

**SBE:sbe**

The meeting was called to order at 9:40 a.m. with all Members being present, 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 DECEMBER 1, 1993 AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY (Tape 1)**

Supervisor Hanley moved approval of the Proclamation presented to Marlene W. Blum, Chairman, Health Care Advisory Board (HCAB); and Gale Savage, HCAB Board Member and Chairman of the HCAB HIV Committee, designating December 1, 1993 as "**Aids Awareness Day**" in Fairfax County. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

**3. CERTIFICATE TO RECOGNIZE "ADOPT-A-CAUSE" PARTICIPANTS (Tape 1)**

Supervisor Bulova moved approval of the Certificate to recognize "**Adopt-A-Cause**" participants for their dedicated commitment to the program which brings together County civic organizations, businesses and nonprofits to strengthen the community and improve the quality of life for all citizens in Fairfax County. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**4. ORDERS OF THE DAY (Tape 1)**

Chairman Davis announced that the Board would proceed with the second 10:00 a.m presentation item, Presentation of the Annual Report of the Oversight Committee on Drinking and Driving.

**5. 10:00 A.M. - PRESENTATION OF THE FINAL REPORT OF THE COUNTY GOVERNMENT COMMITTEE (No tape)**

(NOTE: Later in the meeting, the Presentation of the Final Report of the County Government Committee was heard. See Clerk's Summary Item CL#7.)

**6. 10:00 A.M. - PRESENTATION OF THE ANNUAL REPORT OF THE OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (Tapes 1-2)**

Following a presentation of the Annual Report of the Oversight Committee on Drinking and Driving by Louis Herzog, Chairman, Fairfax County Oversight Committee on Drinking and Driving, a question-and-answer period ensued with input from Mr. Herzog and Jerry D. Stemler, County Driving While Intoxicated (DWI) Coordinator, Police Department.

With an expression of appreciation to Mr. Herzog for his dedicated work, Supervisor McConnell moved that the Board direct staff to send a letter from the Board to the Courts asking why the Alcohol Safety Action Program (ASAP) is not being used for juveniles. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor McConnell asked unanimous consent that the Board direct staff to send a letter to the Police Department, the Commonwealth Attorney's Office, the Virginia Alcohol Beverage Control Board, and the District and Juvenile Courts recommending that they form an Ad Hoc task force for the purpose of establishing a coordinated enforcement policy and program committed to aggressively and effectively reducing underage drinking, possession, and purchase of alcohol in Fairfax County.

Supervisor Dix stated that he had asked the County Executive to review the particular issues surrounding the integration of the different agencies. Supervisor Dix stated that his recommendation at the time had been to utilize the existing Oversight Committee. Therefore, Supervisor Dix asked unanimous consent that the Board defer decision on this issue until receipt of a recommendation from the County Executive. Without objection, it was so ordered.

Following further discussion, Supervisor Hyland moved that the Board establish County regulations mandating training and certification of all persons "selling" alcoholic beverages for off-premises consumption through businesses licensed in Fairfax County. This training would focus on development of skills necessary for recognizing false or altered identification used to establish the age of the purchaser. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Frey being out of the room.

#### **7. 10:00 A.M. - PRESENTATION OF THE FINAL REPORT OF THE COUNTY GOVERNMENT COMMITTEE (Tape 2)**

(BACs)

(A) Governor Linwood Holton, Chairman, County Government Committee; and Warren I. Cikins, Vice-Chairman, County Government Committee, presented the Final Report of the County Government Committee.

Chairman Davis recognized the presence of Mr. Jim Falck from the Committee, and welcomed him to the Board Auditorium.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board:

- Accept this report; and
- Direct staff to schedule a public hearing to be held before the Board of Supervisors on **December 6, 1993 at 4:30 p.m.**

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**8. 10:15 A.M. - PRESENTATION BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) ON THE STATUS OF THE CHESAPEAKE BAY RESTORATION EFFORTS** (Tape 2)

Following a presentation by William Matuszeski, Director, Chesapeake Bay Program Office, Environmental Protection Agency (EPA), on the status of the Chesapeake Bay restoration efforts, there was a discussion period with the Board.

Supervisor Hanley asked unanimous consent that the Board direct staff to distribute copies of the slides and charts presented by Mr. Matuszeski to the Board for review. Without objection, it was so ordered.

**AR:ar**

**9. BRIEF RECESS** (Tape 3)

At 11:35 a.m., the Board recessed briefly, and at 11:50 a.m., reconvened in the Board Room with all Members being present with the exception of Supervisor Frey and Supervisor Hanley, and with Chairman Davis presiding.

**10. ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Alexander moved approval of the Administrative Items. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and **\*Supervisor Hanley\*** being out of the room.

(NOTE: Later in the meeting, **\*Supervisor Hanley\*** asked to be recorded as voting "**AYE**" on the motion to approve the Administrative Items. See Clerk's Summary Item CL#27.)

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

(R) Adopted the request that certain streets listed in the Memorandum to the Board dated November 22, 1993 be recommended for acceptance into the State Secondary System as follows:

Subdivision District Street

Hillside Manor Dranesville Crofton Place,

Route 4092

Wynnewood Sully Upper Wynnewood

Place

Kyler Court

**ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 88-D-100, FLEETWOOD ASSOCIATES C/O RANDOLPH WILLIAMS, INCORPORATED (DRANESVILLE DISTRICT)**

(AT)

Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 88-D-100 until **March 31, 1996** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATIONS SE 89-C-046, SE 89-C-047 AND SE 89-C-048, AUBREY LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)**

(AT)

Approved the request for 24 months of additional time to commence construction for Special Exception Applications SE 89-C-046, SE 89-C-047 and SE 89-C-048

until **October 30, 1995** pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 4 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 64 (MECHANICAL PROVISIONS), CHAPTER 65 (PLUMBING AND GAS PROVISIONS) AND CHAPTER 66 (ELECTRICAL PROVISIONS)**

(A)

Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **January 10, 1994 at 4:00 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapters 64 (Mechanical Provisions), Chapter 65 (Plumbing and Gas Provisions) and Chapter 66 (Electrical Provisions) to bring the contractor licensing and master and journeyman tradesman certification provisions of the Ordinance into compliance with recent amendments to the Code of Virginia.

**11. A-1 - APPROVAL OF REVISED BUDGET FOR THE VIRGINIA RAILWAY EXPRESS (VRE) STATION AT FRANCONIA-SPRINGFIELD (LEE DISTRICT)**

(Tape 3)

On motion of Supervisor Alexander, seconded by Supervisor McConnell, and carried by a vote of eight, Supervisor Frey and **\*Supervisor Hanley\*** being out of the room, the Board concurred in the recommendation of staff and:

- Approved the revised project budget as contained in the Memorandum to the Board; and
- Directed staff to carry out the terms of the previously executed Project Agreement, including payments to the Washington Metropolitan Area Transportation Authority (WMATA).

(NOTE: Later in the meeting, **\*Supervisor Hanley\*** asked to be recorded as voting "**AYE**")

on the motion to approve Action Item A-1. See Clerk's Summary Item CL#27.)

