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The meeting was called to order at 9:35 a.m. with all Members being present, with the exception of Supervisor Alexander and Supervisor Hanley, 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.

Supervisor Alexander and Supervisor Hanley were absent from the entire meeting.

2. CERTIFICATES OF RECOGNITION PRESENTED TO THE WALT WHITMAN TREBLE CHOIR FOR BEING SELECTED TO PERFORM FOR THE AMERICAN CHORAL DIRECTORS' ASSOCIATION CONVENTION (Tape 1)

Chairman Davis and Supervisor Hyland presented Certificates of Recognition to the following individuals for being selected to perform for the American Choral Directors' Association convention:

- Walt Whitman Middle School Treble Choir;
- Susan Manola-Madderom, Choral Director; and
- Eugene Jordan, Principal.

3. ABSENCE OF LEE DISTRICT SUPERVISOR JOSEPH ALEXANDER (Tape 1)

Chairman Davis announced that Lee District Supervisor Joseph Alexander would be absent from today's Board Meeting because he is in Chicago representing Fairfax County at an American Public Transit Association Meeting.

4. ABSENCE OF PROVIDENCE DISTRICT SUPERVISOR KATHERINE K. HANLEY
(Tape 1)

Chairman Davis announced that Providence District Supervisor Katherine K. Hanley would be absent from today's Board Meeting due to the critical condition of her mother and the need to be at her bedside in Missouri. Even though she will be absent from the today's meeting and the budget hearings this week, Supervisor Hanley has asked that the citizens of Fairfax County be assured that she has arranged to receive copies of all testimony presented this week and will have the opportunity to review all of the issues prior to the Board's action on the Fiscal Year (FY) 1995 Budget.

5. CERTIFICATE OF RECOGNITION PRESENTED TO MS. KIM MONTGOMERY FOR WINNING FIRST PRIZE IN THE "READING IS FUNDAMENTAL" NATIONAL POSTER CONTEST (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Kim Montgomery for winning first prize in the "Reading is Fundamental" National Poster Contest. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

6. CERTIFICATES OF RECOGNITION PRESENTED TO INDIVIDUALS FROM THE SPRINGFIELD DISTRICT (Tape 1)

Supervisor McConnell moved approval of the Certificates of Recognition presented to the following individuals from West Springfield High School, Springfield District, for their outstanding accomplishments:

- Boys Cross Country Team for winning the "Virginia State Championship;"
- Ms. Julia Martynova for winning the "1993 Girls State Singles Tennis Championship;"
- Ms. Sherri D'Amato for being named the "National Women's Soccer Coach of the Year;"
- Mr. James Percoco for being selected to receive the "Disney American Teacher Award in Social Studies;" and
- Dr. Carolyn Foronda for being selected to receive the Lifetime Award as "Cultural Laureate for American Literature."

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

7. PROCLAMATION DESIGNATING THE APRIL 22, 1994 AS "GIRL SCOUT LEADER APPRECIATION DAY" IN FAIRFAX COUNTY (Tape 1)

Supervisor Bulova moved approval of the Proclamation presented to Donna Perry, Girl Scout Council of the Nation's Capital, designating the April 22, 1994 as "**Girl Scout Leader Appreciation Day**" in Fairfax County. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

8. CERTIFICATE OF RECOGNITION PRESENTED TO CAROL FRANTZ, PRINCIPAL, BAILEY'S ELEMENTARY SCHOOL FOR BEING SELECTED AS FAIRFAX COUNTY PUBLIC SCHOOLS "PRINCIPAL OF THE YEAR FOR 1993" (Tape 1)

Supervisor Trapnell moved approval of the Certificate of Recognition presented to Carol Frantz, Principal, Bailey's Elementary School, for being selected as Fairfax County Public Schools "Principal of the Year for 1993." This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

9. CERTIFICATE OF RECOGNITION PRESENTED TO EMELIE L. PARKER, FIRST GRADE TEACHER, BAILEY'S ELEMENTARY SCHOOL FOR BEING SELECTED AS FAIRFAX COUNTY PUBLIC SCHOOLS "TEACHER OF THE YEAR FOR 1993" (Tape 1)

Supervisor Trapnell moved approval of the Certificate of Recognition presented to Emelie L. Parker, First Grade Teacher, Bailey's Elementary School, for being selected as Fairfax County Public Schools "Teacher of the Year for 1993." This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

10. CERTIFICATE OF RECOGNITION PRESENTED TO S. YVONNE MCCALL, PRINCIPAL, SILVERBROOK ELEMENTARY SCHOOL FOR BEING SELECTED AS THE "1993 NATIONAL DISTINGUISHED PRINCIPAL OF VIRGINIA" AND FOR WINNING THE "1993 SCHOOL BELL AWARD" (Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to S. Yvonne McCall, Principal, Silverbrook Elementary School, for being selected as the "1993 National Distinguished Principal of Virginia" and for winning the "1993 School Bell Award." This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

11. PROCLAMATION DESIGNATING THE MONTH OF APRIL, 1994 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY (Tape 1)

Supervisor Bulova moved approval of the Proclamation presented to Anava Groboski, Central Fairfax Optimist Club, designating the month of April, 1994, as "**Child Abuse Prevention Month**" in Fairfax County." This motion was seconded by Supervisor McConnell and carried by unanimous a vote of six, Supervisor Dix and Supervisor McConnell being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

12. CERTIFICATES OF RECOGNITION PRESENTED TO THE CAMELOT NEIGHBORHOOD WATCH PROGRAM (Tapes 1-2)

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

- Gladden Brillhart;
- Artie Cevey;
- Paul Cevey;
- Bill Henderson; and
- Dave Shonerd;

to recognize the 15th anniversary of the Camelot Neighborhood Watch Program. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Frey and Supervisor McConnell being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

13. OUTSTANDING PERFORMANCE AWARD PRESENTED TO WILLIAM O. HOWLAND, JR., ASSISTANT TO THE COUNTY EXECUTIVE (Tape 2)

Chairman Davis presented an Outstanding Performance Award to William O. Howland, Jr., Assistant to the County Executive, in recognition of his leadership of two interagency project teams established to review and streamline County government processes. The Procurement Process Redesign Team (the "Red" Team), the pioneer for the County's quick-hit teams, proposed 35 recommendations which were adopted by the Strategic Management Steering Committee to improve the procurement process, and the Personnel Process Redesign Team was established to identify minor modifications which would deliver significant savings in either time or money.

CM:cm**14.10:00 A.M. - PRESENTATION OF REPORT BY THE FAIRFAX AREA DISABILITY SERVICES BOARD** (Tape 3)

Following the presentation by Martha Glennan, Chairman, Fairfax Area Disability Services Board, of the Report by the Fairfax Area Disability Services Board, Supervisor Hyland asked unanimous consent that the Board direct staff to provide Board Members with information regarding the status of the County's compliance with the Americans with Disabilities Act (ADA) requirements. Without objection, it was so ordered.

15.10:15 A.M. - REPORT ON GENERAL ASSEMBLY ACTIVITIES (Tape 3)

Supervisor Dix expressed his appreciation to staff for providing support during the General Assembly Session.

Supervisor Dix presented the 1994 General Assembly - Final Status Report and moved that the Board approve the report. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Frey being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

16.10:30 P.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (Tape 3)

(BACS)
(APPTs)

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor Bulova moved the reappointment of Ms. Virginia Peters as the At-Large (Non-Profit Housing) Representative to the Affordable Dwelling Unit Advisory Board. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Chairman Davis moved the reappointment of Mr. Joseph Halizak as the At-Large (Lending Institution) Representative to the Affordable Dwelling Unit Advisory Board. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

ANIMAL SHELTER ADVISORY COMMISSION

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

ATHLETIC COUNCIL

Supervisor Berger moved the appointment of Mr. Chad Mitchell as the Dranesville District (Alternate) Representative to the Athletic Council. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor McConnell moved the reappointment of Mr. Stephen Halfhill as the Springfield District (Principal) Representative to the Athletic Council. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

CHAS COORDINATING COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

(NOTE: The appointment of the Lee District Representative to the Child Care Advisory Council was deferred.)

COMMISSION ON AGING

Supervisor Dix moved the reappointment of Ms. Gerri F. Evans as the Hunter Mill District Representative to the Commission on Aging. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Trapnell moved the reappointment of Mr. William Clay as the Mason District Representative to the Commission on Aging. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Hyland moved the reappointment of Ms. Gertrude Wright as the Mount Vernon District Representative to the Commission on Aging. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Frey moved the reappointment of Mr. S. Christopher Suprun as the Sully District Representative to the Commission on Aging. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

(NOTE: The appointment of the Lee District Representative to the Commission on Aging was deferred.)

COMMUNITY IMPROVEMENT COMMITTEE

(NOTE: The appointments of the Dranesville, Springfield, and the Braddock District Representatives to the Community Improvement Committee were deferred.)

