

SBE:sbe

The meeting was called to order at 9:45 a.m. with all Members being present, with the exception of Supervisor Alexander and Supervisor McConnell, and with Chairman Davis presiding.

Supervisor Alexander arrived at 9:50 a.m.

Supervisor McConnell arrived at 10:35 a.m.

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

**2. CERTIFICATE OF RECOGNITION PRESENTED TO COS RENZI, PRINCIPAL AT
TIMBER LANE ELEMENTARY SCHOOL** (Tape 1)

Supervisor Hanley moved approval of the Certificate of Recognition presented to Cos Renzi, Principal at Timber Lane Elementary School, upon his retirement. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell not yet having arrived.

**3. CERTIFICATE OF RECOGNITION PRESENTED TO GAYL CARR FOR YEARS OF
DEDICATED SERVICE AS A MEMBER OF THE COUNTY ATTORNEY'S
OFFICE** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Gayl Carr for her years of dedicated service as a member of the County Attorney's Office and to express congratulations on her appointment to the Juvenile and Domestic Relations Court. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. PROCLAMATION DESIGNATING AUGUST 2, 1994 AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY (Tape 1)

Supervisor Trapnell moved approval of the Proclamation designating August 2, 1994 as "NATIONAL NIGHT OUT" in Fairfax County. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell not yet having arrived.

5.10:00 A.M. - PRESENTATION BY THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL OF ITS ANNUAL REPORT ON THE ENVIRONMENT (Tape 1)

Following the presentation by John DeNoyer, Chairman, Environmental Quality Advisory Council (EQAC), of its Annual Report on the environment, discussion ensued.

Supervisor Hanley clarified, for the record, that Fairfax County has only one petroleum tank farm; the Report also includes the tank farm in Fairfax City.

Following further discussion, Supervisor Hyland moved that the Board direct staff to:

■ Review EQAC's report; and

- Address the comments and questions raised in Mr. DeNoyer's remarks; and
- Report its findings to the Board.

This motion was seconded by Supervisor Hanley and carried by a vote of seven, Supervisor Alexander and Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

6.10:15 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (Tape 1)

Supervisor Hanley asked unanimous consent that the Board defer Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups (BACs) until later in the meeting when a full Board would be present. Without objection, it was so ordered.

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

CM:cm

BOARD MATTER**7. PRESENCE OF BOY SCOUT TROOP 183 FROM OAKTON** (Tape 2)

Supervisor Hanley introduced Boy Scout Troop 183 from Oakton, Virginia, and warmly welcomed the members to the Board Auditorium.

8. ADMINISTRATIVE ITEM (Tape 2)

Supervisor Hyland moved approval of the Administrative Item. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Trapnell being out of the room, Supervisor McConnell not yet having arrived.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL AND SULLY DISTRICTS

(R)Adopted the request that certain streets listed in the Memorandum to the Board dated July 25, 1994 be recommended for acceptance into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grand Hamptons	Dranesville	Safa Street, Route 7663
Saddlebrook Farms	Hunter Mill	Fonda Drive, Route 5788 Kilbarry Court Ballycor Drive Clarks Crossing Rd. Route 676 Additional R/W only
Jenn Subdivision	Sully	Jenn Court

9.A-1 - APPLICATION OF WASHINGTON GAS LIGHT COMPANY, VIRGINIA DIVISION, FOR A GENERAL INCREASE IN ITS RATES AND TO REVISE ITS TARIFFS, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE940031 (Tape 2)

Supervisor Alexander moved to concur in the recommendation of staff and authorize the County Attorney's Office, in conjunction with the Department of Consumer Affairs, to file a Notice with the State Corporation Commission (SCC) in Case Number PUE940031 in the matter of Washington Gas Light Company's (WGL) application for increase in rates. This motion was seconded by Supervisor Hyland.

Following discussion, Supervisor Berger moved to amend the motion to make it a matter of Policy that whenever the Board intervenes in a public utility rate case that advance notice be given to that utility company so that both sides have an opportunity to present their views. This motion was seconded by Supervisor Frey for purposes of discussion.

Supervisor Frey asked to amend the amendment to add that the Board direct staff to request that the State Corporation Commission (SCC) change the title of the document from "Notice of Protest" to something less adversarial, and this was accepted.

Following further discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs, the question was called on the amendment which **FAILED** by a recorded vote of nine, Supervisor Berger voting "AYE."

Chairman Davis reiterated the Board's current policy of communication with the public utility company.