**12. A-2 - INTERIM REPORT OF THE DULLES TOLL ROAD SPECIAL ADVISORY COMMITTEE REGARDING HIGH OCCUPANCY VEHICLE (HOV) LANES**

(Tape 3)

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Dix moved that the Board use every opportunity to influence the federal authorities to assist in the solution in the Dulles Corridor by providing access to the Dulles Access Road during morning and afternoon peak hours for carpools, vanpools, and buses as a use until such time as the rail and express bus programs are up and running together in this corridor, with a notation that it is not appropriate to finance a program with increased tolls at the present time. This motion was seconded by Supervisor Berger.

Supervisor Hanley asked that the motion be amended to read, "...influence the Airports Authority and appropriate federal authorities," and this was accepted.

After additional discussion, Supervisor Dix restated his motion, for the purpose of clarification, and moved that the Board:

- Takes a position in support of the concept of High Occupancy Vehicle (HOV) in the Dulles Corridor, but does not support raising tolls as a financing mechanism;
- Wishes to review the interchange improvements, particularly that at Hunter Mill Road; and
- Encourages the Airports Authority and appropriate federal representatives to reconsider opening the Dulles Access Road during peak a.m. and p.m. hours for carpools, vanpools, and buses.

This motion was seconded by Supervisor Berger.

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

### **13. A-3 - BOARD APPROVAL OF THE 1994 GYPSY MOTH SUPPRESSION PROGRAM (Tape 3)**

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the actions as outlined in the Memorandum to the Board regarding Fairfax County's 1994 Gypsy Moth Suppression Program. This motion was seconded by Supervisor Alexander.

Following discussion, with input from Robert J. Doyle, Director, Department of Extension and Continuing Education, the question was called on the motion which carried by unanimous vote.

**14. A-4 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94037 FOR AN OFFICE FOR CHILDREN GRANT FROM THE VIRGINIA COUNCIL ON CHILD DAY CARE AND EARLY CHILDHOOD PROGRAMS (Tape 3)**

(SAR) On motion of Supervisor Hanley, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94037 in the amount of \$445,481 from the Virginia Council on Child Day Care and Early Childhood Programs to establish the Office for Children (OFC) as one of three State "Centers for Families That Work."

**15. A-5 - DESIGNATION OF PLANS EXAMINERS STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM (Tape 3)**

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Designated the following individuals, identified with their registration numbers, as Plans Examiners:
  - Carlyle A. Brady (110);
  - Charles F. Dunlap (108); and
  - J. William Ewing (109);
- Designated inactive status for the following individuals electing not to pursue the continuing education requirements of the Designated Plans Examiner Program:
  - Fred Ameen (95);
  - James Colton (73);
  - Paul Kraucunas (40);
  - Stephen Reynolds (49);
  - Carol Sinclair (13); and
  - Laura Slade (82).

**16. A-6 - APPROVAL TO ISSUE A REQUEST FOR PROPOSALS (RFPS) FOR POSSIBLE PRIVATIZATION OF FACILITIES OPERATION AND MAINTENANCE SERVICES IN ZONE ONE FACILITIES (Tapes 3-4)**

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

- Authorize staff to proceed with the issuance of the Request for Proposals (RFPs) to all vendors registered on the Bidders' Mailing List; and
- Advertise the availability of this solicitation in the appropriate media.

This motion was seconded by Supervisor Dix.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved a substitute motion that the RFP be advertised as recommended by staff with the exception of the custodial services currently under contract in Zone One, which will be excluded and will remain intact. This motion was seconded by Supervisor Frey.

Following discussion, with input from William J. Leidinger, County Executive, John W. di Zerega, Director, Department of Public Works, and Fred K. Kramer, Director, Department of General Services, the question was called on the substitute motion which **CARRIED** by a recorded vote of eight, Supervisor Alexander and Supervisor Hyland voting "**NAY.**"

The question was then called on the main motion, as substituted, which **CARRIED** by a recorded vote of eight, Supervisor Alexander and Supervisor Hyland voting "**NAY.**"

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**17. C-1 - AUTHORIZATION TO NEGOTIATE UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR JENNINGS PROPERTIES, INCORPORATED (PROVIDENCE DISTRICT) (Tape 4)**

With the understanding that this is part of a new process which has been established for these kinds of items, and in recognition of the fact that this action does not contain authorization to condemn on the behalf of the developer, Supervisor Hanley moved that the Board authorize staff to negotiate under the Private Developer Assistance Program at the request of Jennings Properties, Incorporated for certain land rights on properties identified as Tax Map Numbers 39-3((1))0018-A and 39-3((1))0018-D owned by Jane W. Harding. This motion was seconded by Supervisor Frey.

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

**18. C-2 - "WELCOME TO FAIRFAX COUNTY" SIGN ON THE DULLES ACCESS/TOLL ROAD (HUNTER MILL DISTRICT) (Tape 4)**

The Board next considered an Item contained in the Memorandum to the Board dated November 22, 1993 presenting the staff response on how to accomplish the installation of the "Welcome to Fairfax County" sign on the Dulles Access/Toll Road.



Supervisor Dix moved that the Board defer consideration of this item until the mid-year budget review. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**19. C-3 - PUBLIC STREET FRONTAGE WAIVER REQUEST FOR 1546 BARTHOLOMEW COURT (HUNTER MILL DISTRICT) (Tape 4)**

Supervisor Dix moved that the Board approve the request for a waiver of the public street frontage requirement for a proposed subdivision of 1546 Bartholomew Court, Subdivision Waiver Number 013108, Tax Map Number 28-4-001-Parcel 22A into two lots. This motion was seconded by Supervisor Berger.

Following discussion, Supervisor Hanley asked that the motion be amended to include, in the letter of approval, a notation that, "This waiver does not override existing covenants," and this was accepted.

After Supervisor Dix's clarification that the intent of his motion is to include the three conditions recommended by staff in Paragraph 4, Page 44 of the Memorandum to the Board dated November 22, 1993, the question was called on the motion, as amended, which carried by unanimous vote.

**20. C-4 - PUBLIC STREET FRONTAGE WAIVER REQUEST FOR THE CHARLES B. AND BETTY G. EWING PROPERTY (DRANESVILLE DISTRICT) (Tape 4)**

Supervisor Berger moved that the Board approve the request for a waiver of the public street frontage requirement for a proposed subdivision of the Charles B. and Betty G. Ewing property, 1338 Merchant Lane, Subdivision Waiver Number 013460, Tax Map Number 31-1-001-21 into two lots, to include the conditions as shown in Paragraph 4, Page 48 of the Memorandum to the Board dated November 22, 1993. This motion was seconded by Supervisor Dix and carried by unanimous vote.

**21. I-1 - IMPLEMENTATION OF A TWO-PHASE CONSTRUCTION PERMIT FOR LAND-DISTURBING ACTIVITIES (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 22, 1993 announcing the implementation of a two-phase construction permit for land-disturbing activities.

There was a brief discussion regarding this item.

**22. I-2 - ISSUES ASSOCIATED WITH THE ACCEPTANCE OF CORPORATE SURETY BONDS SUPPLIED AS SECURITY IN SUPPORT OF DEVELOPMENT AGREEMENTS (Tape 4)**

The Board next considered an Item contained in the Memorandum to the Board dated November 22, 1993 requesting authorization for staff to:

- Meet with the industry regarding the acceptance of corporate surety bonds supplied as security in support of development agreements; and
- Report with recommendations.

