

**AR:ar**

The meeting was called to order at 9:40 a.m. with all Members being present, and with Chairman Davis presiding.

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

**2. PROCLAMATION DESIGNATING NOVEMBER 15-21, 1993 AS "SUBSTANCE ABUSE AWARENESS WEEK" IN FAIRFAX COUNTY AND A-13 - APPROVAL FOR ALCOHOL AND DRUG SERVICES OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD TO ACCEPT A DEMONSTRATION GRANT AWARD FROM THE CENTER FOR SUBSTANCE ABUSE TREATMENT (CSAT) (Tape 1)**

Supervisor McConnell moved approval of the Proclamation presented to Inta Sradars, Chairman, Fairfax-Falls Church Community Services Board, designating November 15-21, 1993 as "**Substance Abuse Awareness Week**" in Fairfax County. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Following the presentation, Supervisor Alexander called the Board's attention to Action Item A-13 - Approval for Alcohol and Drug Services of the Fairfax-Falls Church Community Services Board to Accept a Demonstration Grant Award from the Center for Substance Abuse Treatment (CSAT) and moved that the Board concur in the recommendation of staff and approve the acceptance of the grant funds from the Center for Substance Abuse Treatment in the amount of \$500,028 targeted to serve specific populations of youth with alcohol and drug problems. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**3. CERTIFICATE TO RECOGNIZE THE SCHOOL FOR CONTEMPORARY EDUCATION (Tape 1)**

Supervisor Trapnell moved approval of the Certificates presented to the following individuals:

- Dr. Sally A. Sibley, Administrative Director;
- Dr. E. Lakin Phillips, School Founder;
- Dr. David Williams, Development Director; and
- Trudy Bell, Program Director;

to recognize the School for Contemporary Education upon receiving the United States Department of Education's "Blue Ribbon Award for Excellence." This motion was seconded by Supervisor McConnell and carried by unanimous vote.

#### **4. CERTIFICATE TO RECOGNIZE "ECOLODAY" PARTICIPANTS (Tape 1)**

On behalf of the entire Board, Supervisor Hyland recognized "Ecoloday" participants for a demonstrated commitment to the environment and their tireless efforts dedicated to making Fairfax County's first environmental festival a tremendous success. Special recognition was given to Linda Bestimt, Faxfair Corporation, and Robert J. Doyle, Director, Department of Extension and Continuing Education.

(NOTE: Later in the meeting, additional action was taken regarding "Ecoloday." See Clerk's Summary Item CL#29.)

#### **5. 10:00 A.M. - PRESENTATION BY THE USDA SOIL CONSERVATION SERVICE ON THE COMPLETION OF THE POHICK CREEK PL566 PROGRAM (SPRINGFIELD AND BRADDOCK DISTRICTS) AND A-3 - POHICK CREEK PL566 PROGRAM CLOSEOUT AGREEMENT (SPRINGFIELD AND BRADDOCK DISTRICTS)**

(Tape 1)

Following a presentation by George Norris, State Conservationist, USDA, Soil Conservation Service, on the completion of the Pohick Creek PL566 Program, Supervisor McConnell called the Board's attention to Action Item A-3 - Pohick Creek PL566 Program Closeout Agreement (Springfield and Braddock Districts) and moved that the Board concur in the recommendation of staff and approve the closeout agreement for the now completed Pohick Creek PL566 Program. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Dix being out of the room.

#### **6. 10:00 A.M. - PRESENTATION BY THE TRANSPORTATION ADVISORY COMMISSION OF THE TRANSPORTATION ACHIEVEMENT AWARD (Tape 1)**

Following a presentation by Donald J. Emerson, Chairman, Transportation Advisory Commission, of the Transportation Achievement Award to Paul Eno, Office of Transportation, Supervisor McConnell moved that the Board formally recognize Mr. Eno for this outstanding award. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

**AM:am**

**7. ADMINISTRATIVE ITEMS (Tape 2)**

Supervisor McConnell moved approval of the Administrative Items. This motion was seconded by Supervisor Alexander.

Supervisor Frey asked that the motion be amended to pull and consider Administrative Item - Admin 6 - Authorization to Advertise a Public Hearing on the Aquisition of Certain Dedications and Easements Necessary for the Construction of the Route 29 Interchange Segment of the Fairfax County Parkway (Sully District) later in the day, and this was accepted.

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

**ADMIN 1 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING SANITARY SEWER STANDARDS**

(A) Authorized the advertisement of a public hearing to be held before the Planning Commission on December 8, 1993 and before the Board of Supervisors on **January 10, 1994 at 3:30 p.m.** regarding proposed amendments to the Public Facilities Manual (PFM) pertaining to sanitary sewer standards.

**ADMIN 2 - AUTHORIZATION TO ADVERTISE PROPOSED REVISION TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) ARTICLE 7 - POLICE OFFICERS RETIREMENT SYSTEM ORDINANCE REGARDING TRANSFER OF PRIOR SERVICE FOR PARK POLICE OFFICERS**

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **December 6, 1993 at 3:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) Article 7 - Police Officers Retirement System Ordinance pertaining to the transfer of prior service for Park Police Officers.

**ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) FOR THE INCLUSION OF ROANOKE AVENUE INTO THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **December 13, 1993 at 4:00 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) for the inclusion of Roanoke Avenue into the Annandale Residential Permit Parking District (RPPD) (District 14).

**ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON DAWSON STREET (HUNTER MILL DISTRICT)**

(A) Authorized the advertisement and posting of a public hearing to be held before the Board of Supervisors on **December 13, 1993 at 4:00 p.m.** regarding a proposal to abandon Dawson Street.

**ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF A CERTAIN DEDICATION NECESSARY FOR ACCEPTANCE OF RAGLAN ROAD FOR STATE MAINTENANCE (HUNTER MILL DISTRICT)**

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **December 6, 1993 at 3:30 p.m.** regarding the acquisition of interests in real property necessary for acceptance of Raglan Road for State maintenance, Project U00006 - Tysons Townes Developer Default.

**ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 29 INTERCHANGE SEGMENT OF THE FAIRFAX COUNTY PARKWAY (SULLY DISTRICT)**

(NOTE: Later in the meeting, action was taken regarding this issue. See Clerk's Summary Item CL#107.)

**ADMIN 7 - STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)**

(R) Approved the request that certain streets listed in the Memorandum to the Board dated November 15, 1993 be recommended for acceptance into the State Secondary System as follows:

Subdivision District Street

Old Saybrook Dranesville Seneca Knoll Drive,

Route 8030

Old Saybrook Way

Old Saybrook Court

Waples Mill Road Sully Waples Mill Road,

Extension Route 665

Winding Ridge, Sully Old Centreville Road

Phase I Singleton's Way

Route 7784

**8. A-1 - APPROVAL TO ISSUE A REQUEST FOR PROPOSALS FOR POSSIBLE PRIVATIZATION OF FACILITIES OPERATION AND MAINTENANCE SERVICES IN ZONE ONE FACILITIES (Tape 2)**

Following discussion, with input from William J. Leidinger, County Executive, John W. di Zerega, Director, Department of Public Works; and Fred K. Kramer, Director, Office of General Services, Supervisor Dix moved to defer action on this item until **November 22, 1993**. The motion, the second to which was inaudible, carried by unanimous vote.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide a list of contract companies and the services they provide in Zone One. Without objection, it was so ordered.

**9. A-2 - ORDWAY ROAD EXISTING CONDITIONS REPORT (SULLY DISTRICT) (Tape 2)**

(R) On motion of Supervisor Frey, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the Resolution finding the Ordway Road Neighborhood eligible for conservation in accordance with Title 36 of the Code of Virginia, of 1950, as amended; and
- Directed the Fairfax County Redevelopment and Housing Authority (FCRHA) to prepare a Conservation Plan for the Ordway Road Neighborhood.

**10. A-3 - POHICK CREEK PL566 PROGRAM CLOSEOUT AGREEMENT (SPRINGFIELD AND BRADDOCK DISTRICTS) (No Tape)**

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#5.)

**11. A-4 - PROPOSED OPEN SPACE EASEMENT IN THE VIENNA AREA, APPLICATION NUMBER 92-OSE-02 FOR TAX MAP PARCEL 28-4((1))45 (HUNTER MILL DISTRICT) (Tape 2)**

On motion of Supervisor Dix, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and accepted the proposed open space easement, subject to any changes in the Deed of Easement required by the County Attorney.

**12. A-5 - PROPOSED AGREEMENT WITH NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) ON ELECTRIC RATES (Tape 2)**

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the agreement between Fairfax County and Northern Virginia Electric Cooperative (NOVEC), effective retroactively to July 1, 1992. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide the Board with a map indicating the affected areas. Without objection, it was so ordered.

**13. A-6 - APPROVAL OF AN AGREEMENT WITH THE TOWN OF HERNDON FORMALLY AUTHORIZING COUNTY ANIMAL CONTROL ENFORCEMENT IN THE TOWN OF HERNDON (DRANESVILLE DISTRICT) (Tape 2)**

On motion of Supervisor Berger, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the agreement with the Town of Herndon formally authorizing the County to enforce State and County animal control laws in the Town of Herndon.

**14. A-7 - AMENDMENTS TO THE COUNTY'S CLASSIFICATION AND COMPENSATION PLANS - JUVENILE DETENTION CENTER ADMINISTRATOR (Tape 2)**

On motion of Supervisor Trapnell, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved

amendments to the County's Classification and Compensation Plans necessary to establish a new class entitled Juvenile Detention Center Administrator at grade S-28 (\$44,736 - \$69,243).

**15. A-8 - APPROVAL OF A MEMORANDUM OF AGREEMENT FOR PAYMENT/REIMBURSEMENT OF SERVICES BETWEEN FAIRFAX COUNTY AND THE CITY OF FAIRFAX, AS DEVELOPED BY THE FAIRFAX/FALLS CHURCH COMMUNITY POLICY GROUP AND MANAGEMENT TEAM (CPMT) (Tape 2)**

On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Memorandum of Agreement between the County of Fairfax and the City of Fairfax as developed by the Fairfax/Falls Church Community Policy and Management Team (CPMT) for payment of the local costs associated with the Comprehensive Services Act (CSA) for purchased services for at-risk youth and families and related administrative expenses provided on behalf of residents of the City of Fairfax.

