

**AM:am**

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. CERTIFICATE OF APPRECIATION TO KAY COLE JAMES, AT-LARGE (MINORITY) REPRESENTATIVE, FAIRFAX COUNTY SCHOOL BOARD FOR DEDICATED SERVICE (Tape 1)**

Supervisor Hyland moved approval of the Certificate of Appreciation presented to Kay Cole James, At-Large (Minority) Representative, Fairfax County School Board, for dedicated service to the students, teachers and citizens of Fairfax County. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

**3. PROCLAMATION DESIGNATING DECEMBER 13, 1993 AS "ESTHER JARRATT DAY" IN FAIRFAX COUNTY (Tape 1)**

Supervisor Trapnell moved approval of the Proclamation presented to Esther Jarratt designating December 13, 1993, as "**Esther Jarratt Day**" in Fairfax County in recognition of Ms. Jarratt's 25 years of contribution and participation in the community as a master teacher, pioneer in education, and as a counselor advisor. This motion was seconded by Chairman Davis and carried by unanimous vote.

**4. CERTIFICATE OF RECOGNITION TO ISAAC FLEISCHMANN FOR BEING HONORED AS THE "1993 LIFETIME ACHIEVEMENT AWARD" (Tape 1)**

Supervisor Hyland moved approval of the Certificate of Recognition presented to Isaac Fleischmann for being honored as the "1993 Lifetime Achievement Award" recipient from the Foundation for a Creative America. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Dix being out of the room.

**5. CERTIFICATE OF APPRECIATION TO RECOGNIZE LILES CREIGHTON FOR YEARS OF SERVICE (Tape 1)**

Supervisor Alexander moved approval of the Certificate of Appreciation presented to Liles Creighton for his many years of dedicated service as the Lee District Representative to the Fairfax County Redevelopment and Housing Authority (FCRHA). This motion was seconded by Supervisor Dix and carried by unanimous vote.

**6. CERTIFICATE OF APPRECIATION TO LUIS HAZA, MUSIC DIRECTOR OF THE NORTHERN VIRGINIA YOUTH SYMPHONY ASSOCIATION** (Tape 1)

Supervisor McConnell moved approval of the Certificate of Appreciation presented to Luis Haza who has been the Music Director of the Northern Virginia Youth Symphony Association for the past 10 years. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

**7. PROCLAMATION DESIGNATING DECEMBER 1, 1993 AS "ELIZABETH HARTWELL DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Davis read the Proclamation presented to Elizabeth Hartwell designating December 1, 1993 as "**Elizabeth Hartwell Day**" in Fairfax County.

**8. CERTIFICATE OF RECOGNITION TO PETER BAKER, REPORTER FOR THE WASHINGTON POST** (Tape 1)

Supervisor Hanley moved approval of the Certificate of Recognition presented to Peter Baker for his very professional coverage of Board Meetings for seven years. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Dix being out of the room.

**9. 10:00 A.M. - PRESENTATION OF COMMISSION FOR WOMEN REVIEW OF 1993** (Tapes 1-2)

Linda L. Hossenlopp, Chairman, Commission For Women, presented a report, Commission for Women Review of 1993.

**CM:cm**

**10. 10:15 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 3)

(BACs)

(APPTS)

**ADVERTISEMENT FOR AT-LARGE VACANCY TO THE SCHOOL BOARD**

(A)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board direct staff to advertise the At-Large position on the School Board vacancy for public hearing due to the resignation of Ms. Kay Cole James. This motion was seconded by Vice-Chairman McConnell and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**AUDIT COMMITTEE**

Supervisor Trapnell moved the appointment of Mr. Earle Williams as the At-Large Representative to the Audit Committee. This motion was seconded by Supervisor McConnell.

Supervisor Berger moved the appointment of Mr. Donald deLaski as the At-Large Representative. The second to this motion was inaudible.

Supervisor Hanley moved the appointment of Mr. Robert H. Frank as the At-Large Representative. The second to this motion was inaudible.

By a show of hands vote, the following individuals were appointed to the Audit Committee:

- Mr. Earle Williams as the At-Large Representative; and
- Mr. Donald deLaski as the At-Large Representative.

**CONSUMER PROTECTION COMMISSION**

Supervisor Trapnell moved the appointment of Mr. Herschel V. Hawley, Jr. to fill the unexpired term of Ms. Claire Bannerman as the At-Large Representative to the Consumer Protection Commission. This motion was seconded by Supervisor Dix and carried by unanimous vote.

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

The motion and second to approve the Administrative Items was inaudible.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and called the Board's attention to Administrative Item One - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) Article 20, Section 4-20-1, Payment of Taxes by Credit Card, and asked unanimous consent that this item be deferred. Without objection, it was so ordered.

Supervisor Davis asked unanimous consent that the Board:

- Support the current Federal legislation which removes the requirement for governments to pay a credit card fee; and
- Direct staff to convey the Board's position by participating in the public hearing process.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Supervisor Dix called the Board's attention to Administrative Item Two - Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects (Countywide) and asked unanimous consent that the Board direct staff to advise the Towns of Herndon, Vienna and Clifton about the time frame and the schedule associated with applications. Without objection, it was so ordered.

Supervisor Dix called the Board's attention to Administrative Item Five - Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 1994 Revised Budget Plan and asked unanimous consent that this item be considered separately. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items, as amended, which carried by unanimous vote.

**ADMIN 1 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) ARTICLE 20, SECTION 4-20-1 PAYMENT OF TAXES BY CREDIT CARD**

(NOTE: Earlier in the meeting, during approval of the Administrative Items, this item was deferred.)

**ADMIN 2 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS (COUNTYWIDE)**

(A) Authorized the posting and advertisement of a public hearing to be held before the Board of Supervisors on **January 10, 1994 at 4:00 p.m.** to solicit comments and input on proposed Transportation Enhancements Projects for Fiscal Year (FY) 1995.

**ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE SALE OF A PORTION OF COUNTY PROPERTY TO THE FAIRFAX CHURCH OF CHRIST (SULLY DISTRICT)**

(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 the proposed sale of a portion of County property located at the intersection of Burning Bush Drive and Rugby Road, Tax Map Number 45-2, to the Fairfax Church of Christ.

**ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 123 AT LORTON SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)**

(A) Authorized the posting and advertisement of a public hearing to be held before the Board of Supervisors on **January 10, 1994 at 4:00 p.m.** on the acquisition of sanitary sewer easements necessary for construction of Project X00819 (P00001) - Route 123 at Lorton Sanitary Sewer Extension and Improvement Project.

**ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1994 REVISED BUDGET PLAN**

(NOTE: Later in the meeting, this public hearing was authorized. See Clerk's Summary Item CL#12.)

**12. ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1994 REVISED BUDGET PLAN (Tape 3)**

(A) (NOTE: Earlier in the meeting, during the approval of the Administrative Items, this item was deferred. See Clerk's Summary Item CL#11.)

Supervisor Dix moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **January 10, 1994 at 10:00 a.m.** to increase the Fiscal Year (FY) 1994 appropriation level. The advertisement encompasses both the County and the Schools' FY 1994 Midyear Reviews. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Dix asked unanimous consent that the Board direct staff to provide Board Members with additional information regarding the school funding in the health benefits trust fund. Without objection, it was so ordered.

Supervisor Dix called the Board's attention to handwritten page 16 regarding Braddock Park and higher priority needs as determined by the Park Authority Board. He asked unanimous consent that the Board direct staff to also provide Board Members with additional information regarding the \$1.6 million being set aside by the Park Authority for the construction of a vehicle maintenance facility. Without objection, it was so ordered.

Supervisor Hanley called the Board's attention to handwritten page 62 regarding the Police Seized Funds Program and asked unanimous consent that the Board direct staff to provide Board Members with information regarding how the increased revenues will be spent. Without objection, it was so ordered.

Supervisor Hanley called the Board's attention to handwritten page 37 and asked unanimous consent that information clarifying the regional areas showing an increase in hotel occupancy in Fairfax County be provided to Board Members. Without objection, it was so ordered.

**13. A-1 - AUTHORIZATION TO PAY FISCAL YEAR (FY) 1994 THIRD QUARTER WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) BILLING (COUNTYWIDE) (Tape 3)**

(R) On motion of Supervisor Alexander, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution authorizing payment of the Fiscal Year (FY) 1994 third quarter transit operating and capital billing in the net amount of \$13,172,213 to the Washington Metropolitan Area Transit Authority (WMATA).

**14. A-2 - AUTHORIZATION TO MAKE COMMUTER RAIL PAYMENT (BRADDOCK, LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (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 authorized payment of \$1,202,923 to the Northern Virginia Transportation Commission (NVTC) for Fairfax County's share of the Virginia Railway Express payment due on January 3, 1994.

**15. A-3 - ENDORSEMENT OF CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 1995 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET (BRADDOCK, LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS) (Tape 3)**

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

- Endorsed the Chief Administrative Officers (CAO) Task Force's recommendations regarding the preliminary Fiscal Year (FY) 1995 Virginia Railway Express (VRE) budget; and
- Directed staff to advise VRE.

