian) Representative to the History Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Davis moved the reappointment of Ms. Barbara Williams as the At-Large (Minority) Representative to the History Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

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

HUMAN RIGHTS COMMISSION

Chairman Davis moved the appointment of Mr. Anthony Weaver as the At-Large Representative to the Human Rights Commission. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

HUMAN SERVICES COUNCIL

(NOTE: The appointment of the Springfield District Representative to the Human Services Council was deferred.)

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Dix moved the appointment of Mr. Michael Polychrones as the At-Large Representative to the Industrial Development Authority. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hanley moved the reappointment of Mr. Morris Sahr as the At-Large Representative to the Industrial Development Authority. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Davis moved the appointment of Mr. Ken Weiner as the At-Large Representative to the Industrial Development Authority. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

NORTHERN VIRGINIA REGIONAL JUVENILE DETENTION HOME COMMISSION

Supervisor Trapnell moved the reappointment of Mr. William Taylor as the At-Large (Fairfax County) Representative to the Northern Virginia Regional Juvenile Detention Home Commission. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Supervisor Bulova moved the reappointment of Ms. Jean Packard as the At-Large (Fairfax County) Representative to the Northern Virginia Regional Park Authority. This motion was seconded by Supervisor Hanley.

Chairman Davis moved the appointment of Mr. Robert Stuber as the At-Large (Fairfax County) Representative to the Northern Virginia Regional Park Authority. This motion was seconded by Supervisor Frey.

By a show of hands vote, Mr. Robert Stuber was appointed as the At-Large Fairfax County Representative to the Northern Virginia Regional Park Authority.

PARK AUTHORITY

Chairman Davis moved the reappointment of Mr. Harold Pyon as the At-Large Representative to the Park Authority. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

PLANNING COMMISSION

Supervisor Dix moved the reappointment of Mr. John Palatiello as the Hunter Mill District Representative to the Planning Commission. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the reappointment of Mr. John Byers as the Mount Vernon Representative to the Planning Commission. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

POLICE RETIREMENT BOARD**CONFIRMATIONS:**

Supervisor Hyland moved that the Board confirm the following appointments to the Police Retirement Board:

- Officer Mark S. Culin as the Fairfax County Police Department Representative; and
- Major J. Thomas Manger as the Fairfax County Police Department Representative.

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

PROJECT SELECTION COMMITTEE

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

RESTON COMMUNITY CENTER BOARD OF GOVERNORS

(NOTE: Earlier in the meeting, during Board Matters, action was taken to confirm appointments to the Reston Community Center Board of Governors. See Clerk's Summary Item CL#61.)

ROAD VIEWERS BOARD

Supervisor Alexander moved the reappointment of Mr. Arthur Nalls as the At-Large Representative to the Road Viewers Board.

Supervisor Dix moved the appointment of Mr. Bob Shrader as the At-Large Representative to the Road Viewers Board.

Supervisor Hanley moved the reappointment of Ms. Nancy Ruff as the At-Large Representative to the Road Viewers Board.

Chairman Davis moved the reappointment of Ms. Joyce Summers as the At-Large Representative to the Road Viewers Board.

Chairman Davis moved the reappointment of Mr. Daniel Moon as the At-Large Representative to the Road Viewers Board.

Chairman Davis moved the reappointment of Mr. Bruce Pearson as the At-Large Representative to the Road Viewers Board.

The second to this motion was inaudible.

By a show of hands vote, the following individuals were appointed/reappointed to the Road Viewers Board:

- Mr. Arthur Nalls (Reappointment);
- Mr. Bob Shrader (Appointment);
- Ms. Joyce Summers (Reappointment);
- Mr. Daniel Moon (Reappointment); and
- Mr. Bruce Pearson (Reappointment).

TENANT-LANDLORD COMMISSION

Chairman Davis moved the appointment of Mr. Byron Smith as the At-Large (Landlord Member) Representative to the Tenant-Landlord Commission. The motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

TREE COMMISSION

Chairman Davis moved the reappointment of Ms. Sheila Allen as the At-Large Representative to the Tree Commission. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the reappointment of Mr. Phil Downs as the Mount Vernon District Representative to the Tree Commission. This motion was seconded by

Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Providence District Representative to the Tree Commission was deferred.)

