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

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

2. CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE EMPLOYEES ADVISORY COUNCIL (EAC) (Tape 1)

Supervisor Trapnell moved approval of the Certificates of Recognition presented to Members of the Employees Advisory Council (EAC). This motion was seconded by Supervisor McConnell and carried by unanimous vote.

Supervisor Dix acknowledged the presence of Dr. Robert R. Spillane, Division Superintendent of Schools, in the Board Auditorium. Chairman Davis invited Dr. Spillane to come forward and participate in the group picture.

3. PROCLAMATION DESIGNATING THE MONTH OF APRIL, 1994 AS "IMMUNIZATION MONTH" IN FAIRFAX COUNTY AND INFORMATION ITEM I-8 - COUNTY IMMUNIZATION EFFORT (Tape 1)

Supervisor Hanley moved approval of the Proclamation presented to Marlene Blum, Health Care Advisory Board, designating the month of April, 1994 as "**Immunization Month**" in Fairfax County. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander being out of the room.

Supervisor Hanley called the Board's attention to Information Item I-8 - County Immunization Effort presenting an update regarding the County immunization effort.

4. RESOLUTION TO RECOGNIZE THE BICENTENNIAL OF SULLY, 1794 TO 1994
(Tape 1)

Supervisor Frey moved adoption of the Resolution presented to Mayo Stuntz, Sully Foundation Board, in recognition of the Bicentennial of Sully, 1794 to 1994. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

5. PROCLAMATION DESIGNATING THE WEEK OF APRIL 11 - APRIL 17, 1994 AS KNIGHTS OF VIRGINIA ASSISTANCE FOR THE RETARDED (KOVAR) WEEK IN FAIRFAX COUNTY (Tape 1)

Supervisor McConnell moved approval of the Proclamation presented to Jim McCracken, Knights of Columbus of Virginia, designating the week of April 11 - April 17, 1994, as "**Knights of Virginia Assistance for the Retarded (KOVAR) Week**" in Fairfax County. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

6.10:00 A.M. - PRESENTATION BY THE COMMISSION FOR WOMEN OF THE 1993 OUTSTANDING WOMEN AWARDS TO HONOR LEADERS IN EDUCATION, BUSINESS, COMMUNITY SERVICE AND PROFESSIONAL EMPOWERMENT
(Tape 1)

Following a presentation by Linda Hossenlopp, Chair, Commission for Women; Johnnye Sims, Member, Commission for Women; and Kelly Gryting, Member, Commission for Women, presented the 1993 Outstanding Women Awards to honor leaders in education, business, community service and professional empowerment to the following:

- Fairfax Women's Recovery Center, as the outstanding women's organization;
- Dr. Cheryl Bartholomew, Associate Professor, Counseling and Development Program, George Mason University Graduate School of Education, for outstanding commitment to women and girls in the field of education;
- Barbara Harris, President, The Harris Group (consultants dealing primarily with architectural and environmental engineering) for outstanding commitment to women in the field of business; and
- Mary Mahoney, Circulation Manager, Pohick Regional Library, as the "**Outstanding Fairfax Woman of 1993**," for her personal and professional commitment to women.

7.10:15 A.M. - PRESENTATION TO LOCAL CHARITIES FROM THE NORTHERN VIRGINIA BUILDING INDUSTRY ASSOCIATION (NVBIA) CHARITY HOUSE PROJECT (Tapes 1-2)

Fred Kober, Chairman, Charity House Project, presented checks to various local charities from the Northern Virginia Building Industry Association (NVBIA).

8.10:30 A.M. - PRESENTATION OF SPECIAL YOUTH REPORT OF OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (Tapes 2-3)

Following a presentation by Louis Herzog, Chairman, Fairfax County Oversight Committee on Drinking and Driving, and Joanne Ricciardiello, Youth Subcommittee Chair, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board:

- Refer the Special Youth Report of the Committee to County staff and the Fairfax County School Board for review and recommendations;
- Authorize the Chairman to send a letter to the Juvenile Court Judges concerning the sentencing of the teen DWI's under the "Use or Lose" law; and
- Endorse all efforts to convey the seriousness and priority of this problem to the families and communities of Fairfax County.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

With reference to the establishment of County regulations mandating the training and certification of all persons selling alcoholic beverages in the County, Supervisor Hanley asked unanimous consent that the Board direct the County Attorney to determine the County's legal authority in establishing such a training and certification program and, if legal, what format and costs would be involved in such a program. Without objection, it was so ordered.

Following further discussion, Supervisor McConnell asked unanimous consent that the Board direct the School Board to provide the Board of Supervisors with an outline of the programs being financed by the Federal monies received to cover education of students concerning prevention of alcohol and drug abuse. Without objection, it was so ordered.

In addition, Supervisor McConnell asked unanimous consent that the Board direct staff to provide accurate statistics on the number of incidents regarding teens and alcohol, regardless of whether or not the person is charged. She added that this matter should be diligently pursued by the Police Department, through the courts, and through the School System. Without objection, it was so ordered.

Supervisor Trapnell asked unanimous consent that the Board direct staff to continue its aggressive

action against those businesses selling alcohol to minors. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide, if available, information for the year of 1993 on:

- The number of teenage drivers who were stopped for conduct indicating they were under the influence;
- Where teenage drivers were stopped for suspicion of drinking, were breathalyzer or blood tests routinely given; and
- In any case in which the officer believed the teenager was under the influence, in how many instances was that person not brought to the Juvenile Court?

Without objection, it was so ordered.

With reference to the Board's previous request for information on the issue of the training of those persons who sell alcohol in the 1100 establishments in the County, and the County's authority to pull the licenses of those businesses which have consistently had a problem selling to minors, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to provide this information as expeditiously as possible. Without objection, it was so ordered.

Following a query from Supervisor Hanley, Mr. Herzog stated that he could provide statistics from the Oversight Committee's Annual Report on the 18 to 20 year old category of alcohol-related incidents.

Supervisor Dix moved that the Board refer the Special Youth Report of the Oversight Committee on Drinking and Driving to staff for its review and expeditious return to the Board with its comments and recommendations. This motion was seconded by Supervisor Trapnell.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide statistics to show where Fairfax County is, in relation to other comparable jurisdictions Statewide, with regard to teenage alcohol incidents and the "Use or Lose" law in the Commonwealth. Without objection, it was so ordered.

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

AM:am

9. ADMINISTRATIVE ITEMS (Tape 3)

Supervisor Dix moved approval of the Administrative Items with the exception of Administrative Item - Admin 8 - Advertisement for a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 1994 Revised Budget Plan. This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of eight, Supervisor Hanley and Chairman Davis voting "NAY" on Administrative Item - Admin 2 - Additional Time To Commence Construction For Special Exception Application SE 89-M-051, Star Enterprise (Mason District).

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)

(R)Adopted the request that certain streets listed in the Memorandum to the Board dated March 21, 1994 be recommended for acceptance into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Reston, Section 73, Block 2	Hunter Mill	Center Harbor Road Route 7410 Center Harbor Place
Reston, Section 91A	Hunter Mill	Town Center Parkway Route 7414 (4 Lanes) New Dominion Parkway Route 6363 (4 Lanes)

ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 89-M-051, STAR ENTERPRISE (MASON DISTRICT)

(AT)Approved the request for 12 months of additional time to establish the use for Special Exception Application SE 89-M-051 until January 28, 1995 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 91-L-017, LEE AUTOMOTIVE (LEE DISTRICT)

(AT)Approved the request for 24 months of additional time to establish the use for Special Exception Application SE 91-L-017 until July 6, 1996 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE SALE OF COUNTY-OWNED PROPERTY LOCATED BETWEEN 6500 AND 6501 SANDY KNOLL COURT (DRANESVILLE DISTRICT)

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 11, 1994 at 4:00 p.m.** regarding the sale of County-owned property, located between 6500 and 6501 Sandy Knoll Court, Tax Map Number 21-4 ((18))D, to Mr and Mrs. John T. Spotila.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SOUTH VAN DORN STREET/I-95 INTERCHANGE (LEE DISTRICT)

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 25, 1994 at 3:30 p.m.** regarding the acquisition of interests in real property necessary for construction of the South Van Dorn Street/I-95 Interchange, Project 064103.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED AT 12329 CANNONBALL ROAD TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SULLY DISTRICT)

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 11, 1994 at 3:30 p.m.** regarding the conveyance of County-owned property, Tax Map Number 056-3-08-0022, to the Fairfax County Redevelopment and Housing Authority (FCRHA); and authorized staff to notify adjacent property owners of the public hearing by certified mail.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR CONDEMNATION OF A SIGN EASEMENT NECESSARY FOR CONSTRUCTION OF THE DRANESVILLE ROAD SEGMENT OF COUNTY ROAD BOND PROJECT - WIEHLE AVENUE (DRANESVILLE DISTRICT)

(A)Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 11, 1994 at 4:30 p.m.** regarding the condemnation of a sign easement necessary for construction of the Dranesville Road segment of County Road Bond Project - Wiehle Avenue.

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1994

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

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENT PROVISIONS OF THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS) RELATING TO THE DISCHARGE OF FIREARMS (COUNTYWIDE)

(A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **April 25, 1994 at 4:00 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 6 (Weapons) relating to the discharge of firearms.