Chairman Davis voiced his interest in seeing the industry comments on this item before any action is taken by the Board following the submission of the staff's recommendations.

The staff was directed administratively to proceed as proposed.

**23. I-3 - USE OF POLYBUTYLENE PIPE IN THE MANTUA SUBDIVISION (PROVIDENCE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 22, 1993 presenting the staff response to Board questions regarding the use of polybutylene pipe in the Mantua Subdivision.

There was a brief discussion regarding this item, with input from Irving Birmingham, Director, Department of Environmental Management (DEM).

**24. I-4 - CONTRACT AWARD - CIRCUIT COURT 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 22, 1993 requesting authorization for staff to award a contract, including Alternate Number One only, to D.H. Kim Enterprises, Incorporated, in the amount of \$1,330,000 for Project 001038, Circuit Court Expansion II, Subfund 461, County Construction.

The staff was directed administratively to proceed as proposed.

**25. I-5 - SCENIC AMERICA'S VIDEO TAPE OF TREE CONSERVATION EFFORTS IN FAIRFAX COUNTY AND OTHER JURISDICTIONS (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 22, 1993 announcing that the Scenic America's video tape of tree conservation efforts in Fairfax County and other jurisdictions is available for viewing at the Department of Environmental Management (DEM).

Supervisor Bulova announced that, time permitting, there would be a viewing of this video later in the meeting following the public hearing to receive Citizen Comment, and prior to the scheduled public hearing on the Proposed Legislative Program.

(NOTE: Later in the meeting, this matter was discussed by the Board. See Clerk's Summary Item CL#78.)

#### **26. I-6 - FINANCING FOR THE FAIRFAX COUNTY POLICE DEPARTMENT'S REPLACEMENT HELICOPTER (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated November 22, 1993 presenting the financing options for the purchasing of a replacement helicopter for the Fairfax County Police Department.

Supervisor Berger asked unanimous consent that the Board direct staff to provide a report on what, if any, reimbursements are being received by Fairfax County for use of its helicopters in other jurisdictions. Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board accept into the record the "Resolution to Promote Purchase of Third Helicopter and Increase Strength of Sworn Police Officers to Keep Pace with Population Growth" unanimously passed by the Providence District Council at its meeting on October 18, 1993. Without objection, it was so ordered.

Following a query from William L. Leidinger, County Executive, Chairman Davis acknowledged, for the record, that it is the intent of the Police Department to proceed with the purchase of the replacement helicopter.

#### **27. REQUEST TO RECORD VOTE (Tape 4)**

Supervisor Hanley asked unanimous consent to be recorded as voting "**AYE**" on the Administration Items and Action Item A-1 - Approval of Revised Budget for the Virginia Railway Express (VRE) Station at Franconia-Springfield (Lee District). Without objection, it was so ordered.

### **BOARD MATTERS**

**28. APPOINTMENTS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT SELECTION COMMITTEE (Tape 4)**

(APPT)

On November 30, 1993, the Community Development Block Grant (CDBG) Project Selection Committee will be holding its first meeting for the next project year (1995). Because the next scheduled date for appointments to be heard is too late for members to attend the meeting this month, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board confirm the following appointments and reappointment to the Project Selection Committee:

- Ms. Pam Davis as the Federation of Citizens Associations Representative;
- Ms. Linda C. Eubanks as the Community Action Advisory Board Representative; and
- Ms. Marta Wyatt as the Human Rights Commission Representative (reappointment).

This motion was seconded by Vice-Chairman McConnell and carried by unanimous vote.

**29. APPOINTMENT TO THE FAIRFAX COUNTY ALCOHOL SAFETY ACTION PROGRAM (ASAP) POLICY BOARD (Tape 4)**

(APPT)

Supervisor Davis moved that the Board confirm the appointment of Dr. Dan Broadhead as the Mothers Against Drunk Driving (MADD) Representative to the Fairfax County Alcohol Safety Action Program (ASAP) Policy Board to fill the unexpired term of Mr. Robert F. Gore who has resigned from his position due to health problems. This motion was seconded by Supervisor Dix and carried by unanimous vote.

**30. REQUEST FOR INSTALLATION OF TWO STOP SIGNS IN THE SLEEPY HOLLOW****MANOR COMMUNITY (VALLEY LANE) (Tape 4)**

Supervisor Davis stated that he had recently attended a Sleepy Hollow Manor Civic Association Meeting, along with a member of Supervisor Trapnell's staff, at which the residents of the community expressed concerns about the traffic speeding south on Valley Lane. He noted that the residents suggested that the installation of two stop

signs - one on Valley Lane at the Villa Lane intersection, and one on Valley Lane at the intersection of Carolyn Drive, would slow down motorists and remedy the residents' concerns.

Accordingly, and jointly with Mason District Supervisor Trapnell, Supervisor Davis moved that the Board direct staff to review this situation and prepare the appropriate correspondence for submission to Mr. Alan Kay of the Commonwealth Transportation Board (CTB) requesting that action on this matter be expedited. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

### **31. LIFETIME ACHIEVEMENT OF MOUNT VERNON DISTRICT RESIDENT - MS. ELIZABETH HARTWELL (Tape 4)**

Supervisor Hyland stated that for the past 28 years, Ms. Elizabeth Hartwell has been committed to environmental preservation and conservation issues. Thanks to her efforts to keep Mason Neck preserved, it is the site of the 2,277 acre Mason Neck National Wildlife Refuge, the first refuge in the United States established for the protection of the bald eagle, the 1,804 acre Mason Neck State Park and the 1,003 acres Pohick Bay Regional Park.

Supervisor Hyland said that she was also honored by having Fairfax County's 17th Century Dogue Indian Village "Tauxement" (first contact with the earliest Europeans to venture here) named in her honor and most recently Ms. Hartwell was recognized by the Commonwealth's highest environmental award - The Governor's 1993 Environmental Excellence Award for outstanding individual lifetime achievement.

Supervisor Hyland noted that Ms. Hartwell has also dedicated more than 10 years of service to the preservation and protection of the tidal wetlands in Fairfax County. Through her efforts, Fairfax County became one of the pioneering counties in the Commonwealth to create a Wetlands Ordinance.

Supervisor Hyland said that Ms. Hartwell was also instrumental in developing citizen support which led to the selection of the Great Marsh, Kaneshaw Creek, Pohick Creek and Accotink Creek freshwater wetlands to be considered for inclusion into the National Estuarine Research System of Virginia.

Therefore, Supervisor Hyland moved that the Board:

- Name Wednesday, December 1, 1993 "Elizabeth Hartwell Day" (her birthday);
- Present her with a commemorative plaque at its next meeting; and

- Sponsor a reception in her honor during her last Wetlands Board meeting.

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

### **32. PRINCE WILLIAM COUNTY RESIDENTS VOLUNTEER THEIR LAWNS**

(Tape 4)

Supervisor Hyland noted that, even with the onset of winter, it is time to think about the Spring Rite: apply lime, fertilizer, and herbicides, plenty of grass seed, add water and wait for the lawn to turn green so we can cut it, trim it, feed it, pesticide it, herbicide it, dispose of it over and over again. Wrong....Rite!