**16. A-4 - THE PROPOSED INOVA RATE INCREASE (Tape 3)**

Supervisor Hanley moved approval of the recommendation of staff to send the letter from the Chairman to the Inova Board of Trustees transmitting comments regarding the 1994 proposed 3.9 percent hospital rate increase and budget. This motion was seconded by Supervisor Alexander. Following discussion, the question was called on the motion which **CARRIED** by a recorded vote of seven, Supervisor Dix, Supervisor Hyland, and Supervisor McConnell abstaining.

**17. A-5 - APPLICATION OF COMMONWEALTH GAS SERVICES, INC. FOR AN EXPEDITED INCREASE IN NATURAL GAS RATES - CASE NO. PUE930035 (Tape 3)**

On motion of Supervisor Alexander, seconded by Supervisor Hanley, and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "NAY," the Board concurred in the recommendation of staff and authorized the Department of Consumer Affairs and the County Attorney's office to file testimony, on behalf of the Board, with the State Corporation Commission regarding the application of Commonwealth Gas Services to revise its rate schedules.

**18. A-6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94038 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT, TRAFFIC DIVISION (SPEED ENFORCEMENT PROGRAM) (Tape 3)**

(SAR) On motion of Supervisor McConnell, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Supplemental Appropriation Resolution (SAR) AS 94038 in the amount of \$10,000 to purchase radar units for speed enforcement and the printing of public information brochures, as well as a required local County match of \$10,000.

**19. A-7 - APPROVAL OF A REVISED 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 3)**

On motion of Supervisor Hanley, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the revised Memorandum of Agreement between Fairfax County and the City of Falls Church 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.

**20. A-8 - APPROVAL OF A REVISED 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 AND MANAGEMENT TEAM (CPMT) (Tape 3)**

On motion of Supervisor Hanley, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the revised Memorandum of Agreement between Fairfax County and the City of Fairfax 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.

**21. A-9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94039 FOR THE VIRGINIA INSURANCE COUNSELING AND ADVOCACY PROJECT UTILIZING VOLUNTEERS THROUGH THE AREA AGENCY ON AGING (Tape 3)**



(SAR) On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Supplemental Appropriation Resolution (SAR) AS 94039 in the amount of \$8,000 to continue the regional Virginia Insurance Counseling and Advocacy Project (VICAP).

**22. A-10 - APPROVAL OF THE COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY (CHAS) FOR FISCAL YEAR (FY) 1994-1998 (Tape 3)**

Supervisor Trapnell moved that the Board concur in the recommendation of staff and approve the Comprehensive Housing Affordability Strategy (CHAS) for federal Fiscal Years (FY) 1994-1998 as recommended by the CHAS Coordinating Committee for the period of October 1, 1993 through September 30, 1998. This motion was seconded by Chairman Davis and carried by unanimous vote.

Following discussion, Supervisor Hanley asked unanimous consent that the Board direct staff to provide Board Members with information clarifying the numbers on page 13 of the CHAS report regarding the vacant land in the new plan. Without objection, it was so ordered.

**23. A-11 - I-95 ENERGY/RESOURCE RECOVERY FACILITY - SUPPLEMENTAL WASTE DELIVERIES (MOUNT VERNON DISTRICT) (Tape 3)**

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, Supervisor Hyland moved that the Board concur in the recommendation of staff to:

- Proceed with development of the supplemental waste program as outlined in the Memorandum to the Board; and
- Solicit comments from the Citizens Advisory Committee on Solid Waste and Disposal Matters (CAC);

with the caveat that whatever is considered to be burned in the facility on the spot-market job basis will be done only upon a demonstration by Ogden Martin Systems of Fairfax, Incorporated, to County staff that it is determined to be safe. This motion was seconded by Chairman Davis.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to return to the Board with

recommendations on a formalized agreement regarding the tire issue. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

**24. A-12 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING WOOD WASTE RECLAMATION FACILITIES (Tape 3)**

(R)

(A) On motion of Supervisor Frey, seconded by Chairman Davis, and **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Hanley and Supervisor Hyland voting "NAY," the Board concurred in the recommendation of staff and adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 12, 1994 and before the Board of Supervisors on **February 7, 1994 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to add a new special exception use in the R-A, R-P and R-C Districts for wood waste reclamation facilities.

**AR:ar**

**25. A-13 - ACCEPTANCE OF LOCAL APPLICATION FOR FIFTH YEAR PARTICIPATION IN THE PART H PROGRAM INFANTS AND TODDLERS WITH DISABILITIES GRANT (Tape 4)**

Following discussion, with input from Verdiana L. Haywood, Deputy County Executive for Human Services, Supervisor McConnell moved that the Board concur in the recommendation of staff and accept grant funds from the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) in the amount of \$213,259 to provide support for the Fairfax-Falls Church Interagency Coordinating Council to implement mandated services. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor McConnell asked unanimous consent that the Board defer, until further consultation with staff, its decision with regard to how these services are going to be delivered in the future. Without objection, it was so ordered.

(NOTE: Later in the meeting, additional action was taken on this item. See Clerk's Summary Item CL#48.)

**26. A-14 - AUTHORIZATION TO FILE GRANT APPLICATIONS FOR REVITALIZATION AREA (LEE, MASON AND MOUNT VERNON DISTRICTS)** (Tape 4)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize staff to forward grant applications to the Virginia Department of Forestry (VDOF) for planting of trees. This motion was seconded by Supervisor Trapnell.

Supervisor Dix asked that the motion be amended to direct staff to take the necessary action to ensure that the Town of Vienna, which was inadvertently omitted from the original application, be given some consideration for inclusion in this particular application, and this was accepted.

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

**27. A-15 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ARTICLES 1 AND 18** (Tape 4)

(R)

(A) On motion of Supervisor Alexander, seconded by Chairman Davis, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 10, 1994 and before the Board of Supervisors on **February 28, 1993 at 4:00 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding Articles One and 18 to incorporate certain 1992 and 1993 amendments to the Code of Virginia and to revise the provisions regarding the Planning Commission report and the effective date of Zoning Ordinance amendments.

**28. A-16 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING FLOODPLAIN REGULATIONS** (No Tape)

(NOTE: At the request of staff, this item has been withdrawn from Board consideration for advertisement at this time.)

**29. A-17 - PROPOSED EXPANSION OF THE ENGINEERING STANDARDS REVIEW COMMITTEE (ESRC) AND APPOINTMENT OF MEMBERS TO THE ESRC (Tape 4)**

(BACs)

(APPTs)

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

- Expanded the membership of the Engineering Standards Review Committee (ESRC) to include and Engineers and Surveyors Institute (ESI); and
- Confirmed the appointment of Mr. R. Lin Lemon, Jr., as the ESI Representative; and
- Confirmed the appointment of Mr. Ed M. Hayward as the National Association of Industrial Office Parks (NAIOP) Representative.

**30. A-18 - PARKING REDUCTION FOR SAINT ANNE'S EPISCOPAL CHURCH AND COMMON GROUND DAY CARE CENTER (HUNTER MILL DISTRICT) (Tape 4)**

On motion of Supervisor Dix, seconded by Chairman Davis, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and approved a 17.4 percent reduction of the required parking to accommodate Common Ground Day Care Center at the Saint Anne's Episcopal Church pursuant to Paragraph Four, Section 11-102 of the Fairfax County Zoning Ordinance subject to the conditions outlined in the Memorandum to the Board.

**31. A-19 - ADDITIONAL POSITIONS IN THE PLANNING AND DEVELOPMENT DEPUTY AREA TO IMPLEMENT BUSINESS PROCESS REDESIGN INITIATIVES, REGULATORY REVIEW AND TO ADDRESS WORKLOAD (Tape 4)**

Supervisor Frey asked unanimous consent that the Board defer action on this item and address it as a Consideration Item during the mid-year budget review. Without objection, it was so ordered.

**32. A-20 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLACES OF WORSHIP (Tape 4)**

(R)

(A) Supervisor McConnell moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the advertisement of a public hearing to be held before

the Planning Commission on February 9, 1994, and before the Board of Supervisors on **March 7, 1994 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to establish churches, chapels, temples, synagogues and other such places of worship as a use permitted by right in the R-C through R-8 Zoning Districts, subject to certain use limitations. This motion was seconded by Supervisor Dix.

Following discussion, with input from Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), Supervisor Hanley asked unanimous consent that the Board direct staff to provide specific information with regard to the development conditions of the 107 applications which were approved over the last five years. Without objection, it was so ordered.

After further discussion, with input from James P. Zook, Director, OCP, the question was called on the motion which carried by unanimous vote.

**33. I-1 - REVENUE IMPACT FROM TICKETING SCOFFLAWS UNDER A UNIFORM VEHICLE DECAL ENFORCEMENT COMPACT FOR NORTHERN VIRGINIA (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 presenting the report on the revenue impact of the uniform decal enforcement compact.

There was a brief discussion regarding this item.