Following further discussion, Supervisor Hyland asked unanimous consent that the Board refer this issue of notification to groups possibly affected by a County proposal to the Board's Procedures Subcommittee. Without objection, it was so ordered.

Following further discussion, Supervisor Frey asked to amend the motion to direct staff to request that the SCC change the title of the document from "Notice of Protest" to something less adversarial, and this was accepted.

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

10. **A-2 - AUTHORIZATION FOR A PARTNERSHIP OF FAIRFAX COUNTY HUMAN SERVICES PROVIDERS TO SUBMIT THREE GRANT APPLICATIONS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR SUPPORTIVE HOUSING FUNDS** (Tape 2)

On motion of Supervisor Hanley, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized:

- A partnership of public and private human services agencies to apply to the United States Department of Housing and Urban Development (HUD) for three grant awards totalling \$3,863,290 for a three year period; and
- The County Executive to sign the Comprehensive Housing Affordability Strategy (CHAS) certifications for inclusion in each application.

11. **A-3 - TOWNES OF VIENNA STORM SEWER REIMBURSEMENT AGREEMENT (PROVIDENCE AND HUNTER MILL DISTRICTS)** (Tape 2)

On motion of Supervisor Hanley, seconded by Supervisor Dix, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the execution of an Agreement to reimburse DeMarco Construction Company, Incorporated for the engineering design, land acquisition and constructions costs associated with the installation of an underground storm sewer system between the Townes of Vienna and Vienna Oaks developments.

12. **A-4 - DISCONTINUANCE OF MAINTENANCE OF A REALIGNED PORTION OF OLD CENTREVILLE ROAD (SULLY DISTRICT)** (Tape 2)

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

- Adopted the Resolution concurring with the proposed discontinuance of maintenance of a realigned portion of Old Centreville Road; and
- Approved a maintenance agreement for signature by the appropriate parties.

13. **A-5 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC PURPOSES (SUNSET HILLS ROAD) (HUNTER MILL DISTRICT)** (Tape 2)

(DC)

(R)On motion of Supervisor Dix, seconded by Supervisor Berger, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the density credit for the portion of the following lot that is to be dedicated for public use for public street purposes in accordance with the deed of dedication which is to be recorded. Based on the information available, the following approximate amount of land is to be dedicated from the following Tax Map Parcel:

Tax Map Reference Approximate Area

17-4((13))2A1,848 square feet

14. **A-6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95018 FOR DEPARTMENT OF RECREATION AND COMMUNITY SERVICES' 1994 SUMMER LUNCH PROGRAM FOR CHILDREN** (Tape 2)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 95018 in the amount of \$80,935, including \$74,824 United States Department of Agricultural (U.S.D.A) funds and \$6,111 local cash match for the Summer Lunch Program for Children.

15. **A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95020 FOR THE EXPANSION OF THE FAIRFAX COUNTY GENERAL DISTRICT COURT PRETRIAL SERVICES DIVISION** (Tape 2)

(SAR)On motion of Supervisor Hanley, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 95020 in the amount of \$120,000 for the expansion of the General District Court Pretrial Services Division with grant funding provided through the State Department of Criminal Justice Services.

16.A-8 - FIRE AND RESCUE DEPARTMENT REQUEST TO CONVERT TWO GRANT EXEMPT-LIMITED TERM INSTRUCTOR POSITIONS TO FULL-TIME GRANT MERIT POSITIONS (Tape 3)

On motion of Supervisor McConnell, seconded by Supervisor Trapnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the conversion of two grant exempt-limited term Instructor positions to grant merit.

17.A-9 - AMENDMENTS TO THE BUSINESS RECYCLING PLAN (COUNTYWIDE)
(Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Trapnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the amendments to the Business Recycling Plan to become effective upon approval by the Board.

18.A-10 - FAIRFAX COUNTY POLICE DEPARTMENT, TRAFFIC SAFETY SECTION, GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES TO FUND A COMBINED TRAFFIC SAFETY PROGRAM (Tape 3)

Following discussion, Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the Fairfax County Police Department's application to the Virginia Department of Motor Vehicles in the amount of \$39,715 to fund a Combined Traffic Safety Program targeting Driving While Intoxicated (DWI) enforcement, speeding, and the use of safety belts and child seats. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

Supervisor Hyland moved that the Board direct staff to provide recommendations on the possibility of lending radar equipment to citizens in terms of slowing people down in the neighborhoods. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

19.A-11 - FAIRFAX COUNTY POLICE DEPARTMENT, TRAFFIC SAFETY SECTION, GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES FOR A TOTAL INFORMATION NETWORK CRASH INVESTIGATION SYSTEM (Tape 3)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax County Police Department's application to the Virginia Department of Motor Vehicles in the amount of \$54,218 to fund a Total Information Network Crash Investigation.