**16. A-9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94034 FOR THE FIRE AND RESCUE DEPARTMENT (OFFICE OF FOREIGN DISASTER ASSISTANCE) (Tape 2)**

(SAR) On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94034 in the amount of \$94,000 to appropriate the Office of U.S. Foreign Disaster Assistance (OFDA) funds for the Fire and Rescue Department to purchase a comprehensive medical cache for disaster operations.

**17. A-10 - OFFICE FOR CHILDREN APPLICATION FOR A GRANT FROM THE ENVIRONMENTAL PROTECTION AGENCY (Tape 2)**

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Office for Children's application for an Environmental Education Grant from the Environmental Protection Agency (EPA).

**18. A-11 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94033 FOR THE OFFICE FOR CHILDREN CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS FOR THE HEAD START PROGRAM (Tape 2)**

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94033 in the amount of \$366,692 for Child Care and Development Block Grant Funds for the Head Start Program.

**19. A-12 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94032 FOR CONTINUATION OF AN OFFICE FOR CHILDREN GRANT FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Tape 2)**

(SAR) On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94032 in the amount of \$227,768 for continuation of an Office for Children grant from the U.S. Department of Health and Human Services.

**20. A-13 - APPROVAL FOR ALCOHOL AND DRUG SERVICES OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD TO ACCEPT A DEMONSTRATION GRANT AWARD FROM THE CENTER FOR SUBSTANCE ABUSE TREATMENT (CSAT) (No Tape)**

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#2.)

**21. A-14 - APPROVAL OF A MEMORANDUM OF AGREEMENT FOR PAYMENT/REIMBURSEMENT OF SERVICES BETWEEN FAIRFAX COUNTY AND THE CITY OF FALLS CHURCH, AS DEVELOPED BY THE FAIRFAX/FALLS CHURCH COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT) (Tape 2)**

On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Memorandum of Agreement between the County of Fairfax and the City of Falls Church as developed by the Fairfax/Falls Church Community Policy and Management Team (CPMT) for payment of the local costs associated with the Comprehensive Services Act (CSA) for purchased services for at-risk youth and families and related administrative expenses provided on behalf of residents of the City of Falls Church.

**22. A-15 - INTERIM REPORT OF THE DULLES TOLL ROAD SPECIAL ADVISORY COMMITTEE REGARDING HIGH OCCUPANCY VEHICLE (HOV) LANES (COUNTYWIDE) (Tapes 2-3)**



Supervisor Dix asked unanimous consent that the Board defer action on this item until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, this item was deferred until **November 22, 1993**. See Clerk's Summary Item CL#118.)

**CM:cm**

**23. C-1 - APPEAL BY JOHN M. THOBURN OF THE APPROVAL, WITH CONDITIONS OF SITE PLAN WAIVER NUMBER 013027, FAMILY GOLF PARK (HUNTER MILL DISTRICT) (Tape 3)**

The Board next considered a Consideration Item contained in the Memorandum to the Board dated November 15, 1993 regarding an appeal by John M. Thoburn of the Approval, with conditions, of Site Plan Waiver Number 013027, Family Golf Park.

Following a lengthy discussion, with input from Irving Birmingham, Director, Department of Environmental Management (DEM), George A. Symanski, Jr., Deputy County Attorney, Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), and John M. Thoburn, Supervisor Dix moved that the appeal be **DENIED**. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis voting "**NAY**."

Following further discussion, Supervisor Dix moved that the escrow dollars not be required immediately but received as disbursement of the conservation bond presently posted on that property once the conditions of the site plans have been met by the applicant. This motion was seconded by Chairman Davis.

Following discussion, Supervisor Dix amended the motion to include the following:

- Language suggesting that any balance owed by the applicant be recovered; and
- An agreement from the applicant which would allow monies to be transferred from the conservation money to an escrow account if needed;

and this was accepted. The question was then called on the motion, as amended, which carried by unanimous vote.

**24. C-2 - APPEAL BY PHILIP F. HUDOCK OF THE APPROVAL, WITH CONDITIONS OF SITE PLAN WAIVER NUMBER 013027, FAMILY GOLF PARK (HUNTER MILL DISTRICT) (Tape 3)**

The Board next considered a Consideration Item contained in the Memorandum to the Board dated November 15, 1993 regarding an appeal by Philip F. Hudock of the Approval, with conditions, of Site Plan Waiver Number 013027, Family Golf Park.

Following discussion, Supervisor Dix moved that the appeal be **DENIED**. This motion was seconded by Supervisor Frey.

Following discussion, with input from David P. Bobzien, County Attorney, and Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), the question was called on the motion which carried by unanimous vote.

**25. I-1 - FAIRFAX COUNTY RECEIVED DISTINGUISHED BUDGET PRESENTATION AWARD FOR FISCAL YEAR (FY) 1994 (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 announcing that Fairfax County has received the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award for the Fiscal Year (FY) 1994 Adopted Budget Plan.

Chairman Davis expressed his appreciation to James P. McDonald, Deputy County Executive for Management and Budget, and Edward L. Long, Jr., Director, Office of Management and Budget.

**26. I-2 - FAIRFAX COUNTY RECEIVES THE HIGHEST HONOR FROM VIRGINIA RECYCLING ASSOCIATION AND I-21 - THE 1993 GOVERNOR'S**

**ENVIRONMENTAL EXCELLENCE AWARD PRESENTED TO FAIRFAX COUNTY'S DEPARTMENT OF PUBLIC WORKS, DIVISION OF SOLID WASTE COLLECTION AND RECYCLING (Tape 4)**

The Board next considered the two Information Items contained in the Memorandum to the Board dated November 15, 1993 announcing that:

- Fairfax County has received top honors at the 1993 Virginia Recycling Association (VRA) Annual Awards. Fairfax County won an award in the category of "[Most] Comprehensive Commercial/Institutional Recycling Program" serving a population of 100,000 or more; and
- Fairfax County's Environmental Education Program, conducted by the Division of Solid Waste Collection and Recycling, has been awarded the Governor's Environmental Excellence Award.

Supervisor Hyland expressed his appreciation to staff on this accomplishment and presented the award to them.

**27. I-3 - APPROPRIATION TO FAIRFAX COUNTY PUBLIC SCHOOLS BY STATE EXPENDITURE CATEGORIES** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to work with KPMG Peat Marwick and return to the Board with various implementation alternatives on December 13, 1993.

Following a brief discussion, staff was directed administratively to proceed as proposed.

**28. I-4 - HELICOPTER ACQUISITION** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting a status report on the acquisition of a new helicopter.

**29. I-5 - FINAL REPORT ON ECOLODAY** (Tape 4)

(NOTE: Earlier in the meeting, action was taken regarding Ecoloday. See Clerk's Summary Item CL#4.)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting the Final Report on Ecoloday.

Following a brief discussion, Supervisor Hyland moved that the Board support establishing Ecoloday as an annual festival and invite the Faxfair Corporation to become the permanent producer of this event. This motion was seconded by Chairman Davis.

Following further discussion, Supervisor Dix asked that the motion be amended to direct staff consider a line item in the upcoming budget deliberations that would provide a budgeted expense assigned to Ecoloday, and this was accepted. The question was then called on the motion, and as amended, carried by unanimous vote.

**30. I-6 - VARIABLE RATE SURVEY AND TOWN HALL MEETINGS UPDATE (BRADDOCK, LEE, MOUNT VERNON, DRANESVILLE, MASON AND PROVIDENCE DISTRICTS)** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to proceed as outlined in the Memorandum to the Board regarding the Pilot Variable Rate Refuse Collection Program and report to the Board in January, 1994.

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the experiment be terminated and the additional monies be given to the Ecoloday Program. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**31. I-7 - CLOSING OF THE CENTREVILLE SOLID WASTE REDUCTION AND RECYCLING CENTER (SULLY DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to proceed with formal notification to users of the closing of the Centreville Solid Waste Reduction and Recycling Center effective January 2, 1994.

The staff was directed administratively to proceed as proposed.

**32. I-8 - LITTER PROBLEMS AT BUS STOPS - CLEAN FAIRFAX COUNTY, INCORPORATED (COUNTYWIDE) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to not seek commitments for the provision and maintenance of litter receptacles at bus stops from zoning applicants as requested by Clean Fairfax, County, Incorporated.

Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning (OCP), Supervisor Hyland moved that the Board direct staff in the development review process to encourage developers to provide trash receptacles in areas where it is considered to be feasible and practical. The motion, the second to which was inaudible, carried by unanimous vote.

**33. I-9 - LIMITATION OF EMPLOYEE HEALTH INSURANCE ENROLLMENT TO SELF-INSURED PLANS (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to limit new

employees' health insurance enrollment to the self-insured plans (FairChoice and Blue Cross Out-of-Area) effective January 1, 1994, and freeze enrollment in other plans (Kaiser Permanente and HealthPlus) effective July 1, 1994.

Following discussion, Supervisor McConnell asked unanimous consent that this item be deferred pending input from the Personnel Subcommittee. Without objection, it was so ordered.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to contact the National Association of Counties (NACo) to gather information regarding the County's being self-insured and report to the Board in an Information Item. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **34. I-10 - TRANSPORTATION ENHANCEMENT PROGRAM (COUNTYWIDE)**

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 announcing that the Braddock Tree Planting Project was approved by the Commonwealth Transportation Board (CTB) for a transportation enhancement project.

Following discussion, Supervisor Bulova moved that the Board direct staff to express the Board's frustration to the CTB regarding the amount of funding received by the County and inquire about the projects that were not funded. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

#### **35. I-11 - STAFF SUMMARIES OF THE SEPTEMBER, 1993 TRANSPORTATION ADVISORY COMMISSION MEETINGS (COUNTYWIDE) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting the Staff Summaries of the September, 1993 Transportation Advisory Commission meetings.

#### **36. I-12 - REPORT ON AUTHORIZATION TO PROVIDE REQUIRED PARKING FOR A PRIVATE NURSERY SCHOOL AND CHILD CARE CENTER ON A FAIRFAX COUNTY PUBLIC LIBRARY SITE (DRANESVILLE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting a report on authorization to provide required parking for a private nursery school and child care center on a Fairfax County Public Library site.

There was a brief discussion regarding this item.

**37. I-13 - AVAILABILITY OF VIRGINIA POWER OUTDOOR LIGHTING SCHEDULE** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 announcing that Virginia Power's new outdoor lighting service tariff was approved by the State Corporation Commission (SCC).

There was a brief discussion regarding this item.