**34. I-2 - CONTRACT AWARD - TRAINING/EDUCATION FOR ADVANCED LIFE SUPPORT/EMERGENCY MEDICAL SERVICES (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to:

- Proceed to finalize negotiations; and
- Award a contract to George Washington University School of Medicine and Health Sciences to provide Advanced Life Support Training to Fire and Rescue Department personnel.

The staff was directed administratively to proceed as proposed.

**35. I-3 - CONTRACT AWARD - HOLLIN HALL STORM DRAINAGE IMPROVEMENTS, PHASE II (MOUNT VERNON DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to:

- Award a contract to New Construction, Incorporated, in the amount of \$694,000 for construction of Hollin Hall Storm Drainage Improvements, Phase II, Project X00074, in Subfund 470, Storm Drainage Bond Construction; and
- Reallocate funds as outlined in the Memorandum to the Board.

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

**36. I-4 - CONTRACT AWARD - UNDERGROUND UTILITY LOCATING AND DESIGNATING SERVICES (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to:

- Proceed to finalize negotiations; and
- Award contracts to So-Deep, Incorporated and Geotrack, Incorporated, to provide services for precise horizontal and vertical location of underground utilities.

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

**37. I-5 - CONTRACT AWARD - IMPROVEMENTS TO THE DEAD RUN FORCE MAIN AND PUMP STATION (DRANESVILLE DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to:

- Award a contract to Capitol Paving of D.C., Incorporated, in the amount of \$347,158 for construction of improvements to the Dead Run Force Main and Pump Station, in Subfund 524, Sewer Bond Extension and Improvement; and
- Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

### **38. I-6 - FISCAL YEAR (FY) 1993 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

(Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 presenting the Fiscal Year (FY) 1993 Comprehensive Annual Financial Report.

Following discussion, with input from Patrick Boyce, representing KPMG Peat Marwick, and Susan S. Planchon, Director, Office of Finance, Supervisor Hyland asked unanimous consent that the Board direct staff to take the necessary action to ensure that the management letter is provided at the same time the Annual Report is submitted to Board Members. Without objection, it was so ordered.

### **39. I-7 - STAFF REVIEW OF THE APPLICATION OF UTILITY TAXES AS THEY PERTAIN TO RELIGIOUS INSTITUTIONS (Tape 4)**

(A) The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 presenting the staff review of the current application of utility taxes as they pertain to religious institutions.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board direct staff to advertise the public hearing on the proposed utility tax structure to be heard concurrently with the public hearing scheduled for **March 7, 1994 at 3:30 p.m.** on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding places of worship. (See Clerk's Summary Item CL#32.) This motion was seconded by Supervisor Hanley.

Supervisor Dix asked unanimous consent that the Board direct staff to provide information showing what portion of the dollar amount is related to the commercial utility demand segment of the fee. Without objection, it was so ordered.

Following input from Edward L. Long, Jr., Director, Office of Management and Budget, the question was called on the motion to advertise, which carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**40. I-8 - FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FEE SCHEDULE** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 presenting the Fairfax-Falls Church Community Services Board (CSB) fee schedule.

**41. I-9 - REVIEW OF THE COUNTYWIDE TRAILS PROGRAM (COUNTYWIDE)** (Tape 4)

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to continue its efforts to obtain funding for trail facilities from alternate (non-General Fund) funding sources. Reactivation of the Department of Public Works and the Fairfax County Park Authority (FCPA) Trails Programs will occur only at such time as funds are appropriated and authorization is granted for the sale of FCPA Bonds for stream valley trails.

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

(NOTE: Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#67.)

**42. I-10 - PROPOSED REGULATIONS FOR PUBLIC USE OF FACILITIES AND GROUNDS AT THE FAIRFAX COUNTY GOVERNMENT CENTER** (Tape 4)

Following a brief discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board defer consideration of this item until **January 10, 1994**. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.



**43. I-11 - POHICK ROAD CONNECTOR STATUS AT FAIRFAX COUNTY PARKWAY (MOUNT VERNON AND SPRINGFIELD DISTRICTS) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to accelerate the bid advertisement of the Pohick Road Connector as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

**44. I-12 - CONTRACT AWARD - GOLF COURSE DESIGN SERVICES FOR EXPANSION OF TWIN LAKES GOLF COURSE (SPRINGFIELD DISTRICT) (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to award a contract to Denis Griffiths and Associates, Incorporated in the amount of \$83,148, to provide design services for the expansion of Twin Lakes Golf Course, Project 004748, Subfund 950, Capital Improvement Trust Fund.

Following a brief discussion, with input from Paul E. Smith, Supervisor of Assessments, and David P. Bobzien, County Attorney, Supervisor Hyland asked unanimous consent that the Board direct staff to provide information with regard to what statutory authority the

County presently has, or could be obtained, to impose the Business, Professional and Operating License (BPOL) on any business, notwithstanding its lack of situs in the County, in terms of those groups that would do business with the County. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

**45. I-13 - COLUMBIA PIKE STREETSCAPE PLAN BROCHURE (Tape 4)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to distribute the Columbia Pike Streetscape Plan Brochure.

Following discussion, with input from William J. Leidinger, County Executive, and Anthony H. Griffin, Deputy County Executive for Planning and Development, Supervisor Dix asked unanimous consent that the Board direct staff to provide

information pertaining to the specific costs, and to whom, for the printing of the color streetscape design brochure. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

**46. I-14 - AWARD OF CONTRACT - RELOCATION COUNSELING SERVICES FOR RESIDENTS OF SHERWOOD HALL MOBILE HOME PARK (OAK GROVE) (Tapes 4-5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 requesting authorization for staff to:

- Finalize negotiations; and
- Award a contract to United Community Ministries, Incorporated, in an amount not to exceed \$56,600 to provide relocation counseling services to low-income mobile home park residents facing displacement.

Following discussion, with input from Verdia L. Haywood, Deputy County Executive for Human Services, and William J. Leidinger, County Executive, Supervisor Hyland moved that the Board:

- Authorize and request that the Chairman direct a letter to Walmart supporting Supervisor Alexander's previous request for displacement assistance for the residents of Sherwood Hall Mobile Home Park; and
- Endorse an official position indicating that Fairfax County would hope that, as a good corporate citizen, Walmart would do the right thing, which is not to expect the County to use public funds to help in the relocation of hundreds of citizens of the County.

The motion was seconded by Supervisor Alexander.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked that the motion be amended to include addressing a letter to the owner of the property, as well as Walmart, and this was accepted.

In addition, Supervisor Hanley asked that the motion be amended to include, in these communications, a notation that housing counseling services are preventive measures which avoid public costs at a later time, and many of these residents, if they do not receive counseling, may eventually have to spend some time in the County's shelters which are already operating at full capacity, and this was accepted.

Supervisor Bulova suggested that it would be helpful for everyone involved to examine the creative solutions which were used in the recent displacement of some residents of the Waples Mill Trailer Park in the Braddock District.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

The staff was directed administratively to proceed as proposed.

**47. I-15 - SUBSTITUTION OF A PRIVATE CONTRACTOR TO REPLACE METROBUS AS THE OPERATOR OF EXISTING BUS SERVICE IN THE HERNDON/RESTON AREAS (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS) (Tape 5)**

The Board next considered an Information Item contained in the Memorandum to the Board dated December 13, 1993 presenting the results of a public meeting held to inform the citizens about the proposed change to a private contractor operating the bus service in the Herndon/Reston areas.

Supervisor Dix expressed his appreciation to Supervisor Alexander for bringing his expertise and perspective as Chairman of the Metro Board into the discussions on this item, and his appreciation to staff for its diligent efforts.

Supervisor Dix asked unanimous consent that the Board defer its final disposition on this matter until **January 1994**. Without objection, it was so ordered.

**48. A-13 - ACCEPTANCE OF LOCAL APPLICATION FOR FIFTH YEAR PARTICIPATION IN THE PART H PROGRAM INFANTS AND TODDLERS WITH DISABILITIES GRANT**

(Tape 4)

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#25).

Supervisor McConnell called the Board's attention to Action Item A-13 and moved that the Board endorse, in accordance with the established principles of Virginia's Part H program, the mandate for maximum use of private sector providers and resources. In addition, family choice is a major policy inherent in the program for delivery of

services in Fairfax County. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

## **BOARD MATTERS**

### **49. ANNANDALE HIGH SCHOOL STATE FOOTBALL CHAMPIONS (Tape 5)**

With an expression of his congratulations to the Annandale High School football team upon winning the State Championship, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board direct staff to invite the School Principal and the entire team to appear before the Board to recognize them for this outstanding achievement. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

### **50. UNITED NEGRO COLLEGE FUND RELOCATION TO FAIRFAX COUNTY (Tape 5)**

Supervisor Davis called the Board's attention to a letter he recently received from William Gray, President, United Negro College Fund, expressing his appreciation for the County's strong commitment to support the Fund's planned relocation to Virginia. Supervisor Davis commended staff for its prompt response, in particular that of the Economic Development Authority (EDA) and the Office of Assessments, to inquiries from the Fund prior to its decision to relocate. Supervisor Davis stated that this type of immediate assistance is really a tribute to the staff in terms of the receptivity to new business in the County.