Supervisor Hyland stated that the Prince William County Cooperative Extension Office has promoted public education on the sources and prevention of non-point pollution through its Chesapeake Bay Residential Watershed Water Quality Program. As a component of the education process, they have established a unique lawn demonstration project whereby homeowners volunteer their lawns to be tended and monitored by a "master gardener," demonstrating that a lawn can be tended in an environmentally sound way. Surveys conducted by the Extension Office showed that 30 percent of the participants used less water than before and 25 percent reported a reduction in the amount of yard trimmings.

Supervisor Hyland stated that this program is supported in partnership with the United States Department of Agriculture, Virginia Cooperative Extension and in this case, Prince William County, to bring individual experience, resources, science and technology together with federal, state, and local governments for public education and outreach.

Supervisor Hyland noted that the closer Fairfax County gets to banning yard waste from its incinerator, and because of the County's continued commitment to the Chesapeake Bay restoration effort, it is his belief that this unique award winning program could benefit our County.

Accordingly, Supervisor Hyland moved that the Board request the Department of Extension and Continuing Education Office to investigate the Prince William Chesapeake Bay Residential Watershed Water Quality Program - Residential Lawn Care Initiatives and return to the Board with a recommended course of action by the first Board Meeting in January 1994. This motion was seconded by Supervisor Alexander, and carried by unanimous vote.

**33. TEMPORARY HELP NEEDED AT THE INTERSECTION OF HOOES ROAD AND NEWINGTON FOREST AVENUE (Tape 4)**

Supervisor Hyland acknowledged that at a recent meeting with the Newington Forest Community, traffic issues were the main topics of discussion. He added that, as a result of the recent opening of the Fairfax County Parkway by-pass, a nightmare has been created for the local residents living in the Newington Forest and Chapel Acres communities. Traffic patterns have developed using local roads, some of which are not up to Virginia Department of Transportation (VDOT) standards. Traffic is now so intense that back-ups are occurring regularly and causing drivers to lose their patience and take chances they otherwise would not do by crossing the double yellow line, traveling in the wrong lane or pulling out in front of oncoming traffic on Hooes Road. The communities are requesting that the Board consider installing a temporary traffic signal at the intersection of Newington Forest Avenue and Hooes Road until the Pohick Connector is completed.

Supervisor Hyland explained that Newington Forest is also asking the County to consider hiring an off-duty Fairfax County Police Officer to direct traffic at that intersection during evening rush hours. The West Springfield District Police Station has this area in their jurisdiction. The station has only seven officers to cover a 58 square mile territory and they are just not in a position to routinely detail an officer to this intersection, especially during the busiest time of the day, the evening rush hour. However, they do support the community's concern with safety and would endorse a solution that would correct the problem.

Supervisor Hyland moved that the Board direct the Deputy County Executive for Public Safety and the Office of Transportation to review this serious safety issue at the intersection of Newington Forest Avenue and Hooes Road to determine a method which will correct this problem and to return to the Board with options for consideration no later than December 13, 1993. In addition, as staff examines these safety issues, a particular effort should be made to ensure that these potential solution(s) do not have an adverse effect upon the Chapel Acres Community. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

**34. "FLIGHT OF FREEDOM" (Tape 4)**

Supervisor Hyland announced that on November 14, 1993, the Lorton Community Action Center (LCAC) held its third annual Fall Fest fund raiser. Artists located in Lorton were invited to exhibit their works and internationally famous artist, Mr. Edward J. Bierly, was among them and he displayed "Flight of Freedom." Freedom is a glorious American Bald Eagle who, on a cold and wintery December day in 1980,

was illegally shot from the sky over an Iowa field. Fortunately, she was found by a caring farmer who called the United States Fish and Wildlife Service which arranged for the eagle to be flown to the University of Minnesota's Mayo Clinic for Birds where, under the founding directorship of Dr. Pat Redig, she was treated. Before Freedom was released, she was flown to Washington, D.C., where she appeared on stage at Constitution Hall in a program honoring the returning Iran hostages (and all people still listed as Missing in Action). The parallel was obvious between this eagle, our national symbol whose freedom was taken from her and those men and women who had lost their freedom in service to their country. Being fully recovered, on February 27, 1981, Freedom was taken to the edge of a Wisconsin bluff overlooking the Mississippi River where Dr. Redig cut the leather

jesses from her legs. After a moment's hesitation, the eagle soared upward, flying out across the river, back to her wilderness and her freedom. Artist Bierly met Freedom in Washington that day of the returning soldiers and followed her back to Wisconsin to watch her fly away. His painting is witness of that moment.

Supervisor Hyland noted that Mr. Bierly is recognized as one of the elite artists in the field of wildlife. His paintings have been exhibited at the Smithsonian, the National Audubon Society, the New York Natural History Museum, and the National Wildlife Federation. He also has illustrated several books and appears in Dr. Grzimek's Animal Life Encyclopedia, the largest and most authoritative compendium of animal science ever published. He has also designed exhibits at three museums in Rhodesia.

Supervisor Hyland stated that, following the LCAC's Fall Fest, Mr. Bierly approached the President, Ms. Lyn Nestor, and offered to donate the art dealer fee of \$4,000 to LCAC if the Center could raise the donations to purchase the oil painting. (One hundred percent of that money will be used to give a helping hand up to individuals who are in need, which can ultimately set them free of the bonds of poverty.)

In addition, Supervisor Hyland noted that, when LCAC successfully raises adequate funding through tax deductible donations, it would like to present "Flight of Freedom" as a gift to the Board of Supervisors with the hope that it can be permanently displayed in the Government Center.

As a result of discussions with the County Executive, Supervisor Hyland stated that it has been determined that the LCAC would ask businesses or individuals in the County to consider donating money towards the acquisition of this painting, the sum of \$16,000 (\$4,000 of which would go to the LCAC). In turn, the painting would be donated by the LCAC to Fairfax County Government to be placed in the Government



Center with appropriate recognition given by a plaque underneath indicating those individuals who have made it possible for the painting to be donated to the County.

Therefore, Supervisor Hyland asked unanimous consent that the Board endorse the efforts of the LCAC and work with them towards this goal. Without objection, it was so ordered.

**PMH:pmh**

**35. EXPANSION OF FACILITIES FOR THE NAVY FEDERAL CREDIT UNION (Tape 5)**

Supervisor Dix announced that the Navy Federal Credit Union has plans to expand its facilities in the Vienna Technology Park and to add nearly 1,500 employees in the next 10 to 15 years. Navy Federal has submitted an application with the Town of Vienna for a 350,000 square-foot expansion and parking structure. He added that Navy Federal Credit Union is currently the largest employer in Vienna, with 1,900 workers.

Accordingly, Supervisor Dix asked unanimous consent that the Board direct staff to work with the planning staff in Vienna as may be appropriate to facilitate a successful project. Without objection, it was so ordered.

**36. REQUEST FOR CERTIFICATE OF APPRECIATION TO BE PRESENTED TO DEPUTY CHIEF EDWARD P. PLAUGHER, SUPPORT SERVICES DIVISION, FIRE AND RESCUE DEPARTMENT (Tape 5)**

Supervisor Dix announced that Deputy Chief Edward P. Plaugher, Support Services Division, Fire and Rescue Department, has been selected to be the new Chief of Fire and Rescue Department in Arlington County.