**38. I-14 - VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY: NORTHERN VIRGINIA VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to:

- Continue to monitor the implementation of the Northern Virginia Vehicle Emissions Inspection/Maintenance Program; and
- Provide additional information to the Board as new information is received.

Following a brief discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that this item be referred to the Chairman of the Legislative Subcommittee for appropriate ideas. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**39. I-15 - ACCELERATING CONVERSION OF COUNTY FLEET TO NATURAL GAS** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting the staff response to Board questions regarding the feasibility and cost-effectiveness of a major conversion of the County fleet to run on Compressed Natural Gas (CNG) fuel.

Following discussion, Supervisor Dix asked unanimous consent that the Board direct staff to assure that access to the discussions regarding the conversion is made available to any vendors that provide alternative fuel products. Without objection, it was so ordered.

**40. I-16 - RESULTS OF GRANT APPLICATIONS FOR THE VIRGINIA DEPARTMENT OF FORESTRY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION IN FOUR COMMERCIAL REVITALIZATION AREAS (BRADDOCK, LEE, MOUNT VERNON AND MASON DISTRICTS) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 presenting the results of grant applications for the Virginia Department of Forestry and the Virginia Department of Transportation (VDOT) in four commercial revitalization areas.

There was a brief discussion regarding this item with input from John W. di Zerega, Director, Department of Public Works.

**41. I-17 - APPROVAL OF AN AGREEMENT PROVIDING FOR THE CONSTRUCTION OF STORM SEWER AND A NEW BIKE TRAIL ALONG JERMANTOWN ROAD FROM ROUTE 123 TO I-66 (PROVIDENCE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to execute an agreement with the Virginia Department of Transportation (VDOT) in the amount of \$15,951 to widen Jermantown Road to four lanes from Route 123 to I-66, Project U00100, VDOT Participation Project in Subfund 468, Public Works Construction.

The staff was directed administratively to proceed as proposed.

**42. I-18 - CONTRACT AWARD - CONSTRUCTION OF ATHLETIC FIELDS, MULTI-USE COURT, TENNIS COURTS, PARKING AND RELATED WORK AT MASON NECK WEST PARK (MOUNT VERNON DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to award a contract to Coalson's Landscapes and Excavating, Incorporated of Lorton, Virginia in the amount of \$376,883 for construction of a soccer/football field, space for a baseball/softball overlay field, multi-use court, tennis courts, parking and related work at Mason Neck West Park as part of Project 004633, Mason Neck West Park, Subfund 451, Park Authority Bond Construction. Following discussion, Supervisor Hyland

stated that there were no objections to the contract award as proposed with the modifications distributed to Board Members.

**43. I-19 - AMENDMENT NUMBER TWO TO THE ARCHITECTURAL CONTRACT WITH HELLMUTH, OBATA AND KASSABAUM, P.C., FOR THE DESIGN OF THE ADULT DETENTION CENTER EXPANSION II (CENTRAL COUNTY COMPLEX/PUBLIC SAFETY CENTER) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to award a contract amendment to Hellmuth, Obata and Kassabaum, P.C. in the amount of \$97,502 for the design of an approximately 750 bed expansion with associated support services, renovation of portions of the existing Adult Detention Center, and a structured parking facility, Adult Detention Center Expansion II, Project 89A001, Subfund 471, County Bond Construction.

Following a brief discussion, with input from William J. Leidinger, County Executive, the staff was directed administratively to proceed as proposed.

**44. I-20 - AWARD OF CONTRACT - BOND UNDERWRITER SERVICES (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 15, 1993 requesting authorization for staff to award a contract to Merrill Lynch/Stephens, Incorporated, to provide management underwriting services in connection with the sale of \$115 million Economic Development Authority (EDA) lease revenue bonds for the B2/B3 buildings at the Government Center.

The staff was directed administratively to proceed as proposed.

**44a. I-21 - THE 1993 GOVERNOR'S ENVIRONMENTAL EXCELLENCE AWARD PRESENTED TO FAIRFAX COUNTY'S DEPARTMENT OF PUBLIC WORKS, DIVISION OF SOLID WASTE COLLECTION AND RECYCLING (No Tape)**

(NOTE: Earlier in the meeting, this item was considered by the Board. See Clerk's Summary Item CL#26.)

**BOARD MATTERS**



**45. FINANCIAL AND PROGRAMS AUDITOR TO THE BOARD OF SUPERVISORS (Tape 5)**

(BACs)

Chairman Davis reminded the Board of action taken earlier in the year to establish the function and Office of Financial and Programs Auditor to the Board of Supervisors. He stated that his office has conducted extensive research and developed a specific description of duties for the Auditor and the Audit Committee.

Chairman Davis informed the Board of information he had obtained from the United States General Accounting Office, the League of Women Voters of the Fairfax Area, Fairfax County Office of Personnel, private citizens, as well as many documents describing auditing positions from a number of counties, municipalities, the Commonwealth of Virginia, and other organizations.

The key mission of this new office was stated to be that of giving the Board an independent capability to oversee staff performance in carrying out policies and delivering services approved by the Board. The day-to-day work of the Auditor will be directed and guided by the Audit Committee, consisting of three Board members and two private citizens.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board:

- Approve the establishment of the Auditor and Audit Committee as proposed;
- Appoint Supervisor Berger, Supervisor Hanley, and Chairman Davis as members of the Audit Committee; and
- Allow the Audit Committee to begin work immediately to:
- Locate suitable office space and establish

logistical support for the Auditor's office;

- Develop and recommend to the Board appropriate salary ranges for the Auditor and staff, and;
- Prepare and advertise (with assistance from the Office of Personnel) a vacancy announcement for the position of Auditor open to all qualified citizens.

This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Berger, Supervisor Frey, and Supervisor Trapnell being out of the room.

**46. JOB FAIR FOR SPACE STATION EMPLOYEES (Tape 5)**

Supervisor Davis informed the Board of the Job Fair held last Wednesday afternoon, November 10, 1993, at the Government Center for the nearly 700 people employed at the Space Center in Reston who will be terminated from their jobs on November 30, 1993.

Supervisor Davis stated that working with the Fairfax County Economic Development Authority and Grumman Corporation, over 200 high-tech and other major employers in the Fairfax County area were contacted in the space of about two weeks to organize the job fair for the employees of Grumman, Loral, Barrios, C-SAT, Booz Allen and Hamilton, Rockwell, Boeing, and NASA, who are all affected by the shut down.

The results of the job fair exceeded even the most optimistic hopes, and Supervisor Davis publically expressed his appreciation to staff and the business community for their response. Sixty two companies and over 400 employees participated in the job fair that was held in the Cafeteria of the Government Center.

Supervisor Davis informed the Board that there was no charge for this service and stated his belief that this was an example of how government can play a constructive role without having to expend large sums of money or setting up a structured program with a permanent staff. He thanked everyone who assisted and participated in the job fair, particularly Ron Martinson of his staff who did yeoman's work and Supervisor Dix and his staff.

#### **47. FAIRFAX COUNTY COMBINED CHARITABLE CAMPAIGN (Tape 5)**

Supervisor Davis announced that the Fairfax County Combined Charitable Campaign sign-up period is drawing to a close. He stated that the Combined Charitable Campaign is the annual, centralized charitable donation program authorized by the County and the school system.

Supervisor Davis stated that County employees have participated enthusiastically in past years, and many agencies, including the Fire and Rescue Department, have been recognized for their outstanding efforts. As in past years, contributions can be made through payroll deduction, or one-time lump sum donations. Participants can give a general gift or specify the recipient charity.

Supervisor Davis encouraged Board Members and others to participate in the 1993 Fairfax County Combined Charitable Campaign, and distributed brochures and donor cards to Board Members.

#### **48. COALITION TO RELOCATE THE TANK FARM (Tape 5)**

Supervisor Davis informed Board Members of his and Supervisor Hanley's involvement in a group called "The Coalition to Relocate the Tank Farm." He stated that they have met with citizens who are trying to remain proactive in having the tank farm, which is located in the City of Fairfax, moved to another location which would be less dangerous to the surrounding community.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Chairman Davis stated that there are a number of issues that he and Supervisor Hanley wished to present to the Board at this time for consideration.

Supervisor Hanley informed the Board that a group of affected residents were present in the audience and she warmly welcomed them to the Board Auditorium.

Supervisor Hanley stated that it was recently brought to her attention that the Uniform Residential Appraisal Report (URAR), a report that currently serves as the basis for virtually all mortgages collateralized by residential properties in the United States, has been revised regarding the proximity of properties to environmental conditions including tank farm facilities. The URAR now asks that appraisers address adverse environmental conditions present on site or within the immediate vicinity of the affected site.

Supervisor Hanley stated that her understanding of the term "immediate vicinity" for appraisal purposes has historically included all property within a one mile radius of the site in question. She stated, however, that there is some evidence that for purposes of reporting environmental conditions in a suburban center, "immediate vicinity" might mean even more than a one mile radius.

Therefore, Supervisor Hanley moved that the Board:

- Refer this report to staff;
- Direct staff to determine how it will affect appraisals in Fairfax County in Mantua; and
- Direct staff to determine how it will be used in the next appraisal.

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

Supervisor Hanley stated that the environmental damage to Fairfax County and Fairfax City caused by the Star Enterprise Facility located at Picket Road coupled with this new reporting requirement has the potential to create a significant decrease

in property values within one mile of the Pickett Road Tank Farm, and perhaps beyond.

Supervisor Hanley informed the Board that she and Chairman Davis recently joined the Coalition to Relocate the Tank Farm, a broad-based interjurisdictional community group dedicated to achieving the relocation of the tank farm and stated her desire to take this opportunity to reiterate the Fairfax County Board of Supervisor's firm and long standing opposition to the present location of the Pickett Road Tank Farm, and the Board's intention to relocate the tank farm.

Following discussion, Supervisor Hanley moved to reiterate the Board's:

- Firm and long standing opposition to the present location of the Pickett Road Tank Farm; and
- Intention to see that the tank farm is relocated.

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

Supervisor Hanley informed the Board that for the past six months County staff has been attempting, without success, to persuade Star Enterprise, Incorporated and Texaco to meet their obligations under Virginia law to reimburse the County for property tax revenue lost because of the devaluation of homes in Mantua as a result of the oil spill from the Pickett Road Tank Farm. She stated that the amount of lost tax revenue is considerable, no less than \$490,000 for tax year 1992 and 1993 and it could be as much as \$800,000. Further losses can be expected for at least the next several tax years unless and until property values in western Mantua return to normal.