### **51. NEW COURSE ENTITLED HOUSING COUNSELING II, HOME OWNERSHIP, AT THE NORTHERN VIRGINIA COMMUNITY COLLEGE (Tape 5)**

Supervisor Davis announced that it was his honor to be the speaker at the ceremony honoring the first graduating class of the new course offered at Northern Virginia Community College entitled, "Housing Counseling II, Home Ownership." He added that this course enables the Housing Counselor to assist low and moderate income clients prepare for home ownership. Concerns related to first time and minority home buyers and self-sufficiency skills are stressed in the course. Supervisor Davis expressed his appreciation to the Housing Authority, the Housing Coalition, and the Northern Virginia Community College for working together on this important project.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**CM:cm**

**52. SCHOOL HEALTH TASK FORCE REPORT (Tape 6)**

Supervisor Hanley informed the Board that the Board of Supervisors' Human Services Committee met this morning to receive the report of the School Health Task Force. The report addresses the issue of medically fragile students in schools, an issue throughout Virginia and across the nation.

Supervisor Hanley stated that the Committee, Chaired by Ms. Marlene Blum and Vice-Chaired by Ms. Laura McDowell, is representative of all the stakeholders that have been concerned about the issue and she thanked them and staff for all of their hard work that went into this report.

Supervisor Hanley stated that the Task Force report is comprehensive and expressed her belief that the recommendations are thoughtful and reasonable. She added that they are also prioritized and costed out.

With a notation that the report has yet to be presented to the School Board, Supervisor Hanley moved that the Board refer it to staff for its review and recommendation, with the caveat that this is an urgent issue which needs to be addressed. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

**53. UNITED WAY CONTRIBUTIONS (Tape 6)**

Supervisor Hanley referred to a recent article in the newspaper which stated that contributions to the National Capitol Area United Way Campaign were down again this year. She recalled that last year when this happened she asked staff for the effect on Fairfax County receiving agencies, the percentage of the contributions that come from Fairfax County, and what percentage the County receives from these contributions.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide her with a response to these questions and also provide information regarding the effect on this year's budget of the United Way agencies. Without objection, it was so ordered.

**54. POISON CONTROL CENTER CLOSURE (Tape 6)**

Supervisor Hanley stated her understanding that the Poison Control Center at Georgetown University is closing for lack of funds. This Center provides a much

needed service and without it area hospital emergency rooms will receive an extra burden which will drive up costs for emergency services.

Supervisor Hanley stated her belief that this issue deserves regional attention and moved that the Board direct staff to ask the Council of Governments (COG) to review this problem and investigate actions to either support this service or provide it in some other way. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

#### **55. THE ORDER TO BOIL WATER (Tape 6)**

Supervisor Hanley informed the Board that last Wednesday afternoon the first time she heard of the water emergency was about 5:15 p.m. when a constituent in Dunn Loring called her office and asked if she was affected by the news on television indicating that water should be boiled. The radio and the television stations had announced that Falls Church was affected and then by 6:30 p.m., they had added Vienna. However, there was great confusion by constituents in the Tysons Corner, Dunn Loring, Vienna and the Falls Church parts of Fairfax County as to which areas were affected.

Following discussion, with input from William J. Leidinger, County Executive, Supervisor Hanley moved that the Board express its concern about the entire emergency notification procedure and direct the County Executive to work with the governments and the Water Authorities in the region to establish and improve procedures for water emergencies and that would include the Environmental Protection Agency (EPA) and the Army Corps of Engineers. This motion was seconded by Supervisor Berger.

Following further discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked to amend the motion to conduct a Water Summit to prevent this from happening in the future, and this was accepted.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Following further discussion, the motion was restated: to direct staff to convene the four water service areas (EPA, the Fairfax County Water Authority, the Army Corps of Engineers, and the regional government) that serve Fairfax County to establish and improve the procedures for water emergencies before the end of January, 1994.

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

**56. SIMULTANEOUS PROCESSING OF REZONING APPLICATION RZ 93-P-026**

(Tape 6)

Supervisor Hanley moved that the Board direct staff to simultaneously process Rezoning Application RZ 93-P-026 with its Site Plan. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Hanley stated that the applicant understands that this does not mean that the application will be approved.

**57. JERMANTOWN ROAD REALIGNMENT PROJECT (Tape 6)**

Supervisor Hanley informed the Board that in the area of the intersection of Jermantown Road and Oakton Road on the north side of Jermantown, the Oak Marr side, there are several properties that are being impacted by the Virginia Department of Transportation (VDOT) Jermantown Road/ Oakton Road realignment project. These properties are on septic, several of which may be failing, but this area is in the Difficult Run watershed where Board policy does not allow sewer.

Supervisor Hanley moved that the Board direct staff to review this area to determine what could be done in terms of relieving those areas if they have failing septic. This motion was seconded by Supervisor Dix and carried by unanimous vote

**58. MEMORANDUM ON THE FAIRFAX COUNTY CONVENTION AND BUSINESS BUREAU (Tape 6)**

Supervisor Hanley informed the Board of the memorandum regarding the Fairfax County Convention and Business Bureau and commended it to the Board for review.

**59. PLAQUE FOR MR. THOMAS G. DODD FOR HIS YEARS OF SERVICE ON THE BUILDING CODE BOARD OF APPEALS (TECHNICAL DIVISION) (Tape 6)**

(BACs)

Supervisor Hanley informed the Board that one of her constituents, Mr. Thomas G. Dodd asked her to share a plaque that he had received in September, 1993, from the citizens of Fairfax County for his dedicated service and contributions to the Fairfax County Building Code Board of Appeals (Technical Division) for over 18 years of service.

Supervisor Bulova moved that the Board direct staff to write a letter of congratulations from the Board to Mr. Dodd for this great accomplishment. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

#### **60. POLICE RETIREMENT RATE (Tape 6)**

Supervisor Hanley called the Board's attention to the communications received from Officers Michael Uram and Robert Ledman on behalf of those people affected by action taken regarding the Police Retirement rate and stated her hope that the Board would reconsider its action regarding this issue.

(NOTE: Later in the meeting, during Public Comment, there was additional discussion on this issue. See Clerk's Summary Item CL#110.)

**PMH:pmh**

#### **61. FUNDING SCHOOL BUDGET BY CATEGORIES (Tape 7)**

Supervisor Dix called the Board's attention to the issue of funding the School budget by categories as permitted by State law. He said that he had previously requested that this issue be brought before the Board for consideration of action at today's meeting. He said that he has met with the School Board Chairman and staff regarding this matter.

Supervisor Dix said that in the course of research as to the expenses that might be involved having the necessary database to provide the information, the School System wants to replace their entire accounting program in order to accommodate this request. He noted that there are other options available at a lesser cost that could provide this information to the Board.

Supervisor Dix further stated that the Board can receive the information in the seven categories once the filings are made with the State in August of each year. He said that this would be a vehicle for tracking the expenditures in those categories on a gross amount basis. He said that the School Board and staff are working at ways to try and tighten up the procedures for transfers within the various categories so that the Board is aware of where the dollars are and how they are being spent.

Supervisor Dix said that Supervisor Berger and Supervisor Bulova are members of a joint Subcommittee that is reviewing methods of combining activities and resources between the general government and the School System. He added that he would like this issue to "work its way" through this process to determine if there are any other outstanding issues.



Supervisor Dix asked unanimous consent that the Board defer any further action on this matter at the present time. Without objection, it was so ordered.

#### **62. SUGGESTION TO CREATE A "DISNEY" TASK FORCE (Tape 7)**

(BACs)

Supervisor Dix suggested that a Task Force be created to address infrastructure issues regarding the Disney project that is to be located in Prince William County. He suggested that the following individuals be appointed to this Task Force:

- Supervisor Frey;
- Supervisor McConnell;
- Supervisor Hyland;
- Supervisor Dix; and
- Appropriate senior County staff.

Supervisor Dix said that the Task Force should begin the process of determining possible issues. He also suggested that an Ad-Hoc Committee of the Board of Supervisors be created to review the issues at the "front end" of the discussion.

There was a brief discussion regarding this item.

#### **63. POLICE HELICOPTER FUNDING (Tape 7)**

Supervisor Dix noted that Fairfax County participates in joint regional compacts on a number of different issues regarding a number of different subjects. He said that the subject of emergency services - response capabilities is one that the Board may want to consider in further depth.

Supervisor Dix said that there are opportunities to share resources, and that here may also be opportunities to share expenses. He asked unanimous consent that the Board direct staff to examine the possibilities of a regional compact that would review the issue of emergency services, particularly emergency services response and how the County could have (collectively) a plan to share resources and expenses. Without objection, it was so ordered.

#### **64. DRIVING WHILE INTOXICATED (DWI) PATROLS (Tape 7)**

Supervisor Dix reported that during the upcoming holiday season, there will be resources available to man sobriety check-points and activate the "Six Pack" patrols during the season.

**65. ATHLETIC FIELD MAINTENANCE (Tape 7)**

Supervisor Dix reported to the Board that an agreement has been reached with the Fairfax County Park Authority and the Athletic Council as it relates to field maintenance.