20.A-12 - FAIRFAX COUNTY POLICE DEPARTMENT, TRAFFIC SAFETY SECTION, GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES TO FUND A YOUTH ALCOHOL EDUCATION AND ENFORCEMENT PROGRAM (Tape 3)

On motion of Supervisor Dix, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Fairfax County Police Department's application to the Virginia Department of Motor Vehicles in the amount of \$19,730 to fund a Youth Alcohol Education and Enforcement Program.

21.A-13 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95016 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT'S CASE MANAGEMENT FOR ELDERLY VIRGINIANS GRANT (Tape 3)

(SAR)On motion of Supervisor Hanley, seconded by Supervisor Trapnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS 95016 in the amount of \$448,973 to appropriate funds for Case Management for Elderly Virginians Project State Grant.

22.A-14 - APPLICATION OF RESTON/LAKE ANNE AIR CONDITIONING CORPORATION, FOR AN INCREASE IN TARIFF PURSUANT TO VIRGINIA CODE SECTION 56-265.13:1 ET SEQ., CASE NUMBER PUE940016 (HUNTER MILL DISTRICT) (Tape 3)

On motion of Supervisor Dix, seconded by Supervisor Hanley, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Attorney's Office, in conjunction with the Department of Consumer Affairs, to file testimony, on the Board's behalf, with the State Corporation Commission (SCC) in Case Number PUE940016.

23.A-15 - PROPOSED COUNTY POSITION ON BELL ATLANTIC'S VIDEO DIALTONE APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC) (Tape 3)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that this item be deferred until later in the meeting. 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#88.)

24.C-1 - PROPOSED REVISIONS TO THE COUNTY'S 456 REVIEW PROCEDURES
(Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 regarding revisions to the County's 456 Review procedures as recommended by the Planning Commission and which include the provision that a public hearing automatically be held for all 456 Reviews the Board considers on its own initiative.

Following discussion, Supervisor Frey moved that the Board approve the County's 456 Review procedures as recommended by the Planning Commission, which include the provision that a public hearing automatically be held for all 456 Reviews the Board considers on its own initiative. This motion was seconded by Supervisor Dix.

Supervisor Hanley asked to amend the motion to change the top of handwritten page eight of the Memorandum to the Board, the document titled Standard Operating Procedures for Reviewing Public Facility Projects as follows:

- Unless the Board, on its own motion, decides to hear a Planning Commission decision, then it will not come before the Board.

And, this was accepted.

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

25. I-1 - MERIT AWARD FOR THE COMPREHENSIVE PLAN OF FAIRFAX COUNTY FROM THE NATIONAL CAPITAL AREA CHAPTER OF THE AMERICAN PLANNING ASSOCIATION (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 announcing that on June 15, 1994, the Office of Comprehensive Planning received a Merit Award from the National Capital Area Chapter of the American Planning Association for the Comprehensive Plan of Fairfax County.

26.I-2 - SMILES PROGRAM SUMMARY (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 presenting the staff report on the costs associated with reducing lines of taxpayers who wait until the last day to purchase decals.

27.I-3 - OPENING OF CENTREVILLE PARK-AND-RIDE (SULLY DISTRICT) (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 announcing that on August, 1, 1994 the Centreville Park-and-Ride, located near the intersection of Lee Highway and Stone Road, will open to commuters.

28.I-4 - COMMERCIAL REVITALIZATION IMPROVEMENT PROGRAM -- BLAND STREET IMPROVEMENTS (LEE DISTRICT) (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 requesting authorization for staff to proceed with the construction of the Bland Street improvements with funding from the Commercial Revitalization Bond Program, with maintenance to be a public/private effort as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

29.I-5 - DEPRECIATION OF COMPUTER EQUIPMENT (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 presenting an updated study of the depreciation schedule used to assess and levy personal property taxes on computer equipment owned by businesses.