10. **ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1994 REVISED BUDGET PLAN** (Tape 3)

(A) Following discussion, with input by Edward L. Long, Jr., Director, Office of Management and Budget (OMB), Supervisor Dix referred to handwritten page eight of the Memorandum to the Board dated March 21, 1994 - Agency 92 - Fire and Rescue Department - \$840,128 and asked unanimous consent that the Board direct staff to provide a more detailed breakdown of these monies. Without objection, it was so ordered.

Supervisor Hanley distributed to Board Members the street light request list that has been sorted in sequential order from highest to lowest nighttime event rate as provided by the Fairfax County Police Department. Supervisor Hanley moved that the following issue be brought before the Board as a Consideration Item for the Fiscal Year (FY) 1994 Third Quarter Review: The addition of \$3.2 million for street lights utilizing the above-mentioned list. This motion was seconded by Supervisor Alexander.

Following discussion, Chairman Davis suggested that areas that have not petitioned for street lights be included in the list.

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

Following discussion, with input from John W. di Zerga, Director, Department of Public Works, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on **April 11, 12, and 13, 1994 at 7:30 p.m.** regarding the FY 1994 Third Quarter Review. This motion, the second to which was inaudible, carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

11. **A-1 - AUTHORIZATION TO PAY FISCAL YEAR (FY) 1994 FOURTH QUARTER WMATA BILLING (COUNTYWIDE)** (Tape 3)

(R) Following discussion, with input by Shiva K. Pant, Director, Office of Transportation, Supervisor Alexander moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the payment of the Fiscal Year (FY) 1994 Fourth Quarter

Transit Operating and Capital Billing in the net amount of \$12,800,510. This motion was seconded by Supervisor Hanley.

Supervisor Dix referred to the Fairfax County share of \$854,000 for a bus replacement item and asked unanimous consent that the Board direct staff to bring this item before the Board once the details of funding are resolved and before payment is made. Without objection, it was so ordered.

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

12.A-2 - STAFF RECOMMENDATIONS CONCERNING METROBUS SERVICE CHANGES PROPOSED IN WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PUBLIC HEARING DOCKET NUMBER B94-1 (ALL DISTRICTS) (Tape 3)

Following discussion, with input by Shiva K. Pant, Director, Office of Transportation; and Andrew J. Szakos, Chief, Transit Operations Division, Office of Transportation, Supervisor Alexander moved that the Board concur in the recommendation of staff and approve the staff recommendations as outlined in the Memorandum to the Board dated March 21, 1994 regarding Metrobus service changes affecting Fairfax County proposed in the Washington Metropolitan Area Transit Authority (WMATA) public hearing docket number B94-1. This motion, the second to which was inaudible, carried by unanimous vote.

13.A-3 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR THE IMPROVEMENT OF THE I-95/I-395/I-495 INTERCHANGE IN SPRINGFIELD (LEE DISTRICT) (Tape 3)

Supervisor Alexander moved that the Board concur in the recommendation of staff and endorse the Virginia Department of Transportation's (VDOT) Location Public Hearing plans (Alternative 12) for the improvements to the I-95/I-395/I-495 Springfield interchange with the following modifications:

■ Replace bullet number two:

- "Include in the design phase scope of work additional Old Keene Mill/Franconia Road (VA 644) interchange design alternatives. Conduct a comprehensive corridor study of the VA 644 area including, but not limited to, ramp design, lane assignments, use of adjacent arterial roadways, operations and safety enhancements, SOV access between I-95 and the Franconia-Springfield Parkway (VA 7900), use of express/circulation-distribution routes, and efficient traffic control devices. Proposed alternatives should be part of the public participation process and presented at

the Design Public Hearing."

■Add to bullet number five:

- "...and between the areas north and south of VA 644 particularly in the business district."

■Add to bullet number six:

- "...and enhance access to/from the Transportation Center."

This motion was seconded by Supervisor Hyland.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation; and a member of the Transportation Advisory Commission (TAC), Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the motion be amended to direct the Board to send a letter to the Commonwealth Transportation Board (CTB) requesting them to return this item to the Board for review after completing these recommendations and before taking final action. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

14.A-4 - PREALLOCATION PUBLIC HEARING FOR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) HIGHWAY FUNDS FOR FISCAL YEAR (FY) 1995 (COUNTYWIDE) (Tape 3)

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

- Reiterate its support for the continued funding allocations to the Fairfax County Parkway from all available funding sources;
- Request the Commonwealth Transportation Board (CTB) to maximize the use of Interstate Maintenance funds for eligible projects in Fairfax County, rather than National Highway System (NHS) funds, which are critically needed on other, non-interstate projects in Fairfax County;

- Request the CTB to approve funding for the priority projects listed in Attachment I of the Memorandum to the Board. This listing indicates projects for funding in the interstate and Primary program;
- Request the CTB to approve safety program funding for the priority safety projects listed in Attachment II of the Memorandum to the Board;
- Request the CTB support Northern Virginia Transportation Commission's (NVTC's) Fiscal Year (FY) 1995 request for State transit capital and operating assistance for Washington Metropolitan Area Transit Authority (WMATA), Virginia Railway Express (VRE) and the Northern Virginia jurisdictions;
- Request that the CTB establish, as part of its review process, a commitment to review with local officials the State's preliminary list of projects for both federal and state funding, so that any differences in priorities can be discussed at the appropriate level before the list is finalized.

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

15.A-5 - SUBMISSION OF FISCAL YEAR (FY) 1995 STATE GRANT APPLICATION FOR MARKETING PROGRAM OF RIDESHARING AND TRANSIT SERVICES BY THE OFFICE OF TRANSPORTATION (ALL DISTRICTS) (Tape 3)

(R) On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the submittal of a grant application in the amount of \$228,654 to the Virginia Department of Rail and Public Transportation (VDRPT) for the marketing and promotion of ride-sharing and transit services during Fiscal Year (FY) 1995.

16.A-6 - APPROVAL FOR THE FIRE AND RESCUE DEPARTMENT TO SUBMIT RESCUE SQUAD ASSISTANCE FUND GRANT APPLICATION FOR THE PURCHASE OF ADDITIONAL ADVANCED LIFE SUPPORT (ALS) EQUIPMENT (Tapes 3-4)

Following discussion, Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the Fire and Rescue Department's submission of a Rescue Squad Assistance Fund (RSAF) grant for \$27,500. This grant will fund essential emergency medical services (EMS) equipment. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide further information concerning the 1,392 calls responded to outside of the County jurisdiction. Without objection, it was so ordered.

17.A-7 - AUTHORIZATION OF GRANT APPLICATION SUBMITTED BY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES FOR THE

DETENTION RELEASE AND SERVICE PROGRAM (Tape 4)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Juvenile and Domestic Relations District Court Services application to the Virginia Department of Criminal Justice Services for the Detention Release and Service Program. This continuation grant application will provide funding for one full-time grant merit Probation Counselor I position, one part-time Probation Counselor I position, one part-time Relief Counselor position and the necessary operating expenses to implement alternatives to secure detention for targeted minority youth.

18.A-8 - AUTHORIZATION OF GRANT APPLICATION SUBMITTED BY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES FOR THE YOUTH SERVICES ANALYSIS/RESEARCH PROJECT (Tape 4)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Juvenile and Domestic Relations Court grant application to the Virginia Department of Criminal Justice Services for the Youth Services Analysis/Research Project. This grant application will provide funding for two currently employed part-time, regular-merit Management Analyst II positions, one new part-time limited-term Management Analyst I position, one currently employed regular-merit Commuter Systems Analyst II and extra pay for one current regular-merit Secretary I.

19.A-9 - AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD TO APPLY TO THE NORTHERN VIRGINIA PLANNING DISTRICT COMMISSION FOR RYAN WHITE COMPREHENSIVE AIDS RESOURCE EMERGENCY ACT FUNDING (Tape 4)

On motion of Supervisor Hanley, the second to which was inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Fairfax-Falls Church Community Services Board (CSB) to apply for \$250,297 in Title I and Title II Ryan White Comprehensive AIDS Resource Emergency (CARE) Act funds, which will be used to continue and expand regional HIV services provided by the CSB from April 1, 1994 through March 31, 1995.

20.A-10 - ESTABLISHMENT OF A STORMWATER UTILITY IN FAIRFAX COUNTY (COUNTYWIDE) (Tape 4)

Supervisor Dix moved:

- To refer this item to the Development Process Committee; and

- That a Work Session be scheduled between staff and the Board.

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

21.A-11 - TERM LIMIT REVISION FOR THE FIRE COMMISSION (Tape 4)

On motion of Supervisor McConnell, seconded by Supervisor Frey, and carried by unanimous vote, the Board concurred in the recommendation of staff and removed the current limit of two consecutive terms and allow Fire Commissioners to be elected with no limit on the number of terms.

22.A-12 - DESIGNATION OF PLANS EXAMINERS STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM (Tape 4)

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

- Designated Inactive Status for the following individuals who elected not to pursue the continuing education requirements of the Designated Examiner Program:

- Stephen H. Donaldson (14);
- Bruce Alan Gould (45);
- David A. Kotecki (78); and
- William R. Zink (64).

- Reinstated Active Status for the following individuals as Designated Plans Examiners:

- Arun Govind Gan (10); and
- Myon M. Yoo (66).

23.A-13 - MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND THE FAXFAIR CORPORATION (Tape 4)

On motion of Supervisor Dix, seconded by Supervisor Alexander, and carried by a vote of nine, Supervisor Alexander being out of the room, the Board concurred in the recommendation of staff and approved the Memorandum of Understanding (MOU) which continues the relationship between the Faxfair Corporation and Fairfax County.