Supervisor Dix expressed his appreciation to all those involved in this process.

**66. ENVIRONMENTAL PROTECTION AGENCY (EPA) COMPLIANCE PLAN (Tape 7)**

Supervisor Dix announced that the Ad-Hoc Committee of the Metropolitan Washington Air Quality Committee (MWAC) met to discuss the final disposition of the implementation plan to be submitted to the respective states and the Environmental Protection Agency (EPA) regarding the compliance plan for the 1996 Clean-Air Act requirements.

**67. COUNTYWIDE TRAILS COMMITTEE (Tape 7)**

(BACs)

Supervisor Bulova stated that there are a number of ways in which trails are planned and built in Fairfax County - by the Park Authority, by the Department of Public Works and

by the Office of Transportation and/or the Virginia Department of Transportation (VDOT) in conjunction with a road project, through the development process [the Department of Environmental Management (DEM)] and sometimes by the Schools.

Supervisor Bulova explained that additionally, a number of groups provide input into the Trails Plan, but there is no clear statement of who is finally responsible to the Board for the overall plan.

Supervisor Bulova said that since many trails interconnect, it is important that a single entity be responsible for insuring that everything fits together into an integrated, comprehensive plan. She pointed out there is an existing Countywide Trails Committee, but that their mission is unclear, making it difficult for them to have a truly effective coordinating role. The Trails Committee was intended to fill this role, but it is not specifically designated, which leads to confusion.

Supervisor Bulova explained that the Trails Committee is a citizens' committee, and thus the logical group to perform this specialized planning function which must

balance the needs for the County and make sure that all the many pieces fit together effectively. As future funding becomes available to resume progress on the trail system, it would be better served with a coordinated effort.

Supervisor Bulova proposed that a charter be developed for the Countywide Trails Committee, covering its duties and responsibilities. The charter should clearly identify the Trails Committee as the body primarily responsible to the Board for overall coordination for trails planning as embodied in the Countywide Trails Plan. The charter should define the relationships between the Committee and other County agencies regarding trails matters.

Therefore, Supervisor Bulova moved that the Board:

- Direct staff to create an Ad-Hoc Committee composed of staff members from the Office of Comprehensive Planning (OCP), the various staffs with trails planning responsibilities, and the members of the Trails Committee to draft such a charter; and
- Report to the Board with the proposed charter for its consideration.

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

#### **68. TRANSPORTATION SAFETY COMMISSION REQUEST FOR SPEED REDUCTION STUDY (Tape 7)**

(BACs)

Supervisor Bulova stated that as the Board's appointee to the Transportation Safety Commission, she has been requested to bring the subject of speed and safety along Route 50 between I-66 and Route 28 to the Board's attention. She pointed out that the speed limit is 55 miles per hour (mph) on Route 50 between Fair Ridge Drive and Lees Corner, but 45 miles per hour on either side of the 55 mph section. The Transportation Safety Commission would like the Virginia Department of Transportation (VDOT) to reduce the 55 mph zone to a 45 mph zone. This would create one speed limit for the entire 5.3 miles of the study area.

Supervisor Bulova noted that there have been over 400 motor vehicle crashes in the 5.3 mile stretch of the road in the past three years. The Transportation Safety Commission believes that a common, lower speed limit would help reduce the number of crashes and the incidence of red light violations.

Therefore, Supervisor Bulova moved that the Board:

- Request VDOT to conduct a speed and safety study of Route 50 between I-66 and Route 28; and
- Endorse the Transportation Safety Commission's request for a reduction to the speed limit to 45 mph.

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

#### **69. MEN'S CRUSADE AGAINST BREAST CANCER (Tape 7)**

Supervisor Bulova stated that at a Homeowner Association meeting in her District, she was approached by a gentleman who had lost his wife to breast cancer. As a resident of that community, he was addressing his neighbors about the need to consider this type of cancer not just a "woman's disease," but a disease that deeply affects the whole family. He expressed his opinion that not enough funding is devoted to medical research to prevent and cure breast cancer and that more men need to become involved with this issue.

Supervisor Bulova said that Mr. Smith has established an organization called "Men's Crusade Against Breast Cancer" and has produced a flyer which she distributed to Board Members. The mission of the organization is to heighten awareness of the epidemic nature of breast cancer and to encourage a coordinated effort among the research community. She said that Mr. Smith is in the process of working with an attorney to become incorporated and to apply for his 501-C-3 designation. His organization is affiliated with the Vincent T. Lombardi Cancer Research Center at Georgetown University Hospital. She said that any funding that he receives goes directly to that Research Center.

Supervisor Bulova asked unanimous consent that the Board direct staff to:

- Consider Mr. Smith's request for Board assistance with distribution of his informational material; and
- Provide official guidelines about distribution of materials in government centers and other public areas.

Without objection, it was so ordered.

#### **70. ISSUE OF UTILIZATION OF VIDEO MAGISTRATE TECHNOLOGY (Tape 7)**

(BACs)

Supervisor Berger announced that the Fairfax Criminal Justice Advisory Board (CJAB), in conjunction with revising lockup procedures, has been studying the issue of utilization of an electronic magistrate system. The group includes a representative from the Office of the Sheriff, the Chief Magistrate, and two CJAB Representatives.

Supervisor Berger said that the Task Force concluded that an evaluation of the local lockup concept would be incomplete without considering utilization of video magistrate technology, or the process of central booking. He said that his office has been working closely with CJAB in researching the subject and obtaining information on how the system is being utilized in other parts of Virginia and the country.

Supervisor Berger stated that the following are benefits of video arraignment:

- Saving 60,000 police man hours a year in transporting people back and forth from police stations for arraignment;
- Keeping locally arrested people locked up in the area of arrest for short periods to relieve the overcrowding in the Adult Detention Center;
- Safety would be greatly improved;
- Free police officers up for more local patrol; and
- Savings of at least a half million dollars a year, after allowing for leasing of lines, equipment, etcetera.

Supervisor Berger stated that he has received a memorandum from CJAB recommending that staff proceed with this matter.

Therefore, Supervisor Berger moved that the Board direct staff to investigate this matter further to determine how and under what circumstances such a system can be implemented in Fairfax County and what the fiscal impact would be in terms of start-up costs, revenue savings, and other implementation issues. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Dix being out of the room.

Supervisor Berger announced that Wednesday, December 15, 1993 at 9:30 a.m. in the Sheriff's Office Road Room a demonstration will be shown on Video Arraignment.

#### **71. REQUEST TO WAIVE ALL FEES REGARDING THOMAS AVENUE SANITARY SEWER EXTENSION PROJECT (Tape 7)**

Supervisor Berger said that property owners located north of Route 7 in the Kentland Farms Subdivision on Thomas Avenue in Great Falls have banded together to develop a sanitary sewer extension at their own expense to provide service to their properties.

Supervisor Berger stated that since these property owners are paying for the extension at their own expense, he supports waiver of all administrative, review and permit fees for this project.

Supervisor Berger explained that when the Holly Knoll Subdivision was approved by Fairfax County, the original Site Plan showed a sanitary sewer easement leading to the Kentland Farms Subdivision on Thomas Avenue. He stated that through Fairfax County's oversight this sanitary sewer easement was not required by the developer of Holly Knoll.

Supervisor Berger said that without sanitary sewer, the Thomas Avenue property owners are paying taxes on property which cannot be developed, and which could have been given access to sanitary sewer if the County had followed its own rules.

Supervisor Berger moved that the Board direct staff to waive all administrative, review, and permit fees for this project. This motion was seconded by Supervisor Trapnell.

Following discussion, with input from William J. Leidinger, County Executive, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and asked that the motion be amended to refer this issue to staff for review; and if staff does not have any significant concerns, the item will move forward, and this was accepted.

Following a clarification by Supervisor Hanley that this item did not refer to TAP fees or the availability fee, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

## **72. FULL GOSPEL KOREAN CHURCH - OUTSTANDING ISSUE DEALING WITH THE LOCATION OF FOUR DRAINAGE PIPES (Tape 7)**

Supervisor Trapnell said that the Full Gospel Korean Church, located at the corner of Lincolnia and Braddock Roads, has an outstanding issue dealing with the location of four drainage pipes to be placed under Braddock Road and the relocation of a water main.

In order for this to be accomplished, Supervisor Trapnell stated that it will be necessary to pull up existing sections of the roadway. It appears, that when Braddock Road was reconstructed, the Virginia Department of Transportation (VDOT) contractor built the road on such a grade, that it has required the movement of the water main in order to lay the drainage pipes.

Supervisor Trapnell moved that the Board direct staff to investigate this issue and work with VDOT to find a solution. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor McConnell being out of the room.

**NV:nv**

**73. APPOINTMENT OF SULLY DISTRICT REPRESENTATIVE TO THE FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD (Tape 8)**

(APPT)

Supervisor Frey moved the appointment of Mr. John Stephens as the Sully District Representative to the Fairfax/Falls Church Community Services Board. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell being out of the room.