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Berger moved the reappointment of Mr. William Laufer as the Dranesville District Representative to the Criminal Justice Advisory Board. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

ENGINEERING STANDARDS REVIEW BOARD

CONFIRMATIONS:

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

- Mr. Gary L. Yowell as the Virginia Department of Transportation (Advisory) Representative;
- Mr. P. James Bruner as the Washington Area Council of Engineering Laboratories, Inc. Representative;
- Ms. Mary Nightlinger as the League of Women Voters Representative;
- Mr. Bruce E. Titus as the Fairfax Bar Association Representative;
- Mr. John W. Ewing as the Northern Virginia Building Industry Association Representative; and
- Mr. Theodore D. Britt as the Virginia Society of Professional Engineers Representative.

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

HUMAN SERVICES COUNCIL

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

LIBRARY BOARD

(NOTE: The appointment of the Lee District Representative to the Library Board was deferred.)

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

(NOTE: The appointment of the At-Large Representative to the Northern Virginia Community College Board was deferred.)

PROJECT SELECTION COMMITTEE

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

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Trapnell moved the reappointment of Ms. Patricia Goddard as the Mason District Representative to the Redevelopment and Housing Authority. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Supervisor Frey moved the reappointment of Ms. Marilyn Kasko as the At-Large (Resident/Owner) Representative to the Route 28 Highway Transportation District Advisory Board. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

[NOTE: The appointments of the two At-Large (Resident/Owner) Representatives to the Route 28 Highway Transportation District Advisory Board were deferred.]

TENANT-LANDLORD COMMISSION

Chairman Davis moved the appointment of Mr. Joe Warren to fill the unexpired term of Ms. Linda Martin as the At-Large (Tenant) Representative to the Tenant-Landlord Commission. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

TRANSPORTATION SAFETY COMMISSION

Chairman Davis moved the appointment of Ms. Linda Lawson to fill the unexpired term of Mr. Roger Gross as the At-Large Representative to the Transportation Safety Commission. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

TREE COMMISSION**CONFIRMATIONS:**

Supervisor Hyland moved that the Board confirm the following appointments to the Tree Commission:

- Ms. Barbara White as the Virginia Department of Forestry Representative; and
- Mr. Jeff Inks as the Fairfax County Cooperative Extension Services Representative.

This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

UNIFORMED RETIREMENT SYSTEM**CONFIRMATIONS:**

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

- Mr. John C. Harris as the Fire and Rescue Department Representative; and
- Mr. Charles E. Formeck as the Sheriff's Office Representative.

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

AD-HOCS**CITIZENS ADVISORY COMMITTEE ON SOLID WASTE & DISPOSAL MATTERS**

[NOTE: The appointment of the Sully District (Alternate) Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters was deferred.]

**UPPER HOLMES RUN ENVIRONMENTAL MONITORING ADVISORY
COMMITTEE****CONFIRMATION:**

Supervisor Bulova moved that the Board confirm the following appointment to the Uniform Retirement Commission:

- Ms. Jean R. Packard as the Northern Virginia Soil and Water Conservation District Representative.

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

AM:am

17. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Dix moved approval of the Administrative Items. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

(R)Adopted the request that certain streets listed in the Memorandum to the Board dated April 11, 1994 be recommended for acceptance into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Crosspointe - Section 17B,	Springfield	Bayberry Ridge Road Route 8231 Copperleaf Lane Copperleaf Court

ADMIN 2 - ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 89-A-071, BOURJ, LIMITED (BRADDOCK DISTRICT)

(AT)Approved the request for five years of additional time to establish the use for Special Exception Application SE 89-A-071 until March 17, 1999 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

18.A-1 - BOARD APPROVAL OF PROVIDING BUILDING MAINTENANCE AND LANDSCAPING/GROUNDS MAINTENANCE SERVICE FOR ZONE ONE
(Tape 4)

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, Supervisor McConnell moved that the Board concur in the recommendation of staff regarding how building and maintenance and landscaping/ground maintenance service is to be provided for Zone One and:

- Award a contract to Davey Tree, Incorporated for landscaping/ground maintenance service for a two year period with the option to extend the contract for two one year periods; and
- Award the building maintenance service to Facilities Management Division, Department of General Services for a two year period with the option to extend the service for two one year periods.

This motion was seconded by Supervisor Dix.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked to amend the motion to make the contract to Davey Tree, Incorporated subject to appropriation of the Fiscal Year (FY) 1995 Budget, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

19.A-2 - DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING FUNDS AND MATCHING FAIRFAX COUNTY FUNDS FOR FISCAL YEAR (FY) 1995 (SULLY AND PROVIDENCE DISTRICTS)
(Tape 4)

(R) On motion of Supervisor Frey, seconded by Supervisor Berger, and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent, the Board concurred in the recommendation of staff and adopted the Resolution designating a maximum of \$500,000 in Fiscal Year (FY) Virginia Department of Transportation (VDOT) Revenue Sharing Program funds and \$500,000 in matching Fairfax County funds for:

- The design and construction of improvements to the intersection of Route 50 and Waples Mill Road; and
- A direct connecting ramp from northbound Route 123 to eastbound Dulles Access Road.

20.A-3 - INVESTIGATION OF TELEPHONE REGULATORY METHODS PURSUANT TO VIRGINIA CODE SECTION 56-235.5, ETCETERA, CASE NUMBER PUC930036 (Tape 4)

Following discussion, with input by Stephen D. Sinclair, Utility Analyst, Department of Consumer Affairs, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to review this material with Supervisor Frey and return later today for further consideration. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

21.A-4 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING HOME OCCUPATIONS (Tape 4)

(R)

(A)Supervisor Dix moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on May 18, 1994 and before the Board of Supervisors on **June 6, 1994 at 4:00 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding home occupations. This motion was seconded by Supervisor McConnell.

Supervisor Dix moved that Option Number One as presented in the Staff Report be authorized to be advertised. This motion was seconded by Supervisor Bulova.

Following discussion, with input from Jane W. Gwinn, Zoning Administrator/Division Director, Zoning Administration Division, Office of Comprehensive Planning, Supervisor Frey moved to amend the motion to add Option Number two. This motion was seconded by Supervisor Hyland.

Supervisor Dix moved to amend the motion to include townhouses with common area parking to have one non-residential employee between the hours of 8:00 a.m. and 5:00 p.m. The second to this motion was inaudible.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell asked to amend the motion to include sending copies of the proposed Ordinance to the Fairfax County Chamber of Commerce, the local Chambers of Commerce, the Boards of Trade as well as the Federation of Citizens Association, and all of the District Councils, and this was accepted.

Following discussion, Supervisor Davis restated the motion as follows for purposes of clarification:

- That the Board concur in the recommendation of staff and adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on **May 18, 1994** and before the Board of

Supervisors on June 6, 1994 at 4:00 p.m. regarding proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding home occupations which includes:

- Option One: Allow one non-resident employee in a home with on lot parking between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday;

- Include townhouses with common area parking to have one non-residential employee between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday; and

- Option Two: Limit a non-resident employee to only providing for assistance to a disabled resident in the conduct of the home occupation use.

- Send copies of the proposed Ordinance to the Fairfax County Chamber of Commerce, the local Chambers of Commerce, the Boards of Trade as well as the Federation of Citizens Association, and all the District Councils.

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

22.A-5 - AUTHORIZATION FOR CONDEMNATION OF CERTAIN EASEMENTS NECESSARY FOR THE CONSTRUCTION OF WINDSOR ESTATES STORM DRAINAGE (LEE DISTRICT) (Tape 4)

(R)On motion of Supervisor McConnell, seconded by Supervisor Hyland, and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent, the Board concurred in the recommendation of staff and adopted the Resolution authorizing the necessary legal proceedings to acquire certain easements necessary for the construction of storm drainage improvements within the Windsor Estates Subdivision, Project M00077 (AC0213) - Windsor Estates Storm Drainage Improvements.

23.A-6 - DESIGNATION OF PLANS EXAMINERS STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM (Tape 4)

On motion of Supervisor Frey, seconded by Supervisor McConnell, and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent, the Board concurred in the recommendation of staff and designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Clinton Abernathy (116);
- Mohammad Amad (117);
- Otis C. Deal, Jr. (120);
- James T. Fecteau, Sr. (119);
- Mitra A. Kamrani (121); and
- Dennis W. King (118).

24.A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 94049 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT PY 1993 ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE/GOVERNOR'S EMPLOYMENT AND TRAINING DEPARTMENT GRANT (Tape 4)

(SAR) On motion of Supervisor Dix, seconded by Supervisor Berger, and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 94049 in the amount of \$100,000 for additional Economic Dislocation and Worker Adjustment Assistance (EDWAA)/Governor's Employment and Training Department (GETD) grant funds for the Department of Human Development.