24.A-14 - SOUTH COUNTY SMALL BUSINESS DEVELOPMENT OUTREACH CENTER AND COMMUNITY OUTREACH PARTNERSHIP CENTERS PROGRAM APPLICATION (Tape 4)

Following discussion with input by William J. Leidinger, County Executive; and Verdiana L. Haywood, Deputy County Executive for Human Services, Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Approve the County's participation in a private-public partnership with the Northern Virginia Urban League (NOVAUL) and George Mason University (GMU) in the establishment of the South County Small Business Development Outreach Center;
- Approve the submission of a two-year application to the United States Department of Housing and Urban Development (HUD) in partnership with GMU for partial funding for the center under the federal Community Outreach Partnership Centers Program; and
- Commit up to \$150,519 in General Funds to the project to meet the matching requirements.

This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of eight, Supervisor Dix and Supervisor Frey voting "NAY."

25.A-15 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94047 TALLING \$200,000 TO APPROPRIATE FUNDING HERNDON ELDERLY HOUSING, FROM SUBFUND 182, HOUSING TRUST FUND (DRANESVILLE DISTRICT) (No Tape)

(Note: Later in the meeting, the Board took action on this item. See Clerk's Summary Items CL#86 and #113.)

26.C-1 - CONTINUATION OF FRIDAY AND SATURDAY EVENING RIBS BUS SERVICE (HUNTER MILL DISTRICT) (Tape 4)

Supervisor Dix asked unanimous consent that this item be deferred until the budget consideration. Without objection, it was so ordered.

SBE:sbe

27.C-2 - DEMOGRAPHIC REPRESENTATION OF THE HUMAN RIGHTS COMMISSION (Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated March 21, 1994 presenting a status report on the demographic representation of the Human Rights Commission to determine the replacement appointment of a resigning Commissioner.

Following a brief discussion, Chairman Davis stated his intention to move the appointment of Mr. Hector de Leon to the Human Rights Commission today.

Following discussion, with input from Richard A. King, Deputy County Executive for Public Safety, Supervisor Hyland asked unanimous consent that the Board direct staff to bring a copy of the Human Rights Commission Ordinance to the Board Auditorium to review the requirements for demographic representation. Without objection, it was so ordered.

Further discussion ensued.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#31.)

28.C-3 - STAFF ASSESSMENT OF THE SCHOOL HEALTH TASK FORCE REPORT
(Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated March 21, 1994 presenting the staff assessment and recommendations regarding the School Health Task Force Report.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved to defer this item and direct staff to present the staff recommendations regarding the School Health Task Force Report as a Consideration Item in the Fiscal Year FY 1995 Budget. This motion was seconded by Supervisor Dix.

Supervisor Hanley noted that there are separate funding issues and asked to amend the motion to present those items separately, and this was accepted.

Following discussion, with input from staff, the question was called on the motion, as amended, which carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

29.I-1 - CONTRACTING IN FAIRFAX COUNTY (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 presenting a report which includes a computer printout of vendors with which the County has contracts.

30.I-2 - FROZEN WATER PIPES ASSOCIATED WITH RESIDENTIAL STRUCTURES DURING THE PERIOD OF EXTREME COLD IN JANUARY OF 1994 (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 presenting the staff report regarding the number of frozen

water pipe related calls received by the local public water purveyors and by the Fairfax County Fire and Rescue Department during the recent period of extreme cold.

There was a brief discussion, with input from staff, regarding this item.

31.C-2 - DEMOGRAPHIC REPRESENTATION OF THE HUMAN RIGHTS COMMISSION (Tape 5)

(APPT)

(NOTE: Earlier in the meeting, the Board discussed this item. See Clerk's Summary Item CL#27.)

David Bobzien, County Attorney, stated that Section 11-1-9 of the Code of the County of Fairfax reads that the Human Rights Commission:

- ". . . shall consist of twelve (12) members who shall be residents of the County and are broadly representative of the racial, sexual, religious, ethnic, disabled and age groups in the County."

Chairman Davis moved the appointment of Mr. Hector de Leon to fill the unexpired term of Ms. Marta Wyatt on the Human Rights Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

32.I-3 - AUTHORITY FOR WAIVER OF STREET LIGHT INSTALLATION REQUIREMENTS (COUNTYWIDE) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to continue to address requests to waive the Public Facilities Manual (PFM) street light requirements in accordance with the current adopted procedure.

The staff was directed administratively to proceed as proposed.

33.I-4 - IMPLEMENTATION OF REVISED PROCEDURES FOR OBTAINING PERMITS FOR THE ERECTION OF TENTS (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 presenting revised procedures for obtaining permits for the erection of tents.

34.I-5 - CONTRACT MODIFICATION - EMERGENCY ENGINEERING SUPPORT SERVICES FOR EVALUATION OF THE COLONIAL PIPELINE LEAK (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to award a modify the contract with MPR Associates in an amount not to exceed \$250,000 to provide continued to support to County staff in all activities and discussions related to resolving both the immediate and long-term issues involving hazardous liquid pipelines in the County.

There was a brief discussion with input from Michael Neuhard, Battalion Chief, Hazardous Materials Services, Fire Prevention Division, Fire and Rescue Department.

The staff was directed administratively to proceed as proposed.

35.I-6 - CONTRACT AWARD - PARKING OPERATIONS AND MANAGEMENT SERVICES FOR THE PUBLIC SAFETY CENTER PARKING GARAGE
(Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to award a contract to APCOA, Incorporated for parking management services.

Discussion ensued with input from staff.

The staff was directed administratively to proceed as proposed.

36.I-7 - CONTRACT AWARD - EATON PARK DEVELOPER DEFAULT (DRANESVILLE DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to award a contract to Adler B. Stanley and Sons, Incorporated in the amount of \$63,884 for construction of the Eaton Park Developer Default, in Project U00006, in Subfund 468, Public Works Construction.

Discussion ensued with input from John W. di Zerega, Director, Department of Public Works.

The staff was directed administratively to proceed as proposed.

37.I-8 - COUNTY IMMUNIZATION EFFORT (No Tape)

(NOTE: The County immunization effort was discussed earlier in the meeting. See Clerk's Summary Item CL#3.)

38.I-9 - FREDDIE MAC FOUNDATION GRANT TO PROVIDE MEDICAL AND DENTAL CARE FOR INDIGENT FAIRFAX COUNTY CHILDREN THROUGH THE MEDICAL CARE FOR CHILDREN PROJECT (MCCP) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 announcing that the Department of Community Action was selected to receive a \$50,000 grant from the Freddie Mac Foundation to provide medical care to indigent children through the Medical Care for Children Project.

39.I-10 - VIRGINIA HEALTH CARE FOUNDATION GRANT TO PROVIDE MEDICAL AND DENTAL CARE FOR INDIGENT FAIRFAX COUNTY CHILDREN THROUGH THE MEDICAL CARE FOR CHILDREN PROJECT (MCCP) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 announcing that the Department of Community Action was selected to receive a \$62,000 grant from the Virginia Health Care Foundation to provide medical care to indigent children through the Medical Care for Children Project.

40.I-11 - CHAS CERTIFICATION - TAVENNER LANE (LEE DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to sign the CHAS Certification letter to include in the application to the Virginia Department of Housing and Community Development (VDHCD) for the Low-Income Housing Tax Credit Program and for multi-family loan funds from the Virginia Housing Partnership.

The staff was directed administratively to proceed as proposed.

41.I-12 - CHAS CERTIFICATION - HERNDON HARBOR HOUSE (DRANESVILLE DISTRICT) (Tape 5)

Chairman Davis stated that this item would be deferred until later in the meeting.

(NOTE: Later in the meeting, the Board discussed this item. See Clerk's Summary Items CL#86 and CL#112.)

42. RECESS/EXECUTIVE SESSION (Tape 5)

At 1:15 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:

■Ox Road Associates, L.P. versus Board of Supervisors, et al., At Law Number 121513.

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

AM:am

At 3:35 p.m., the Board reconvened in the Board Auditorium with all Board Members present, with the exception of Supervisor Alexander and Supervisor McConnell, and with Chairman Davis presiding.

ACTIONS FROM EXECUTIVE SESSION

43. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION (Tape 6)

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

(*NOTE: Later in the meeting, Supervisor McConnell asked to be recorded as voting "AYE" on this item. See Clerk's Summary Item CL#47.*)

44. SETTLEMENT OF COMMONWEALTH GAS COMPANY, INCORPORATED TO SET ITS ALLOWED RATE OF RETURN ON EQUITY AT 10.6 PERCENT (Tape 6)

Chairman Davis relinquished the Chair to Acting-Chairman Hyland and moved that the Board accept the settlement offer of Commonwealth Gas Company, Incorporated, to set its allowed rate of return on equity at 10.6 percent, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor McConnell being out of the room.

Acting-Chairman Hyland returned the gavel to Chairman Davis.

45. ACQUISITION OF PROPERTY LOCATED AT 4801 PLEASANT RIDGE ROAD RELATIVE TO CONSTRUCTION OF THE FAIRFAX COUNTY PARKWAY
(Tape 6)

Supervisor Frey said that the Board has an offer to sell made by the owners of a certain property located at 4801 Pleasant Ridge Road, relative to the construction of the Fairfax County Parkway.