Supervisor Dix asked unanimous consent that the Board direct staff to extend an invitation to Deputy Chief Plaugher to appear before the Board to receive a Certificate of Appreciation for his years of service. Without objection, it was so ordered.

**37. REQUEST FOR CERTIFICATE OF APPRECIATION FOR THE MARSHALL ROAD ELEMENTARY SCHOOL STORM DRAIN PAINTING PROJECT (Tape 5)**

Supervisor Dix stated that he and Supervisor Hyland had the opportunity to participate in the Northern Virginia Soil and Water Conservation District meeting. On behalf of the Board, he congratulated Supervisor Hyland and a member of his staff who were

recognized for their continuing efforts regarding environmental protection in Fairfax County.

Supervisor Dix stated that on November 3, 1993, Mrs. Whitfield's class at Marshall Road Elementary School completed an environmental awareness storm drain painting project. The students selected several storm drains in a neighborhood near their school on which they neatly stenciled "Don't Dump - Chesapeake Bay Drainage." With this message they hope to prevent and to reduce the amount of pollutants carried by stormwater to the streams and lakes.

Supervisor Dix said that the students created a flyer explaining what they would like to do and why. They delivered one to each home in the neighborhood. As the homeowners read the students' flyers, they learned that whatever they dump or push down storm drains, plus what is picked up by stormwater runoff, such as oil, leaves, excess fertilizer, pesticides, animal waste, paint, anti-freeze, etcetera, goes directly to the streams and lakes and eventually enters the Potomac River and Chesapeake Bay. Some of these pollutants even enter the groundwater.

Supervisor Dix pointed out that through this project, students and members of the community gain environmental knowledge, students gain skills and knowledge in research, writing, planning, producing a flyer and working cooperatively with their neighborhood and local government.

Therefore, Supervisor Dix asked unanimous consent that the Board:

- Direct staff to prepare a Certificate of Appreciation to be presented at the Board Meeting scheduled for December 6, 1993;
- Invite Mrs. Whitfield, or the Marshall Road Elementary School Principal, David Meadows, to come before the Board to accept the Certificate; and
- Invite the participating students.

Without objection, it was so ordered.

### **38. REQUEST FOR OUT-OF-TURN PLAN AMENDMENT (Tape 5)**

Supervisor Dix moved that the Board authorize the advertisement of an Out-of-Turn Plan Amendment to consider a mix of residential, retail and office uses for the area located on the south side of the Dulles Airport Access Road between Centreville Road on the west, Monroe Street on the east and Fox Mill road on the south. This area contains the Woodland Park Office project and the Greg-Roy Subdivision and is identified as Land Unit B of the Reston-Herndon Suburban Center in the Comprehensive Plan. This motion was seconded by Supervisor Alexander.

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

### **39. ENDORSEMENT OF LEGISLATIVE ITEMS (Tape 5)**

Supervisor Dix distributed to Board Members, two additional items for the legislative package which include staff's recommendations.

Supervisor Hanley moved that the Board endorse both positions regarding:

- The case of the Virginia Housing Partnership Fund; and
- A new proposal regarding the Homeless Intervention Program.

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

### **40. REQUEST FOR WAIVER OF FEES FOR COORDINATED PARKING AGREEMENT FOR THE MCLEAN CHILDREN'S ACADEMY (Tape 5)**

Supervisor Berger stated that the McLean Children's Academy has been working with his office and Department of Environmental Management (DEM) staff to resolve the parking issue for renewal of their Special Use Permit for nursery school and child care center located at 6900 Elm Street. The applicant is no longer pursuing a shared parking arrangement with the library due to the complications which arose over utilization of County parking spaces. NVR Savings located in the Central McLean Business District (CBD) has generously offered to share parking with the school and the details will be worked out with staff who will then bring the shared parking agreement back to the Board prior to the applicant returning to the Board of Zoning Appeals (BZA) for approval of the Special Use Permit.

Supervisor Berger said that the applicant has renewed her permit twice at the same location with no changes to the facility and has never before been required to submit a parking study or formal shared parking agreement. He added that the school serves a great need for working parents in the Dranesville District.

Therefore, Supervisor Berger moved that the Board:

- Waive the fees for the coordinated parking agreement;
- Direct staff to assist the applicant in working out the shared parking agreement; and
- Direct staff to expedite the process as much as possible in order to meet the deferred January public hearing date before the BZA.

This motion was seconded by Supervisor McConnell.

Following discussion, with input from David P. Bobzien, County Attorney, and Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that this issue be deferred until later in the day to allow time for the Board to be provided with a copy of the letter from the BZA. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Items CL#57 and CL#75.)

**41. APPOINTMENT TO THE COMMUNITY IMPROVEMENT COMMITTEE** (Tape 5)

(APPT)

Supervisor Berger moved the appointment of Mr. William C. Horne, III as the Westhampton Representative to the Community Improvement Committee. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Alexander being out of the room.

**42. APPOINTMENT TO THE COMMUNITY IMPROVEMENT COMMITTEE** (Tape 5)

(APPT)

Supervisor Berger moved the appointment of Mr. Scott R. Byrne as the Ballou Representative to the Community Improvement Committee. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Alexander being out of the room.

**43. PUBLIC HEARING TO BE HELD REGARDING THE PARA-TRANSIT PLAN TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA)** (Tape 5)

Supervisor Hanley referred to the para-transit plan to comply with the Americans with Disabilities Act (ADA) for the region. She announced that there will be a public hearing on December 7, 1993 at 7:30 p.m. in the Washington Metropolitan Area Transit Authority (WMATA) meeting room.

**44. POLICY REGARDING THE DISTRIBUTION OF THE "WEEKLY AGENDA" TO CIVIC ASSOCIATIONS (Tape 5)**

Supervisor Hanley stated that the Board has a Policy whereby the Office of Public Affairs sends to each civic association a free copy of the Board of Supervisors Weekly Agenda. She said that there are some situations where the staff has been notified by the management companies to send a copy to them and not to the Association Board Member.

Supervisor Hanley asked unanimous consent that the Board direct the Clerk to the Board and the Office of Public Affairs to report with a recommendation regarding this issue. Without objection, it was so ordered.

Supervisor Hanley stated that the Association Board Member should receive a copy of the Weekly Agenda unless the Association informs the Board that it wants someone else to receive a copy.

**45. MANY CONVENTION LOCATIONS IN NORTHERN VIRGINIA NOT LISTED IN THE "VIRGINIA BUSINESS" OF 1993 (OCTOBER ISSUE) VIRGINIA HOTEL AND CONVENTION GUIDE (Tape 5)**

Supervisor Hanley referred to the Virginia Business of 1993 (October issue) concerning convention opportunities in Northern Virginia. She said that there was a Virginia hotel and convention guide and there is no mention of Fairfax at all.

Supervisor Hanley asked unanimous consent that the Board direct staff to determine why there was no listing of Fairfax and other areas in Northern Virginia. Without objection, it was so ordered.