25.A-8 - TRANSFER OF THE COMMUNITY DIVERSION PROGRAM TO THE OFFICE OF THE SHERIFF (Tape 4)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board defer this item. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#101.)

26.A-9 - APPROVAL OF TOWN OF CLIFTON MEETING HALL LEASE AGREEMENT
(Tape 4)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the Lease Agreement for the Town of Clifton Meeting Hall/Community Building. The motion, the second to which was inaudible, carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Frey moved that the usage policy and the fee structure for using the facility be brought back before the Board for approval. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

(NOTE: Later in the meeting, the Board reconsidered its action regarding this issue for purposes of clarification. See Clerk's Summary Item CL#51.)

27.A-10 - APPROVAL OF SHARED PARKING BETWEEN THE MCLEAN BIBLE CHURCH AND COOPER MIDDLE SCHOOL (DRANESVILLE DISTRICT)
(Tape 4)

On motion of Supervisor Berger, seconded by Chairman Davis, and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent, the Board concurred in the recommendation of staff and approved the a shared parking arrangement for the McLean Bible Church at 850 Balls Hill Road to park the church's overflow parking demand at the Cooper Middle School during the Sunday services, under the conditions outlined in the Memorandum to the Board dated April 11, 1994.

28.C-1 - APPEAL BY PHILIP F. HUDOCK OF THE APPROVAL OF SITE PLAN WAIVER NUMBER 013488, FAMILY GOLF PARK (HUNTER MILL DISTRICT)
(Tape 4)

The Board next considered an Item contained in the Memorandum to the Board dated April 11, 1994 presenting the appeal of the approval of Site Plan Waiver Number 013488 by the Deputy County Executive for Planning and Development, acting for the County Executive. The action waived requirements for dedication of right-of-way and construction of road improvements for an interchange at the intersection of Hunter Mill Road and the Dulles Access Road.

Following discussion, Supervisor Dix moved that the appeal by Philip F. Hudock of the approval of Site Plan Waiver Number 013488, Family Golf Park be denied. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

SBE:sbe

29.I-1 - FISCAL YEAR (FY) 1994 INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA) FLEXIBLE FUNDING PROGRAM PAYMENT TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) (ALL DISTRICTS) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 presenting the staff report regarding the Fiscal Year (FY) 1994 Intermodal Surface Transportation Efficiency Act (ISTEA) Flexible Funding Program payment to the Washington Metropolitan Area Transit Authority (WMATA).

There was a brief discussion regarding this item with input from Shiva K. Pant, Director, Office of Transportation.

30.I-2 - APPROVAL OF AN AGREEMENT PROVIDING FOR THE CONSTRUCTION OF STORM SEWER AND A NEW SIDEWALK AND BIKE TRAIL ALONG BURKE CENTRE PARKWAY EXTENDED FROM ROUTE 123 TO THE FAIRFAX COUNTY PARKWAY (SPRINGFIELD DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to execute the agreement which provides for Fairfax County's cost participation on the Burke Centre Parkway Extended project.

The staff was directed administratively to proceed as proposed.

31.I-3 - CONTRACT AWARD - HAMPTON FOREST DEVELOPER DEFAULT (SULLY DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to award a contract to JRG Contractors, Incorporated in the amount of \$69,621 for the construction of Hampton Forest Developer Default in Project U00006, Developer Defaults, in Subfund 468, Public Works Construction.

The staff was directed administratively to proceed as proposed.

32.I-4 - CONTRACT AWARD - OLD DOMINION GARDENS SANITARY SEWER EXTENSION AND IMPROVEMENT (DRANESVILLE DISTRICT) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to award a contract to Nekoosa Contracting Corporation in the amount of \$197,952 for the construction of Old Dominion Gardens Sanitary Sewer Extension and Improvement, in Project X00823, Extension Projects in Fiscal Year (FY) 1993, in Subfund 524, Sewer Bond Extension and Improvement.

The staff was directed administratively to proceed as proposed.

33.I-5 - CONTRACT AWARD - REHABILITATION OF LAKEVALE, LANGLEY AND WAYNEWOOD II SEWAGE PUMPING STATIONS (PROVIDENCE, DRANESVILLE AND MOUNT VERNON DISTRICTS) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to award a contract to Herring Electric Company, Incorporated in the amount of \$384,619 for the construction of improvements at three existing pump stations.

There was a brief discussion regarding this item with input from William J. Leidinger, County Executive.

The staff was directed administratively to proceed as proposed.

34.I-6 - CONTRACT MODIFICATION - EMERGENCY ENGINEERING SERVICES FOR THE FAIRFAX TERMINAL PETROLEUM LEAK (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to modify the contract with Geotrans, Incorporated for a total contract amount not to exceed \$366,200 for engineering services to advise County staff during the inspection and assessment of the Fairfax Tank Farm petroleum leak.

The staff was directed administratively to proceed as proposed.

35.I-7 - PRODUCTION OF THE UPDATED TAX EVADERS CABLE TELEVISION PROGRAM (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 requesting authorization for staff to air the updated Tax Evaders Cable Television Program weekly at 6:00 p.m. on Thursdays beginning April 14, 1994 on Fairfax County Government Channel 16 which can be seen on both the Media General, Incorporated and Warner Cable Systems.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, staff broadcast the updated program for the Board. See Clerk's Summary Item CL#38.)

36.I-8 - CONTINUATION OF EMPLOYEE METROCHEK PROGRAM AT THE COUNTY GOVERNMENT CENTER (ALL DISTRICTS) (Tape 5)

The Board next considered an Information Item contained in the Memorandum to the Board dated April 11, 1994 regarding the continuation of Employee Metrochek Program at the County Government Center and in anticipation that the Fiscal Year (FY) 1994 Transportation Efficiency Improvement Funds (TEIF) funds will not be authorized in the amount of

\$56,640 by the Virginia Department of Rail and Public Transportation (VDRPT) for this Program, staff is requesting authorization to include a Consideration Item for the continuation of this Program in the FY 1995 Add-On package.

The staff was directed administratively to proceed as proposed.

37. **BOARD RECESS** (Tape 5)

At 12:35 p.m., the Board recessed briefly and at 12:45 p.m. reconvened in the Board Room with all Members present with the exception of Supervisor Alexander and Supervisor Hanley, and with Chairman Davis presiding.

CM:cm

38. **I-7 - PRODUCTION OF THE UPDATED TAX EVADERS CABLE TELEVISION PROGRAM** (Tape 6)

Chairman Davis called the Board's attention to Information Item I-7 and announced that the staff would proceed to broadcast the updated tax evaders videotape at this time.

39. **REPORT ON THE MAINTENANCE FACILITY AT WEST OX GARAGE**
(Tape 6)

William J. Leidinger, County Executive, briefed the Board on the school bus situation at the West Ox Garage Facility now under Johnson Controls. He reported that the 16-18 percent vehicle out-of-commission rate from last week for the school buses is now down to a rate of 5.6 percent for school buses and 7.4 percent for non-school bus vehicles, with an overall out-of-commission rate of 6.3 percent.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide Board Members with a six month status report on the difficulty of the transition of the West Ox Facility to aid the Board in future privatization efforts. Without objection, it was so ordered.

Following further discussion, Supervisor Dix asked unanimous consent that the Board direct staff to provide Board Members with weekly reports over the next 90 days, regarding the actual out-of-commission percentages for school buses and for non-school vehicles. Without objection, it was so ordered.

(NOTE: Later in the meeting, there was another brief discussion of this issue. See Clerk's Summary Item CL#47.)

40. **OUT-OF-TURN PLAN AMENDMENT IN THE WOODLAWN HISTORIC DISTRICT**
(Tape 6)

Chairman Davis reminded the Board of a Special Exception Application SE 93-V-028 that came before the Board regarding the sale of packaged food items such as commonly found in vending machines.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board direct staff to schedule a public hearing on Out-of-Turn Comprehensive Plan Amendment in Area IV, MV8 Woodlawn Community Planning Sector, Heritage Resources Sector, to consider including language which permits the sale of limited packaged food items in conjunction with renovations of existing service stations. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Hyland informed the Board of a letter he had received from Mr. Frank W. Stearns, the applicant in the case referred to by Chairman Davis, and moved that the Board:

- Reconsider its action from the meeting on March 21, 1994 regarding the Mount Vernon Exxon Station, Rezoning Application RZ 93-V-014 and Special Exception Application SEA 93-V-028; and
- Defer Board decision on the application pending action on the Out-of-Turn Plan Amendment.