In conjunction with this, Supervisor Frey moved that the Board:

■ Accept said offer; and

- Direct the County Attorney to amend the certificate, as agreed by the property owners, to acquire the property in its entirety. The property is located in the Sully District known as Tax Map Number 56-3-01-0012, and owned by Frances B. Cornell and Roger D. Cornell, Trustees.

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

46. **SETTLEMENT OF LILY RUCKSTUHL VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY AT LAW NUMBER 113889** (Tape 6)

Supervisor Hanley moved that the Board authorize settlement of Lily Ruckstuhl versus the Board of Supervisors of Fairfax County, At Law Number 113889, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander being out of the room.

47. **REQUEST TO RECORD VOTE** (Tape 6)

Supervisor McConnell asked unanimous consent to be recorded as voting "AYE" on the motion regarding Certification by Board Members. Without objection, it was so ordered.

48. **SETTLEMENT OF OX ROAD ASSOCIATES, L.P. VERSUS BOARD OF SUPERVISORS, ET AL., AT LAW NUMBER 121513** (Tape 6)

Supervisor McConnell moved that the Board authorize settlement of Ox Road Associates, L.P. versus Board of Supervisors, et al., At Law Number 121513, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Alexander being out of the room.

BOARD MATTERS

AR:ar

49. **GEORGE MASON UNIVERSITY (GMU) WOMEN'S HEALTH FORUM, APRIL 13, 1994** (Tape 7)

Chairman Davis stated that it is his pleasure to again advise Board Members and the public that the George Mason University (GMU) Center for Health Policy, College of Nursing and Health Science, will hold its first forum on women's health. The forum, which was originally scheduled for Wednesday, March 2, 1994, was postponed because of a winter storm, and has been rescheduled for Wednesday, April 13, 1994.

Chairman Davis noted that he has been very pleased to work in the past with Dr. Hazel Johnson-Brown, Director of the Center for Health Policy, and complimented her and Dr. Bethany Hall-Long for their work in putting on this conference.

Chairman Davis announced that the program will be held at the Student Union Building II ballroom on the main GMU campus, and will go from 9:15 a.m. to 2:30 p.m., including lunch. Speakers will include Federal and local experts in women's health and public policy issues.

Persons desiring additional information or registration materials may contact the Center for Health Policy at 993-1931 or the County's Commission for Women. Chairman Davis stated that he looks forward to attending this important program.

50. MORE PROSECUTORS NEEDED FOR FAIRFAX JUVENILE AND DOMESTIC RELATIONS COURT (Tape 7)

Chairman Davis stated that he is in receipt of a letter from Judge Michael Valentine, Juvenile and Domestic Relations District Court, concerning the need for more prosecutors. With an increase in juvenile crimes and school violence, Judge Valentine calls for a stronger response from government. The Fairfax Juvenile and Domestic Relations District Court remains the only juvenile court in the Commonwealth with no full time assigned prosecutors. The increase in the number of police in Fiscal Year (FY) 1995 will bring more cases into the already overburdened system.

With a notation that Judge Valentine is urging the Board to work with the current administration in Richmond to increase the number of prosecutors in Fairfax County, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to work closely with Commonwealth Attorney Horan to assist him in every way possible in this matter. Without objection, it was so ordered.

51. COMMUNITY DEVELOPMENT WEEK IN FAIRFAX COUNTY (Tape 7)

Supervisor Davis stated that at the Community Development Block Grant (CDBG) hearing on February 28, 1994, he signed a Proclamation on behalf of the Board designating the week of March 28 through April 3, 1994, as "**Community Development Week in Fairfax County.**" Over the past 19 years, Fairfax County has received over \$73 million in Federal CDBG funds. These funds have made a real difference in the County.

CDBG funds have been used to make improvements in our communities - particularly in the 12 Conservation Areas, three Redevelopment Areas, and three Rehabilitation Districts - where road and storm drainage improvements have been made, community centers have been built, and affordable loans for home improvements have been provided.

CDBG funds help our nonprofit partners - 25 nonprofit organizations are currently being funded. They are providing affordable housing and a range of public services for homeless and low and moderate income citizens.

CDBG funds are helping homeowners through the Home Improvement Loan Program - Since 1975,

more than 2,200 low and moderate income families have been able to make needed repairs and improvements to their homes through this program.

CDBG funds leverage other funds - Millions of dollars of private and public funds have been leveraged to provide affordable housing and public improvements through Fairfax County.

Therefore, Supervisor Davis publicly proclaimed the week of March 28 through April 3, 1994 as **"Community Development Week in Fairfax County."**

Supervisor Davis announced that next week, in the lobby of the Government Center, there will be a photo display highlighting CBDG-funded activities that have improved the quality of life in Fairfax County. In addition, T-shirts sponsored by the National Community Development Association have been distributed to each Board Member in _commemoration of this special occasion.

52. IMMIGRATION AND NATURALIZATION SERVICE CEREMONY SCHEDULED FOR MAY 20, 1994 (Tape 7)

Supervisor Davis announced that on May 20, 1994, it will be his honor to participate with the District Director of the United States Immigration and Naturalization Service in a Naturalization Ceremony for new citizens. For the first time, this ceremony will be held in the Board Auditorium of the Government Center.

Accordingly, Supervisor Davis asked unanimous consent that the Board authorize this ceremony to be shared with the entire community by televising it on Fairfax County's Channel 16. He added that many of those persons to be welcomed as new citizens will want to remember this very special occasion, and he further asked that the Board examine the possibility of taping this ceremony and offering copies for sale to persons who might wish to purchase a videotape for themselves, family or friends. Tape orders can be processed on a time available basis, if the staff believes that is possible. The County will not only be performing a public service, but it will also be practicing a little entrepreneurial government. Without objection, it was so ordered.

53. LAW ENFORCEMENT TORCH RUN (Tape 7)

With a notation that the Law Enforcement Torch Run has become the largest source of program funds for the Virginia Special Olympics, Supervisor Davis announced that this year, the Run will be held on Thursday, June 9, 1994, beginning at the Iwo Jima Memorial, and that he is very honored to have been asked to carry the torch.

Other fundraisers benefitting the Special Olympics, which take place throughout the year, include an airplane pull, in-line skating race, adopt-a-cop, golf tournament, carnival and much, much more.

Today and throughout this week, a display will be located in the lobby of the Government Center with Special Olympics information. It will be staffed from 10 a.m. until 2 p.m. and will offer T-shirts, caps and candy for sale.

Supervisor Davis pledged to raise a minimum of \$100 to donate to the Special Olympics fundraising effort, and challenged each Board Member to match his pledge. He stated that a \$1,000 donation will affirm the Board's support for the Special Olympics and for the time and effort the officers have expended.

Checks for the "Tom Davis' Special Olympics Challenge" can be made out to Virginia Special Olympics and may be sent to Chris Litzenberg (in the Chairman's Office) or Major Robert Murray at the Public Safety Center (Massey Building).

54. ASSISTANCE REQUESTED BY THE OFFICE OF IMMIGRATION AND NATURALIZATION (Tape 7)

Supervisor Davis stated that he has been asked by the District Director of the Washington, D.C. Office of the Immigration and Naturalization Service (INS) for assistance in helping reach the public, and specifically aliens living within Fairfax County, concerning immigration policies and processes. A recent program dealt with the subject of applying for and using an Alien Registration Receipt Card, commonly known as a "green card."

In determining whether this type of program might be suitable for broadcasting on Fairfax County's Channel 16, Supervisor Davis asked unanimous consent that the Board direct staff to:

- Review the information provided by the INS to determine if County sponsorship would be appropriate; and
- If it is determined by staff that a County agency or service would benefit from airing this program, direct staff to work out the necessary arrangements directly with the INS.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

55. CONCURRENT PROCESS FOR A PROFFERED CONDITION AMENDMENT APPLICATION, PRELIMINARY SUBDIVISION PLAT AND SITE PLAN FOR THE GREENVEST/JAPONICA PROPERTY (Tape 7)

Supervisor Alexander said that in March of 1992, Rezoning Application RZ 85-L-046 (known as Lynch/Japonica) was rezoned to the PDH-8 District to permit the development of 360 single family attached dwelling units. Since that time, the property has been purchased by Greenvest, L.C. who will be developing it. As a result of market influences

and potential builders with specific design specifications, the owner has determined that changes to two land bays will require a Proffered Condition Amendment and a related Conceptual and Final Development Plan Amendment.

With a notation that the owner is anxious to begin the development of the site, Supervisor Alexander moved that the Board authorize the Director of the Department of Environmental Management (DEM) to process the preliminary Subdivision Plat:

- Simultaneously with the Proffered Condition Amendment Application; and
- The Site Plan for the Greenvest/Japonica property on a concurrent and expedited basis.

This motion was seconded by Supervisor Hyland.

Supervisor Alexander said that the owner/applicant of the property has made a presentation to adjacent communities on the proposed revisions and the citizens have no objections to the changes. The owner/applicant will continue to work with the adjoining communities as well as the Lee District Land Use Committee as they work through the process.

Supervisor Alexander said that the owner/applicant understands that this approval neither provides him with a vested right in Plan approval nor relieves him from the responsibility of any Plan modifications that may be required as a result of Board and/or staff review.

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

56. STORM WATER SEDIMENT: HOW TO CLEAN IT UP AND WHO SHOULD PAY
(Tape 7)

Supervisor Hyland referred to a memorandum from the Chairman of the Northern Virginia Soil and Water Conservation District, A. Dewey Bond, which has been distributed to Board Members. The background of the District's concern with storm water management ponds and the cause and effects which take place when these ponds are not properly or fully maintained are outlined in this memorandum.