WETLANDS BOARD

Supervisor Alexander moved the reappointment of Ms. Susan Chait as the Lee District Representative to the Wetlands Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the reappointment of Ms. Glenda Booth as the Mount Vernon District Representative to the Wetlands Board. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell being absent.

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

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that the Board direct staff to send a letter to Ms. Elizabeth Hartwell thanking her for her many years of service to Fairfax County during her tenure on the Wetlands Board. 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.

AD HOCS

CITIZENS ADVISORY COMMITTEE ON SOLID WASTE AND DISPOSAL MATTERS

(NOTE: The appointments of the Sully District (Principal) and (Alternate) Representatives to the Citizens Advisory Committee on Solid Waste and Disposal Matters were deferred.)

CONFIRMATION:

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

- Mr. Ed Mainland as the Fairfax Audubon Society (Principal) Representative.

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

DULLES CORRIDOR TASK FORCE

(NOTE: Chairman Davis noted that the confirmations listed for the Dulles Corridor Task Force were done earlier in the year.)

TYSONS CORNER TASK FORCE

Chairman Davis moved the appointment of Mr. Robert Sparks as the At-Large Representative to the Tysons Corner Task Force. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Providence District Representative to the Tysons Corner Task Force was deferred.)

ADDITIONAL APPOINTMENT:

SMALL AND DISADVANTAGED BUSINESS COMMISSION

Supervisor Trapnell moved the appointment of Mr. Lou Nebel to fill the unexpired term of Mr. Harry Schurr as the Mason District Representative to the Small and Disadvantaged Business Commission. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTERS

67. DEATH OF MR. RON BEAVERS, FORMER DIRECTOR OF THE EQUIPMENT MANAGEMENT TRANSPORTATION AGENCY (EMTA) (Tape 8)

Supervisor Alexander announced the passing of Mr. Ron Beavers, former Director of the Equipment Management Transportation Agency (EMTA) and asked unanimous consent that the family be sent a letter of sympathy on behalf of the Board of Supervisors. Without objection, it was so ordered.

68. REPLACEMENT OF HELICOPTER IN THE POLICE DEPARTMENT

(Tape 8)

Supervisor Hyland stated that he had read numerous articles regarding the loss of the helicopter in the Police Department and the proposed replacement of it.

Supervisor Hyland asked unanimous consent that the Board direct staff to report to the Board, in an Information Item, with recommendations in connection with the replacement of the helicopter. Without objection, it was so ordered.

69. RECESS/EXECUTIVE SESSION (Tape 8)

At 12:30 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion or consideration of matters enumerated in Virginia Code Section 2.1-344 as listed 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:

- Thomas versus County of Fairfax; Ivins versus County of Fairfax; and Belk versus County of Fairfax;
- Discussion concerning prospective business locating in the community as enumerated in Virginia Code Section 2.1-344 (A)(5);
- Foreclosure Sale of 8409 Electric Avenue;
- First American Bank of Virginia versus Board of Supervisors and Paul E. Smith, At Law Number 111497;
- Board of Supervisors versus Olympus Development Corporation, At Law Number 121079; and
- Resolution Trust Corporation versus Board of Supervisors, At Law Number 111493.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

PMH:pmh

At 4:15 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor McConnell and Supervisor Hanley, and with Chairman Davis presiding.

70. ACTIONS FROM EXECUTIVE SESSION (Tape 9)

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

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

(NOTE: *Upon her return to the Board Auditorium, Supervisor Hanley asked unanimous consent that she be recorded as voting "AYE" on the certification by Board Members' motion.* Without objection, it was so ordered. See Clerk's Board Summary Item CL#70C.)

B.BOARD OF SUPERVISORS VERSUS RESOLUTION TRUST CORPORATION AS CONSERVATOR AND/OR RECEIVER OF POTOMAC SAVINGS BANK, F.S.B.

Supervisor Berger moved that the Board authorize settlement of Board of Supervisors versus Resolution Trust Corporation as Conservator and/or Receiver of Potomac Savings Bank, F.S.B., Civil Action Number 93-1019, according to the 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.

C.REQUEST TO RECORD VOTE

Supervisor Hanley asked unanimous consent that she be recorded as voting "AYE" on the certification by Board Members' motion.* Without objection, it was so ordered.