This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Hyland further moved that the simultaneous processing of the Site Plan be authorized by the Board with the usual caveats that the applicant is taking full risk if denial of the rezoning application should occur after action on the Out-of-Turn Plan Amendment. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

41. **AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62, SECTION 62-2-6, FIRE PROTECTION SERVICES** (Tape 6)

Supervisor Davis called the Board's attention to another decision made at the meeting of March 21, 1994 regarding Chapter 62, Fire Protection Services. He stated that a portion of that decision dealt with compressed natural gas in a station in the Sully District and precluded some other options in which the Board had previously expressed an interest. Supervisor Davis therefore moved that the Board reconsider that decision. This motion was seconded by Vice-Chairman McConnell and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

With a notation that the previous amendments approved by the Board created a problem for the station being constructed in the Sully District, Supervisor Bulova moved that the Board

amend Chapter 62, Section 62-2-6, Subsection F-3602.3 of the Code of the County of Fairfax as follows: delete the fifth and sixth words of the first line "and CNG;" The new section would then read: "F 3602.3 self service; self service LP gas operations in service stations open to the public shall be prohibited." The effect of this change would be to permit the public to refuel their vehicles with compressed natural gas in the same way that many pump their gasoline at service stations today. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Bulova informed the Board of concerns raised regarding the addition to Section 3205-8, which delays the building of additional unmanned stations in Fairfax County, self-serve centers that operate through use of a credit card, and asked unanimous consent that this matter be referred to staff for a report on what other jurisdictions are doing this and what their experiences are so that the Board can determine if this is something to pursue in Fairfax County. Without objection, it was so ordered.

Supervisor Dix asked unanimous consent that the Board direct staff to include in that report the feasibility of a pilot program in the County related to this matter. Without objection, it was so ordered.

42. POTENTIAL HEALTH HAZARDS ASSOCIATED WITH DIMILIN (Tape 6)

Supervisor Davis informed the Board that a citizen had brought to his attention the potential health hazards associated with Dimilin, a chemical pesticide scheduled to be sprayed aerially in Fairfax County to control gypsy moths. Acknowledging that a neighborhood can be removed from the spray area and given information on alternative methods of gypsy moth prevention, Supervisor Davis asked unanimous consent that the Board direct staff to review this matter. Without objection, it was so ordered.

43. COMMONWEALTH TRANSPORTATION BOARD'S PREALLOCATION PUBLIC HEARING (Tapes 6-7)

Supervisor Davis informed the Board that the Commonwealth Transportation Board (CTB) will be holding a Preallocation public hearing on April 22, 1994 at 10 a.m. on transportation funding. He stated that the County Board of Supervisors adopted the County's input for this public hearing at the Board meeting of March 21, 1994, and staff has already forwarded this input to the Virginia Department of Transportation (VDOT) for the record. However, as in the past, it is important that brief testimony on behalf of the Board emphasizing the Board's key requests be provided.

Supervisor Davis stated that he would be out of town on the date of this hearing and asked unanimous consent that the Board authorize Vice-Chairman McConnell to appear before the CTB to present testimony on behalf of the Board of Supervisors and that Office of Transportation staff prepare brief comments for Vice-Chairman McConnell to present at this hearing. Without objection, it was so ordered.

44. WAIVER OF PERMIT FEES FOR FAXFAIR CORPORATION (Tape 7)

Supervisor Davis moved that the Board direct the Director of the Department of Environmental Management (DEM) to defray all DEM permit fees on behalf of the Fairfax Corporation directly associated with the 1994 Fairfax Fair. This motion concerns permit fees only and does not relieve the applicant of the responsibility to secure all necessary permits, required inspections, and otherwise comply with all applicable codes and ordinances. This fee defrayal pertains only to permits the Fairfax Corporation is required to secure and does not include permits for any for-profit organizations participating in the Fairfax County Fair. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

45. WASHINGTON REGIONAL ALCOHOL PROGRAM "SAFE SENIOR SEASON"
(Tape 7)

Supervisor Dix stated that "Safe Senior Season" is a regional effort to highlight positive graduation substance-free celebration alternatives during prom and graduation season along with beach week. This initiative is sponsored by the Washington Regional Alcohol Program (WRAP). As an extension of Operation Prom Graduation, started over 10 years ago, the campaign has helped to save hundreds of young lives by encouraging responsible, safe behavior.

Supervisor Dix said that Safe Senior Season involves 144 public and private high schools with more than 50,000 graduating seniors. WRAP provides a special resource guide listing the various alcohol and drug prevention agencies throughout the region, ideas for assemblies, activities, contacts for special presentations and student displays discussing the dangers of using alcohol and other drugs. There will also be radio public service announcements and school public address system announcements with the "no-use" message.

Supervisor Dix said that this effort is supported by both the Fairfax County Police Department and the Fairfax County Public Schools, and by working together as a community, the collective efforts can make a difference in protecting many young men and women during their time of triumph and celebration.

Therefore, Supervisor Dix moved that the Board:

- Support this effort; and
- Direct the appropriate staff to prepare a Proclamation designating April 22-June 30, 1994 as "Safe Senior Season" for presentation on April 22, 1994 at the "Safe Senior Season" kickoff.

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

46. REQUEST FOR SIMULTANEOUS PROCESSING FOR A SPECIAL EXCEPTION APPLICATION AND SITE PLAN FOR DULLES CORNER PROPERTIES I

LIMITED PARTNERSHIP (Tape 7)

Supervisor Dix stated that Dulles Corner Properties I Limited Partnership has filed a Special Exception Application to establish a child care center at Dulles Corner. The application has scheduled Planning Commission and Board of Supervisors for public hearing dates and is currently being reviewed by staff.

Because of certain contractual obligations of the applicant, Supervisor Dix moved that the Board authorize simultaneous processing to allow the Department of Environmental Management (DEM) to review the Site Plan during the Special Exception process. Supervisor Dix stated that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the Special Exception Application in any way. This motion was seconded by Supervisor Frey and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

PMH:pmh

47. PRIVATIZATION OF WEST OX VEHICLE MAINTENANCE FACILITY REVISITED
(Tape 8)

(NOTE: Earlier in the meeting, there was a discussion and Board action regarding this issue. See Clerk's Summary Item CL#39.)

Supervisor Hyland stated that he had planned to raise issues concerning the privatization of the West Ox Vehicle Maintenance Facility. However, his concerns regarding the Board receiving periodic reports about the transition of the privatization of the West Ox Facility have been addressed by Supervisor Dix in the discussion held earlier in the meeting.

48. A SURE-FIRE RECIPE FOR EXPEDITING MEETINGS (Tape 8)

Supervisor Hyland distributed to Board Members a copy of a recently published solution (cartoon) to meetings which drag on indefinitely.

49. ARBOR DAY CELEBRATION TO BE HELD AT GRIST MILL PARK ON SATURDAY, APRIL 16, 1994 (Tape 8)

Supervisor Hyland announced that an Arbor Day Celebration would be held at Grist Mill Park on Saturday, April 16, 1994 beginning at 10:00 a.m.

50. OUT-OF-TURN PLAN AMENDMENT TO EXAMINE ALTERNATIVE ALIGNMENTS OF SENECA ROAD (Tape 8)

Supervisor Berger stated that a number of citizens who live along Seneca Road and the general area it serves in Great Falls are experiencing increasing congestion and delays in attempting to access Georgetown Pike and Route 7. Seneca Road is one of the very few roads in the area so there are no real alternatives to using this road to reach the major arteries. Unfortunately, the traffic is continuing to grow in this part of the County and it is becoming increasingly difficult to exit Seneca Road at Georgetown Pike because of the amount of traffic on both roads.

Supervisor Berger pointed out that one way of solving this problem could be the realignment and extension of Georgetown Pike to the north and west so that it intersects Route 7 west of its current intersection with Route 7. Another would be the realignment of Seneca Road so that it would also intersect Route 7 west of the current Georgetown Pike intersection. These concepts would allow those residents along Seneca Road who wish to travel west to Herndon Junction or Sterling to completely avoid Georgetown Pike. There may be an opportunity in the near future to have such a road constructed through the development process if in fact it proves to be a viable idea.

Therefore, Supervisor Berger moved that the Board:

- Authorize an Out-of-turn Plan Amendment; and
- Direct staff to examine alternative alignments of Seneca Road in the general Route 7/Georgetown Pike area to determine if a realignment should be placed on the Plan.

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

51. RECONSIDERATION OF ACTION ITEM A-9 - APPROVAL OF TOWN OF CLIFTON MEETING HALL LEASE AGREEMENT FOR THE PURPOSE OF CLARIFICATION (Tape 8)

Supervisor Frey moved to reconsider the motion to approve Action Item A-9 - Approval of Town of Clifton Meeting Hall Lease Agreement for the purpose of clarification. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Frey moved to amend the motion to approve the Town of Clifton Meeting Hall Lease Agreement by conditioning approval of the Lease Agreement upon the submission by the Town of Clifton to the Board for its approval of a uniform schedule of fees and a list of rules for the use of the facility which would be applicable to all town and County non-profit community activities. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Dix being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

52. REQUEST FOR WAIVER OF FILING FEES FOR THE CHURCH OF ASCENSION (FORMERLY THE OLD STONE CHURCH) (Tape 8)

Supervisor Frey stated that the Church of the Ascension (formerly the Old Stone Church) located in the Centreville Historic District has filed an application for rezoning. He explained that this is necessary to allow the church to connect with water and sewer lines which are being constructed. He noted that the church has only 75 members with 15 being children.