**46. REQUEST FOR OUT-OF-TURN PLAN AMENDMENT (Tape 5)**

Supervisor Hanley said that located at 8700 Willowmere Drive, an area of approximately 2.5 acres, there is a property with a large abandoned detached structure. She said that this structure is planned for 1-2 dwelling units per acre (du/ac). She added that the surrounding land use on the street where it has frontage is zoned in the R-3 District and across the street the zoning is in the R-8 District. There is an opportunity to develop this property and the citizens association has requested an Out-of-Turn Plan Amendment.

Therefore, Supervisor Hanley moved that the Board:

- Authorize an Out-of-Turn Plan Amendment to allow 2-3 du/ac on Tax Map Reference 49-1((12)) with consideration for the environmental and stormwater impacts; and
- Schedule the Out-of-Turn Plan Amendment for a public hearing before the Planning Commission and the Board of Supervisors as expeditiously as possible.

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

#### **47. SCHEDULING OF THE PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS REGARDING THE LINES OF BUSINESS (Tape 5)**

Supervisor Hanley referred to the public hearing to be scheduled before the Board of Supervisors regarding the Lines of Business and asked when it would be scheduled.

Following discussion, with input from William J. Leidinger, County Executive, Chairman Davis stated that the public hearing will be scheduled when the Board is finished reviewing the Lines of Business.

#### **48. BRADFIELD HOMEOWNERS ASSOCIATION PROPERTY AS POTENTIAL PARK-AND-RIDE LOT (Tape 5)**

Supervisor Bulova pointed out that the Bradfield Subdivision is located on the north side of Braddock Road on both the east and west side of Guinea Road. One of their two open space parcels, Parcel D, is located on the southwest side of Guinea Road. The Bradfield Subdivision insures and maintains this 2.34 acre parcel but enjoys no benefit from it because it is neither contiguous nor readily accessible.

Supervisor Bulova said that she had previously met with the President and Vice-President of the subdivision and Andy Szakos, Office of Transportation, to discuss the possibility of the County purchasing this parcel for a commuter park-and-ride lot. She explained that the Plan recommends that community and neighborhood sized parking facilities be built along Braddock Road.

Supervisor Bulova stated that the Office of Transportation has informed her that it may be a viable site, but needs further study. She said that there is also a zoning question - is this parcel needed for density credit. While the Office of Transportation is studying the feasibility of this parcel for a commuter park-and-ride lot, Planning staff needs to determine what the process would be for removing this parcel from the subdivision.

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

- Respond to the following issues:
  - Would a taking by the County allow this subdivision to be non-conforming if Parcel D is necessary for density credit?; and
  - Would a zoning amendment be necessary?;
- Coordinate their efforts with the Office of Transportation's continued study of this parcel's feasibility as a park-and-ride lot.

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

#### **49. OPENING OF THE OLD COURTHOUSE FOR VISITORS (Tape 5)**

Supervisor Bulova stated that she and her husband had recently dined at the Bailiwick Inn located in Fairfax City. She said they learned from the Innkeeper that the City's first and only bed-and-breakfast has been very successful. She added that a common lament from the guests was that as they walked around the City's historic center, they were unable to enter the Old Courthouse.

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

- Consider and review the suggestion of utilizing volunteers and requesting donations from visitors to keep the Old Courthouse open;
- Consult the Fairfax City staff; and
- Schedule discussion of this issue for the next Fairfax City/County Subcommittee meeting.

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

#### **50. CITY OF DANVILLE'S RESOLUTION REGARDING ITS OPPOSITION TO A REDUCTION IN THE FUNDING FOR FRINGE BENEFITS (Tape 5)**

Supervisor Bulova stated that she had received a letter from Ray Griffin, City Manager, City of Danville, which explains that the Danville City Council has adopted a resolution strongly opposing the compensation board's plan to reduce the funding for fringe benefits and have the localities "pick-up" funding for fringe benefits.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to refer this issue to the Legislative Subcommittee. Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to prepare for Board endorsement, a resolution similar to the resolution adopted by the City of Danville. Without objection, it was so ordered.

#### **51. CAT LICENSING LAW (Tape 5)**

Supervisor Bulova stated that she had received a letter from a constituent asking that Fairfax County implement a cat licensing law. She added that this was not a request for a leash law, but a licensing law.

Following discussion, Supervisor Bulova moved that the Board direct staff to review this issue to determine its feasibility. This motion died due to the lack of a second.

**NV:nv**

#### **52. COMMUTER PARKING PROBLEMS IN THE JEFFERSON MANOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (Tape 6)**

Supervisor Alexander stated that the Jefferson Manor community, in the immediate vicinity of the Huntington Metro station, is experiencing some new problems that show just how resourceful people can be in showing discourtesy to their neighbors.

Supervisor Alexander said that the community is designated as a Residential Permit Parking District (RPPD). However, a number of Jefferson Manor residents, who reside several blocks away from the metro station, are now actually driving their cars as close as they can to the metro station, and parking in front of their neighbors' homes.

Supervisor Alexander explained that the County has made a special effort to protect the community from the nuisance of commuter parking. Now inconsiderate neighbors are denying that protection to the very people who need it most.

Supervisor Alexander moved that the Board direct staff to:

- Examine the Jefferson Manor RPPD, and determine a way to stop this routine practice of commuter parking within the neighborhood; and
- Report to the Board for action on this issue, prior to ordering permits or other materials that would be affected by such a change (such as breaking the RPPD into small components).

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



**53. GRAFFITI ON NEW POHICK ROAD BRIDGE OVER I-95 (Tape 6)**

Supervisor Alexander called the Board's attention to a photograph of the new Pohick Road bridge over I-95 showing that graffiti has defaced it. Accordingly, Supervisor Alexander moved that the Board direct staff to contact the Virginia Department of Transportation (VDOT) to request the removal of the graffiti. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

**54. SUPERVISOR MCCONNELL'S BOARD MATTERS (Tape 6)**

Supervisor McConnell asked unanimous consent that the Board allow her to discuss a matter later in the meeting. Without objection, it was so ordered.

(NOTE: Supervisor McConnell did not present any Board Matters later in the meeting.)

**55. REQUEST TO REMOVE THE FEDERAL HILL HOMEOWNERS ASSOCIATION (HOA) FROM THE COUNTY SANITARY DISTRICT FOR THE PURPOSES OF LEAF COLLECTION (Tape 6)**

Supervisor Trapnell stated that the Federal Hill Homeowners Association (HOA), a townhouse development in Mason District, is requesting that the Board grant them a sanitary district exemption for the purposes of leaf collection. She noted that Federal Hill HOA does not currently participate in the County's leaf collection program.

Therefore, Supervisor Trapnell moved that the Board direct staff to take appropriate action to remove the Federal Hill HOA from the County sanitary district for the purposes of leaf collection. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Dix being out of the room.

**56. APPOINTMENT OF MR. RONALD J. SAVAGE TO THE LIBRARY BOARD**

(Tape 6)

(APPT)

Supervisor Frey moved the appointment of Mr. Ronald J. Savage as the Sully District Representative to the Library Board to fill the unexpired term of Ms. Irene Burgess who has resigned effective December 31, 1993. This motion was seconded by

Supervisor Berger and carried by a vote of nine, Supervisor Dix being out of the room.