In light of the demonstrated unwillingness to date of Star Enterprise, Incorporated and Texaco to meet their obligations under the law voluntarily or through good faith negotiations, Supervisor Hanley moved that the Board authorize staff to initiate and pursue litigation, as and when appropriate, to recover from the responsible party or parties, tax revenues lost as a result of the discharge of oil from the Pickett Road Tank Farm. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Frey and Supervisor Trapnell being out of the room.

Supervisor Hanley further informed the Board that staff has also been pursuing protracted negotiations with Star Enterprise, Incorporated and Texaco for reimbursement of costs and expenses incurred by the County in response to the tank farm oil discharge. This response has included emergency services as well as the County's active involvement in the ongoing investigation, containment, and clean up of the oil discharge.

Supervisor Hanley stated that since 1991 the County has been billing Star Enterprise, Incorporated, quarterly for these costs and expenses. After first refusing to pay anything, beginning in early 1992 Star Enterprise, Incorporated, began paying 85 percent of the County's bills, while continuing to negotiate a resolution of the matter with staff. However, earlier this year this practice was discontinued. As a result, unreimbursed County costs and expenses through the third quarter of 1993 are approximately \$230,000.

Supervisor Hanley stated that she understands from discussions with City of Fairfax officials that they also have been in extended negotiations and Star Enterprise, Incorporated and Texaco have become similarly unresponsive to their requests for the reimbursement for costs and expenses incurred.

Therefore, Supervisor Hanley moved that the Board express its sense that the pace of the negotiations for the recovery of County costs and expenses incurred as a result of the Pickett Road Tank Farm oil discharge must be accelerated and amounts owed recovered in the very near future, and that if this does not occur, the Board intends to pursue recovery of these costs and expenses by all legal means available to it. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

Following discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize staff to research whether an amicus can be entered with Fairfax City citizens in terms of legal advice on this issue. This motion was jointly seconded by Supervisor Hanley and Supervisor Hyland.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Hanley informed the Board that Clean Sites Incorporated, an environmental consultant firm, is conducting an ongoing audit of the Star Enterprise facility. In an effort to make the highly technical proceedings and findings of the audit clearer for the citizens involved, Star Enterprise, Incorporated, has funded, through most of the audit, a technical consultant to follow the audit and advise the citizens on the methods and results. The funds provided by Star Enterprise, Incorporated for the citizens consultant have been exhausted and Star Enterprise, Incorporated has refused again to provide more funds for the consultant.

Accordingly, Supervisor Hanley moved that the Board allocate \$16,100, the amount needed to fund the consultant for the remainder of the study to allow the citizens of

Mantua to retain their technical advisor for the remainder of the tank farm audit. Supervisor Hanley stated her belief that this will be billed as a reimbursable cost to the responsible party. This motion was seconded by Chairman Davis.

Following discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the motion be amended to include writing a letter to the City of Fairfax requesting they share pro rata on this cost, and this was accepted. The question was then called on the motion, as amended, which carried by a vote of nine, Supervisor Alexander being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **49. APPOINTMENTS TO THE RESTON COMMUNITY CENTER (Tape 5)**

(APPT)

Supervisor Dix stated that he had additional nominations for the Reston Community Center and moved the appointment of:

- Ms. Darlene Tolbert Palmer as the Adult Member; and
- Ms. Emily Williams as the Student Member.

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

#### **50. APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION**

(Tape 5)

(APPT)

Supervisor Dix moved the appointment of Ms. Deanne R. Faucheux as the Hunter Mill District Representative to the Transportation Safety Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Alexander being out of the room.

(NOTE: Later in the meeting, there was additional discussion concerning the Transportation Safety Commission. See Clerk's Summary Item CL#51.)

#### **51. APPOINTMENT TO THE FAXFAIR CORPORATION (Tape 5)**

(BACs)

Supervisor Dix moved the appointment of Mr. Charles D. McGuire as the Hunter Mill District Representative to the Faxfair Corporation Board.

Following discussion and clarification that the positions on the Faxfair Corporation Board are all At-Large positions, Supervisor Dix withdrew his motion.

Following further discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that appointments to Boards, Authorities, and Commissions (BACs) be brought before the Board at the meeting of December 6, 1993 to allow appointments for At-Large positions. Without objection, it was so ordered.

Following further discussion regarding the Transportation Safety Commission, Supervisor Davis asked unanimous consent that staff be directed to review the possibility of having district appointees on the Transportation Safety Commission. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **52. APPOINTMENT TO THE TREE COMMISSION (Tape 5)**

(APPT)

Supervisor Dix moved the appointment of Mr. John Nelson as the Hunter Mill District Representative to the Tree Commission. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

#### **53. PUBLIC HEARING SCHEDULED FOR DRAFT 1994 LEGISLATIVE PROGRAM (Tape 5)**

Supervisor Dix moved that the Board's draft 1994 Legislative Program, as revised in today's Legislative Subcommittee Meeting, be referred for public hearing on **Monday, November 22, 1993**. Supervisor Dix stated that the Draft Program would be

available to the public on Thursday, November 18, 1993 in the Office of the Clerk to the Board of Supervisors. Anyone wishing to sign up to speak at the public hearing may do so by calling the Clerk's Office at 324-3151. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hanley being out of the room.

**54. OUTSTANDING ISSUES BETWEEN THE FAIRFAX COUNTY ATHLETIC COUNCIL AND THE FAIRFAX COUNTY PARK AUTHORITY REGARDING MAINTENANCE OF PARK AUTHORITY FIELDS (Tape 5)**

Supervisor Dix stated that there still appears to be some misunderstandings regarding the maintenance of Park Authority fields. He said that there are some outstanding issues between the Athletic Council and the Park Authority. He added that it was his impression that when the Board agreed to make an additional appropriation for field maintenance that it would not result in any reduced access to fields for athletic organizations.

Supervisor Dix asked unanimous consent that the Board direct the County Executive to meet with the appropriate individuals to determine if there are outstanding issues and report his findings at the November 22, 1993 Board meeting, if possible. Without objection, it was so ordered.

Supervisor Dix asked unanimous consent that the Board direct the County Executive to point out to the Park Authority, that in the material that it is sending out, it continues to refer to dollars having been cut in its Fiscal Year (FY) 1994 budget which is not accurate. He said that the Park Authority's budget request was not fully funded, but its budgeting level was not cut. Without objection, it was so ordered.

**55. ANNOUNCEMENT OF PUBLIC HEARING TO REVIEW THE STATE IMPLEMENTATION PLAN FOR THE CLEAN AIR ACT (Tape 5)**

Supervisor Dix announced that a public hearing will be held at the Northern Virginia Community College (Cultural Center) at 7:00 p.m. on November 29, 1993 to review the State implementation plan for the Clean Air Act compliance requirements by 1996.

**AM:am**

**56. CONNECTION OF BENNETT STREET AND KINGSTREAM DRIVE ACROSS THE CORNER OF HERNDON HIGH SCHOOL PROPERTY (Tape 6)**

(R) Supervisor Berger moved adoption of a Resolution which would allow the connection of Bennett Street and Kingstream Drive across the corner of Herndon High School property. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Dix being out of the room.



**57. REVISION OF FIRST AMENDMENT TO RIDGEGATE WOOD AGREEMENT (Tape 6)**

Supervisor Berger moved that the Board give William J. Leidinger, County Executive, authorization to execute the First Amendment to the Ridgeway Wood Agreement. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Dix being out of the room.

**58. LIST OF POTENTIAL TRANSPORTATION FUNDING SOURCES (Tape 6)**

Supervisor Berger moved that the Board request the Transportation Advisory Commission (TAC) to prepare a listing of potential transportation funding sources and the general procedures for the County to obtain these funds. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Dix being out of the room.

**PMH:pmh**

**59. TRANSPORTATION ADVISORY COMMISSION (TAC) WORK PLAN (Tape 7)**

Supervisor Bulova stated that the Transportation Advisory Commission (TAC) is developing a work plan to be presented to the Board for information and approval. She reminded Board Members that she had previously requested the Board's assistance in trying to address noise attenuation issues regarding the Fairfax County Parkway. She added that the Board deferred the issue and directed staff to review the funding issues both present and future as well as innovations such as the public/private cost sharing proposal that neighbors in Burke Centre suggested.

Supervisor Bulova said that Don Emerson, Braddock District Representative, TAC, offered to have the TAC assist staff in working out some of these questions as part of its work plan. She added that the TAC would report to the Board with items it wanted to review.

Therefore, Supervisor Bulova asked unanimous consent that the Board refer this issue to the TAC for its consideration and that it be brought back to the Board in TAC's work plan. Without objection, it was so ordered.

Shiva K. Pant, Director, Office of Transportation, advised the Board that he did not have the staff resources for the TAC to revisit the noise issues on the Fairfax County Parkway.

Following further discussion, William J. Leidinger, County Executive, stated that the issue of how staff could accommodate this request would be reviewed and that he would report to the Board on November 22, 1993 with his findings.

**60. REQUEST TO REVIEW AND RECOMMEND ACTION ON PROPOSED CHANGE TO EMERGENCY ORDINANCE, CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS) (Tape 7)**

Supervisor Hyland said that it has come to his attention that an amendment may be warranted regarding the Code of the County of Fairfax, Chapter 61 (Building Provisions).

Supervisor Hyland referred to Section 61-2-11 - Adjourned Meeting which reads as follows:

"When the total current membership of the Division of the Board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the Building Official, the Code Official or their representatives may prior to the start of the hearing request a postponement of the hearing."

Supervisor Hyland pointed out that a postponement is permitted if the total current membership of the Board of Building Code Appeals, Housing Hygiene Division is not present and he added that this appears to be unnecessarily restrictive.

Therefore, Supervisor Hyland moved that this issue be referred to staff for review and recommendation for changing the restrictive language which specifies that the total current membership of the Board of Building Code Appeals, Housing Hygiene Division, be present (at all appeal hearings). This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room.

**61. MOUNT VERNON COUNCIL RESOLUTION PROPOSING ADEQUATE CONSUMER SERVICE AND PROTECTION FOR FAIRFAX COUNTY CITIZENS (Tape 7)**

Supervisor Hyland stated that the Mount Vernon Council of Citizens Associations approved a resolution requesting the Board to take steps to assure that the County's citizens have access to an adequate level of consumer service and protection.