30.I-6 - CONTRACT AWARD - POHICK CREEK DAM SITE NUMBER EIGHT (DAM LEAKAGE CORRECTION) (SPRINGFIELD DISTRICT) (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated July 25, 1994 requesting authorization for staff to:

■Award a contract to William B. Hopke Company, Incorporated in the amount of \$90,350 for the correction of leakage at the base of Pohick Creek Dam Site Number Eight, Project N00098, in Subfund 468, Public Works Construction; and

■Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

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31.10:15 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (Tape 4)

(APPTS)

(BACs)

(NOTE: Earlier in the meeting, this item was deferred. See Clerk's Summary Item CL#6.)

ADVISORY SOCIAL SERVICES BOARD

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Davis moved the reappointment of Dr. Basil G. Delta as the At-Large Representative to the Alcohol Safety Action Program Local Policy Board. This motion was seconded by Supervisor Dix and carried by unanimous vote.

ARCHITECTURAL REVIEW BOARD

Supervisor Dix moved the reappointment of Mr. James V. Allred as the At-Large (Architect) Representative to the Architectural Review Board. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Trapnell moved the reappointment of Ms. Helen Tidball as the At-Large (Historian/Real Estate) Representative to the Architectural Review Board. This motion was seconded by Chairman Davis and carried by unanimous vote.

Chairman Davis moved the appointment of Mr. William Gattschall as the At-Large (Attorney) Representative to the Architectural Review Board. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

CHAS COORDINATING COMMITTEE

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

CHILD CARE ADVISORY COUNCIL

Supervisor Alexander moved the appointment of Ms. Margaret Reagan as the Lee District Representative to the Child Care Advisory Council. This motion was seconded by Supervisor Dix and carried by unanimous vote.

COMMUNITY CORRECTIONS RESOURCES BOARD

Supervisor Hanley moved the reappointment of Mr. Arthur Gabler as an At-Large Representative to the Community Corrections Resources Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Lisa McGrady as an At-Large Representative to the Community Corrections Resources Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Chairman Davis moved the reappointment of Mr. Toa Q. Do as an At-Large Representative to the Community Corrections Resources Board. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

COMMUNITY IMPROVEMENT COMMITTEE

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

CONSUMER PROTECTION COMMISSION

Supervisor Bulova moved the reappointment of Mr. Robert H. Nightlinger as an At-Large Representative to the Consumer Protection Commission. This motion was seconded by Chairman Davis and carried by unanimous vote.

Supervisor Trapnell moved the appointment of Ms. Loreno Rios as an At-Large Representative to the Consumer Protection Commission. This motion was seconded by Supervisor Dix and carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Dix moved the appointment of Mr. S. Woodruff Bentley, Sr. as the At-Large Representative to the Criminal Justice Advisory Board. The second to this motion was inaudible.

Supervisor Alexander moved the reappointment of Mr. Joseph Cammarata as the Lee District Representative to the Criminal Justice Advisory Board. The second to this motion was inaudible

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

(NOTE: The appointment of the Springfield District Representative to the Criminal Justice Advisory Board was deferred.)

ENGINEERING STANDARDS REVIEW COMMITTEE

(NOTE: The appointment of the At-Large Representative to the Engineering Standards Review Committee was deferred.)

CONFIRMATION NEEDED:

Supervisor Hyland moved that the Board confirm the following appointment to the Engineering Standards Review Committee:

■ Ms. Suzanne M. Knight as the Heavy Construction Contractors Association Representative.

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

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Dix moved the reappointment of Ms. Sarah Escowitz as the At-Large District Representative to the Fairfax/Falls Church Community Services Board. This motion was seconded by Supervisor Berger and carried by unanimous vote.

HUMAN SERVICES COUNCIL

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

PROJECT SELECTION COMMITTEE

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

SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION

Supervisor Alexander moved the appointment of Mr. M. Jesus Reyes as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. This motion was seconded by Chairman Davis.

Supervisor Hyland moved the appointment of Ms. Consuelo Gatewood as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. This motion was seconded by Chairman Davis.

Chairman Davis moved the appointment of Mr. Robert P. Rogers, Jr. as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

Chairman Davis moved the appointment of Ms. Bonnie L. Horner as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

Chairman Davis moved the appointment of Ms. Patricia A. Shelton as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

Supervisor Dix moved the appointment of Ms. Sylvia Mundy as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

Supervisor Dix moved the appointment of Ms. Mona Katib as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

Supervisor Dix moved the appointment of Mr. Carl Biggs as an At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission. The second to this motion was inaudible.

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

(NOTE: The remaining four At-Large Representatives to the Small and Minority Business Enterprise Program Advisory Commission were deferred.)