Therefore, Supervisor Frey moved that the Board waive the filing fee for this application. This motion was seconded by Chairman Davis and carried by a vote of seven, Supervisor Dix being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

53. CONCURRENT PROCESSING OF THE SITE PLANS AND OTHER ENGINEERING DOCUMENTS FOR SPECIAL EXCEPTION APPLICATION SE 94-Y-007 (Tape 8)

Supervisor Frey moved that the Board direct the Director of the Department of Environmental Management (DEM) to accept and process the Site Plans and other engineering documents for Tax Map Reference 34-4((12))C2 and D concurrently with the processing of Special Exception Application SE 94-Y-007. This motion was seconded by Supervisor Bulova.

Supervisor Frey noted that this request is without prejudice.

The question was called on the motion which carried by a vote of seven, Supervisor Dix being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

54. RESOLUTION TO ENDORSE THE REQUEST OF THE CENTREVILLE PRESBYTERIAN CHURCH FOR INTERIM ACCESS TO ROUTE 28 AT THE EXISTING TRAFFIC LIGHT AT THE RAMPS TO I-66 (Tape 8)

(R)Supervisor Frey moved adoption of the following Resolution:

WHEREAS, Fairfax County obtained the property in the southwest quadrant of the interchange of Route I-66 and 28 for future improvements to this interchange; and

WHEREAS, the immediate need for the property has abated due to the decision of the Virginia Department of Transportation (VDOT) to defer indefinitely construction of that loop ramp; and

WHEREAS, the property was for many years the home of the Centreville Methodist Church and that for the past two years been the home, through a lease with the County, of Centreville Presbyterian Church; and

WHEREAS, present access to the site via Braddock Road will be lost in the next few months due to implementation of VDOT's long range plan for closure by the adjacent developer; and

WHEREAS, interim access to Route 28 can be obtained without disruption to traffic flow by allowing entrance at the existing traffic light at the ramps to eastbound I-66:

THEREFORE BE IT RESOLVED, that the Fairfax County Board of Supervisors endorse the request of the Centreville Presbyterian Church for interim access to Route 28 at the existing traffic light at the ramps to I-66 provided that:

- 1)VDOT determines there will be no disruption of traffic flow;
- 2)It is based on current uses of the property;
- 3)Any change in use will trigger a re-evaluation by VDOT, and re-evaluation will be done at the expiration of the present lease agreement; and
- 4)Any improvements required by VDOT be at the expense of the Church; and

BE IT FURTHER RESOLVED, that this endorsement be transmitted to the Commonwealth Transportation Board for their consideration.

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

55. EXPEDITIOUS AND CONCURRENT PROCESSING OF A SPECIAL EXCEPTION APPLICATION THAT WILL BE FILED BY REPLAY, INCORPORATED
(Tape 8)

On behalf of Supervisor Hanley, Supervisor Frey moved that the Board direct staff to expedite a Special Exception Application that will be filed by RePlay, Incorporated located at 7810G Lee Highway. 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 Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

56. EXPEDITIOUS AND CONCURRENT PROCESSING OF SPECIAL EXCEPTION APPLICATION SE 94-P-011 AND THE SITE PLAN FOR THE PROJECT (Tape 8)

On behalf of Supervisor Hanley, Supervisor Frey moved that the Board direct staff to expedite Special Exception Application SE 94-P-011 and that the Site Plan for the project be processed concurrently. 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 eight, Supervisor Alexander and Supervisor Hanley being absent.

57. REQUEST FOR CONCURRENT PROCESSING OF THE PRELIMINARY PLAN AND FINAL PLAN FOR FAIRFAX FARMS, LOT 76, PLAN NUMBER 8672 (Tape 8)

On behalf of Supervisor Hanley, Supervisor Frey moved that the Board direct staff to concurrently process the Preliminary Plan and Final Plan for Fairfax Farms, Lot 76, Plan Number 8672. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

NV:nv

58. BRADDOCK DISTRICT TREE PLANTING PROJECT (Tape 9)

Supervisor Bulova reminded Board Members that Fairfax County's sole award of the Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement money was for the Braddock District Tree Planting Project. Braddock's "Super-Volunteer," Adele Breaux, has worked with Paul Enos in the Office of Transportation to complete the agreements needed to obtain the money. She said that the two agreements, one for Development and Administration of the Project by the County of Fairfax and the other between the County of Fairfax and the Virginia Department of Transportation (VDOT), are currently being reviewed by the County Attorney's Office.

Supervisor Bulova said that once this review is completed, the County Executive will need to sign the agreements and then they will be sent to the Commonwealth Transportation Board (CTB) for final approval. Because the CTB meets once a month on the third Thursday, she pointed out that there is a very narrow window of time available if something is to be planted during the Spring planting season.

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

- Expediently process these agreements; and
- Make every attempt to have the paperwork before the CTB in time for their next meeting.

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

59. 1994 FAIRFAX COUNTY "SHOWCASE" (Tape 9)

Supervisor Bulova reminded Board Members that the Board supported her motion to have staff work with her and Supervisor Berger to plan a "Showcase" event for Fairfax County in conjunction with the Northern Virginia Planning District Commission (NVPDC). She said that NVPDC Commissioners, as well as elected officials and chief staff members from all jurisdictions, will be invited to attend.

Supervisor Bulova reported that some exciting plans are underway and she asked Board Members to mark their calendars for Saturday, June 11, 1994 from 3:00 p.m. until 6:00 p.m. She noted that this is the second day of the Fairfax Fair. The 3:00 p.m. activity will follow an already scheduled Board of Supervisors luncheon at the Government Center. The "Showcase" event will begin with a film presentation in the Board Auditorium, which will feature Fairfax County's past, present and future. The presentation will be followed by an abbreviated tour of the County while the group is enroute to Sully Plantation for a tour and light evening refreshments, ending in time to return all guests to the fairgrounds by 6:00 p.m. Board Members and their families will have an opportunity to enjoy the Showcase event along with the Fair, and are encouraged to bring their families.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to provide mementos to the representatives of the other participating jurisdictions. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

60. LAKE BRADDOCK SECONDARY SCHOOL MATH TEACHER, SHARRON BRADS GORRELL RECIPIENT OF 1993 PRESIDENTIAL AWARD FOR EXCELLENCE IN TEACHING (Tape 9)

Supervisor Bulova distributed to Board Members copies of newspaper articles regarding Lake Braddock Secondary School Math Teacher, Sharron Brads Gorrell. She said that this seventh grade teacher was one of 107 teachers nationwide selected to receive the 1993 Presidential Award for Excellence in teaching. Her innovative teaching methods are extremely effective. According to Mrs. Gorrell's Subschool Principal, "This teacher has a way of inspiring kids to want to be mathematicians, to love math and to love going to her class daily."

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Mrs. Gorrell to appear before the Board to be thanked and recognized for her outstanding contribution. Without objection, it was so ordered.

61. BUFFER POLICY FOR ADDITIONS, RETAINING WALLS , POOLS, DETACHED GARAGES, ETCETERA PERTAINING TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE (Tape 9)

Supervisor McConnell stated that it had recently been called to her attention that the County has a 10-foot buffer policy for additions, retaining walls, pools, detached garages, etcetera as it pertains to the Chesapeake Bay Preservation Ordinance and land in the Resource Protection Area (RPA).

Supervisor McConnell stated her belief that this policy, as it pertains to pools, is extremely restrictive and costly to homeowners. For example a 750 square foot pool along with its decking exceeds the 2,500 square foot disturbed area when the 10-foot buffer is calculated. As a result, the homeowner is then faced with additional charges for a private engineer to prepare a grading plan for a minimum of \$700. If a pool is in an RPA, the Special Projects Branch, Design Review Division, Department of Environmental Management (DEM) requires a wetland study which costs \$1,600-2,000.

Supervisor McConnell related her understanding of the policy background is that staff believes that additional ground disturbance will take place during construction and this fact is undisputed. However, Supervisor McConnell stated her belief that the 10-foot buffer all the way around the project is excessive and that an engineer's certification on the grading plan of the entire area to be disturbed for the construction of the project should satisfy the County. She further stated that this could be verified on site by inspectors and that other jurisdictions handle it in this manner.

Accordingly, Supervisor McConnell asked unanimous consent that the Board direct staff to return this item to the Board for consideration in the form of a policy amendment which would give the homeowner the option to have an engineer's certification of the total disturbed land area in lieu of the blanket 10-foot buffer policy at the meeting scheduled for April 25, 1994. Without objection, it was so ordered.