Supervisor Hyland asked unanimous consent that the Board refer this matter to the Development Process Committee for its consideration. Without objection, it was so ordered.

57. REQUEST FOR OUT-OF-TURN PLAN AMENDMENT FOR MOUNT VERNON HOSPITAL
(Tape 7)

Supervisor Hyland called the Board's attention to a request for an Out-Of-Turn Amendment from the counsel for INOVA Health Systems on behalf of Mount Vernon Hospital and its proposed improvement - construction of an orthopedic/rehabilitation complex which will include a number of medical and therapeutic services. With an acknowledgement that this request comes on the heels of the closing of Plan nominations, Supervisor Hyland noted that the need for timeliness in this application is essential.

Mount Vernon Hospital was constructed in 1976 and is now planning its first comprehensive improvement project in order to add services and upgrade the existing medical care facility. In order to accomplish these objectives, INOVA Health System Hospitals has developed a plan which proposed several additions to the existing hospital building including an orthopedic/rehabilitation complex which will include medical offices.

While the proposed medical offices will clearly be associated with the medical care facility, the Zoning Administrator has determined that the offices will be considered a commercial use for purposes of the Fairfax County Zoning Ordinance. The applicant has, therefore, filed a rezoning request from the R-3 District to the C-3 District which permits office use.

Supervisor Hyland noted that the application property is located within the MV6 Fort Hunt Community Planning Sector. The Comprehensive Plan text references the existing medical care facility, but does not include specific land use recommendations for future development. In order to clarify the permitted uses which will be an integral part of Mount Vernon Hospital, the applicant has requested an Out-of-Turn Plan Amendment. The improvements contemplated by the applicant will enhance existing medical services and help to ensure the long term viability of the hospital.

Accordingly, Supervisor Hyland moved that the Board direct the Office of Comprehensive Planning (OCP) staff to accept and process expeditiously an Out-Of-Turn Plan Amendment to be processed concurrently with the Rezoning and Special Exception Amendment Applications filed by INOVA Health System Hospitals. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

58. RECOGNITION AND THANKS ACCORDED LIEUTENANT ROBERT L. HERSEY
(Tape 7)

Supervisor Hyland stated that it is not every day that he receives a letter from Congressman James Moran acknowledging the efforts of one of Fairfax County's employees.

Supervisor Hyland noted that it was his understanding from Congressman Moran's letter that Lieutenant Hersey of the Mount Vernon Police Station went above and beyond the call of duty in assisting a constituent and his family, providing professional and compassionate assistance, and the Congressman has asked that Lieutenant Hersey's efforts be appropriately acknowledged.

Therefore, Supervisor Hyland moved that the Board extend to Lieutenant Hersey its sincere appreciation, on behalf of all County citizens, and request that the Board's commendation, along with the letter from Congressman Moran, be included in the Lieutenant's personnel file. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor McConnell being out of the room.

59. PUBLIC MEETING ON THE HUMAN SERVICES REDESIGN (Tape 7)

Supervisor Hyland announced that on Saturday, March 26, 1994, there will be a public meeting at the Mount Vernon Government Center at 9:00 a.m. on the Human Services Redesign. This

meeting will be open to the public and, of course, of special interest to all Region One user groups and individuals. It will be an opportunity for the people in that community to have a hands-on look at what is being proposed, as far as the redesign, to ensure that whatever results from that process will work to the benefit of the persons who use these services, not only in the Route One area but in all of Fairfax County.

Supervisor Hyland encouraged everyone who is involved in the Human Services issues in the southeastern part of Fairfax County to attend this important meeting.

60. **REPRESENTATION WITH CONGRESSMAN JAMES MORAN IN REQUESTING \$57 MILLION FROM THE PUBLIC WORKS SUBCOMMITTEE IN THE UNITED STATES (U.S.) HOUSE OF REPRESENTATIVES** (Tape 7)

Supervisor Hyland announced that he was privileged to be given the opportunity to represent the Board on the subject of requesting \$57 million from the Public Works Subcommittee in the United States (U.S.) House of Representatives last week. Supervisor Hyland stated that the testimony, along with that of Congressman James Moran, in support of the Board's request went well.

61. **MOUNT VERNON GAZETTE NEWSPAPER ARTICLE** (Tapes 7-8)

Supervisor Hyland referred to a recent article in the Mount Vernon Gazette in which the lead story and the editorial dealt with the Community Conference on Crime. The purpose of the conference was to listen to the Police Department present its analysis of the problem which affects the Mount Vernon, the Lee District, the Route One Corridor, and the seven mile strip of road between the City of Alexandria line and Fort Belvoir. Supervisor Hyland noted that attendance was standing room only, and the bottom line at the end of the evening was the conclusion by most of the citizens who attended that the County's present allocation of resources in the Police Department is done on the basis of the calls that are received.

Supervisor Hyland moved that the Board place this item on the agenda for consideration as part of the County's Budget deliberations, to consider adding additional resources over and above the 60 police officers which are presently in the Budget, specifically directed at those high crime areas in Fairfax County which would include additional officers; consideration of additional bike patrol officers; consideration of increasing the jump-out squads; and include a representative to work with the business community (similar to the neighborhood watch). This motion was seconded by Supervisor Alexander.

Following discussion concerning the unique needs in several other areas within the County, Supervisor Bulova asked that the motion be amended to include this matter as a subject to be addressed at a Budget Subcommittee Meeting, and this was accepted.

After further discussion, the question was called on the motion, as amended, which **CARRIED** by a recorded vote of nine, Supervisor Dix voting "NAY."

PMH:pmh

62. **ANIMAL CONTROL DIRECTOR LEAVES THE AREA** (Tape 9)

Supervisor Dix stated that Barbara Snow, Director, Department of Animal Control, is leaving the area. Therefore, he moved that the Board direct staff to invite Ms. Snow to appear before the Board to be recognized for her years of service. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Alexander being out of the room.

63. **NOMINATIONS OF REPRESENTATIVES TO THE AREA PLAN REVIEW TASK FORCE FOR 1994** (Tape 9)

Following a discussion regarding the nominations of Representatives to the Area Plan Review Task Force for 1994, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that Board Members appoint Members to the Task Force without Board approval. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

For the record, Supervisor Bulova submitted the names of the Braddock District Representatives to the Task Force.

64. **REQUEST FOR WAIVER OF FEES FOR THE TOWN OF VIENNA** (Tape 9)

Supervisor Dix stated that he had received a letter from the Town Manager of the Town of Vienna stating that during a routine fire inspection by the County, it was determined that the Vienna Town Hall requires an Assembly Permit under the Fire Prevention Code. He said that there is an \$88.50 fee for this permit which the Town Manager is requesting be waived.

Therefore, Supervisor Dix moved that the Board waive the permit fee for the Town of Vienna. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being out of the room.

65. **STREET LIGHT FOR CLIFTON CREEK DRIVE CUL-DE-SAC** (Tape 9)

Supervisor McConnell said that the residents of Clifton Creek Drive have requested that a street light be installed at the cul-de-sac of the road. This portion of the road was changed as a result of the construction of the Virginia Power Substation. The residents feel it is a potential location for people to dump trash, park or loiter because it is isolated. Therefore,

they have been working toward installing a street light in that location.

Supervisor McConnell stated that the Town of Clifton and the residents in the Clifton Creek area have reached an agreement with Virginia Power and the Northern Virginia Electric Cooperative (NOVEC) for each of them to contribute funds toward the street light. The Town of Clifton is contributing \$500, the Homeowner Association \$500, Virginia Power \$3,350, and NOVEC \$3,350. As well, the Town of Clifton will pay the monthly utility bill for the street light. In order to make this agreement work, Supervisor McConnell moved that the County contribute \$2,000 to the cost of the street light. Due to a fund balance that exists in the Old Keene Mill Road street light account in Springfield District, she further moved that \$2,000 be taken from that account and directed toward the Clifton Creek Drive light. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being out of the room.

66. PLANTINGS FOR THE FAIRFAX COUNTY PARKWAY (Tape 9)

Supervisor McConnell called the Board's attention to the Fairfax County Parkway and three organizations that are taking their time to help beautify some areas that have been destroyed as a result of construction.

Supervisor McConnell said that Crestwood Elementary School located in Lee District, in conjunction with Fairfax ReLeaf, Incorporated, and the Fairfax Audubon Society are planning to plant over 1,000 trees and seedlings that have been provided by Fairfax ReLeaf, National Tree Trust and the Virginia Department of Forestry. This enormous undertaking will be done solely with volunteers at no cost to anyone. The area designated for this massive landscaping project will be the northeast loop of the interchange at the Parkway, Rolling Road, and Hoes Road. Specifically, this is the large mound where Springfield's 200 year old Great Oak once stood.

Additionally, the organizations would like to place some small shrubs and ground cover on two other small islands on the Parkway. Hopefully, Fairfax County can provide these materials for this smaller task. As well, they would like to see the County oversee the watering over the first couple of years which is critical for plantings of this nature. Because the area is small and the work is being performed by volunteers, the cost to the County should be minimal.

Therefore, Supervisor McConnell moved that the Board direct staff to expeditiously review the possibilities of providing the above mentioned materials. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Berger being out of the room.