Supervisor Hyland explained that the Council expresses concern that the deep cuts in the staff of the Department of Consumer Affairs have left many citizens without help in

coping with unethical business practices or in resolving legitimate disputes which occur between consumer and merchants. Specifically, they point out that the elimination of the telephone advice line leaves a serious gap in the kind of service which Fairfax County should be providing for its citizens.

Accordingly, Supervisor Hyland moved that the Board direct the County Executive to:

- Review reductions previously made in the Department of Consumer Affairs;
- Review the level of service being provided to consumers and the adequacy of the service to consumers;
- Review the adequacy of the service to consumers provided by the State; and
- Report with his findings and recommendations.

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

#### **62. CONGRATULATIONS TO STAFF ON THEIR RESPONSE TO ARMY ENVIRONMENTAL CENTER (Tape 7)**

Supervisor Hyland stated that he had received a copy of staff's response to the Army's Draft Record of Decision for the remediation of the site contamination of the Defense Mapping Agency (DMA) site in the Great Falls area of Fairfax County.

Supervisor Hyland congratulated staffs of the Office of Comprehensive Planning, Health Department and the Fire and Rescue Department for a thorough and highly competent response to the Draft.

#### **63. REQUEST BOARD'S RECOGNITION OF WILLIAM BECKNER, DIRECTOR, FAIRFAX COUNTY PARK AUTHORITY (Tape 7)**

Supervisor Hyland said that he received with regret the resignation letter of William Beckner, Director, Fairfax County Park Authority, effective December 10, 1993.

Supervisor Hyland noted some of the many accomplishments of the Fairfax County Park Authority brought about under Mr. Beckner's guidance:

- The realignment and consolidation of the Authority;
- The repair and opening of several major recreation facilities;
- Incorporation of the Authority into the County's

Goals and Comprehensive Plan;

- The managed downsizing of the Authority;
- Initiation of the Park Comprehensive Plan;
- Adoption and implementation of the Park Initiatives for the Nineties [including the Quality Park Service System (QPS)];
- The Public-Private Ventures Program;
- Golf Course Initiative; and
- Site Information Management System (SIMS).

Accordingly, Supervisor Hyland moved that the Board direct staff to invite Mr. Beckner to appear before the Board for the purpose of paying him due recognition and acknowledgement for his substantial achievements and contributions to Fairfax County and the Park Authority. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Dix and Supervisor Trapnell being out of the room.

#### **64. AMENDMENT TO THE 1993 CONGRESSIONAL CRIME BILL (Tape 7)**

Supervisor Hyland stated that on October 29, 1993 Senator Charles S. Robb introduced an amendment to the 1993 Crime Bill concerning the District of Columbia's (D.C.) prison located in Lorton. The amendment requires D.C. to obtain prior approval from the Fairfax County Board of Supervisors and the Commonwealth of Virginia before any expansion can occur on the reservation.

Supervisor Hyland said that because of the immediacy of the vote on the Crime Bill which is to take place tomorrow, Tuesday, November 16, 1993, immediate Board action is necessary to express support to Senator Robb and Senator Warner and Representatives Moran, Wolf and Byrne as well as the entire Virginia delegation.

Therefore, Supervisor Hyland moved that the Board:

- Support Senator Robb's amendment to the 1993 Crime Bill requiring approval by Fairfax County and the Commonwealth of Virginia for any expansion of D.C.'s prison located in Lorton; and
- Direct staff to FAX a letter by the close of business today to Senator Robb and Senator Warner and the entire Virginia Congressional delegation stipulating the Board's strong support of this amendment to the National Crime Bill of 1993.

This motion was seconded by Supervisor McConnell.

Supervisor McConnell asked that the motion be amended to direct staff to review the federal provisions on prisons regarding the number of inmates allowed and report its findings, and this was accepted.

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

Supervisor McConnell asked unanimous consent that the Board direct staff to report with information in the form of a "report" as to the comparison of normal federal prisons and the facility that is located in Fairfax County. Without objection, it was so ordered.

**65. JOINT BOARD MATTER - SUPERVISORS HYLAND AND MCCONNELL POHICK/HOOES ROAD CONNECTOR-FLYOVER (Tape 7)**

Supervisor Hyland stated that during a recent meeting with the South Run Creek Coalition, the Virginia Department of Transportation (VDOT) and staff, it was noted that the Pohick Road Connector-Flyover to the Fairfax County Parkway will not be under construction until late fall 1995 because of the Board's prior action imposing cash flow restrictions on the transportation bond issues.

Supervisor Hyland moved that the Board direct staff to:

- Review this matter to determine available funding options; and
- Report its findings by December 13, 1993.

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

**66. OUT-OF-TURN PLAN AMENDMENT (Tape 7)**

Supervisor Hyland stated that there is a pending Rezoning Application in the Mount Vernon District, RZ 93-V-028 (Bank of Alexandria, Incorporated) that would provide a coordinated parcel consolidation for retail uses on the site. This is a highly visible tract on Route One in Lorton. A portion of the property is already zoned appropriately for retail uses. However, another portion will need to be rezoned in order to enable the consolidation of the entire tract to take place as a coordinated whole.

Supervisor Hyland moved that Board:

- Direct the Office of Comprehensive Planning to review the current Comprehensive Plan language and determine what language would be required to encourage parcel consolidation in order to create a highly quality development; and
- Return to the Board no later than January 27, 1994.

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

**67. REQUEST FOR DEFERRAL OF BOARD OF SUPERVISORS' PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 93-V-008 (SILVERBROOK CONSORTIUM LIMITED PARTNERSHIP) (Tape 7)**

Supervisor Hyland stated that he had received a letter from Ms. Shawn F. Hinton, a resident at the Gunston Corner Condominium complex. This complex is located contiguous to the proposed fast food with drive-in window restaurant.

Supervisor Hyland said that, on behalf of the homeowners, Ms. Hinton is requesting that the scheduled public hearing be deferred until December 6, 1993, so that their attorney can give public testimony.

Supervisor Hyland moved that the Board defer the public hearing on Special Exception Application SE 93-V-008 until **December 6, 1993 at 4:00 p.m.** This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor Trapnell being out of the room.

**68. LORTON VOLUNTEER FIRE DEPARTMENT ADDITION (Tape 7)**

Supervisor Hyland stated that he had received a letter from the engineer on behalf of the Lorton Volunteer Fire Department. He said that the Fire Department has begun constructing a small addition that will meet the requirements of the Americans with Disabilities Act (ADA). He added that the Deputy Zoning Administrator has informed them that the project will require a Special Exception for a portion of the work not related to the ADA.

Supervisor Hyland said that because the Lorton Volunteer Fire Department is a volunteer, non-profit organization they are requesting special consideration to waive the additional fees and all of the County fees that they have already paid.

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

- Expedite the Special Exception Process for the Lorton Volunteer Fire Department;
- Waive fees incurred to date and in the future for this public benefit organization;
- Investigate the General Fund to determine if there is sufficient money to pay for the Lorton Volunteer Fire Department's sewer availability fee; and
- Return to the Board for action.

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

**69. APPOINTMENT TO THE HUMAN SERVICES COUNCIL (Tape 7)**

(APPT)

Supervisor Alexander moved the appointment of Mrs. Francine Jupiter as the Lee District Representative to the Human Services Council to fill the unexpired term of Pastor James Roseman. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor Trapnell being out of the room.

**70. REQUEST FOR CERTIFICATION OF APPRECIATION TO BE PREPARED FOR PASTOR JAMES ROSEMAN, LEE DISTRICT REPRESENTATIVE TO THE HUMAN SERVICES COUNCIL (Tape 7)**

Supervisor Alexander asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation to be presented to Pastor James Roseman, former Lee District Representative to the Human Services Council for his years of service. Without objection, it was so ordered.

**71. COMMENDATION OF STAFF FOR THEIR HARD WORK (Tape 7)**

Supervisor Alexander referred to the SGR240 Committee and Advisory Group and he commended Shiva K. Pant, Director, Office of Transportation, and staff for their hard work.

**72. APPOINTMENT TO THE CITIZENS ADVISORY COMMITTEE ON SOLID WASTE AND DISPOSAL MATTERS (Tape 7)**

(APPT)

Supervisor Frey moved the appointment of Mr. Subroto Mitro as the Sully District Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters to fill the unexpired term of Mr. P.A. Niedzielski-Eichner. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

**73. COLEWOOD STREET, WEST OX AND BENNETT ROADS SANITARY SEWER EXTENSION AND IMPROVEMENT (Tape 7)**

Supervisor Frey stated that in March 1993, residents along Colewood Street, West Ox Road, and Bennett Road petitioned Fairfax County for inclusion in the Sanitary Sewer Extension and Improvement (E&I) Program. The E&I Program provides sanitary sewer facilities in order to alleviate the health hazards associated with irreparable septic system failures.

Supervisor Frey stated that based on results of an evaluation by the Health Department, the petition area qualifies for inclusion in the E&I Program for the following reasons:

- Several of the properties evaluated have experienced septic system malfunctions which create immediate hazards to the community;
- The homes surveyed are located in an area where soil conditions are marginal for on-site sewage disposal;
- The homes within the petition area are served by sewage disposal systems that are greater than 30 years old. The life expectancy of on-site sewage disposal systems installed during this period was thought to be approximately 25 years old; and
- All dwelling units are located within 400 feet of the County's approved sewer service area and may be served in accordance with the Board policy.

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

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

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

#### **74. EXPEDITIOUS PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-073 (Tape 7)**

Supervisor Frey stated that Miller and Smith Company is in the process of filing a Proffered Condition Amendment Application for the Hawthorne Forest Subdivision in Sully District. Miller and Smith has been negotiating with the Cabell's Mill Homeowners' Association for some time concerning this application, which is to amend the proffer commitment concerning a contribution for recreational facilities. He added that the Applicant is continuing to negotiate with citizens to amend a second proffer concerning noise attenuation in order to provide the necessary funds to



construct a significant portion of a noise wall along I-66, which is a high priority for the citizens in this area. As this amendment deals entirely with "paper changes" to the accepted proffers and will not affect the approved development plan for the subdivision, and as the requested amendments are for the benefit, and have the full support of the homeowners in this area, Supervisor Frey moved that the Board direct staff to:

- Expedite Proffered Condition Amendment Application PCA 87-S-073; and
- Schedule this application for the first available Planning Commission and Board public hearing dates following its acceptance.