**74. APPOINTMENT OF SULLY DISTRICT REPRESENTATIVE TO THE A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (Tape 8)**

(APPT)

Supervisor Frey moved the reappointment of Mr. John Shughrue as the Sully District Representative to the A. Heath Onthank Memorial Award Selection Committee. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell being out of the room.

**75. 1994 BICENTENNIAL CALENDAR FOR SULLY PLANTATION (Tape 8)**

Supervisor Frey noted that 1994 Bicentennial Calendars for historic Sully Plantation are now available. He stated that 1994 marks the bicentennial of the completion of Sully Plantation.

**76. COMMENDATION OF STAFF REGARDING ZONING ORDINANCE AMENDMENTS (Tape 8)**

Supervisor Frey noted that earlier today four Zoning Ordinance amendments were authorized for public hearings and that two Zoning Ordinance public hearings were scheduled to be heard later in the day. He commended Jane W. Gwinn, Zoning Administrator, Office of Comprehensive Planning, and her staff for their responsiveness to Board requests in this regard.

**77. FAIR LAKES LAND BAY FIVE (Tape 8)**

Supervisor Frey stated that there is a good possibility of an imminent announcement of a headquarters-type use in Fair Lakes Land Bay Five requiring approximately 300,000 square feet of new office space. He noted that this site is currently vacant.

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

- Expedite the hearing process for the Final Development Plan Amendment; and
- Schedule it as early as possible prior to April, 1994.

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

Supervisor Frey further moved that the Board direct staff to:

- Accept concurrent processing of the Site Plans; and
- To expedite the processing of the Site Plans.

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

**78. LEGISLATIVE PROGRAM REGARDING FULL-TIME BOARD MEMBERS**

(Tape 8)

Supervisor Frey stated that on December 6, 1993 the Board adopted the County's 1994 Legislative Program. That Program included several elements from the County Government Committee, including Recommendation Number 12a which called for full-time service on the Board and a prohibition on outside employment.

Chairman Davis ruled that discussion of this item required a motion to reconsider.

Accordingly, Supervisor Frey moved that the Board reconsider its action of December 6, 1993 regarding the motion on Recommendation Number 12a. This motion was seconded by Supervisor Bulova and **FAILED** by a recorded vote of five, Supervisor Berger, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor Trapnell voting "AYE."

(NOTE: Later in the meeting, this item was reconsidered. See Clerk's Summary Item CL#93.)



**79. FULLERTON ROAD GATE (Tape 8)**

Supervisor Alexander stated that he and Supervisor McConnell share a problem in their districts concerning the Fullerton Road gate at the intersection of Fullerton Road and Rolling Road. He explained that this temporary gate has been open for about one year during construction on the Newington interchange. It allows traffic to go through the Fullerton industrial area and exit onto Rolling Road and also allows traffic to go from Rolling Road through Fullerton and onto the interchange, thereby reducing traffic congestion.

Because the Virginia Department of Transportation (VDOT) intends to close this gate on December 15, 1993, Supervisor Alexander moved that the Board direct staff to contact Young Ho Chang, Resident Engineer, VDOT, to request the extension of the opening of this gate through the end of January, 1994. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Dix being out of the room.

**80. STREAM EROSION OCCURRING AT 6601 COTTONWOOD DRIVE (Tape 8)**

Supervisor Alexander stated that there is a very serious stream erosion situation in Lee District that is compounded by the presence of marine clay throughout the neighborhood. The erosion has progressed to the point of severely damaging the backyard area at 6601 Cottonwood Drive. A project was previously established for this neighborhood to study the area and determine remedial measures to stop the ongoing damage. This project was established in Subfund 468, Project A00002, Emergency Watershed Improvements, Subproject Cottonwood Drive.

Supervisor Alexander noted that there are no funds available to fully implement an overall project to correct the erosion in this neighborhood which may require up to \$700,000. However, staff has reviewed the situation occurring at 6601 Cottonwood Drive, which is experiencing the worst erosion, and recommends a 60-foot extension of an existing storm sewer system to prevent further damage to the backyard.

Supervisor Alexander said that he would like to proceed with the design of the 60-foot storm sewer extension now and possibly fund construction with future pro rata revenues.

Therefore, Supervisor Alexander moved that the Board authorize a \$10,000 reallocation from funds remaining from the recently completed Telegraph Road Drainage Improvements, Project I00197, within Subfund 468 into Project A00002, Emergency Watershed Improvements, Cottonwood Drive, for the purpose of

completing the design of the 60-foot storm sewer extension on Cottonwood Drive. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Dix being out of the room.

**81. REQUEST FOR EXPEDITIOUS AND SIMULTANEOUS PROCESSING OF THE SPECIAL EXCEPTION APPLICATION FOR THE GREYHOUND BUS STATION IN BROOKFIELD PLAZA (Tape 8)**

Supervisor Alexander moved that the Board direct staff to expeditiously and simultaneously process any building permits for Special Exception Application for the Greyhound bus station in Brookfield Plaza. Brookfield Plaza is located in Springfield on Backlick Road, Tax Map Number 90-2((1))17.

Supervisor Alexander explained that Greyhound was located in this same location for many years and moved across the street in the early 1980's. He added that they are moving to better serve their riders and comply with the Americans with Disabilities Act (ADA).

Supervisor Alexander said that the applicant understands that this action neither provides him with a vested right in the plan approval or relieves him from the responsibility of any plan modifications as a result of Board review.

The motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Dix being out of the room.

**82. REQUEST FOR EXPEDITIOUS PROCESSING OF THE REZONING APPLICATION FOR PROPERTY LOCATED AT 4203 BUCKMAN ROAD (Tape 8)**

Supervisor Alexander moved that the Board direct staff to expeditiously process the Rezoning Application for property located at 4203 Buckman Road, Tax Map Number 101-3((1))15B and explained that this action is necessary to assist one of Supervisor Hyland's constituents who bought property in 1981 that contained rental apartments. The property is located in the Lee District and is zoned in the R-3 District. Supervisor Alexander said that this unexpected delay in placing the property on the market is causing extreme hardship for this property owner.

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

**83. NO PARKING SIGNS FOR A PORTION OF OLD TELEGRAPH ROAD**

(Tape 8)

(R) Supervisor Alexander referred to his written Board Matter regarding the parking situation on a portion of Old Telegraph Road.

Supervisor Alexander stated that Section 82-5-37 of the Code of the County of Fairfax, offers the Board the ability to restrict parking on residential streets, if certain conditions are met. He added that the Old Telegraph Road situation clearly falls within those conditions.

Therefore, Supervisor Alexander moved adoption of the following Resolution:

**WHEREAS**, after a duly conducted public hearing, the Fairfax County Board of Supervisors on February 9, 1981 adopted a parking ordinance enabling the restriction of parking on a portion of the secondary road system; and

**WHEREAS**, the parking ordinance specifies the conditions under which parking restrictions are warranted; and

**WHEREAS**, Old Telegraph road in Hayfield between 7610 Old Telegraph Road and 7702 Old Telegraph road meets the conditions of the parking ordinance in that excessive parking along this street is causing damage to property within the right-of-way, causing sight distance and other safety hazards for residents exiting driveways, and frequent statutory parking violations occur in this area;

**NOW THEREFORE BE IT RESOLVED**, that parking is hereby prohibited on the west side of Old Telegraph Road, between the northern limit of the property at 7610 Old Telegraph road, and the southern limit of the property at 7702 Old Telegraph Road, from 6:00 a.m. to 3:00 p.m., Mondays through Fridays, except Holidays;

**AND FURTHER BE IT RESOLVED**, staff is directed to install the subject "No Parking" signs along the subject roadway section upon approval by the Department of Transportation.

Supervisor Alexander further moved that the Board direct staff to expedite the process of installation as much as possible, to achieve a speedy resolution of this problem. This motion was seconded by Supervisor Trapnell and carried by a vote of eight, Supervisor Dix and Supervisor Frey being out of the room.

#### **84. DESIGN COMPETITION WINNER DESERVES ACKNOWLEDGEMENT**

(Tape 8)

Supervisor Hyland noted that in an article published in the December/January Mount Vernon - Lee VANTAGE monthly, it was announced that Eason Cross, an architect residing in the Mount Vernon Community of Hollin Hills, won the national design competition sponsored by the Virginia Chapter of Architects, Designers and Planners for Social Responsibility.

Supervisor Hyland explained that the competition was held to find a design for an environmentally sustainable home for a low income family and the conditions for the contest were that the house should be about 1,100 square feet, have three bedrooms, and material costs not exceeding \$35,000. The design had to be "buildable" by volunteer labor and the finished home's operating and maintenance costs needed to be kept to a minimum, i. e. sustainable.

In addition, Supervisor Hyland noted that the house design was to incorporate few materials that are environmentally damaging or unrenowable and that it provide a healthful, pollutant-toxin-radon-free environment. The design, referred to as the Easonian Home, is reminiscent of Frank Lloyd Wright's economical Usonian houses.

Supervisor Hyland stated that Habitat for Humanity is expected to build the design in Richmond next year.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare a letter, under the Chairman's signature, to be forwarded to Mr. Cross recognizing his successful efforts and acknowledging his award as well as his purposeful design. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Dix and Supervisor Frey being out of the room.