67. APRIL AS CHILD ABUSE PREVENTION MONTH (Tape 9)

Supervisor Bulova said that she has been contacted by the Central Fairfax County Optimist Club requesting the Board to recognize the month of April as Child Abuse Prevention Month.

Therefore, Supervisor Bulova moved that Ms. Marilyn Larson and other appropriate individuals

from the Central Fairfax County Optimist Club be invited to appear before the Board to receive a Proclamation designating the month of April as Child Abuse Prevention Month. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Berger being out of the room.

68. RECOGNITION FOR 15 YEAR OLD EAGLE SCOUT CANDIDATE FROM BURKE
(Tape 9)

Supervisor Bulova stated that James Lehrer is a 15 year old Eagle Scout candidate from Burke who has had a project to collect books for the Burke Centre Mini-Library that was destroyed by fire last June. She said that he has collected 7,200 books to donate to the library.

Supervisor Bulova moved that the Board direct staff to invite James Lehrer to appear before the Board to be thanked and recognized for his outstanding efforts. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Alexander being out of the room.

69. DEFERRAL OF THE PUBLIC HEARING ON APPLICATION 456-Y93-17 BY THE FAIRFAX COUNTY WATER AUTHORITY (Tape 9)

Supervisor Frey stated that Application 456-Y93-17 by the Fairfax County Water Authority is to extend a 24-inch water transmission main along the south side of Route 50. The application is currently scheduled for public hearing before the Planning Commission on March 30, 1994. Because of the controversy between the Virginia Department of Transportation (VDOT) and citizens in the area, both the applicant and staff believe that the public hearing should be rescheduled.

To avoid having the application approved automatically because of the "60-day" clock, Supervisor Frey moved that the time for the public hearing before the Planning Commission on Application 456-Y93-17 by the Fairfax County Water Authority be extended to Friday, May 20, 1994 with the understanding that the new date for the public hearing will be Wednesday, May 11, 1994. This motion was seconded by Chairman Davis and carried by unanimous vote.

70. TRUCK SAFETY IN FAIRFAX COUNTY (Tape 9)

Supervisor Frey stated that he has been working with the State Police and the Fairfax County Police as well as the Virginia Department of Transportation (VDOT) regarding truck safety and the proliferation of truck traffic in the western portion of the County. He said that one of the issues concerns requiring all haulers to have telephone numbers on their trucks showing where safety violations can be reported.

Supervisor Frey moved that the Board direct the County Attorney to review this situation to determine whether Fairfax County can adopt an Ordinance requiring haulers operating within the County to have clearly posted telephone numbers on each vehicle and a telephone that would be manned to take and respond to safety violations. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

NV:nv

71. **EXPEDITED AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT SEA 84-P-105 AND SITE PLAN NUMBER 6330** (Tape 10)

Supervisor Hanley moved that the Board direct staff to expedite the processing of Special Exception Amendment Application SEA 84-P-105 for the Flint Hill School Site to be heard by the Board prior to the August recess and that Site Plan Number 6330 be processed concurrently with the Special Exception Amendment Application. This motion was seconded by Chairman Davis.

Supervisor Hanley noted that this should not be interpreted in any way as a prejudice toward the outcome of the case, but merely as a move to expedite and process concurrently.

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

72. **EXPEDITED AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-P-050, FAIRFAX CIRCLE OFFICE PARK** (Tape 10)

Supervisor Hanley moved that the Board direct staff to expedite Special Exception Amendment Application SEA 86-P-050, the Fairfax Circle Office Park Site, once it is filed, and that the Site Plan be processed concurrently.

Supervisor Hanley noted that this should not be interpreted in any way as a prejudice toward the outcome of the case, but merely as a move to expedite and process concurrently.

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

73. **UNITED WAY** (Tape 10)

Supervisor Hanley stated that she had previously requested staff to provide information regarding the contributions of Fairfax County and Northern Virginia to the National Capital Area United Way and the amount of money received back. She noted that the United Way is now changing its distribution process. Accordingly, she asked unanimous consent that the Board direct staff to place this new procedure and its effect on County activities on the agenda for the next Human Services Subcommittee meeting. Without objection, it was so ordered.

74. SELF-INSURED LOCAL GOVERNMENTS REQUIRED TO PROVIDE UNDERINSURED, UNINSURED MOTORIST'S COVERAGE (Tape 10)

Supervisor Hanley called the Board's attention to an item from the Virginia Municipal League (VML) newsletter entitled "Self-insured Local Governments Required to Provide Underinsured, Uninsured Motorist's Coverage" which she had previously distributed. She asked unanimous consent that the Board direct the County Attorney and the Risk Manager to report:

- Whether this Virginia Supreme Court ruling applies to Fairfax County; and, if so:
- How; and
- Its cost.

Without objection, it was so ordered.

75. PROVIDENCE DISTRICT COUNCIL RESOLUTION REGARDING THE FAIRFAX COUNTY ADVERTISED BUDGET PLAN FOR FISCAL YEAR 1995 (Tape 10)

Supervisor Hanley distributed to the Board the Providence District Council Resolution regarding the Fairfax County Advertised Budget Plan for Fiscal Year (FY) 1995.

76. DISTRIBUTION OF NORTHERN VIRGINIA TRANSPORTATION DISTRICT FUND (Tape 10)

Supervisor Hanley called the Board's attention to a letter dated March 12, 1994, which she had distributed to the Board, addressed to the Virginia General Assembly's Northern Virginia Delegation from Delegate Vincent F. Callahan, Jr. and Senator Joseph V. Gartlan, Jr. regarding the distribution of the Northern Virginia Transportation District Fund.

Following input from Shiva K. Pant, Director, Office of Transportation, Supervisor Hanley moved that the Board direct staff to request the Northern Virginia Transportation Commission (NVTC) to consider allocating the previously authorized but unsold bonds according to the 1994 process as opposed to the 1995 process. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Dix and Supervisor Frey being out of the room.

Supervisor Hanley asked unanimous consent that the Board direct staff to communicate the Board's action in a letter to NVTC. Without objection, it was so ordered.

77. NOTIFICATION OF THE SUPERVISORS' OFFICES REGARDING SITE SELECTION EFFORTS FOR CELLULAR PHONE FACILITIES BY THE OFFICE OF COMPREHENSIVE PLANNING (Tape 10)

Supervisor Hanley stated that the Board had received a copy of a letter from the Office of Comprehensive Planning (OCP) dated March 4, 1994 regarding procedures for coordinating the site selection efforts for cellular phone facilities, and she moved that the Board direct staff to include notification of the Supervisors' offices in the process. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Berger and Supervisor Frey being out of the room.

78. PETITION FOR THE EXTENSION OF METROBUS SERVICE FROM THE WEST FALLS CHURCH METRO STATION (Tape 10)

Supervisor Hanley stated that she had received a petition to submit to the Board regarding the consideration of an extension of Metrobus service from the West Falls Church Metro Station down Shreve Road to Holly Crest. Accordingly, she moved that the Board direct staff to analyze this request for the next opportunity to revise bus service. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Berger and Supervisor Frey being out of the room.

79. COST OF THE REDUCTION IN FORCE (RIF) PROCEDURE AT THE WEST OX GARAGE (Tape 10)

Supervisor Hanley asked unanimous consent that the Board direct staff to provide the Board with the actual cost of the implementation of the Reduction in Force (RIF) procedure at the West Ox Garage. Without objection, it was so ordered.

80. APPOINTMENT TO THE ANIMAL SHELTER ADVISORY COMMISSION
(Tape 10)

(APPT)

Supervisor Trapnell moved the appointment of Ellen J. LaBelle, M.D. as the Mason District Representative to the Animal Shelter Advisory Commission. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Berger and Supervisor Frey being out of the room.

81. FAIRFAX COUNTY EMPLOYEE ASSISTED HOUSING FUND (Tape 10)

Supervisor Trapnell stated that the Fiscal Year (FY) 1995 Budget allocates one million dollars to the Housing Trust Fund. She moved that the Board direct staff to prepare a Consideration Item to redirect one-half of this sum to a Fairfax County Employee Assisted Housing Fund. She stated her belief that if the County takes the lead in this area, a number of other County employers will follow suit. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Berger and Supervisor Frey being out of the room.

82. RECOGNITION FOR THE CAMELOT NEIGHBORHOOD WATCH PROGRAM

(Tape 10)

Supervisor Trapnell stated that the Camelot Neighborhood Watch Program recently celebrated its 15th Anniversary. The Camelot Neighborhood Watch was founded in 1966 and in March of 1979 was officially designated as a Neighborhood Watch. This project was designated as a "Point of Light" by President Bush and has attracted much local and national media attention.

Supervisor Trapnell said that the Camelot Neighborhood Watch is the oldest continuing crime prevention organization in the United States and serves as a model for other such organizations throughout the country. She noted that the Board recently declared March 8, 1994 in their honor.

Therefore, Supervisor Trapnell moved that the Board direct staff to invite the Members of the Camelot Neighborhood Watch Program to appear before the Board to receive recognition for their hard work and excellence. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Frey being out of the room.

83. RECOGNITION FOR THE BAILEYS ELEMENTARY SCHOOL FOR THE ARTS AND SCIENCES (Tape 10)

Supervisor Trapnell said that Carol Franz, Principal, Baileys Elementary School for the Arts and Sciences, has been awarded the Washington Post Distinguished Educational Leadership Award and has been named Fairfax County Public Schools Principal of the Year.