D.CONTRACT OF SALE FOR PROPERTY LOCATED AT 9515 RICHMOND HIGHWAY

Supervisor Hyland moved that the Board approve the Contract of Sale and authorize the execution of said instrument by the Deputy County Executive for Planning and Development. The property is located in the Mount Vernon District, known as Tax Map Parcel Number 107-4-01-0032, and owned by Audrey C. Lindamood, Trustee. This property, located at 9515 Richmond Highway will be utilized as increased buffer between the Lower Potomac Treatment Plant and adjoining properties. This motion was seconded by Supervisor Alexander and **CARRIED** by a recorded vote of seven, Supervisor Berger and Supervisor Dix voting "NAY," Supervisor McConnell being absent.

E. BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS OLYMPUS DEVELOPMENT CORPORATION AT LAW NO. 121079

Supervisor Hyland moved that Board authorize settlement of Board of Supervisors of Fairfax County, Virginia versus Olympus Development Corporation, At Law Number 121079, according to the terms and conditions outlined 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.

F. DENIAL OF CLAIM BY THE PLEASANT EXCAVATING COMPANY

Supervisor Hyland moved that the Board deny the request by Pleasant Excavating Company in the amount of \$335,182.92 in connection with its claim on the I-95 Composting Facility Contract. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

G. APPOINTMENT OF PERSONNEL DIRECTOR

Supervisor Trapnell moved the appointment of Mr. Peter J. Schroth, as the Director of Personnel, at a salary of \$87,805 effective November 8, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

H. RESOLUTION TRUST CORPORATION VERSUS BOARD OF SUPERVISORS, AT LAW NO. 111493

Supervisor Frey moved that the Board authorize settlement of Resolution Trust Corporation versus Board of Supervisors, At Law Number 111493, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: Later in the meeting, there was an additional action from

Executive Session. See Clerk's Summary Item CL#72I).

71. VARIANCE REQUEST TO PERMIT THE EXPANSION OF THE INTERSTATE 66 TRANSFER STATION (Tape 9)

In regard to a variance request of the minimum side yard requirement submitted to the Board of Zoning Appeals (BZA) to permit the expansion of the Interstate 66 Transfer Station, Supervisor Frey moved that the Board direct staff to simultaneously process

the Site Plan with the variance request. He noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice consideration of the variance request in any way. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

72. ADDITIONAL ACTION FROM EXECUTIVE SESSION (Tape 9)

(NOTE: Earlier in the meeting, there were additional actions from

Executive Session. See Clerk's Summary Items CL#70A-H.)

1.SETTLEMENT OF FIRST AMERICAN BANK OF VIRGINIA VERSUS THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA AND PAUL E. SMITH, AT LAW NUMBER 111497

Supervisor Hanley moved that the Board authorize settlement of First American Bank of Virginia versus the Board of Supervisors of Fairfax County, Virginia and Paul E. Smith, At Law Number 111497, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and **CARRIED** by a recorded vote of seven, Supervisor Dix and Chairman Davis abstaining, Supervisor McConnell being absent.

73. MEMORANDUM FROM DENNIS HILL, DIRECTOR OF ENVIRONMENTAL HEALTH REGARDING THE LOW EMISSIONS VEHICLE PROGRAM (Tape 9)

(NOTE: Earlier in the meeting, the Board discussed the Low Emissions Vehicle Program. See Clerk's Summary Item CL#64.)

Chairman Davis called the Board's attention to a memorandum from Dennis Hill, Director of Environmental Health, to William O. Howland, Jr., Assistant to the County Executive regarding the Low Emission Vehicle program and announced that the Board would revisit this issue later in the meeting.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#95.)

AM:am

74. 3:00 P.M. - BOARD CONSIDERATION OF APPEAL OF AN ARCHITECTURAL REVIEW BOARD (ARB) DECISION, HUNTLEY

**HISTORIC OVERLAY DISTRICT AND CONSIDERATION ITEM C-2 -
APPEAL OF AN ARB DECISION, HUNTLEY HISTORIC OVERLAY
DISTRICT (LEE DISTRICT) (Tape 10)**

(LEGAL)

(NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See Clerk's Summary Item CL#20.)

The Board next considered an Item contained in the Memorandum to the Board dated October 25, 1993 regarding the appeal of a decision of the Architectural Review Board (ARB) to deny an application within the Huntley Historic Overlay District.

Testimony was presented from the appellant, a representative from the ARB, and representatives from County staff.