62. DECLARATION OF APRIL 17-23 AS NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK (Tape 9)

(R)Supervisor McConnell stated that she had received a letter from Charlie Scott, a resident in the Clifton area of the Springfield District, informing her that Congress has declared the week of April 17-23, 1994 as "National Organ and Tissue Donor Awareness Week." In his letter he had stated that seven people die each day because life-saving organs are not available. Mr. Scott was a liver transplant recipient four years ago.

Supervisor McConnell said that one way to increase the number of people who pledge organs and tissue after they die is to increase the public awareness of how beneficial donations can be to persons in need of organs or tissue. Accordingly, she moved adoption of the following resolution:

WHEREAS, there is now technology available to save many lives through organ transplantation;

WHEREAS, there is a serious shortage of organs for transplantation due to a lack of public awareness;

WHEREAS, the Congress of the United States has declared the week of April 17-23, 1994 "National Organ and Tissue Donor Awareness Week;"

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia declares April 17-23, 1994 "Fairfax County Organ and Tissue Donor Awareness Week" and calls upon the citizens of said County to discuss lifesaving organ donation with their next of kin.

This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

63. **SPRINGFIELD DISTRICT TOWN MEETING** (Tape 9)

Supervisor McConnell reported that she held a Town Meeting at West Springfield High School on the Fiscal Year (FY) 1995 Budget, the School Budget, and the Fairfax County Parkway. This meeting was televised live on Cable Channel 16.

Supervisor McConnell expressed her appreciation to:

- William J. Leidinger, County Executive;
- Edward L. Long, Jr., Director, Office of Management and Budget;
- Gary Jones, Chairman and Springfield District Representative, School Board; and
- Larry Ichter, Chief, County Design Branch, Office of Road Program Management, Department of Public Works,

for their participation.

Supervisor McConnell further expressed her appreciation to Gail C. Eskew, Chief; Peter K. Friend, Production Manager; and the rest of the staff from the Cable Programming Division, Department of Consumer Affairs, who worked tirelessly to produce this program.

Supervisor McConnell announced that the Town Meeting will be rebroadcast on April 14, 1994 at 8:00 p.m. and again on April 21, 1994 at 5:00 p.m. on Channel 16.

64. **REQUEST FOR REVIEW OF PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 43 (FOOD AND FOOD-SERVICE ESTABLISHMENTS)** (Tape 9)

Supervisor Trapnell distributed to Board Members copies of a proposed amendment to the Code of the County of Fairfax, Chapter 43 (Food and Food-Service Establishments) with an attached statement of justification and a letter from the Sleepy Hollow Bath and Racquet Club, Incorporated.

Supervisor Trapnell said that the proposed amendment requests that non-profit organizations also known as swim clubs, which operate only for a limited period of time be granted the authority to use volunteers, rather than County trained food service managers, to operate snack bar facilities. The facilities (snack bars) prepare such food items as hot dogs, hamburgers, french fries and the like.

Therefore, Supervisor Trapnell moved that the Board:

- Refer this item to staff for their review; and
- Direct staff to report to the Board as to the feasibility of the proposed amendment.

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

65. **REQUEST TO PROCLAIM APRIL "PREVENT A LITTER" MONTH** (Tape 9)

In continuing the tradition of supporting the actions of Prevent a Litter Coalition, Incorporation, Supervisor Hyland said that he would like the Board's support in proclaiming April as "Prevent A Litter" month for animals. This Proclamation will aid in keeping the public aware of the tragic pet overpopulation crisis while asking them to help solve the preventable problem. The Coalition will have 50 billboard advertisements bringing the message to the public.

Supervisor Hyland moved that the Board proclaim April as "Prevent A Litter" month for Fairfax County as a demonstration of the County's continuing support of the benefits of spaying and neutering community pets. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Hanley and Supervisor Alexander being absent.

66. **CITIZEN ACCESS TO REAL ESTATE ASSESSMENT INFORMATION** (Tape 9)

Supervisor Hyland stated that he had received a suggestion from Frederick W. Suffa, Citizen Representative, Board of Equalization, regarding citizen access to real estate assessment information. He stated that Loudoun County has established a 900 telephone number and charges citizens for this access.

Accordingly, Supervisor Hyland asked unanimous consent that the Board:

- Refer Mr. Suffa's suggestion to staff; and
- Direct staff to review the County's present manner of dispensing real estate tax information.

67. CANCELLATION OF PUBLIC HEARING ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED AT 12329 CANNONBALL ROAD TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (SULLY DISTRICT) (Tape 9)

Supervisor Frey announced that the public hearing on the Conveyance of County-Owned Property Located at 12329 Cannonball Road to the Fairfax County Redevelopment and Housing Authority scheduled for 3:30 p.m. has been cancelled.

(NOTE: Later in the meeting, this public hearing was deferred indefinitely. See Clerk's Summary Item CL#79.)

68. RECESS/EXECUTIVE SESSION (Tape 9)

At 2:10 p.m., Supervisor Dix moved that the Board recess for lunch and go into Executive Session at 2:40 p.m. 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:

- DexVest, N.V. versus Board of Supervisors of Fairfax County, At Law Number 120722 and Tamwood-Hutton, N.V. versus Board of Supervisors of Fairfax County, At Law Number 120723;
- John Marshall Associates Limited Partnership versus Board of Supervisors of Fairfax County, Virginia, et al., At Law Number 120726;
- The Prudential Insurance Company of America versus Board of Supervisors of Fairfax County, Virginia, et al., At Law Number 120728;
- Thomas versus County of Fairfax; Ivins versus County of Fairfax, Belk versus County of Fairfax, Baker versus County of Fairfax, and Beadle versus County of Fairfax;
- Erroneous Tax Assessment Litigation; and
- Adult Detention Center Expansion.

This motion was seconded by Supervisor Hyland and carried a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

AM:am

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

ACTIONS FROM EXECUTIVE SESSION

69. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION (Tape 10)

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 Frey and carried by a vote of six, *Supervisor Berger* and *Supervisor Hyland* being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

(*NOTE: Later in the meeting, Supervisor Berger and Supervisor Hyland asked unanimous consent to be recorded as voting "AYE" on the Certification by Board members motion. See Clerk's Summary Item CL#75.*)

70. SETTLEMENT OF PRUDENTIAL INSURANCE COMPANY OF AMERICA VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, ET AL., AT LAW NUMBER 120728 (Tape 10)

Supervisor Dix moved that the Board authorize settlement of The Prudential Insurance Company of America versus Board of Supervisors of Fairfax County, Virginia, et al., At Law Number 120728 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Frey and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

71. NEGOTIATIONS FOR ACQUISITION OF PARCEL 5 LOCATED AT 4140 WEST OX ROAD (Tape 10)

Supervisor Frey moved that the Board of Supervisors:

- Authorize staff to continue to negotiate the acquisition of Parcel 5; and

- In the event that the negotiations are ultimately unsuccessful, authorize condemnation of Tax Map 46-3 ((5)) Parcel 5 located at 4140 West Ox Road in the Sully District and owned by Anna M. Menge, for the purpose of preserving the remnants of the battlefield and adding to the existing public park.

This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

72. SETTLEMENT OF TIPCO HOMES, INCORPORATED; VIRGINIA RUN LIMITED PARTNERSHIP DOCKET NUMBER 93-1789 (Tape 10)

Supervisor Frey moved that the Board authorize settlement of Tipco Homes, Incorporated; Virginia Run Limited Partnership, Docket Number 93-1789, 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 Hanley being absent.

73. SETTLEMENT OF JOHN MARSHALL ASSOCIATES LIMITED PARTNERSHIP VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, ET AL., AT LAW NUMBER 120726 (Tape 10)

Supervisor Frey moved that the Board authorize settlement of John Marshall Associates Limited Partnership versus Board of Supervisors, et al., At Law Number 120726, 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 Hanley being absent.

74. SETTLEMENT OF DEXVEST, N.V. VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AT LAW NUMBER 120722 AND TAMWOOD-HUTTON, N.V. VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AT LAW NUMBER 120723 (Tape 10)

Supervisor Berger moved that the Board authorize settlement of DexVest, N.V. versus Board of Supervisors of Fairfax County, At Law Number 120722 and Tamwood-Hutton, N.V. versus Board of Supervisors of Fairfax County, At Law Number 120723, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being absent.

75. REQUEST TO RECORD VOTE (Tape 10)

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

AR:ar

76.3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-P-048 (THE CASUAL MALE, INCORPORATED AND 8001 LEESBURG LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT) (Tape 11)

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

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

■ In excess of \$200 from Mr. Stephen M. Cumbie and Mr. Dwight C. Schar.