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

**75. RESOLUTION AMENDING THE LONG RANGE TRANSPORTATION PLAN FOR THE WASHINGTON REGION AND CERTIFYING THE CONFORMITY OF THE PLAN WITH THE REQUIREMENTS OF THE CLEAN AIR ACTS AMENDMENTS OF 1990** (Tape 7)

(R) Supervisor Frey moved adoption of the Resolution amending the Long Range Transportation Plan for the Washington Region and certifying the conformity of the Plan with the requirements of the Clean Air Act Amendments of 1990. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

**76. DEFERRAL OF THE PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING GROUP 1 SPECIAL PERMIT USES - HOURS OF OPERATION** (Tape 7)

Supervisor Frey moved that the Board defer the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Group 1 Special Permit Uses - Hours of Operation until **December 13, 1993 at 4:30 p.m.** This motion was seconded by Chairman Davis and carried by unanimous vote.

**NV:nv**

**77. APPOINTMENT OF MARILYN MCDONOUGH TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD** (Tape 8)

(APPT)

Supervisor McConnell moved the appointment of Ms. Marilyn McDonough as the Springfield District Representative to the Fairfax-Falls Church Community Services Board. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

**78. THIRD PARTY FINANCING OF NOISE ABATEMENT MEASURES ON THE FAIRFAX COUNTY PARKWAY (Tape 8)**

Supervisor McConnell reminded the Board that the Virginia Department of Transportation (VDOT) has recently indicated its willingness to allow third party financing of the incremental cost of noise abatement measures which meet the noise and development date criteria of the State Noise and Abatement Policy, but exceed the Policy's \$20,000 cost per receptor criteria. Under the third party option, VDOT would provide up to \$20,000 per wall, (80 percent federal funding, 20 percent state match), and property owners would provide any incremental amount over the \$20,000 limit.

Supervisor McConnell stated that VDOT has requested that all third party funds be channelled through the County. Five Fairfax Station property owners along Emmett Guards Court and adjacent to the Fairfax County Parkway/Route 123 interchange have already deposited with the County the aggregate amount of \$16,160 for the incremental cost over \$20,000 per receptor for a noise wall along their properties. This amounts to \$3,232 for each of the five properties.

Accordingly, Supervisor McConnell moved that the Board direct staff to forward a check in the amount of \$16,160 to VDOT for the purpose of providing noise wall number 31 at the Fairfax County Parkway/Route 123 interchange, along those five properties on Emmett Guards Court. She stated that there is no financial commitment on the County's part, other than staff time for processing the payment to VDOT, for the provision of this noise wall. This motion was seconded by Chairman Davis.

Supervisor Bulova stated that she has an almost identical situation except that it is in the County segment of the Parkway. She explained that her constituent has property that backs to the Parkway which meets the noise decibel criteria and the date of subdivision criteria, but it costs \$26,000 for the noise wall. She stated that he is willing to contribute \$6,000, but the County is telling him that he cannot do that. Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to review this situation and report to the Board. Without objection, it was so ordered.

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

**79. TRANSPORTATION ENHANCEMENT FUNDS FOR WILDFLOWERS ALONG THE FAIRFAX COUNTY PARKWAY (Tape 8)**

Supervisor McConnell stated that the Transportation Enhancement Program for Virginia, funded under the Intermodal Surface Transportation Efficiency Act (ISTEA), offers broad opportunities and federal dollars to take unique and creative actions to integrate transportation into the community and natural environment, specifically the Fairfax County Parkway.

Supervisor McConnell stated that, to the best of her knowledge, the Virginia Department of Transportation (VDOT) has allocated itself an enhancement grant of \$538,000 for wildflower plantings. She stated that Fairfax County has been allocated only \$12,000 in enhancement grants. She expressed that she would like to see some of the grant monies used for plantings and flowers on portions of the Fairfax County Parkway and the Springfield-Franconia Parkway, along both the median and side slopes.

Therefore, Supervisor McConnell asked unanimous consent that the Board direct staff from the Office of Transportation to prepare a letter to VDOT requesting grant monies within the Transportation Enhancement Funds for wildflowers along the parkway. Without objection, it was so ordered.

**80. REQUEST FOR COMPREHENSIVE TRAFFIC REVIEW IN CLIFTON AREA**

(Tape 8)

Supervisor McConnell recognized the presence of Mayor James C. Chesley from the Town of Clifton and warmly welcomed him.

Supervisor McConnell stated that she met recently with Mayor Chesley and Councilman Arnold from the Town of Clifton who had expressed concerns relating to the increasing traffic volumes passing through their town.

Supervisor McConnell explained that though traffic volumes have increased in this southwestern portion of the County originating from Prince William County, the number of road improvements has remained unchanged. These area roads were not designed to serve the high traffic volumes which they now carry, evidenced by the road's narrow widths, lack of shoulders, and inconsistent elevations. These problematic road conditions are aggravated by the lack of a westbound corridor to accommodate traffic originating from the Yates Ford Road Bridge to the north.

Supervisor McConnell stated her belief that a comprehensive transportation review in this western corridor is necessary to develop transportation alternatives.

Accordingly, Supervisor McConnell moved that the Board direct staff to request VDOT and the County's Office of Transportation to comprehensively review alternative western corridors and alternate transportation modes (i.e. Clifton area Virginia Rail Express stop) to improve the westbound movement of transportation throughout the greater Clifton community. This motion was jointly seconded by Supervisor Bulova and Chairman Davis.

Chairman Davis commended Supervisor McConnell and Mayor Chesley for their efforts on this issue.

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

**81. SIMULTANEOUS AND EXPEDITED PROCESSING OF PRELIMINARY SUBDIVISION PLAT AND FINAL SITE PLAN FOR THE OAKS AT CROSSPOINTE PROPERTY (Tape 8)**

Supervisor McConnell moved that the Board direct staff to simultaneously and expeditiously process the Preliminary Subdivision Plat and Final Site Plan for the Oaks at Crosspointe property, Site Plan Number SP 6454. This motion was seconded by Supervisor Alexander.

Chairman Davis noted that the applicant will continue to work with the adjoining communities as they work through the process. As well, the applicant understands that this neither provides him with a vested right in the plan approval nor relieves him from the responsibility of any modifications as a result of the Department of Environmental Management (DEM) review.

The question was called on the motion which carried by unanimous vote.

**82. REVENUE IMPACT FROM TICKETING SCOFFLAWS OF PERSONAL PROPERTY TAX UNDER UNIFORM DEADLINE FOR PERSONAL PROPERTY TAXES (Tape 8)**

Supervisor Hanley stated that on Thursday, November 4, 1993, she noticed that Arlington County Police were stopping cars at Roosevelt Bridge, apparently as part of a checkpoint of some type. She stated that the next day the Fairfax Journal published an article about the uniform tax deadline for personal property taxes. The article noted

that "the jurisdiction that tickets the scofflaws would keep the revenue from any fines, regardless of where the tax evader was from."

Following discussion, Supervisor Hanley asked unanimous consent that the Board direct staff to report with the revenue impact of the provision under the uniform deadline for personal property taxes that allows the ticketing jurisdiction to keep the revenue from all fines. Without objection, it was so ordered.

### **83. RENTS FOR THE COUNTY COUNCIL OF THE ARTS (Tape 8)**

Supervisor Hanley referred to a letter from the Park Authority to the County Council of the Arts, a volunteer organization, which indicates an increase in the rent charged at the Packard Center. She asked unanimous consent that the Board direct staff to review this issue to determine if there is a way not to increase the rent for the Council. Without objection, it was so ordered.

### **84. FEE WAIVER FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-P-105 (Tape 8)**

Supervisor Hanley stated that because the Sutherland Square Homeowners Association now owns the property and the Zoning Administrator has ruled that the fence constructed on the Sutherland Square property is not in conformance with Rezoning Application RZ 88-P-105, she moved that the Board waive the fees associated with Proffered Condition Amendment Application PCA 88-P-105 when it is filed by the Drees Company. She further moved that the processing of this PCA be expedited because it is now a homeowners association problem. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

### **85. ARCHEOLOGICAL SURVEY FOR REZONING OR SPECIAL EXCEPTION APPLICATIONS FOR SITES ON THE COUNTY'S HISTORIC INVENTORY (Tape 8)**

Supervisor Hanley stated that when the Board is considering a rezoning or a special exception application for a site on the County's historic inventory, it would be useful to add a request for a phase two archeological survey in the proffers or development conditions. Accordingly, she asked unanimous consent that the Board direct staff to consider this request as part of the checklist when dealing with an historic site. Without objection, it was so ordered.

### **86. APPOINTMENT TO THE COMMISSION FOR WOMEN (Tape 8)**

(APPT)

Supervisor Hanley moved the appointment of Ms. Theda A. Parrish as the Providence District Representative to the Commission for Women. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

**87. REQUEST FOR WAIVER OF THE 100 ON-STREET LEGAL PARKING SPACES REQUIRED FOR THE ESTABLISHMENT OF A RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) IN THE GLEN FOREST/WESTMORE SUBDIVISION (Tape 8)**

Supervisor Trapnell said that the residents of Glen Forest/Westmore Subdivision (6th Road and 6th Street) have submitted an application for a Residential Permit Parking District (RPPD) in their neighborhood. Therefore, Supervisor Trapnell moved that the Board waive the 100 on-street legal parking spaces required for the establishment of an RPPD in the area of South 6th Street to Merritt Place and South 6th Road to the Arlington County line. This motion was seconded by Chairman Davis and carried by unanimous vote.

**88. OUT-OF-TURN PLAN AMENDMENT FOR A PARCEL OF LAND KNOWN AS 4800 NORTH CHAMBLISS STREET (Tape 8)**

Supervisor Trapnell said that Vista Realty is prepared to submit an application to the County to change the Comprehensive Plan for a parcel of land known as 4800 North Chambliss Street. Prior to their submittal of this application, Supervisor Trapnell requested that the surrounding neighborhoods and citizens associations be contacted with regard to the proposed change. This has been done and the response has been positive.

Therefore, Supervisor Trapnell moved that the Board direct staff to accept this proposal for advertisement as an Out-of-Turn Plan Amendment. This motion was seconded by Chairman Davis and carried by a unanimous vote.

**89. RECESS/EXECUTIVE SESSION (Tape 8)**

At 1:55 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 and 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:

- Hazardous Facility Order in the matter of Colonial Pipeline Company, respondent, CPF Number 13503-H.