Following discussion, Supervisor Alexander moved to **DENY** the appeal of the Architectural Review Board (ARB) decision concerning an application within the Huntley Historic Overlay District. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

**75. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-V-033
(HALLOWING POINT ASSOCIATION, INCORPORATED) (MOUNT
VERNON DISTRICT) (Tape 10)**

The Planning Commission deferred its public hearing on Special Exception Application SE 93-V-033 until November 10, 1993. Therefore, Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 93-V-033 until **November 15, 1993 at 3:30 p.m.** 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.

**76. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-018
(PHILIP G. MASEMER) (DRANESVILLE DISTRICT) (Tape 10)**

Mr. Russell R. Smith reaffirmed the validity of the affidavit for the record.

Mr. Smith had filed the necessary notices showing that at least 25 adjacent and/or interested 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 two speakers, 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-018 subject to the revised development conditions dated September 2, 1993;
- Maintenance of the visual screen to Lot Number 22 which shall include the removal of any dying or diseased trees and the replacement of these trees;
- Modification of the transitional screening along the northern, eastern and western periphery of the site; and
- Waiver of the barrier requirement along the eastern periphery of the site.

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

77. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS) REGARDING SUBDIVISION OF LOTS ON PRIVATE STREETS (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 October 7 and October 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved adoption of (Alternative Two) the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Provisions) regarding the requirements for public hearings before the Planning Commission and Board of Supervisors for requests to waive the public street frontage requirement for the subdivision of lots on private streets, and specifying the notice requirements for such hearings. The motion, the second to which was inaudible, **CARRIED** by a recorded vote of seven, Supervisor Frey voting "NAY," Supervisor Alexander being out of the room, Supervisor McConnell being absent.

78. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 65 (PLUMBING AND GAS PROVISIONS) (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 October 7 and October 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Trapnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 65 (Plumbing and Gas Provisions). This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander and Supervisor Frey being out of the room, Supervisor McConnell being absent.

79. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) REGARDING A CHANGE OF THE PARKING METER RATE AT THE PUBLIC SAFETY CENTER (PSC) AND THE ESTABLISHMENT OF A PROCEDURE FOR DETERMINING PAY-FOR-PARKING RATES AT THE PSC GARAGE (Tape 10)

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 October 7 and October 14, 1993.

Following the public hearing, Supervisor Bulova moved to defer Board decision on the proposed amendment to the Code of the County of Fairfax, Chapter 82, to increase parking meter rates and parking fees at the Public Safety Center until **November 15, 1993**. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Trapnell being out of the room, Supervisor McConnell being absent.

80. 3:30 P.M. - PH ON THE PROPOSED VACATION OF A PORTION OF EAST AVENUE (DRANESVILLE DISTRICT) (Tapes 10-11)

(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 October 7 and October 14, 1993.

Following the public hearing, Supervisor Berger moved adoption of the proposed Ordinance vacating a portion of East Avenue. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

SBE:sbe

81. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-016 (MOBIL OIL CORPORATION AND WASHINGTON GAS) (SULLY DISTRICT) (Tapes 12-13)

Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

Ms. Travesky 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 she proceeded to present her case.

Supervisor Frey stated, for the record, that Washington Gas has in the past contributed to the "Frey for Supervisor" campaign.

Following the public hearing, which included testimony by 18 speakers, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 93-Y-016 subject to the revised development conditions dated October 11, 1993. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of eight, Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

Supervisor Frey moved modification of the transitional screening requirements and the waiver of the barrier requirements in favor of the landscaping shown on the Special Exception Plat. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of eight, Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

82. DEFERRAL OF JOINT PH WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CONSIDER CUT-THROUGH TRAFFIC RESTRICTIONS IN THE BUFFALO HILLS AREA (MASON DISTRICT) (Tape 13)

Supervisor Trapnell moved to defer the joint public hearing with the Virginia Department of Transportation (VDOT) to consider Cut-Through Traffic Restrictions in the Buffalo Hills Area until **November 22, 1993 at 4:00 p.m.** This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

83. WELCOME TO BOY SCOUT TROOP 1509 (Tape 13)

Supervisor Hyland recognized the presence of Boy Scout Troop 1509 from Mount Vernon and warmly welcomed them to the Board Meeting.

84. 4:00 P.M. - PH ON A PROPOSAL TO VACATE AN UNIMPROVED PORTION

OF WILLOW ROAD (SULLY DISTRICT) (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 October 7 and October 14, 1993.