**57. LETTER FROM THE BOARD OF ZONING APPEALS (BZA)  
REQUESTING WAIVER OF FEES FOR COORDINATED PARKING  
AGREEMENT FOR THE MCLEAN CHILDREN'S ACADEMY (Tape 6)**

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

Supervisor Berger called the Board's attention to a copy of the letter from the Board of Zoning Appeals (BZA), regarding the request for a waiver of fees for a coordinated parking agreement for the McLean Children's Academy, and stated that copies had been distributed to the Board.

Supervisor McConnell asked unanimous consent to defer this item until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#75.)

**58. RECESS/EXECUTIVE SESSION (Tape 6)**

At 2:20 p.m., Supervisor Trapnell 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:

- Discussion concerning prospective business locating in the community as enumerated in Virginia Code Section 2.1-344(A)(5); and
- Richmond, Fredericksburg, and Potomac Railroad Company versus William H. Forst, Civil Action No. 92-524-A (E.D. Va.) and Board of Supervisors of the Commonwealth of Virginia, Department of Taxation, At Law No. LS-3098-2 (Circuit Court, City of Richmond).

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

**SBE:sbe**

A 3:45 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor Hanley and Supervisor McConnell, and with Chairman Davis presiding.

#### **59. ACTIONS FROM EXECUTIVE SESSION (Tape 7)**

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

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

(\*NOTE: Upon their return to the Board Auditorium, Supervisor Hanley and Supervisor McConnell asked unanimous consent that they be recorded as voting "AYE" on the certification by Board Members' motion. Without objection, it was so ordered. See Clerk's Summary Item CL#59C.)

##### **B. THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TAXATION, AT LAW NUMBER LS-3098-2: AND RICHMOND, FREDERICKSBURG, AND POTOMAC RAILROAD COMPANY VERSUS WILLIAM H. FORST, CIVIL ACTION NUMBER 92-524-A.**

Supervisor Berger moved that the Board authorize settlement of The Board of Supervisors of Fairfax County, Virginia versus Commonwealth of Virginia, Department of Taxation, at Law Number LS-3098-2; and Richmond, Fredericksburg, and Potomac Railroad Company versus William H. Frost, Civil Action Number 92-524-A according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

##### **C. REQUEST TO RECORD VOTE**

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

**AM:am****60. 3:30 P.M. - PH ON REZONING APPLICATION RZ 93-P-018 AND RZ 93-P-019 (J. A. LOVELESS HOMES, INCORPORATED) (PROVIDENCE DISTRICT) (Tape 8)**

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Vice-Chairman McConnell disclosed the following:

- That she and her husband have sold property to Loveless Homes, Incorporated within the last 90 days.

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

Supervisor Hanley moved:

- That the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-P-019 be amended from the R-1 District to the PDH-4 District subject to the proffers dated November 18, 1993; and
- Approval of Conceptual Development Plan Application CDP-93-P-019.

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

Supervisor Hanley moved waiver of the transitional screening and barrier requirements pursuant to paragraph two of Section 13-304 of the Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Chairman Davis being out of the room.

Supervisor Hanley moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-P-018 be amended from the R-1 District to the R-4 District subject to the proffers dated November 18, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Chairman Davis being out of the room.

**61. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-037 (FRIENDS OF PLEASANT GROVE) (DRANESVILLE DISTRICT) (Tape 8)**

Ms. Wanda Born reaffirmed the validity of the affidavit for the record.

Ms. Born 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 proceeded to present her case.

**BOARD MATTER**

**FORMER DRANESVILLE DISTRICT SUPERVISOR LILLA RICHARDS IN THE BOARD AUDITORIUM (Tape 8)**

Vice-Chairman McConnell recognized the presence of former Dranesville District Supervisor Lilla Richards and warmly welcomed her to the Board Auditorium.

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

Supervisor Berger moved approval of Special Exception Application SE 93-D-037 subject to the development conditions dated November 3, 1993. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander and Chairman Davis being out of the room.

Supervisor Berger moved:

- Approval of a waiver of the transitional screening and barrier requirements along all property boundaries; and
- Approval of the request for 24 months of additional time for Special Exception Application SE-90-D-004 to December 4, 1995.

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

**62. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-S-034 (MELVIN N. BURKE, TRUSTEE) (SPRINGFIELD DISTRICT) (Tape 8)**

Mr. Grayson P. Haynes reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved approval of Special Exception Application SE 93-S-034 subject to the development conditions dated November 10, 1993. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

**63. 3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112, (ZONING ORDINANCE) AND PUBLIC FACILITIES MANUAL REGARDING DUSTLESS SURFACE MODIFICATIONS AND WAIVERS (Tape 8)**

(O) Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Following the public hearing, Supervisor Hanley moved approval of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and the Public Facilities Manual (PFM) to:

- Delete the Special Permit requirement; and
- To allow the Director of the Department of Environmental Management (DEM) to modify or waive the requirement for a dustless surface for parking and loading spaces, to become effective on **November 23, 1993 at 12:01 a.m.**

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

**64. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 24, (BINGO GAMES AND RAFFLES) (Tape 8)**

(O) Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved approval of the proposed amendment to the Code of the County of Fairfax, Chapter 24 (Bingo Games and Raffles) in response to changes to the State Code provisions on bingo games and raffles which were passed during the Virginia General Assembly's 1993 session. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor McConnell asked unanimous consent that the Board refer to the Legislative Subcommittee the issue of changing the law to allow the playing of bingo with cash only. Without objection, it was so ordered.

**65. 3:30 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)** (Tape 8)

(NOTE: On November 15, 1993 the Board deferred the public hearing on this item until November 22, 1993 at 3:30 p.m.)

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

Following the public hearing, Supervisor Trapnell moved that the Board authorize the County Executive to execute a lease with Southwestern Bell Mobile Systems, Incorporated, of a .057 acre portion of the Jefferson Fire Station 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 eight, Supervisor Alexander and Supervisor Hanley being out of the room.

**CM:cm**

**66. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-V-008 (SILVERBROOK CONSORTIUM LIMITED PARTNERSHIP) (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: On November 15, 1993, the Board deferred the public hearing on this item until December 6, 1993 at 4:00 p.m.)

**67. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 84-S-094-2 (MOST REVEREND JOHN R. KEATING,  
BISHOP OF THE CATHOLIC DIOCESE) (SULLY DISTRICT) (Tapes 9-10)**

Mr. Steven Fox reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by nine speakers, Leslie Johnson, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 84-S-094-2 subject to the development conditions dated November 9, 1993. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

In addition, Supervisor Frey moved:

- Modification to the transitional screening requirement; and
- Waiver of the barrier requirement along the lot lines, pursuant to paragraph 3 of Section 13-304 of the Zoning Ordinance.

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

Supervisor Frey stated there is an outstanding issue regarding the location of a trail along Poplar Tree Road. He asked unanimous consent that the Board direct staff to work with the Virginia Department of Transportation (VDOT) to locate the trail where it would not impact the ultimate expansion of Poplar Tree Road and not create additional right-of-way requirements or put additional burden on the church. Without objection, it was so ordered.