#### **85. REQUEST FOR RECOGNITION FOR HEROIC PUBLIC SAFETY EFFORTS OF CITIZENS (Tape 8)**

Supervisor Hyland stated that, through a recent press release from the Fairfax County Police Department, he had recently learned of a grand larceny attempt at a 7-Eleven Store on Frye Road in which a 56 year old Alexandria area man grabbed the suspect, knocked him to the floor, and held him there until the police arrived.

Supervisor Hyland noted that, while the Police Department's policy is to protect witnesses and victims by withholding their names from public disclosure, it is clear that the prompt and heroic actions of this citizen made a real difference in averting a serious crime without injury to anyone on the scene. However, he stated that it is his belief that citizens need to be recognized publicly in some fashion over and above the Chief's Awards to Citizens. Citizens who have demonstrated such meritorious actions

could perhaps be recognized at either the same function as the Valor Awards Presentation or, perhaps, at the Annual Neighborhood Watch Dinner.

Accordingly, Supervisor Hyland moved that the Board direct staff to explore ways to recognize those persons who have successfully averted crimes by their brave actions or have assisted the police and to return to the Board with its recommendations. The motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Dix and Supervisor Frey being out of the room.

#### **86. BURKE VOLUNTEER FIRE DEPARTMENT (Tape 8)**

Supervisor McConnell stated that the Burke Volunteer Fire and Rescue Department is beginning renovations to their building to accommodate female fire personnel. As a part of that process, they need to obtain building permits. Since the Burke Volunteer Fire and Rescue is a non-profit organization serving the citizens of Fairfax County, Supervisor McConnell moved that all required permitting fees be waived for this renovation. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Dix and Supervisor Frey being out of the room.

#### **87. RECESS/EXECUTIVE SESSION (Tape 8)**

At 1:50 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:

- Woodward and Lothrop, Incorporated versus Board of Supervisors, et al., At Law Number 123923;
- Donna Schuster versus Board of Zoning Appeals of Fairfax County, Virginia, et al., At Law Number 116052;
- Board of Supervisors, et al., versus Fairfax County Board of Zoning Appeals, et al., In Chancery Number 122492;
- Request for Special Legislative Designation Conferring Property Tax Exempt Status;
- Consideration of Former Outside Counsel's Provision of Legal Services to Third Party; and
- Erroneous Tax Assessment Litigation.

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

**PMH:pmh**

At 3:55 p.m., the Board reconvened in the Board Auditorium with all Board Members present, and with Chairman Davis presiding.

**ACTION FROM EXECUTIVE SESSION****88. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION (Tape 9)**

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 Hanley and carried by unanimous vote.

**ADDITIONAL BOARD MATTER****89. DEFERRAL OF THE PH ON SPECIAL EXCEPTION APPLICATION SE 93-P-044 (TYSONS 3 PARTNERSHIP) (PROVIDENCE DISTRICT) (Tape 9)**

Supervisor Hanley moved to defer the public hearing on Special Exception Application SE 93-P-044 until **January 24, 1994 at 4:00 p.m.** This motion was seconded by Supervisor Alexander and carried by unanimous vote.

**ADDITIONAL ACTIONS FROM EXECUTIVE SESSION****90. SETTLEMENT OF FAIRCENTER LIMITED PARTNERSHIP VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AT LAW NO. 120639 (Tape 9)**

Supervisor Frey moved that the Board authorize settlement of Faircenter Limited Partnership versus Board of Supervisors of Fairfax County, At Law No. 120639, 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.

**91. SETTLEMENT OF WOODWARD AND LOTHROP, INCORPORATED VERSUS BOARD OF SUPERVISORS, ET AL., AT LAW NO. 123923 (Tape 9)**

Supervisor Frey moved that the Board authorize settlement of Woodward and Lothrop, Incorporated versus Board of Supervisors, et al., At Law No. 123923, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Dix and carried by unanimous vote.

**92. WITHDRAWAL OF REZONING APPLICATION RZ 88-Y-043 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-109 (DAVID L. HUNTER) (SULLY DISTRICT) (Tape 9)**

Supervisor Frey announced that the applicant for Rezoning Application RZ 88-Y-043 and Proffered Condition Amendment Application PCA 88-S-109 had withdrawn the applications.

**93. RECONSIDERATION OF BOARD'S ACTION REGARDING THE LEGISLATIVE PROGRAM REGARDING FULL-TIME BOARD MEMBERS (Tape 9)**

(NOTE: Earlier in the meeting, there was action regarding this issue. See Clerk's Summary Item CL#78.)

Supervisor Alexander moved to reconsider Supervisor Frey's earlier motion to reconsider the Board's action of December 6, 1993 regarding the motion on Recommendation Number 12a which called for full-time service on the Board and a prohibition on outside employment.

Following discussion, Chairman Davis ruled that Supervisor Alexander could reinstate the motion to reconsider.

Supervisor Alexander moved to reinstate the motion to reconsider. The motion, the second to which was inaudible, **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Hyland voting "**NAY.**"

Supervisor Dix moved that the item presently in the Legislative Package dealing with the Urban County Executive form of government and full-time service by Members of the Board of Supervisors be deleted from the Legislative Package. This motion was seconded by Supervisor Hanley.

Following discussion, Supervisor Hanley moved to call the question. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

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

**AM:am**

**94. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-P-044 (TYSONS 3 PARTNERSHIP) (PROVIDENCE DISTRICT) (No Tape)**

(NOTE: Earlier in the meeting, this hearing was deferred. See Clerk's Summary Item CL#89.)

**95. 3:30 P.M. - SPECIAL EXCEPTION APPLICATION SE 93-S-040 (CLAUDE A. AND BETTY J. WHEELER) (SPRINGFIELD DISTRICT) (Tape 10)**

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.

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

Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved approval of Special Exception Application SE 93-S-040 subject to the revised development conditions dated December 9, 1993 and modified as follows:

- Amend Condition number eight to read: "A six foot tall solid wood fence shall be provided 25 feet inside the southern boundary, starting 40 feet from the western boundary, and extending 75 feet to the east"; and
- Renumber condition eight so that it becomes condition number nine.

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

Acting-Chairman Bulova returned the gavel to Vice-Chairman McConnell.

**96. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-039 (STARBUCKS COFFEE COMPANY) (DRANESVILLE DISTRICT) (Tape 10)**

Mr. Michael R. Wheeler reaffirmed the validity of the affidavit for the record.



Mr. Wheeler 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, Mary Ann Godfrey, 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-039 subject to the revised development conditions dated December 8, 1993; and
- Approval of the requested waivers for lot area and lot width requirements.

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

**97. 3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SECONDARY COMMERCIAL USES IN THE PDH DISTRICT (Tape 10)**

(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 26 and December 3, 1993.

Following the public hearing, Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved approval of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow the land area limitations for secondary commercial uses in the PDH District to be modified by the Board. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

Acting-Chairman Bulova returned the gavel to Vice-Chairman McConnell.

**98. 3:30 P.M. - PUBLIC HEARING ON PROPOSED CHANGES TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) AND CHAPTER 82, (MOTOR VEHICLES AND TRAFFIC) CHANGING THE DUE DATES FOR PURCHASING MOTOR VEHICLE LICENSES AND PAYING PERSONAL PROPERTY TAXES (Tape 10)**

(O) Certificates of Publication were filed from the Editor of the Washington Post, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of October 21 and October 28, 1993.

Following the public hearing, which included testimony by two speakers, Chairman Davis relinquished the Chair to Acting-Chairman Bulova and moved approval of the proposed changes to the Code of the County of Fairfax:

- Chapter 4 (Taxation and Finance) by repealing Article 17 and enacting Article 17.1 (Personal Property Tax) which changes the:
- Personal Property tax due date from December 5 to October 5, beginning in 1994;
- Filing deadline from 30 to 60 days for new purchases; and
- Chapter 82 (Motor Vehicles and Traffic) by repealing Article 10 and enacting Article 12 (Motor Vehicle License Tax) which requires:

Motor vehicle license (decals) be purchased by October 5; and

Payment of all prescribed personal property taxes before the issuance of a decal.

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

Following discussion, Supervisor Davis moved approval of Option Four as outlined in the Memorandum to the Board:

- To charge \$15 for Spring 1994 decals and \$25 for Fall 1994 decals.

This motion was seconded by Supervisor Alexander.

Supervisor Berger moved to call the question.

The question was called on the motion (Supervisor Davis') which **CARRIED** by a recorded vote of eight, Supervisor Dix and Supervisor Hyland voting "**NAY.**"

Acting-Chairman Bulova returned the gavel to Chairman Davis.

**SBE:sbe**

**99. 4:00 P.M. - PH HEARING ON REZONING APPLICATION RZ 88-Y-043 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-109 (DAVID L. HUNTER) (SULLY DISTRICT) (Tape 11)**

Supervisor Frey announced that Rezoning Application RZ 88-Y-043 and Proffered Condition Amendment Application PCA 88-S-109 had been withdrawn by the applicant.