Following the public hearing, Supervisor Frey moved adoption of the proposed Ordinance vacating an unimproved portion of Willow Road. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Bulova and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

85. 4:00 P.M. - PH ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF BRADDOCK ROAD (ROUTE 620) (SULLY DISTRICT) (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 October 7 and October 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed Ordinance and Order to vacate and abandon the realigned portion of Braddock Road (Route 620). This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Bulova and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

86. 4:00 P.M. - PH TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-1, PARKING PROHIBITED IN SPECIFIED PLACES (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 October 7 and October 14, 1993.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-1, Parking Prohibited in Specified Places, which would prohibit

parking so as to prevent the use of curb ramps, and would adopt a local ordinance. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Bulova, Supervisor Frey, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

87. 4:30 P.M. - PH ON THE MODIFICATION OF CERTAIN LAND RIGHTS NECESSARY FOR CONSTRUCTION OF THE FRANCONIA-SPRINGFIELD PARKWAY (LEE DISTRICT) (Tape 13)

(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 October 7 and October 14, 1993.

Following the public hearing, Supervisor Alexander moved adoption of the Resolution authorizing the modification of interests in real property necessary for the construction of the Franconia-Springfield Parkway (formerly known as Springfield Bypass - Accotink Bridge), Project 006484. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Bulova and Supervisor Frey being out of the room, Supervisor McConnell being absent.

88. 4:30 P.M. - PH TO ADOPT AN AMENDMENT TO THE WOODLEY-NIGHTINGALE REDEVELOPMENT PLAN (MOUNT VERNON DISTRICT) (Tape 13)

(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 October 7 and October 14, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Resolution amending the Woodley-Nightingale Redevelopment Plan. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room, Supervisor McConnell being absent.

89. 4:30 P.M. - JOINT PH WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CONSIDER CUT-THROUGH TRAFFIC RESTRICTIONS IN THE BUFFALO HILLS AREA (MASON DISTRICT) (No Tape)

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#82.)

90. ORDERS OF THE DAY (Tape 13)

Chairman Davis announced that the Board would now proceed with the 7:00 p.m. Presentation of the Report on the Town Meetings on the Fairness of the Criminal Justice System.

91. 7:00 P.M. - PRESENTATION OF THE REPORT ON THE TOWN MEETINGS ON THE FAIRNESS OF THE CRIMINAL JUSTICE SYSTEM AND A-11 - REPORT ON THE TOWN MEETINGS ON THE FAIRNESS OF THE CRIMINAL JUSTICE SYSTEM (Tapes 13-14)

Chairman Davis recognized the presence of the Honorable Richard J. Jamborsky, Chief Judge of the Circuit Court; Carl R. Peed, Sheriff, Chair of the Criminal Justice Policy Group (CJPG); John T. Frey, Clerk of the Circuit Court; and Colonel Michael W. Young, Chief of Police; and welcomed them to the Board Auditorium.

Following the presentation of the Report on the Town Meetings on the Fairness of the Criminal Justice System by Sheriff Peed, Supervisor Hyland moved that the Board:

- Accept and approve the Report on Citizen Perceptions of Fairness of the Criminal Justice System;
- Resolve to make every effort to persuade the State to improve the staffing of court-related criminal justice agencies, so that there are enough Assistant Commonwealth's Attorneys, Sheriff's deputies, and court clerks to support any judicial positions that have been or will be approved by the Legislature;
- Resolve to make every effort to persuade the State to increase the salaries of public defenders, the number of public defenders, and the reimbursement of court-appointed attorneys;
- Authorize the Cable Programming Division to support the Public Education Subcommittee of the Criminal Justice Policy Group (CJPG) in the preparation of video programs to be used for public education about the criminal justice system, including at least one video production in Fiscal Year (FY) 1994 and in each subsequent year;
- Accept as a goal for the County's Human Services System in FY 1996 an increase in the programs for the prevention and treatment of substance abuse and mental illness, with an increase as well in the number of providers of such services who can serve non-English speaking clients; and
- Agree to convey to the Northern Virginia Delegation to the General Assembly the fact that citizens who have served on criminal juries are angry when they realize that information the criminal history of the defendant and the effects of

'good time' allocation and parole laws on sentencing have been withheld from them as they try to determine an appropriate sentence.