**68. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION**

**SEA 81-C-102 (EXXON CORPORATION) (SULLY DISTRICT) (Tape 10)**



Mr. Frank 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.

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

Supervisor Frey moved approval of Special Exception Amendment Application SEA 81-C-102 subject to the development conditions dated October 7, 1993. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Frey moved waiver of the service drive requirement along Centreville Road. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Chairman Davis being out of the room.

**69. 4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT  
APPLICATION SEA 79-V-073-2 (AMERICAN HORTICULTURAL SOCIETY)  
(MOUNT VERNON DISTRICT) (Tape 10)**

Ms. Helen Walutes reaffirmed the validity of the affidavit for the record.

Ms. Walutes had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

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

Supervisor Hyland moved approval of Special Exception Amendment Application SEA 79-V-073-2 subject to the development conditions dated October 28, 1993 with the following modification:

- Proposed Development Condition Six, Paragraph Six, end of the paragraph, add the following language:

· "For the purposes and/or use(s) set forth in this Special Exception the access from East Boulevard Drive located approximately 100 feet south of the north boundary line shall be the sole and only entrance to and exit from the property."

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

Supervisor Hyland moved modification of the transitional screening requirements to allow existing vegetation in lieu of the plant mixture specified in Article 13 of the Zoning Ordinance. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Supervisor McConnell being out of the room.

**70. 4:00 P.M. - PH ON THE DEDICATION OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ROAD IMPROVEMENTS (HUNTER MILL DISTRICT) (Tape 10)**

(R) Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Following the public hearing, Supervisor Dix moved adoption of the Resolution authorizing the disposition of property at Tax Map Reference 25-3((1))11 (part) and 25-3((3))U (part) as outlined in the Memorandum to the Board. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

**71. 4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) SECTION 82-5-32 TO REGULATE TOWING AND STORAGE OF VEHICLES UNLAWFULLY PARKED ON PRIVATE PROPERTY (Tape 10)**

Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Following the public hearing, which included testimony by seven speakers, Supervisor Bulova moved to defer Board decision on the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) Section 82-5-32 to regulate towing and storage of vehicles unlawfully parked on private property

until **December 6, 1993, at 4:00 p.m.** This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

### **ADDITIONAL BOARD MATTER**

#### **72. APPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) (Tape 10)**

(APPT)

Supervisor Hyland moved the appointment of Mr. Borden Walker as an At-Large Representative to the Economic Development Authority (EDA). This motion was seconded by Supervisor Trapnell and carried by a vote of seven, **\*Supervisor Dix\***, Supervisor Frey, and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, **\*Supervisor Dix\*** asked unanimous consent to be recorded as voting "AYE" on this appointment. See Clerk's Summary Item CL#76.)

#### **73. 4:00 P.M. - JOINT PH WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CONSIDER CUT-THROUGH TRAFFIC RESTRICTIONS IN THE BUFFALO HILLS AREA (MASON DISTRICT)**

(Tape 10)

Supervisor Trapnell moved to indefinitely defer the joint public hearing with the Virginia Department of Transportation (VDOT) to consider cut-through traffic restrictions in the Buffalo Hills area. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

#### **74. 4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN (Tapes 10-11)**

Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: Issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three

minutes and a maximum of 10 speakers will be heard. Citizens must call the Office of the Chairman of the Board of Supervisors to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held which included testimony from the following individuals:

- Jodie Bennett, regarding land use and zoning issues;
- Reverend Kenny Smith, Representative, NOVA Ministers Conference and the National Association for the Advancement of Colored People (NAACP), regarding minority issues;
- James Robinson, Representative, Pan-Hellenic Council; regarding minority issues;
- Dr. Nirmal Devi Boughey, Representative, Jade; regarding minority issues;
- George Lambert, Jr., regarding minority issues; and
- Noel Albert, Chairman, Minority Employees Advisory Council, regarding minority issues.

Following the testimony by Ms. Jodie Bennett (Speaker One), Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board direct staff to address the following concerns:

- The question as to whether Special Permit Applications are another ploy by the property owner to spot-zone or micro-zone his property for a more intense use;
- The question as to whether landowners/developers are using the Special Permit Application as a vehicle to circumvent the authority of the Board of Supervisors and land use planning and zoning issues; and
- The creation of a committee to examine how landowners/developers are using the Special Permit Application to circumvent the Plan Amendment process.

Without objection, it was so ordered.

Following testimony by Speakers Two through Six, Supervisor Davis asked unanimous consent that the Board direct staff to address their concerns. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

## **ADDITIONAL BOARD MATTER**

**75. REQUEST FOR WAIVER OF FEES FOR COORDINATED PARKING AGREEMENT FOR THE MCLEAN CHILDREN'S ACADEMY (Tape 11)**

(NOTE: Earlier in the meeting, there was discussion regarding this issue. See Clerk's Summary Items CL#40 and CL#57.)

Supervisor Berger announced that copies of the letter from the Board of Zoning Appeals (BZA) requesting a waiver of fees for a coordinated parking agreement had been distributed to Board Members.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Berger moved that the Board waive the fees for the coordinated parking agreement for the McLean Children's Academy. This motion was seconded by Supervisor Hyland and **FAILED** by a recorded vote of five, Supervisor Berger, Supervisor Dix, Supervisor Hyland, Supervisor McConnell, and Supervisor Trapnell voting "**AYE.**"

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to determine if the study is required and report its findings. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

#### **76. REQUEST TO RECORD VOTE** (Tape 11)

(NOTE: Earlier in the meeting, an appointment to the Economic Development Authority (EDA) was made. See Clerk's Summary Item CL#72.)

Supervisor Dix asked unanimous consent to be recorded as voting "**AYE**" regarding the appointment to the EDA. Without objection, it was so ordered.

#### **77. 4:30 P.M. - PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM THAT THE COUNTY WILL PRESENT TO THE 1994 VIRGINIA GENERAL ASSEMBLY** (Tapes 11-12)

Certificates of Publication were filed from the Editor of the Fairfax Journal, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 5 and November 12, 1993.

Following the public hearing, which included testimony by eight speakers, Supervisor Hyland moved to amend the Board's Legislative Package to support the language suggested by the Federation of Citizens' Association to amend Virginia Code, Section 15.1-14.1 to 14.2 to authorize Fairfax County to develop a Tree Preservation Ordinance to:

- Protect and preserve all possible tree cover during the development process; and
- Allow for the collection of reasonable fees for the administration and enforcement of such an Ordinance.

This motion was seconded by Supervisor Bulova.

Following further discussion, Supervisor Hyland agreed to defer his motion until the next Legislative Subcommittee meeting.

**78. VIEWING OF SCENIC AMERICA'S VIDEO TAPE OF TREE CONSERVATION EFFORTS IN FAIRFAX COUNTY AND OTHER JURISDICTIONS (Tape 12)**

(Note: Earlier in the meeting there was a brief discussion regarding this issue. See Clerk's Summary Item CL#25.)

Supervisor Bulova asked unanimous consent that the Board direct staff to schedule the viewing of Scenic America's video tape of tree conservation efforts in Fairfax County and other jurisdictions prior to the start of the December 6, 1993 Board Meeting. Without objection, it was so ordered.

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

At 7:20 p.m., the Board adjourned.