Supervisor Trapnell stated that Emelie L. Parker, a first grade teacher at Baileys Elementary School, was also recognized for excellence in education. Ms. Parker was selected as Fairfax County Public Schools Teacher of the Year for 1993.

Supervisor Trapnell asked unanimous consent that the Board direct staff to invite these two outstanding representatives of the School System to appear before the Board to receive recognition for their commitment to excellence in education. Without objection, it was so ordered.

84. SENIOR SCIENTISTS AND ENGINEERS (SSE) PROGRAM (Tape 10)

Supervisor Trapnell said that she was recently visited by a representative of the Senior Scientists and Engineers (SSE) program. The SSE is an organization of 168 scientists and engineers in the Washington, D.C. area who have volunteered their services. Together, they have expertise in 126 different scientific and technical disciplines.

Supervisor Trapnell distributed to Board Members background information on the SSE and she stated that SSE can be of great benefit to staff and the Board in terms of technical expertise. She encouraged Board Members to talk with them and learn more about their services.

85. EXECUTION OF SECOND AMENDMENT TO AN AGREEMENT WITH SIXTH COMMERCE PROPERTIES CORPORATION AND THE FIRST AMENDMENT

ESCROW AGREEMENT WITH TOLL AT POTOMAC WOODS LIMITED PARTNERSHIP AND REAL TITLE COMPANY, INCORPORATED (Tape 10)

Supervisor Berger moved that the Board authorize the County Executive and the Director of the Department of Environmental Management (DEM) to execute, on their behalf and on behalf of the Board, the Second Amendment to a March 22, 1993 Agreement with Sixth Commerce Properties Corporation and the First Amendment to a July 7, 1993 Escrow Agreement with Toll at Potomac Woods Limited Partnership and Real Title Company, Incorporated, both of which amendments were distributed to the Board and staff. He stated that the purpose of these amendments is to allow a cash escrow held by an escrow agent to be used under these agreements instead of a letter of credit to be held in escrow by the same escrow agent. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

86.A-15 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94047 TOTTALLING \$200,000 TO APPROPRIATE FUNDING FOR HERNDON ELDERLY HOUSING, FROM SUBFUND 182, HOUSING TRUST FUND (DRANESVILLE DISTRICT) AND I-12 - CHAS CERTIFICATION - HERNDON HARBOR HOUSE (DRANESVILLE DISTRICT) (Tape 10)

(NOTE: Earlier in the meeting, the Board deferred these items. See Clerk's Summary Items CL#25 and CL#41.)

Chairman Davis called the Board's attention to Acion Item A-15 - Supplemental Appropriation Resolution (SAR) AS 94047 Totalling \$200,000 to Appropriate Funding for Herndon Elderly Housing, from Subfund 182, Housing Trust Fund (Dranesville District) and Information Item I-12 - CHAS Certification - Herndon Harbor House (Dranesville District) which had been deferred earlier in the meeting. Supervisor Hanley asked unanimous consent that the Board defer action on these items until the discussion of their legal issues in Executive Session. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on these items. See Clerk's Summary Items CL#112 and CL#113.)

SBE:sbe

87.3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S93-II-V1 FOR TAX MAP 49-1 ((12)) PARCEL 1 ON WILLOWMERE DRIVE (PROVIDENCE DISTRICT) (Tape 11)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hanley moved approval of Out-of-Turn Plan Amendment S93-II-V1 with the modifications recommended by the Planning Commission. This motion was seconded by Supervisor Berger and carried

by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Frey, and Supervisor McConnell being out of the room.

88.3:30 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S93-II-F2 FOR THE AREA LOCATED ON THE EAST SIDE OF WEST OX ROAD, WEST OF MONUMENT DRIVE, ON BOTH SIDES OF FAIR LAKES PARKWAY (SULLY DISTRICT)
(Tape 11)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved approval of Out-of-Turn Plan Amendment S93-II-F2 with the modifications recommended by the Planning Commission dated March 16, 1994. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

89.3:30 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S93-III-BR1 - LOCATED SOUTH OF ROUTE 50, NORTH OF MONUMENT DRIVE, EAST OF THE FAIRFAX COUNTY PARKWAY AND WEST OF A VIRGINIA POWER EASEMENT (SULLY DISTRICT) (No Tape)

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#91.)

90.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-035-2 (FAIRFAX COURT LIMITED PARTNERSHIP) (SULLY DISTRICT)
(Tape 11)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 74-2-035-2 until April 25, 1994 at 4:00 p.m. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Bulova being out of the room.

91.3:30 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S93-III-BR1 - LOCATED SOUTH OF ROUTE 50, NORTH OF MONUMENT DRIVE, EAST OF THE FAIRFAX COUNTY PARKWAY AND WEST OF A VIRGINIA POWER EASEMENT (SULLY DISTRICT) (Tape 11)

Supervisor Frey moved to defer the public hearing on Out-of-Turn Plan Amendment S93-III-BR1 until May 16, 1994 at 3:30 p.m. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Bulova being out of the room.

92.4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-C-027 (WOLF TRAP FOUNDATION) (HUNTER MILL DISTRICT)
(Tape 11)

Mr. Charles A. Walters reaffirmed the validity of the affidavit for the record.

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

Chairman Davis disclosed, for the record, that he had attended the Wolf Trap Gala this year as a guest of the Wolf Trap Associates and that it was a gift in the value of approximately \$200.

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

Supervisor Dix stated, for the record, that the status meetings referenced during the public hearing refer to two separate issues in which citizens continue to be involved, the review of the current special exception as well as the long range planning process.

Supervisor Dix moved approval of Special Exception Amendment Application SEA 81-C-027 subject to the proposed development conditions dated March 16, 1994. This motion was seconded by Supervisor McConnell and carried by a vote of nine, Supervisor Bulova being out of the room.

Supervisor Dix moved waiver of the transitional screening and barrier requirements along the northern, eastern, southern and western property lines subject to the proposed development conditions dated March 16, 1994. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Bulova being out of the room.

Pursuant to Section 9-313 of the Zoning Ordinance, Supervisor Dix moved that the Board make a determination that this proposed use will not adversely impact the adjoining residential area.

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

93.4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE LORTON COMMUTER RAIL ACCESS ROAD PROJECT (MOUNT VERNON DISTRICT) (Tape 11)

(R)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of interests in real property necessary for construction of the Lorton Commuter Rail Access Road Project 88A009. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

CM:cm

94.4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109 (SOLID WASTE) (COUNTYWIDE) (Tape 12)

(O)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 109 (Solid Waste). This motion was seconded by Supervisor Trapnell.

Following discussion, with input from John W. di Zerega, Director, Department of Public Works (DPW) and Jerry A. Hubbard, Director, Solid Waste Collection and Recycling Division, DPW, the question was called on the motion which carried by a vote of eight, Supervisor Berger and Supervisor McConnell being out of the room.

95.4:00 P.M. - PH ON REZONING APPLICATION RZ 93-V-014 AND SPECIAL EXCEPTION APPLICATION SE 93-V-028 (EXXON CORPORATION) (MOUNT VERNON DISTRICT) (Tape 12)

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

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

Supervisor Hyland disclosed that he provided paid legal counsel to Mr. Charles J. Portaluppi one and one-half years ago.

Following the public hearing, which included testimony by two speakers, Robby Robinson, Staff Coordinator, Zoning Evaluation Division, OCP, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved **DENIAL** of Rezoning Application RZ 93-V-014. This motion was seconded by Supervisor Bulova.

Following discussion, Supervisor Alexander moved a substitute motion that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-V-014 be amended from the R-2, C-8, HC and HD Districts to the C-8, HC and HD Districts subject to the development conditions dated March 10, 1994. This motion was seconded by Supervisor McConnell and **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Dix, Supervisor Frey, Supervisor McConnell, and Chairman Davis voting "AYE."

Supervisor Hyland asked that the main motion be amended to include denial of Special Exception Application SE 93-V-028, and this was accepted.

The question was then called on Supervisor Hyland's motion as amended, to **DENY** Rezoning Application RZ 93-V-014 and Special Exception Application SE 93-V-028 which **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Dix, Supervisor McConnell, and Chairman Davis voting "NAY."

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved to waive the requirements of Section 18-108 of the Zoning Ordinance regarding the 12-month limitation on rehearing an application provided the applicant returns with a Plan Amendment. This motion was seconded by Vice-Chairman McConnell and carried by unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

96.4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118, (CHESAPEAKE BAY PRESERVATION ORDINANCE)
(Tape 12)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance) effective **March 22, 1994 at 12:01 a.m.** This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Trapnell, and Chairman Davis being out of the room.

97.4:00 P.M. - BOARD DECISION ON THE SALE OF COUNTY-OWNED PROPERTY LOCATED AT THE INTERSECTION OF BURNING BUSH DRIVE AND RUGBY ROAD TO THE FAIRFAX CHURCH OF CHRIST (SULLY DISTRICT) (Tape 12)

(NOTE: On January 10, 1994 a public hearing was held and Board decision was deferred until January 24, 1994. On January 24, 1994 the Board decision was deferred until February 7, 1994 and on February 7, 1994 the decision was deferred until February 28, 1994. On February 28, 1994 the decision was deferred until March 21, 1994.)

Supervisor Frey asked unanimous consent to defer the Board decision authorizing the sale of a

.40445 acre portion of County-owned property located at the intersection of Burning Bush Drive and Rugby Road to the Fairfax Church of Christ until after the public hearing on Special Exception Application SE 93-Y-036. Without objection, it was so ordered.