**100. CLARIFICATION OF PROPOSED CHANGES TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) AND CHAPTER 82, (MOTOR VEHICLES AND TRAFFIC) CHANGING THE DUE DATES FOR PURCHASING MOTOR VEHICLE LICENSES AND PAYING PERSONAL PROPERTY TAXES (Tape 11)**

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#98.)

Following a request for clarification by James P. McDonald, Deputy County Executive for Management and Budget, regarding Option Four, Chairman Davis stated that for tax year 1994, the annual vehicle license tax for each motor vehicle to which this article is applicable shall be prorated at 60 percent of the current rate. These rates as are follows:

- Eleven dollars (\$11.00) for motorcycles;
- Fifteen dollars (\$15.00) for all motor vehicles as defined in Section 82-12-1; and
- Fourteen dollars (\$14.00) for any passenger car which is used for the transportation of passengers for compensation.

**101. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-032 (CHEVY CHASE SAVINGS BANK, F.S.B.) (SULLY DISTRICT) (Tape 11)**

Mr. Robert F. Flinn reaffirmed the validity of the affidavit for the record.

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

Supervisor Frey moved approval of Special Exception Application SE 93-Y-032 subject to the revised development conditions dated November 4, 1993. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor

Alexander, Supervisor Hanley, Supervisor Hyland, and Chairman Davis being out of the room.

Supervisor Frey moved reaffirmation of the modification of the transitional screening and barriers along the boundaries of the shopping center to permit the existing landscaping and berms to remain. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, and Chairman Davis being out of the room.

**102. 4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-M-019 (HOUSEHOLD BANK F.S.B.) (MASON DISTRICT) (Tape 11)**

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

Mr. Houston 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 Dix disclosed the following campaign contribution which he had received:

- The "Friends of Bob Dix" received a contribution from Curtis M. Coward, a partner in McGuire, Woods, Battle and Booth.

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

Supervisor Trapnell moved approval of Special Exception Application SE 93-M-019 subject to the revised development conditions dated October 21, 1993, except for the following modification to condition 12:

- Right and left turn shall be permitted into and out of the site at Annandale Road. One year following the issuance of the non-residential use permit (non-RUP) for the bank, the applicant shall submit to the Office of Transportation (OT), for review and approval by the OT, a study documenting the operation of the left turn movements to determine if a hazardous situation or safety problem exists. If it is determined by the OT, based on the study, that such exists, then access from Annandale Road shall be right turn in, right turn out only, with a raised median at the entrance to channelize traffic into and out of the site; and appropriate directional signage shall be provided to prohibit left turns in and out of the site.

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

Supervisor Trapnell moved modification of the transitional screening and barrier requirement in favor of that depicted on the Special Exception Plat pursuant to Paragraph five of Section 13-305 of the Ordinance. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of five, Supervisor Hanley abstaining, Supervisor Alexander, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room.

**103. 4:00 P.M. - PH 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) (Tape 11)**

(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 26 and December 3, 1993.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved approval of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to include in the existing Annandale Residential Permit Parking District (RPPD) District 14, the entire length of Roanoke Avenue. This motion was seconded by Supervisor Alexander and carried by a vote of six, Supervisor Berger, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room.

**104. 4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S93-III-P1 FOR A PARCEL IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF BURKE ROAD AND BURKE LAKE ROAD (SPRINGFIELD DISTRICT) (Tape 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 26 and December 3, 1993.

Following the public hearing, Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved approval of Out-of-Turn Plan Amendment S93-III-P1 concerning land adjacent to the Burke Village Shopping Center [Tax Map 78-1((1))Part of 27] on the north side of Burke Road realigned in the Springfield District.

This motion was seconded by Supervisor Alexander and carried by a vote of seven, Acting-Chairman Bulova abstaining, Supervisor Frey and Supervisor Hyland being out of the room.

Acting-Chairman Bulova returned the gavel to Chairman Davis.

**105. 4:00 P.M. - PH ON PROPOSAL TO ABANDON DAWSON STREET (HUNTER MILL DISTRICT) (Tape 11)**

(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 26 and December 3, 1993.

Following the public hearing, Supervisor Dix moved that the Board adopt the Order abandoning Dawson Street. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

**106. 4:30 P.M. - PH ON THE PROPOSED ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF BEULAH ROAD IMPROVEMENTS (HUNTER MILL DISTRICT) (Tape 11)**

(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 26 and December 3, 1993.

Following the public hearing and discussion, which included testimony by two speakers, Supervisor Dix moved adoption of the Resolution authorizing the acquisition of real property located at 1502 Beulah Road, Tax Map 019-3((1))37, for the future construction of improvements to Beulah Road. This motion was seconded by Supervisor Alexander.

Supervisor Dix stated, for the record, that this action does not preclude the negotiation of any proposals by the property owners and staff that would demonstrate that the future improvements to Beulah Road may be accommodated with lesser right-of-way than a total take of parcel 37, with no adverse impact to the other properties.

The question was called on the motion which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

**107. 4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE)**

**REGARDING HOURS OF OPERATION - GROUP 1 SPECIAL PERMIT USES (Tape 11)**

Supervisor Frey moved that the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Regarding Hours of Operation-Group 1 Special Permit uses be deferred until **January 10, 1994 at 4:00 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Hanley, Supervisor Hyland, and Supervisor McConnell being out of the room.

**ADDITIONAL BOARD MATTER****108. BOARD SUPPORT OF THE FAIRFAX CENTER AREA MIXED USE PERMIT (Tape 11)**

Chairman Davis referred to an action of the Board from its December 6, 1993 meeting regarding the Fairfield mixed-use PDC at the Fair Lakes Parkway, West Ox Road in the Fairfax Center area and stated that an additional motion was needed. Therefore, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and moved that Board:

- Authorize staff to advertise on an expedited basis public hearings for:
  - An Out-of-Turn Comprehensive Plan Amendment on both the Fairfield property and Tax Map Parcel 56-1((1))20 which would clarify the mix issue and facilitate this proposal concurrent with the Plan Amendment;
  - A Rezoning, Conceptual Development Plan and Final Development Plan Application on the previously unavailable parcel 20;
  - A concurrent Proffered Condition Amendment, Conceptual Development Plan Amendment and Final Development Plan Amendment on the undeveloped Fairfield PDC property;
- Direct staff to schedule these public hearings before the Board of Supervisors no later than April 1994; and
- Direct the staff of the Department of Environmental Management (DEM) to process the Site Plans for the project simultaneous with the pending Comprehensive Plan Amendment and Rezoning Applications.

This motion was seconded by Supervisor Frey.

Supervisor Frey restated his amendment to the motion as follows:

- To have staff also consider the Franklin Property which is located across the street from the Fairfax Center Area and will be coming before the Board for deletion of some retail, and this was accepted.

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

Acting-Chairman Alexander returned the gavel to Chairman Davis.

**109. 4:30 P.M. - PH TO CONSIDER REQUESTS BY THE ARLINGTON-FAIRFAX IZAAK WALTON LEAGUE, THE HAYFIELD FARM SWIM CLUB, AND THE PRISON FELLOWSHIP MINISTRIES FOR EXEMPTION FROM THE PROPERTY TAX (COUNTYWIDE REVENUE IMPACT) (Tape 11)**

(Rs) 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 issue of December 3, 1993.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved adoption of the Resolutions concerning requests from the following three organizations for special State legislation that would confer exemption from County property taxes:

- Arlington-Fairfax Izaak Walter League;
- The Hayfield Farm Swim Club; and
- Prison Fellowship Ministries.

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

**110. 4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN (Tape 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 26 and December 3, 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 Chairman's Office (703-324-2321) to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

The public hearing was held and included testimony by the following speakers:

- Mr. Larry Roeder, regarding guns in private schools; and
- Mr. Robert Letrick, regarding Police Retirement.

Following testimony by Speaker One, Mr. Larry Roeder, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to review Mr. Roeder's request to ban weapons in all day care centers in the County. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Following testimony by Speaker Two, Mr. Robert Letrick, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct the Retirement Board to respond to the questions raised by Mr. Letrick by the Board of Supervisors meeting scheduled for January 10, 1994 regarding the use of the historical rate of return versus the actuarial rate of return.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**111. 4:30 P.M. - PH TO RECEIVE COMMENT FROM BUSINESSES OF FAIRFAX COUNTY ON ISSUES OF CONCERN (No Tape)**

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 26 and December 3, 1993.

Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear business 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 business speaker may have up to three minutes and a maximum of 10 speakers will be heard. Businesses must call the Chairman's Office (703-324-2321) to register to speak and provide their names, addresses, phone numbers and topics they wish to address.

There were no speakers for this public hearing.

**112. 4:30 P.M. - PH ON THE LINES OF BUSINESS (LOBS) REVIEW (Tape 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 December 6 and December 10, 1993.

Following the public hearing, which included testimony by seven speakers, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to forward all the testimony to the County Executive for his consideration as the Board proceeds to develop the budget for next year. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

At 7:05 p.m., the Board adjourned.