SUPPLEMENTAL RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Trapnell moved the appointment of Mr. James T. McIntyre, Jr. as the At-Large Representative to the Supplemental Retirement System Board of Trustees. This motion was seconded by Chairman Davis and carried by unanimous vote.

TENANT LANDLORD COMMISSION

[NOTE: The appointment of the At-Large (Tenant Member) Representative to the Tenant Landlord Commission was deferred.]

UNIFORMED RETIREMENT SYSTEM

Supervisor Dix moved the appointment of Ms. Pamela S. Davis as an At-Large Representative to the Uniformed Retirement System. The second to this motion was inaudible.

Chairman Davis moved the reappointment of Mr. Littell G. McClung as an At-Large Representative to the Uniformed Retirement System. The second to this motion was inaudible.

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

AD-HOCS

CITIZENS ADVISORY COMMITTEE ON SOLID WASTE AND DISPOSAL MATTERS

Supervisor Hyland moved the appointment of Ms. Mari Lou Tulvahouse as the Mount Vernon District (Alternate) Representative to the Citizens Advisory Committee on Solid Waste and Disposal Matters. This motion was seconded by Chairman Davis and carried by unanimous vote.

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

AM:am

32. RESTORATION OF MONETARY AWARD FOR FISCAL YEAR (FY) 1993
OUTSTANDING PERFORMANCE AWARD RECIPIENTS (Tape 5)

Chairman Davis stated that on July 18, 1994, the Board retroactively reinstated monetary rewards for Outstanding Performance by County employees. Therefore, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that he be permitted to send a letter on behalf of the Board of Supervisors, to affected employees both to congratulate them and inform them of the Board's action. Without objection, it was so ordered.

33. LISTING OF KEY COUNTY EMPLOYEES IN THE TELEPHONE BOOK (Tape 5)

Supervisor Davis stated that he had occasion last week to be at a Little League Tournament baseball game when the field lights went out. No one could be found to help with this situation, so he looked through the telephone book to find home telephone numbers for some of the key County personnel, but there were none listed.

Supervisor Davis asked unanimous consent that the Board direct the County Executive to request that key personnel in Fairfax County be listed in the telephone directory so that average citizens can find assistance when there is no emergency phone number. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

CM:cm

34. INTENT TO DEFER PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT
S94-CW-T1 TO CONSIDER REVISING THE COMPREHENSIVE PLAN TO
PERMIT PERMANENT ACCESS BETWEEN FULLERTON ROAD AND
ROLLING ROAD (Tape 6)

Supervisor Alexander announced his intent to defer the public hearing on Out-of-Turn Plan Amendment S94-CW-T1 to Consider Revising the Comprehensive Plan to Permit Permanent Access Between Fullerton Road and Rolling Road (Lee and Springfield Districts) until August 8, 1994, at 4:30 p.m.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#78.)

35. GRAFFITI DEFACING NEW SPAN OVER INTERSTATE 95 (I-95) AT POHICK
ROAD (Tape 6)

Supervisor Alexander reminded the Board that last year he brought to the Board's attention, the unsightly, insulting, and criminal defacing of the new span over I-95 at Pohick Road. He stated that the Virginia Department of Transportation (VDOT) was notified at the same time

and some type of action was expected. The action consisted of VDOT notifying the contractor of the mess. However it is clear that the contractor neither has corrected nor intends to correct the problem--the graffiti remains and, in fact, has grown.

Supervisor Alexander stated that since the time VDOT was notified he has visited several of the projects in the area and seen how badly the problem has spread. He distributed several photos of graffiti problems, including a terrible mess created recently at the Franconia-Springfield Metro site.

Supervisor Alexander informed the Board of action taken by VDOT, upon his insistence, to require that contractors take care of the graffiti when it is put on during construction, as part of the contract.

Supervisor Alexander stated his belief that the Parkways are the biggest problem areas when it comes to graffiti and asked unanimous consent that the Board direct staff to report to the Board with information regarding some sort of an action team to investigate any ordinance or legislative changes that may be necessary, or new enforcement strategies that should be developed to control this problem. Without objection, it was so ordered.

Following discussion, Supervisor Bulova moved that the Board direct staff to:

- Review the County's overall policy on graffiti;
- Develop better methods of catching and prosecuting perpetrators; and
- Determine if penalties are strong enough to discourage graffiti.

This motion was seconded by Supervisor McConnell.

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

Supervisor Alexander asked unanimous consent that the Board direct staff to respond by August 8, 1994. Without objection, it was so ordered.