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

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

On behalf of Supervisor Hanley, Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 88-P-048 subject to the revised proffers dated April 11, 1994. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Bulova and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Frey moved approval of the waivers of interior and peripheral parking lot landscaping and tree cover requirements. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Bulova and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Frey moved that the Board reaffirm its approval of the service drive waiver along Leesburg Pike. This motion was seconded by Vice-Chairman McConnell and carried by a vote of six, Supervisor Bulova and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

77.3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-H-052 (KAISER FOUNDATION HEALTH PLAN OF THE MID-ATLANTIC STATES, INCORPORATED) (HUNTER MILL DISTRICT) (Tape 11)

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Dix moved approval of Special Exception Application SE 93-H-052 for a waiver of certain sign regulations subject to the development conditions dated February 17, 1994 as revised by the Planning Commission, except for the deletion of Condition Number Five which was added by the Planning Commission. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

78.3:30 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S93-III-UP2 CONCERNS APPROXIMATELY 263 ACRES BOUNDED BY THE DULLES AIRPORT ACCESS ROAD, MONROE STREET, FOX MILL ROAD AND FRYING PAN ROAD, AND CENTREVILLE ROAD (HUNTER MILL DISTRICT) (Tape 11)

Supervisor Dix moved to defer the public hearing on Out-of-Turn Plan Amendment S93-III-UP2 until **April 25, 1994 at 4:30 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of seven, Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

79.3:30 P.M. - PH ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED AT 12329 CANNONBALL ROAD TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (SULLY DISTRICT) (Tape 11)

Supervisor Frey moved to defer indefinitely the public hearing on the conveyance of County-owned property located at 12329 Cannonball Road. This motion was seconded by Supervisor Berger and carried by a vote of seven, Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

80.3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) SECTION 82-1-35, COMPLIANCE WITH CHAPTER; PENALTY FOR VIOLATION OF CHAPTER (Tape 11)

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

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 1, to ensure that the provisions of Section 82-1-35 are updated in accordance with amended Code of Virginia Section 46.2-113 regarding penalties for violations, which became effective July 1, 1992. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Dix and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

81.3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-P-031 (RIVER TOWERS BUILDING NUMBER THREE JOINT VENTURE) (PROVIDENCE DISTRICT) (Tape 11)

On behalf of Supervisor Hanley, Supervisor Frey moved that the public hearing on Special Exception Application SE 93-P-031 be deferred indefinitely. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Dix and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

82.4:00 P.M. - PH ON REZONING APPLICATION RZ 94-H-001, PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-C-008-2 (WNB CORPORATION) AND REZONING APPLICATION RZ 92-H-027 (BATMAN/MCNAIR ASSOCIATES) HUNTER MILL DISTRICT) (Tape 11)

Mr. Martin D. Walsh and Mr. Paul Kraucunas reaffirmed the validity of the affidavits for the record.

Mr. Walsh and Mr. Kraucunas 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 they proceeded to present their case.

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

Supervisor Dix moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 94-H-001 be amended from the I-5 District to the PDH-12 District; and
- Approval of the Conceptual Development Plan subject to:
 - The executed proffers dated April 7, 1994;
 - The development conditions dated April 8, 1994, as revised on April 11, 1994; and
- Approval of Proffered Condition Amendment Application PCA 85-C-008-2 subject to the executed proffers dated March 16, 1994.

Supervisor Dix noted, for the record, that the applicant has paid the Route 28 lump sum payment for the rezoned property as required by State law and in accordance with the Board of Supervisors' formula and procedures. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

In addition, Supervisor Dix moved:

- Modification of the transitional screening requirement and waiver of the barrier requirement along the northern and southern boundaries in favor of the landscaping shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP), subject to the proffers; and
- Modification of the maximum length limitation for private streets as shown on the CDP/FDP, subject to the proffers.

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

Supervisor Dix moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 92-H-027 be amended from the I-4 District to the PDH-12 and I-4 Districts; and
- Approval of the Conceptual Development Plan for the PDH-12 portion of the site which contains approximately 16.56 acres, subject to:
 - The executed proffers dated April 7, 1994;
 - The development conditions dated April 8, 1994; and
 - Which also includes an I-4 portion of the site which contains approximately 1.01 acres, subject to executed proffers dated January 29, 1993.

Supervisor Dix noted, for the record, that this recommendation for approval is contingent upon the applicant's payment of funds required by State law, the amount of which the applicant has been advised, and in accordance with the Board of Supervisors' formula and procedures for the rezoning of commercial or industrial land in the Route 28 Tax District

to residential use, and contingent upon receipt of an executed agreement, subject to the approval of the County Attorney, that assigns funds to the Route 28 Tax District, payment to be paid directly to the County at settlement on the residential portion of the property.

Further, Supervisor Dix moved that the Board set the effective date of Rezoning Application RZ 92-H-027 to be May 11, 1994, 30 days from today, with the Route 28 Tax District payment to be received prior to the effective date in accordance with the Board's adopted procedures. If payment is not made as and when required by the Board's formula and procedures, the change in zoning classifications for the rezoning shall not become effective and the Ordinance approving such changes shall be void. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

Supervisor Dix moved:

- Modification of the transitional screening requirement and waiver of the barrier requirement along the western boundary in favor of the landscaping shown on the CDP/FDP, subject to the proffers; and
- Modification of the maximum length limitation for private streets in favor of the CDP/FDP, subject to the proffers.

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

Supervisor Dix moved that the County Executive be authorized to execute the assignment of funds agreement on behalf of the Board of Supervisors. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

83.4:00 P.M. - PH ON REZONING APPLICATION RZ 93-D-030 (NORMAN R. POZEZ)
(DRANESVILLE DISTRICT) (Tape 11)

Mr. William B. Lawson, Jr. reaffirmed the validity of the affidavit for the record.

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

- An amount under \$200 from Mr. Vaughn Becker.

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

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

Supervisor Berger moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 93-D-030 and the Conceptual Development Plan be amended from the R-1 District to the PDH-3 District subject to the revised proffers dated April 8, 1994. This motion was seconded by Vice-Chairman McConnell and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

84.4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-M-054 (MTS INCORPORATED T/A TOWER RECORDS) (MASON DISTRICT) (Tape 11)

Mr. William C. Thomas reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Combined Properties, Incorporated.

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

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

Supervisor Trapnell moved approval of Special Exception Application SE 93-M-054 subject to the development conditions dated March 18, 1994, with the following modification:

- Deletion of the first two sentences in proposed development condition number three.
This change would permit the applicant to have a 137.5 square foot sign at the top of the building and the two smaller signs over the doorways as requested.

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

85.4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) ARTICLE 7, SECTION 4-7-10, TAXABLE THRESHOLD FOR BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL) TAXES (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, Supervisor Dix announced that the Board decision on adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 7, Section 4-7-10, to adjust the taxable threshold for Business, Professional and Occupational License (BPOL) taxes, will be forthcoming during the Board's budget deliberations scheduled for April 18, 1994.

SBE:sbe

86.4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), ARTICLE 6 SECTION 8 LOCAL TAX FOR ENHANCED EMERGENCY TELEPHONE SERVICE TO INCREASE THE TAX FROM \$0.74 PER MONTH PER LINE (\$8.88 PER YEAR) TO \$1.30 PER MONTH PER LINE (\$15.60 PER YEAR) (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 McConnell announced that the Board decision on the adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 6, Section 4-6-8 Local Tax for Enhanced Emergency Telephone Service increasing the monthly rate from \$0.74 per month per line to \$1.30 per month per line is scheduled for **April 18, 1994 at 10:00 a.m.**

87.4:00 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO INCREASE SEWER SERVICE CHARGES AND AVAILABILITY FEES (COUNTYWIDE) (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, which included testimony by one speaker, Supervisor McConnell announced that the Board decision on the adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal) to increase the Availability Fee and the sewer service charge rates as recommended in the Fiscal Year (FY) 1995 Advertised Budget is scheduled for **April 18, 1994 at 10:00 a.m.**

88.4:00 P.M. - PUBLIC HEARING ON THE CREATION, ENLARGEMENT, DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICES (DRANESVILLE AND MASON DISTRICTS) (Tape 12)

(Rs)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 Berger moved that the Board adopt the proposed Resolutions for the Creation, Enlargement, De-Creation/Re-Creation of Small and Local Sanitary Districts within Dranesville District for refuse and leaf collection services as follows:

<u>SANITARY</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>
Local District A-1-1 within Small District 1 within Dranesville District	Enlarge	Refuse and Leaf
Local District A-1-1 within Small District 1 within Dranesville District	Enlarge	Refuse and Leaf
Local District A-1-1 within Small District 1 within Dranesville District	Enlarge	Refuse and Leaf
Local District A-6-1 within Small District 1 within Dranesville District	Enlarge	Refuse and Leaf