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

**AR:ar**

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

**90. 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 Berger and carried by unanimous vote.

**B. BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, ET AL., VERSUS BOARD OF ZONING APPEALS OF FAIRFAX COUNTY, VIRGINIA, ET AL., IN CHANCERY NUMBER 122586**

Supervisor Dix moved that the Board allow Board of Supervisors of Fairfax County, Virginia, et al., Versus Board of Zoning Appeals of Fairfax County, Virginia, et al., In Chancery Number 122586, to be discontinued as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Hyland being out of the room.

**C. DENIAL OF CLAIM OF MILLER INDUSTRIES**

Supervisor Dix moved that the Board deny the claim of Miller Industries as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Hyland being out of the room.

**D. UNRESOLVED ISSUES WITH REGARD TO COLONIAL**

**PIPELINE'S OPERATION IN FAIRFAX COUNTY**

Supervisor Dix moved that the Board authorize the Chairman of the Board, on behalf of the Board, to once again contact Secretary of Transportation Pena, the Members of

the Northern Virginia Congressional Delegation, to include Senators Warner and Robb, Congressmen Wolf and Moran and Congresswoman Byrne, requesting intervention on the matters involving the unresolved issues with regard to Colonial Pipeline's operation in Fairfax County, on behalf of Fairfax County and its constituents. In addition, the Agency of Inter-Governmental Relations may be utilized as a resource for facilitating that contact in an attempt to, at the very least, get the outstanding issues resolved and the questions answered in order that the Board can provide a comfort level of public safety and public health issues to the citizens impacted by this environmental disaster in the future. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Hyland being out of the room.

#### **E. BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS RIDER, ET AL., AT LAW NUMBER 120290**

Supervisor Alexander moved that the Board authorize settlement of Board of Supervisors of Fairfax County, Virginia Versus Rider, et al., At Law Number 120290, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Hyland being out of the room.

#### **F. BOARD OF SUPERVISORS VERSUS DRW, INCORPORATED, ET AL., AT LAW NUMBER 119966**

Supervisor Alexander moved that the Board accept the settlement offer of DRW, Incorporated, and Fidelity and Deposit Company of Maryland in Board of Supervisors Versus DRW, Incorporated, et al., At Law Number 119966. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Hyland being out of the room.

#### **G. RESCISSION OF DECISION WITH REGARD TO WINDSOR ESTATES SUBDIVISION**

Supervisor Alexander stated that in August 1988, four homeowners on Windham Avenue in the Windsor Estates Subdivision agreed to allow the A. G. Van Metre Jr., Company ("Van Metre") to dump fill material in their backyards. Neither the homeowners nor Van Metre submitted plans or obtained the necessary permits or County permission prior to dumping the fill material. A County Inspector issued a notice of violation and the activity stopped only after over 600 truckloads had been dumped.



Subsequently, the County approved a floodplain study submitted on behalf of the homeowners in August 1990 which showed there were significant amounts of fill material in the floodplain. Based on the fill material which had been dumped in the floodplain, the homeowners were required to get a Special Exception.

After Van Metre declared bankruptcy, the homeowners sought Supervisor Alexander's assistance to gain approval of a Special Exception. Being sympathetic to their plight, Supervisor Alexander stated that he made a motion during his Board Matters on September 16, 1991, to request that a Special Exception be accepted on the Board's own motion and that the fee be waived. This motion, which initiated the Special Exception process for the homeowners, was approved by the Board.

The homeowners refused to submit all of the information required by the Zoning Ordinance for the Special Exception application. In December 1991, Supervisor Alexander attempted to assist the homeowners once again by providing them with a list prepared by the County staff showing the submission requirements which had to be satisfied.

The homeowners responded by submitting a claim to the Board for hundreds of thousands of dollars and later filing a lawsuit when their claim was denied. The plaintiffs have taken the position that the Board approved a Special Exception during Board Matters on September 16, 1991, even though all mandatory requirements had not been satisfied.

Supervisor Alexander stated that the homeowners have improperly attempted to take undue advantage of the Board's assistance and should not be allowed to benefit from the Board's action on September 16, 1991, as they have now refused for over two years to provide the information required for a Special Exception application to move forward.

As a result of the foregoing, Supervisor Alexander moved that the Board rescind its decision on September 16, 1991, to accept a Special Exception on the Board's own motion, and to rescind the Board's decision to waive the fee for the application. Accordingly, if these homeowners wish to pursue a Special Exception for their illegal dumping activities, they will have to pay the required fee and follow the same procedures as everyone else. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Hyland being out of the room.

**SBE:sbe**

**91. 3:30 P.M. - BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82, (MOTOR VEHICLES**

**AND TRAFFIC) REGARDING THE CHANGE OF THE PARKING METER RATE AT THE PUBLIC SAFETY CENTER (PSC) AND TO ESTABLISH A PROCEDURE FOR DETERMINING PAY-FOR-PARKING RATES AT THE PSC GARAGE (Tape 10)**

(O) (NOTE: The Board of Supervisors held a public hearing on this issue on October 25, 1993 and deferred Board Decision until November 15, 1993.)

Supervisor Berger moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) regarding a change for the parking meter rate at the Public Safety Center (PSC) and adoption of a procedure for determining the pay-for-parking rates to be used at the public parking garage currently under construction. This motion was seconded by Supervisor Frey.

Supervisor Dix asked to amend the motion to:

- Continue discussion as to how the Board can provide parking for crime victims and witnesses who are testifying on behalf of the Commonwealth; and
- Refer this item to the Criminal Justice Policy Group for review and recommendation on those parking arrangements;

and this was accepted.

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

**92. 3:30 P.M. - BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 9 (CABLE COMMUNICATIONS) RELATING TO REGULATION OF BASIC CABLE TELEVISION SERVICE RATES (Tape 10)**

(NOTE: The Board of Supervisors held a public hearing on this issue on October 25, 1993 and deferred Board Decision until November 15, 1993.)

Supervisor Hanley moved approval of the revised staff recommendation to **DEFER** this issue and readvertise the proposed amendments to the Code of the County of Fairfax, Chapter 9 (Cable Communications) relating to regulation of basic cable television rates. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Hyland being out of the room.

**93. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-D-050 (TOLL AT POTOMAC WOODS, LIMITED PARTNERSHIP) (DRANESVILLE DISTRICT) (Tape 10)**

Mr. Martin D. Walsh reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$250 from John S. Groupe, Agent for the Engineering Group in Woodbridge, Virginia.

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

Supervisor Berger moved approval of Proffered Condition Amendment Application PCA 86-D-050 subject to the development conditions dated November 15, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor Hanley being out of the room.

**94. 3:30 P.M. - PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION**

**DPA A-502-3 (SAINT ANNE'S EPISCOPAL CHURCH) (HUNTER MILL DISTRICT)**

(Tape 10)

Mr. Chris M. Evans reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by three speakers, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of

Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Following discussion, Supervisor Dix moved approval of Development Plan Amendment Application DPA A-502-3 subject to the development conditions dated November 3, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

In addition, Supervisor Dix moved:

- Modification of the transitional screening yard in the southwestern portion of the site; and
- Waiver of the barrier requirement on the southeastern and eastern portions of the site to that shown on the Development Plan.

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

**95. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-V-033 (HALLOWING POINT ASSOCIATES, INCORPORATED) (MOUNT VERNON DISTRICT) (Tape 10)**

Mr. Michael K Kirk reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Susan Langdon, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Following discussion, Supervisor Hyland moved approval of Special Exception Application SE 93-V-033 subject to the development conditions dated September 30, 1993 with the exception of Development Condition Number 11 which states:

- The site entrance on River Drive shall be redesigned and constructed as determined by the Department of Environmental Management (DEM) and the Virginia Department of Transportation (VDOT); and removal of the last bullet in Development Condition Number 12 which states:

- There shall be pavement to a point twenty-five (25) feet into the entrance drive from River Drive to inhibit the transfer of gravel off-site.

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

Supervisor Hyland moved approval of the modification of parking lot landscaping subject to the development conditions dated September 30, 1993. The motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct the staff of DEM to find a way to save the threatened tree and spare any unnecessary expenses. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **96. ORDERS OF THE DAY (Tape 10)**

Chairman Davis announced that because Supervisor Berger would have to leave the meeting early, the Board would now proceed with the 4:30 p.m. - Public Hearing on Special Exception Application SE 93-D-027.

#### **97. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-027 (EXXON CORPORATION) ( DRANESVILLE DISTRICT) (Tape 10)**

Mr. Frank W. Sterns reaffirmed the validity of the affidavit for the record.

Mr. Sterns 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.

Supervisor Berger moved approval of Special Exception Application SE 93-D-027 subject to the proposed development conditions dated September 30, 1993. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved approval of a waiver of the barrier requirement along the portion of the northern property boundary that is across Corner Lane from Franklin Sherman Elementary School to that shown on the Special Exception plat. This motion

was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved approval of a modification of the peripheral parking lot landscaping requirement along Old Dominion Drive to that shown on the Special Exception plat. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved approval of a waiver of the front yard requirement on Corner Lane, pursuant to Section 2-418 of the Zoning Ordinance. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Berger moved approval of a waiver of the service drive requirement on Old Dominion Drive and Chain Bridge Road. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Supervisor Hanley being out of the room.

#### **98. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION**

#### **SEA 83-S-042 (FAIRFAX COUNTY DIVISION OF COMMUNICATIONS) (SPRINGFIELD DISTRICT) (Tape 10)**

Mr. David P. Mullet reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Denise James, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor McConnell moved approval of Special Exception Amendment Application SEA 83-S-042 subject to the development conditions dated October 27, 1993, and:

- Reaffirmation of a modification of the screening requirements, pursuant to Section 13-304 of the Zoning Ordinance; and
- Addition of the following language as Development Condition Number 12:

"The County will review and re-evaluate its requirement for the 350 foot tower every five (5) years beginning in 1998. Should it be found that the County no longer requires a 350 foot tower as determined by the Division of Communications, it will be lowered to a height that meets the County's current and future needs."

The motion, the second to which was inaudible, carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey, and Supervisor Hanley being out of the room.

**99. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) AND CHAPTER 101 (SUBDIVISION PROVISIONS) REGARDING MINOR ADJUSTMENT OF PROPERTY LINES (Tape 10)**

(O) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and Chapter 101 (Subdivision Provisions) to provide for certain minor lot line adjustments for lots which, although legally established, are not in conformance with current zoning district requirements, as recommended by the Planning Commission with the revision recommended by staff with an effective date of **November 16, 1993 at 12:01 a.m.**

This motion was seconded by Supervisor Bulova and **CARRIED** by a recorded vote of five, Supervisor Hanley abstaining, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Frey being out of the room.