36. **BLAND STREET IMPROVEMENTS OF THE COMMERCIAL REVITALIZATION IMPROVEMENT PROGRAM** (Tape 6)

(R)

(DC) Supervisor Alexander called the Board's attention to the Bland Street improvements of the Commercial Revitalization Improvement Program referenced in Information Item I-4, regarding the dedication of 3,881 square feet of property zoned C-6 required from Tax Map 80-4-002-4F. Paragraph 5 of Section 2-308 of the Zoning Ordinance expressly allows Board approval of density credit for dedication of land for public purposes prior to the development of a property if the dedication is made without monetary compensation and if approval is obtained prior to the dedication of the required land. The owner of parcel 4F, the Westlyn Limited Partnership, is willing to dedicate the required land provided that the density attributable thereto can be reserved for the future development of the property.

Staff has prepared the appropriate resolution and copies have been provided to the Clerk to the Board and the Members of the Board.

Accordingly, Supervisor Alexander moved that the Board adopt the Resolution approving density credit for the portion of the Tax Map parcel 80-4-001-4F that is to be dedicated for public use. This motion was seconded by Chairman Davis and carried by unanimous vote.

37. DEFERRAL OF PUBLIC HEARING ON THE ACQUISITION OF CERTAIN EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE WINDSOR ESTATE STORM DRAINAGE PROJECT (Tape 6)

Supervisor Alexander moved to defer the public hearing on the Acquisition of Certain Easements Necessary for the Construction of the Windsor Estate Storm Drainage Project from Monday, August 8, 1994 at 4:00 p.m. to **Monday, September 12, 1994, at 4:30 p.m.** Project M00077ACE0213. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

38. DETERIORATION OF LACKAWANNA DRIVE (Tape 6)

Supervisor Alexander reminded the Board that several months ago he brought a situation to the Board's attention involving the severe deterioration of Lackawanna Drive, on the western edge of Lee District.

Supervisor Alexander stated that the section of Lackawanna Drive experiencing problems has been a private roadway for many years. Several years ago, however, lot 18 was subdivided in a gift lot subdivision. At that time, the County required the owner to dedicate frontage along his entire property, which amounts to nearly the full length of the private portion of Lackawanna Drive. This action arguably relieved that owner from responsibility to participate in the maintenance of Lackawanna Drive.

Supervisor Alexander stated that when he brought this issue to the Board's attention before, he requested that the County Executive form a working group of staff to investigate the problem. This was done, and a meeting was held between the Department of Environmental Management (DEM), the Department of Public Works (DPW), and the citizens on the road to clarify the extent of each party's responsibility. While it was made very clear that the County did not have any overt liability in the situation, Supervisor Alexander stated his belief that because the Board required this dedication, effectively converting private property frontage to Board property frontage, the County does have a responsibility to participate in the maintenance of this roadway.

Supervisor Alexander informed the Board that residents of Lackawanna Drive are preparing to let a contract, in the approximate amount of \$16,000 of their own money, to provide the necessary improvements to the roadway, including regrading and paving.

Because half of the roadway frontage belongs to Fairfax County, Supervisor Alexander stated his belief that the County should work to share equally in the cost of this construction and asked for the Board's support for this concept.

Supervisor Alexander therefore moved that the Board refer this matter to the County Executive to determine how the County can act to share in this cost and prepare any necessary items for the Board's vote and action. This motion was seconded by Chairman Davis.

Following further discussion, with input from William J. Leidinger, County Executive, the question was called on the motion which carried by unanimous vote.

PMH:pmh

39. INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 93-H-045 (CRIMSON PARTNERS) (HUNTER MILL DISTRICT) (Tape 7)

Supervisor Dix announced his intent to later in the meeting, at the appropriate time, defer the public hearing on Rezoning Application RZ 93-H-045 until August 8, 1994 at 4:30 p.m.

40. SIMULTANEOUS AND EXPEDITIOUS PROCESSING FOR THE FINAL DEVELOPMENT PLAN (FDP), PRELIMINARY PLAT, SITE PLAN(S), RECORD PLAT(S), AND ANY OTHER PLANS THAT MAY BE REQUIRED FOR THE APPROVAL FOR THE BALLFIELDS LOCATED AT THE MCNAIR FARMS SITE (REZONING APPLICATION RZ 87-C-060) (Tape 7)

Supervisor Dix stated that the Proffers for Rezoning Application RZ 87-C-060 (McNair Farms) include a provision for the dedication of a school site and for the construction of ballfields on the site. There is a critical need for ballfields throughout the County, and the Fairfax County Park Authority desires to have the ones located at McNair Farms operational as expeditiously as possible.