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

98.4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-036 (FAIRFAX CHURCH OF CHRIST, TRUSTEE) AND BOARD DECISION ON THE SALE OF COUNTY-OWNED PROPERTY LOCATED AT THE INTERSECTION OF BURNING BUSH DRIVE AND RUGBY ROAD TO THE FAIRFAX CHURCH OF CHRIST (SULLY DISTRICT) (Tapes 12-13)

(R)Mr. Grayson P. Hanes reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Bulova, Supervisor Hyland, and Chairman Davis being out of the room.

Supervisor Frey moved adoption of the Resolution authorizing the sale of a .40445 acre portion of County-owned property located at the intersection of Burning Bush Drive and Rugby Road to the Fairfax Church of Christ. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Bulova, Supervisor Hyland, and Chairman Davis being out of the room.

Supervisor Frey moved approval of Special Exception Application SE 93-Y-036 subject to the revised development conditions dated March 21, 1994, with the following modifications to Condition Numbers 14 and 16:

- Condition Number 14 - "It is the intent to preserve the existing trees along Burning Bush Drive and to preserve the majority of the remaining trees located within the parcel that the applicant is to acquire from the Fairfax County Board of Supervisors. If it is determined necessary by the Urban Forester and/or the Department of Environmental Management (DEM) that existing trees within the parcel to be acquired must be removed, then replacement trees shall be provided pursuant to Section 12-0403.7 of the Public Facilities Manual as determined by the Urban Forester. Furthermore, supplemental planting materials shall be provided in the area located east of the entrance on Burning Bush Drive as depicted on the special exception plat. The variety and type of supplemental planting materials as depicted on Exhibit A, or alternative equivalent plant materials, shall be provided as determined by the Urban Forester. If Virginia

Department of Transportation (VDOT) and/or DEM determine that the majority of trees along Burning Bush Drive must be removed, then the applicant will submit a Special Exception Amendment Application; and

- Condition Number 16 - In order for the stormwater runoff from the proposed development to not adversely impact the adjacent Fairwoods townhouse community, the site shall be graded to direct the majority of the stormwater runoff to flow in a westerly direction as determined by DEM and consistent with a memorandum dated February 7, 1994 from Thomas S. Nelson, Chief, Site Review Branch, in response to engineering data dated February 3, 1994 from BC Consultants, Incorporated, the applicant's representative.

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

Supervisor Frey further moved:

- Modification of the transitional screening requirement along the northern and western boundaries;
- Waiver the barrier requirements along the northern and western boundaries; and
- Modification of the barrier requirement along the southern and eastern boundaries.

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

Supervisor Frey clarified, for the record, that the proposed development conditions are dated March 18, 1994, and the revised conditions dated March 21, 1994.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**99.4:00 P.M. - BOARD DECISION ON SPECIAL EXCEPTION APPLICATION
SE 93-P-044 (TYSONS 3 PARTNERSHIP) (PROVIDENCE DISTRICT)** (Tape 13)

(NOTE: On February 28, 1994 the public hearing was held on this item and Board decision deferred until March 21, 1994.)

Supervisor Hanley moved approval of Special Exception Application SE 93-P-044 subject to the development conditions dated November 24, 1993 with a revision to Condition Three to state that the freestanding sign shall measure a maximum of 103 square feet in area and a maximum of 20 feet in height calculated in accordance with Section 12-105 of the Zoning Ordinance. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Bulova being out of the room.

100.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-P-031 (RIVER TOWERS BUILDING NUMBER THREE JOINT VENTURE) (PROVIDENCE DISTRICT) (Tape 13)

Supervisor Hanley moved to defer the public hearing on Special Exception Application SE 93-P-031 until **April 11, 1994, at 3:30 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

101.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-051 (BOWL AMERICA, INCORPORATED) (DRANESVILLE DISTRICT) (Tape 13)

Mr. Richard R.G. Hobson reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$500 from Mr. Curtis Coward.

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

- In excess of \$200 from Mr. Curtis Coward.

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

Supervisor Frey disclosed that Carson Lee Fifer, Jr., an attorney with the law firm of McGuire, Woods, Battle and Boothe made a contribution to his campaign.

Supervisor Berger moved approval of Special Exception Application SE 93-D-051 subject to the development conditions dated March 10, 1994. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of five, Supervisor Hanley voting "NAY," Supervisor Alexander, Supervisor Dix, Supervisor McConnell, and Supervisor Trapnell being out of the room.

Supervisor Berger further moved:

- Modification of the transitional screening;
- Waiver of the barrier on the northern and southern sides of the site, subject to the development conditions; and
- Waiver of the service drive along Dranesville Road.

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

102.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-050 (CENTRE RIDGE DEVELOPMENT LIMITED PARTNERSHIP) (SULLY DISTRICT)
(No Tape)

(NOTE: This application was withdrawn at the request of the applicant.)

103.4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 91-Y-010-2 AND PCA 81-S-058-5 (CENTRE RIDGE DEVELOPMENT LIMITED PARTNERSHIP) (SULLY DISTRICT) (Tape 13)

Due to problems with the proffers, Supervisor Frey moved to defer the public hearings on Proffered Condition Amendment Applications PCA 91-Y-010-2 and PCA 81-S-058-5 until **April 25, 1994 at 3:30 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor McConnell, and Supervisor Trapnell being out of the room.

104.4:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) UNIFORMED RETIREMENT SYSTEM ORDINANCE REGARDING REMOVAL OF EARNINGS CAP FOR SERVICE-CONNECTED DISABILITY RETIREES
(Tape 13)

(O)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Trapnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Uniformed Retirement System Ordinance regarding removal of earnings cap for service-connected disability retirees. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor McConnell being out of the room.

105. **4:30 P.M. - PH ON THE ACQUISITION OF ADDITIONAL LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 29 INTERCHANGE SEGMENT OF THE FAIRFAX COUNTY PARKWAY (SULLY DISTRICT)**
(Tape 13)

(R)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, Supervisor Frey moved adoption of the Resolution authorizing the acquisition of additional interests in real property necessary for construction of the Route 29 Interchange segment of the Fairfax County Parkway, Project 064150. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Alexander, Supervisor Hanley, and Supervisor Trapnell being out of the room.

106. **ORDERS OF THE DAY** (Tape 13)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board defer the public hearing on Citizen Comment on Issues of Concern until later in the day and proceed with the remaining 4:30 p.m. public hearings at this time. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

107. **4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN**
(No Tape)

(NOTE: The public hearing to receive Citizen Comment on Issues of Concern was deferred until later in the meeting. See Clerk's Summary Item CL#111.)

108. **4:30 P.M. - PH TO RECEIVE COMMENT FROM FAIRFAX COUNTY BUSINESSES 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 March 4 and March 11, 1994.

Businesses 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.

There were no speakers for this public hearing.

109.4:30 P.M. - PH TO ADOPT THE WILEY/GUNSTON HEIGHTS CONSERVATION PLAN (MOUNT VERNON DISTRICT) (Tapes 13-14)

(R)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, which included testimony by five speakers, Supervisor Hyland moved adoption of the Resolution approving the Wiley/Gunston Heights Conservation Plan. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Chairman Davis being out of the room.

Supervisor Hyland further moved adoption of the Wiley/Gunston Heights Conservation Plan with the deletion of the phrase "for partially" on pages 15 and 16 of the Plan. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Hanley, Supervisor McConnell, and Chairman Davis being out of the room.

110.4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF COUNTY FAIRFAX, CHAPTER 62 (FIRE PROTECTION) (Tape 14)

(O)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 4 and March 11, 1994.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection) to bring County Ordinances in line with the 1993 Edition of the Virginia Statewide Fire Prevention Code adopted by the Virginia Board of Housing and Community Development. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Chairman Davis being out of the room.

111.4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN
(Tape 14)

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 March 4 and March 11, 1994.

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:

- Ms. Jacqueline Barnes, regarding fair treatment of all employees; and
- Mr. Kenneth Moreland, regarding taxes.

Following comments by Mr. Moreland, Chairman Davis relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to provide Mr. Moreland with answers regarding the County's response on the Katie Barr situation. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Davis.

112.I-12 - CHAS CERTIFICATION - HERNDON HARBOR HOUSE (DRANESVILLE DISTRICT) (Tape 14)

The Board next considered an Information Item contained in the Memorandum to the Board dated March 21, 1994 requesting authorization for staff to sign the CHAS Certification letter to include in the application to the Virginia Department of Housing and Community Development (VDHCD) for the Low-Income Housing Tax Credit Program and for multi-family loan funds from the Virginia Housing Partnership.

The staff was directed to proceed as proposed.

113.A-15 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94047 TALLING \$200,000 TO APPROPRIATE FUNDING HERNDON ELDERLY HOUSING, FROM SUBFUND 182, HOUSING TRUST FUND (DRANESVILLE DISTRICT) (Tape 14)

Chairman Davis relinquished the Chair to Acting-Chairman Hyland and asked unanimous consent that the Board direct staff to set aside Supplemental Appropriation Resolution (SAR) AS 94047 to appropriate supplemental funds totalling \$200,000 from Subfund 182, Housing Trust Fund, for Project 013808, Herndon Elderly Housing for budget consideration. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Davis.

114.BOARD ADJOURNMENT (Tape 14)

At 7:30 p.m., the Board adjourned.