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

92. 4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF COUNTY OF FAIRFAX, CHAPTER 9 (CABLE COMMUNICATIONS) RELATING TO REGULATION OF BASIC CABLE TELEVISION SERVICE RATES (Tape 14)

A Certificate of Publication was filed from the Editor of the Washington Post showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 7 and October 14, 1993.

Following the public hearing, which included testimony by three speakers, Supervisor Alexander moved to:

- Close the public hearing, keeping the record open until Board decision;
- Direct the staff of the Office of Consumer Affairs to review the comments raised by the citizens and Media General Cable; and
- Defer decision until **November 15, 1993.**

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

93. 4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN (Tapes 14-15)

Certificates of Publication were filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 7 and October 14, 1993.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Chairman of the Board of Supervisors to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held with testimony from the following individuals:

- Mary Lou Curtis, regarding the State Holiday of Lee/Jackson/King Day;
- Ebrahim A. Babazedeh, regarding a zoning issue; and
- Luba Bradwell, regarding the County's Substance Abuse Program.

Following testimony by Speaker One, Ms. Mary Lou Curtis, Supervisor Bulova asked unanimous consent that the Board direct staff to consider observing the State Holiday of Lee/Jackson/King Day, which is observed on the third Monday in January, instead of observing the King Holiday only. Without objection, it was so ordered.

Supervisor Hanley stated, for the record, that the Board did declare December 11th as "George Mason Day."

94. 7:00 P.M. - PRESENTATION OF THE REPORT ON THE TOWN MEETINGS ON THE FAIRNESS OF THE CRIMINAL JUSTICE SYSTEM (No Tape)

(Note: Earlier in the meeting, this report was presented. See Clerk's Summary Item CL#91.)

ADDITIONAL BOARD MATTERS

95. FAIRFAX COUNTY BOARD OF SUPERVISORS' POSITION ON A MANDATORY LOW EMISSIONS PROGRAM (Tape 15)

(NOTE: Earlier in the meeting, the Board discussed the Low Emissions Vehicle Program. See Clerk's Summary Items CL#64 and CL#73.)

Following discussion, Supervisor Dix restated the motion for purposes of clarity as follows:

- That the Fairfax County Board of Supervisors oppose any mandatory Low Emissions Vehicles (LEV) program and particularly any measures currently being considered by the Ozone Transport Commission which would clearly discriminate against Northern Virginia jurisdictions and in doing so would unfairly and unnecessarily negatively impact the taxpayers of Fairfax County (which includes both citizens and businesses; and
- That the Board authorize the Chairman to communicate this position to the Mayors and Chairs of the other Northern Virginia jurisdictions, the Governor of Virginia, and the Chairperson of the Ozone Transport Commission.

This motion was seconded by Supervisor Berger.

Following further discussion, Supervisor Bulova moved a substitute motion that the Board request Elizabeth H. Haskell, Secretary for Natural Resources, or a representative of the Ozone Transport Commission to appear before the Board to discuss this issue. This motion was seconded by Supervisor Hyland.

Chairman Davis stated, for the record, that after researching the issue it appears that this is "not a good thing for Northern Virginia" and that State decisions are being made without adequate input from Northern Virginia.

Supervisor Frey stated, for the record, that he opposes what has been done and what has been forced on Northern Virginia and expressed interest in having the Secretary appear before the Board to respond to why she is making presentations and statements concerning Northern Virginia to the Ozone Transport Commission without input from Northern Virginia.

Supervisor Hanley moved to call the question. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

The question was called on the substitute motion which **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE**," Supervisor McConnell being absent.

The question was called on the main motion which **CARRIED** by a recorded vote of five, Supervisor Alexander abstaining, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY**," Supervisor McConnell being absent.

Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked unanimous consent that the Board direct the Chairman to invite Secretary Haskell to appear before the Board. Without objection, it was so ordered.

Acting-Chairman Alexander returned the gavel to Chairman Davis.

96. REQUEST FOR CERTIFICATE OF APPRECIATION TO BE PRESENTED TO ACTING-DIRECTOR OF THE OFFICE OF PERSONNEL, PAUL L. BALDINO (Tape 15)

Supervisor Bulova asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation to be presented to Acting-Director of the Office of Personnel, Paul L. Baldino, for his hard work and efforts during very difficult times. Without objection, it was so ordered.

97. BOARD ADJOURNMENT (Tape 15)

At 8:45 p.m., the Board adjourned.