Supervisor Dix said that the property owner, Batman/McNair Associates, L.P., has submitted a Final Development Plan (FDP) Application for the ballfields. To ensure that they can be constructed and available for use next spring, Supervisor Dix moved that the Board direct staff to:

- Simultaneously and expeditiously process the Final Development Plan (FDP), Preliminary Plat, Site Plan(s), Record Plat(s), and any other plans that may be required for the approval for the ballfields on the McNair Farms site.

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

41. **KICKOFF CEREMONY FOR THE FAIRFAX CONNECTOR BUS SERVICE IN THE RESTON/HERNDON AREA** (Tape 7)

Supervisor Dix announced that there would be a Kickoff Ceremony for the Fairfax Connector Bus Service in the Reston/Herndon area. The bus service will include rush-hour trips to and from the West Falls Church Metro Rail Station as well as some local mid-day service. To inform citizens about the start-up of bus service, a Kickoff Ceremony has been planned for Saturday, August 27, 1994 at 10:00 a.m. at the Reston Town Center. Following the ceremony, free bus rides near the Town Center will be offered throughout the day to introduce the Fairfax Connector to residents within the bus service area. To assist riders who will use the system, Fairfax Connector System maps and timetables for each route are currently in production and will be available to the public by August 15, 1994 in the libraries, Supervisor Dix's office, the Reston Community Center and other public areas.

42. **SMART HIGHWAY TECHNOLOGY AND THE FAIRFAX COUNTY PARKWAY CONSTRUCTION** (Tape 7)

Supervisor Dix referred to the construction of the Fairfax County Parkway and he pointed out that technology is changing rapidly and is now becoming a subject of review in terms of smart highways and the ways that technology can be utilized in the movement of individuals along the highways.

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

- Determine whether during the course of the construction of the Fairfax County Parkway there are opportunities for the County to utilize those technologies that exist and may be coming into the market as part of the overall operational effort.

Without objection, it was so ordered.

43. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (Tape 7)

Supervisor Bulova announced that she had no Board Matters to present today.

44. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR CHRISTINE TRAPNELL** (Tape 7)

Supervisor Trapnell announced that she had no Board Matters to present today.

45. CERTIFICATES OF APPRECIATION TO BE SENT TO THE MEMBERS OF THE TYSONS CORNER TASK FORCE (Tape 7)

(BACs)

In recognition of their extraordinary work, accomplished over three years of meeting continuously, Supervisor Hanley moved that the Board direct the Clerk to send Certificates to all members of the Tysons Corner Task Force to thank them for their efforts. This motion was seconded by Chairman Davis and carried by unanimous vote.

46. SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 94-P-027 AND CONCURRENT PROCESSING OF THE SITE PLAN, INCLUDING CONSIDERATION OF ANY WAIVERS, VARIANCES, PARKING REDUCTION REQUESTS AND BUILDING PERMIT APPLICATIONS AS SUBMITTED BY THE APPLICANT (Tape 7)

With regard to Special Exception Application SE 94-P-027, Supervisor Hanley moved that the Board:

- Direct staff to schedule a public hearing to be heard by the Board of Supervisors on October 10, 1994; and
- Authorize concurrent processing of the Site Plan including consideration of any waivers, variances, parking reduction requests and building permit applications as submitted by the applicant.

Supervisor Hanley said that the applicant understands that review fees will not be refunded should the Special Exception Application not be approved. She added that the 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 application in any way.

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

47. REQUEST FOR INFORMATION REGARDING THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 119 (GRASS OR LAWN AREA) (Tape 7)

Supervisor Hanley said that one of her constituents is suffering from living near an overgrown lot that is in need of mowing. She said that originally her office was informed that the lot's overgrowth was in violation of the County's Grass Ordinance and a violation was mailed to the property owners, giving them 14 days in which to comply. However, subsequent research has determined that the parcel was not within a recorded subdivision, which is one of the requisites for application of the Code of the County of Fairfax, Chapter 119 (Grass or Lawn Area).

Therefore, Supervisor Hanley moved that the Board direct staff to determine:

- If it was an oversight to require a lot to be located in a recorded subdivision when it meets all the other requirements; and
- What can be done with this particular piece of property to give relief to the neighbors.