**100. 3:30 P.M. - PH ON THE ENLARGEMENT, DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICES (DRANESVILLE AND PROVIDENCE DISTRICTS)**

(Tape 10)

(R) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor Hanley moved approval of the De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse and leaf collections services in the Providence District as follows:

Type of Staff

Sanitary District ActionServiceRecommendations

Small District One De-Create/Refuse & Deny

within Providence Re-Create Leaf

District

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved approval of the Enlargement of Small and Local Sanitary District for refuse and leaf collection services in the Dranesville District as follows:

Type of Staff

Sanitary District ActionServiceRecommendations

Local District A-1-1EnlargeRefuse &Approve

within Small District Leaf

One within Dranesville

District

Local District A-6-1EnlargeRefuse &Approve

within Small District Leaf

One within Dranesville

District

These motions were seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Trapnell being out of the room.

Vice-Chairman McConnell returned the gavel to Supervisor Davis..



**101. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-V-029 (ALI AND MAHIN JAVADI) (MOUNT VERNON DISTRICT) (Tape 10-11)**

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

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Chairman Davis and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey, and Supervisor Hanley being out of the room.

Supervisor Hyland moved approval of Special Exception Application SE 93-V-029 subject to the development conditions dated September 16, 1993, and further moved waiver of the barrier requirement and modification of the screening requirement for the pump station, pursuant to Paragraph 7 of Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey, and Supervisor Hanley being out of the room.

**102. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-H-023 (MOBIL OIL COMPANY) (HUNTER MILL DISTRICT) (Tape 11)**

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 persons had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Robby Robinson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Dix moved approval of Special Exception Application SE 93-H-023 subject to the development conditions dated September 2, 1993 with the following revision to the last portion of the last sentence of Development Condition Number 3 to read:

"As revised through September 7, 1993 and these conditions."

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

Supervisor Dix moved waiver of the open space requirement. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, Supervisor and Supervisor Frey being out of the room.

Supervisor Dix moved waiver of the lot size and width requirements. This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Frey being out of the room.

**103. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT/ SPECIAL EXCEPTION RENEWAL APPLICATION SEA/SER 90-M-003 (THE MONTESSORI SCHOOL OF NORTHERN VIRGINIA, INCORPORATED) (MASON DISTRICT) (Tape 11)**

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

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

Following the public hearing, which included testimony by one speaker, Kevin Guinaw, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Trapnell moved approval of Special Exception Amendment/Special Exception Renewal Application SEA/SER 90-M-003 subject to the development conditions dated October 13, 1993. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Frey being out of the room.

Supervisor Trapnell moved waiver of the barrier requirements along the western and southern boundaries in favor of the existing transitional screening and subject to the Special Exception development conditions. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Frey being out of the room.

**104. 4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112, (ZONING ORDINANCE)**

**REGARDING HOURS OF OPERATION - GROUP 1 SPECIAL PERMIT USES (No Tape)**

(NOTE: Earlier in the meeting, the Board announced its intent to defer this item. Later in the meeting, formal action was taken to defer this item. See Clerk's Summary Items CL#76 and CL#108.)

**105. 4:00 P.M. - PH ON PROPOSED AMENDMENTS TO CODE OF THE COUNTY OF FAIRFAX, CHAPTER 69 (SWIMMING POOL ORDINANCE) (Tape 11)**

(O) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor Dix moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 69 (Swimming Pool Ordinance). This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Bulova, and Supervisor Frey being out of the room.

**106. 4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 29 INTERCHANGE SEGMENT OF THE FAIRFAX COUNTY PARKWAY (SULLY DISTRICT) (Tape 11)**

(R) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, which included testimony by seven speakers, Supervisor Frey moved adoption of the Resolution authorizing the acquisition of interests in real property necessary for construction of the Route 29 Interchange segment of the Fairfax County Parkway, Project 064150. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Hanley, and Supervisor McConnell being out of the room.

**107. ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 29 INTERCHANGE SEGMENT OF THE FAIRFAX COUNTY PARKWAY (SULLY DISTRICT) (Tape 11)**

(NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item CL#7.)

Supervisor Frey moved authorization of the advertisement of a public hearing to be held before the Board of Supervisors on **December 6, 1993 at 3:30 p.m.** on the acquisition of certain dedications and easements necessary for the construction of the Route 29 Interchange segment of the Fairfax County Parkway. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Hanley, and Supervisor McConnell being out of the room.

**108. 4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112, (ZONING ORDINANCE) REGARDING HOURS OF OPERATION - GROUP 1 SPECIAL PERMIT USES** (Tape 11)

(O) (NOTE: Earlier in the meeting, action was taken regarding this public hearing. See Clerk's Summary Item CL#76.)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Supervisor Frey moved to defer the public hearing on consideration of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Section 8-105, hours of operation for Group 1 Special Permit Uses, until **December 13, 1993 at 4:30 p.m.** This motion was seconded by Supervisor Bulova, and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Hanley, and Supervisor McConnell being out of the room.

**109. 4:00 P.M. - PH ON THE LEASING OF PORTION OF THE WEST SPRINGFIELD GOVERNMENTAL CENTER PROPERTY (6140 ROLLING ROAD) TO THE SOUTHWESTERN BELL MOBILE SYSTEMS, INCORPORATED (SPRINGFIELD DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor McConnell moved that the Board authorize the County Executive to execute a lease with Southwestern Bell Mobile systems, Incorporated, for a portion of the West Springfield Governmental Center property for

the purpose of establishing a mobile telephone cell site in accordance with the general terms and conditions as outlined in the Memorandum to the Board. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

**AR:ar**

**110. 4:30 P.M. - PH ON AGRICULTURAL/FORESTAL DISTRICT APPLICATION**

**AF 93-Y-001 (MAURINE AND SETH HORNE PROPERTIES) (SULLY DISTRICT) (Tape 12)**

(O) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Mr. Gregory Horne reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Lorrie Kirst, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Frey moved that the Board adopt the proposed amendment to the Code of the County of Fairfax, Chapter 114 (Agricultural and Forestal Districts of Statewide Significance), Appendix E, Stone Bridge Statewide Agricultural District (Application AF 93-Y-001) subject to the revised ordinance provisions of the Staff Report dated September 23, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Hanley, and Chairman Davis being out of the room.

**111. 4:30 P.M. - PH ON REZONING APPLICATION RZ 93-H-004 (STUDENT LOAN MARKETING ASSOCIATION) (HUNTER MILL DISTRICT) (Tape 12)**

Mr. C. Thomas Hicks, III reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by two speakers, Cathy Chianese, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Dix moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-H-004 and Conceptual Development Plan (CDP) 93-H-004 be amended from the PDH-40 and PDC Districts to the PDC District, subject to the executed proffers dated November 15, 1993. This motion was jointly seconded by Supervisor Hyland and Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

Supervisor Dix moved modification of the transitional screening requirement pursuant to Paragraph 3 of Section 13-304 of the Zoning Ordinance, subject to the provision of landscaping as shown on Sheets Three and Five of the Conceptual Development Plan/Final Development Plan (CDP/FDP). This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

#### **112. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION**

#### **PCA 87-S-053-2, REZONING APPLICATION RZ 93-Y-002, AND SPECIAL EXCEPTION APPLICATION SE 93-Y-005 (MCDONALD'S CORPORATION) (SULLY DISTRICT) (Tape 12)**

Mr. Martin D. Walsh reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Denise James, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application

PCA 87-S-053-2 subject to the executed proffers dated October 27, 1993. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

Supervisor Frey moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-Y-002 be amended from the C-3, Highway Corridor, Sign Control and Water Supply Protection Overlay Districts to the C-8, Highway Corridor, Sign Control and Water Supply Protection Overlay Districts subject to the executed proffers dated November 4, 1993. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

Supervisor Frey moved approval of Special Exception Application SE 93-Y-005 subject to the development conditions dated October 23, 1993. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

Supervisor Frey moved reaffirmation of the waiver of the service drive requirement along Route 28. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

**113. 4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-027 (EXXON CORPORATION) (DRANESVILLE DISTRICT) (No Tape)**

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#97.)

**114. 4:30 P.M. - PH REGARDING AND AMENDMENT TO THE LEASE WITH THE GOOD SHEPHERD HOUSING AND FAMILY SERVICES FOR OFFICE SPACE AT 6301 RICHMOND HIGHWAY (MOUNT VERNON DISTRICT) (Tape 12)**

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor Hyland moved that the Board authorize the County Executive to execute an amendment to the existing lease with Good Shepherd

Housing and Family Services in accordance with the terms and conditions outlined in the Lease Agreement contained in Attachment A of the Memorandum to the Board. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

**115. 4:30 P.M. - PH REGARDING THE LEASING OF A PORTION OF THE JEFFERSON FIRE STATION PROPERTY AT 3101 HODGE PLACE TO SOUTHWESTERN BELL MOBILE SYSTEMS, INCORPORATED (MASON DISTRICT) (No Tape)**

(NOTE: The Planning Commission deferred its public hearing on 456-M93-14 until November 18, 1993. The public hearing before the Board of Supervisors has been deferred until **November 22, 1993 at 3:30 p.m.**)

**116. 4:30 P.M. - PH ON THE PROPOSED ABANDONMENT OF SEVERAL ROAD RIGHTS-OF-WAY IN THE RANDOM HILLS DEVELOPMENT (SULLY DISTRICT) (Tape 12)**

(R) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following the public hearing, Supervisor Frey moved adoption of the Order abandoning several road rights-of-way in the Random Hills Development. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

**117. 4:30 P.M. - PH ON 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 (Tape 12)**

(O) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in this Newspaper in the issues of October 29 and November 5, 1993.

Following a briefing by Paul L. Baldino, Assistant Director, Office of Personnel, and the public hearing, Supervisor Trapnell moved adoption of the 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. This motion was



seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

**118. DEFERRAL OF A-15 - INTERIM REPORT OF THE DULLES TOLL ROAD SPECIAL ADVISORY COMMITTEE REGARDING HIGH OCCUPANCY VEHICLE LANES (COUNTYWIDE)** (Tape 12)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that this item be deferred until **November 22, 1993**. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**119. BOARD ADJOURNMENT** (Tape 12)

At 6:50 p.m., the Board adjourned.