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

Supervisor Trapnell moved that the Board adopt the proposed Resolutions for the Creation, Enlargement, De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse and leaf collection service in the Mason District as follows:

<u>SANITARY</u>	<u>ACTION</u>	<u>TYPE OF SERVICE</u>
Small District 1 within Mason District (Skyline Village)	De-Create/ Re-Create	Leaf
Small District 1 within Mason District (Federal Hill)	De-Create/ Re-Create	Refuse and Leaf
Local District 1-E within Small District 1 within Mason District (Federal Hill)	Create (Conditional)	Refuse

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

89.4:00 P.M. - PUBLIC HEARING REGARDING THE SALE OF COUNTY-OWNED PROPERTY LOCATED BETWEEN 6500 AND 6501 SANDY KNOLL COURT (DRANESVILLE DISTRICT) (Tape 12)

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

Following the public hearing, Supervisor Berger moved adoption of the Resolution authorizing the sale of County-owned property, located between 6500 and 6501 Sandy Knoll Court, Tax Map Reference 21-4((18))D to Mr. and Mrs. John T. Spotila. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

90.4:30 P.M. - PH ON REZONING APPLICATION RZ 85-B-025 (FRANK RINALDI) (BRADDOCK DISTRICT) (Tape 12)

Mr. Andres I. Domeyko reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Bulova moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 85-B-025 be amended from the R-1 District to the R-2 District subject to the executed proffers dated February 25, 1994. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

91.4:30 P.M. - AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 93-S-003 (JOHN L. AND RITA J. BOLEY) (SPRINGFIELD DISTRICT) (Tape 12)

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

Ms. Donna Knauff reaffirmed the validity of the affidavit for the record.

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

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

Vice-Chairman McConnell relinquished the Chair to Acting-Chairman Bulova and moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts) John L. and Rita J. Boley (Application AF 93-S-003) subject to the proposed Ordinance provisions of the Staff Report. This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

92.4:30 P.M. - PH ON AGRICULTURAL AND FORESTAL DISTRICT AMENDMENT APPLICATION AR 85-S-001 (DAVID R. HARRIS) (SPRINGFIELD DISTRICT) (Tape 12)

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

Mr. David R. Harris reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts) to renew the Briarfield Manor Local Agricultural and Forestal District (Application AR 85-S-001) subject to the proposed Ordinance provisions of the Staff Report. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

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

93.4:30 P.M. - PH ON AGRICULTURAL AND FORESTAL DISTRICT AMENDMENT APPLICATION AA 84-D-004 (CHARLES F. AND LAURA L. NICHOLS) (DRANESVILLE DISTRICT) (Tape 12)

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

Mr. Charles Nichols reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Berger moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal Districts) Hidden Springs Farm Local Agricultural and Forestal District (Application AA 84-D-004) subject to the revised Ordinance provisions of the Staff Report. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

94.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-043 (OX MEADOW PROPERTIES, INCORPORATED) (SULLY DISTRICT) (Tapes 12-13)

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

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested

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

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

Supervisor Frey moved approval of Special Exception Application SE 93-Y-043 subject to the development conditions dated February 23, 1994. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Hyland, Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

95.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-041 (LAGUNA AND GUZMAN, INCORPORATED) (SULLY DISTRICT) (Tape 13)

Due to notification problems, Supervisor Frey moved to defer the public hearing on Special Exception Application SE 93-Y-041 until **April 25, 1994 at 4:00 p.m.** This motion was seconded by Supervisor McConnell and carried by a vote of five*, Supervisor Hyland, Supervisor Dix, and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

(*NOTE: Later in the meeting, a quorum was present and re-voted on this item. See Clerk's Item CL#97.)

96.4:30 P.M. - PUBLIC HEARING ON THE CONDEMNATION OF A SIGN EASEMENT NECESSARY FOR CONSTRUCTION OF THE DRANESVILLE ROAD SEGMENT OF COUNTY ROAD BOND PROJECT - WIEHLE AVENUE (DRANESVILLE 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, which included testimony by one speaker, Supervisor Berger moved adoption of the Resolution authorizing the condemnation of the necessary property interests for the construction of the Dranesville Road segment of County Road Bond Project 006495 - Wiehle Avenue. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

97.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-Y-041 (LAGUNA AND GUZMAN, INCORPORATED) (SULLY DISTRICT) (Tape 13)

(NOTE: Earlier in the meeting, action was taken on this item but a quorum was not present when the voting took place. See Clerk's Summary Item CL#95.)

Due to notification problems, Supervisor Frey moved to defer the public hearing on Special

Exception Application SE 93-Y-041 until April 25, 1994 at 4:00 p.m. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Hyland and Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

98.A-3 - INVESTIGATION OF TELEPHONE REGULATORY METHODS PURSUANT TO VIRGINIA CODE SECTION 56-235.5, ETCETERA, CASE NUMBER PUC930036 (Tape 13)

Following discussion, with input from Stephen D. Sinclair, Utility Analyst, Department of Consumer Affairs, Supervisor Bulova moved that the Board defer its decision regarding authorization of the Department of Consumer Affairs to file comments (contained in the Memorandum to the Board dated April 11, 1994) on the Board's behalf, with the State Corporation Commission (SCC) in Case Number PUC930036, until April 12, 1994. This motion was seconded by Vice-Chairman McConnell and **CARRIED** by a recorded vote of six, Supervisor Berger abstaining, Chairman Davis being out of the room, Supervisor Alexander and Supervisor Hanley being absent.

(NOTE: Action on this item was taken on April 13, 1994.)

99.BOARD RECESS (Tape 13)

At 6:15 p.m. the Board recessed for dinner, and at 7:30 p.m. , reconvened in the Board Auditorium with all Members present with the exception of Supervisor Alexander, Supervisor Hanley, Supervisor Hyland, Supervisor McConnell, and with Chairman Davis presiding.

100.7:30 P.M. - PUBLIC HEARINGS ON THE: PROPOSED FISCAL YEAR (FY) 1995 FISCAL PLAN (BUDGET); COUNTY'S AND SCHOOLS' PROPOSED FY 1994 THIRD QUARTER REVIEW; AND CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 1995-1999 (Tapes 13-17)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearings on the following had been duly advertised in that Newspaper as described:

March 18, 1994

- Proposed adoption of the County's and Schools' proposed Fiscal Year (FY) 1995 Fiscal Plan (Budget).
- Proposed county and Schools' FY 1994 Third Quarter Review.

March 18 and March 25, 1994

- Proposed Capital Improvement Program for the Fiscal Years 1995-1999.

(Tape 13)

Absence of Supervisor Alexander and Supervisor Hanley

(NOTE: Earlier in the meeting, Chairman Davis announced the absence of Supervisor Alexander and Supervisor Hanley. See Clerk's Summary Items CL#3 and CL#4.)

Chairman Davis announced that Supervisor Alexander would be out-of-town attending the American Public Transit Association meeting for the three nights of public hearings on the Budget.

Chairman Davis also stated that Supervisor Hanley was also out-of-town to be with her mother who is seriously ill.

(Tape 16)

Flag of the Commonwealth of Virginia

Following testimony by Rafael A. Madan, (Speaker 41) Vice Chairman, Criminal Justice Advisory Board, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to investigate the matter of the color of the fringe of the Flag of the Commonwealth of Virginia and report its findings to the Board. Without objection, it was so ordered

Vice-Chairman McConnell returned the gavel to Chairman Davis.

(Tape 17)

Langhorne Acres Storm Drain Project

Following testimony by Howard Bubel (Speaker 50), Representative, homeowners in Mantua, requesting the Board to approve \$150,000 in the County General Budget to fund the Langhorne Acres Storm Drain Project, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to:

- Identify the properties affected in the Longhorn Acres Storm Drain Project;
- Review this matter; and
- Return to the Board with this matter.

Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

The public hearing was held, with testimony being presented by 52 speakers, and scheduled for continuation on Tuesday, April 12, 1994 at 7:30 p.m.

101.A-8 - TRANSFER OF THE COMMUNITY DIVERSION PROGRAM TO THE OFFICE OF THE SHERIFF (Tape 17)

(NOTE: Earlier in the meeting, the Board discussed this item. See Clerk's Summary Item CL#25.)

Supervisor Dix moved approval of the Transfer of the Community Diversion Program in the Office of the Sheriff. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Frey and Supervisor McConnell being out of the room, Supervisor Alexander and Supervisor Hanley being absent

102. BOARD RECESS (Tape 17)

At 11:40 p.m., the Board recessed until 7:15 p.m. on Tuesday, April 12, 1994 for the continuation of the following public hearings:

- Proposed adoption of the County's and Schools' proposed Fiscal Year (FY) 1995 Fiscal Plan (Budget);.
- Proposed County and Schools' FY 1994 Third Quarter Review; and.
- Proposed Capital Improvement Program (CIP) for the Fiscal Years 1995-1999.