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

48. SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 94-P-045 AND SIMULTANEOUS PROCESSING OF THE SITE PLAN OR SITE PLAN WAIVER CONCURRENTLY WITH THE SPECIAL EXCEPTION APPLICATION (Tape 7)

Supervisor Hanley said that Carl Schmitz has been trying to comply with the federal deadline for installing the new vapor recovery pumps for his Exxon Service Station. However, because of the unusual zoning on his property, he has been delayed in doing so until staff determined the appropriate course of action. Now that the course of action has been determined, he has filed Special Exception Application (SE 94-P-045). To meet the federal deadline, however, he needs to have his Special Exception Application and Site Plan expedited.

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

- Schedule a public hearing to be held before the Planning Commission and before the Board of Supervisors in October, 1994; and
- Simultaneously process the Site Plan or Site Plan Waiver concurrently with the Special Exception Application.

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

Supervisor Hanley said that the applicant understands that review fees will not be refunded should the Special Exception Application not be approved. She added that the 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 application in any way.

49. REQUEST FROM THE JAMES LEE CONDOMINIUM ASSOCIATION AND CARR AT NEW PROVIDENCE CONDOMINIUM ASSOCIATION REQUESTING WITHDRAWAL FROM THE LEAF COLLECTION DISTRICT (Tape 7)

Supervisor Hanley said that she has recently been contacted by a representative of Carr at New Providence Condominium Association and by the James Lee Condominium Association located on Annandale Road who stated that the condominiums wish to withdraw from their leaf collection district because they receive private leaf collection.

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

- Commence the process for withdrawal fees from these condominium associations; and

- Forward the appropriate petition forms to condominium representatives.

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

50. REQUEST FOR OUT-OF-TURN PLAN AMENDMENT REGARDING THE JERMANTOWN ROAD-OAKTON ROAD AREAS (Tape 7)

Supervisor Hanley stated that the Providence District Area Plan Review Task Force has received a copy of the Board action of June 27, 1994, together with a memorandum from the County Attorney regarding the possible extension of public sewer to the Jermantown Road-Oakton Road areas, referring this matter for the Task Force's consideration.

Supervisor Hanley moved that the Board direct staff to prepare an Out-of-Turn Plan Amendment to be advertised within the parameters that the Task Force has approved. This motion was seconded by Chairman Davis.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion which carried by unanimous vote.

51. MAINTENANCE AND OWNERSHIP OF A STORM WATER MANAGEMENT POND KNOWN AS POND C IN TYSONS CORNER (Tape 7)

Supervisor Hanley stated that the owners of the West*Park property and Fairfax County staff, including representatives of the Department of Environmental Management (DEM) and the Department of Public Works, have been discussing the issue of County maintenance and ownership of a storm water management pond known as Pond C in Tysons Corner. The pond is located between Jones Branch Road and the Dulles Airport Access Road.

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

- Review all actions that would be necessary to transfer ownership and maintenance of the pond known as Pond C in Tysons Corner to the County; and
- Report to the Board on this issue no later than September 12, 1994.

This motion was seconded by Chairman Davis.

Supervisor Hanley said that it is her understanding that a transfer and maintenance agreement will be provided to the County Attorney who will need to review this agreement so that it can be in final execution form no later than September 12, 1994, so that it can thereafter be entered into by the County.

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

52. FALLS CHURCH COMMUNITY SERVICE COUNCIL'S HOMESTRETCH PROGRAM (Tape 7)

Supervisor Hanley distributed to Board Members a letter from the Freddie Mac Foundation to the Falls Church Community Service Council stating that the Freddie Mac Foundation has awarded a challenge grant in the amount of \$20,000 in support of the Council's Homestretch Program. She added that the grant was awarded after the Board's budget process and therefore the Falls Church Community Service Council does not have the money to match the grant.

Therefore, Supervisor Hanley moved that the Board direct staff to include as a Consideration Item for Carryover the \$20,000 to match the grant. This motion was seconded by Supervisor Trapnell and carried by unanimous vote.

53. ABSENCE OF SUPERVISOR HANLEY AT JULY 18, 1994 BOARD MEETING
(Tape 7)

Supervisor Hanley stated that she had planned to attend the Board meeting held on July 18, 1994, but that the Virginia General Assembly's "going into session" caused the study mission to be moved by three days in which case she could not attend the Board meeting.

NV:nv

54. SCENIC EASEMENTS ALONG THE POTOMAC RIVER (Tape 8)

Supervisor Berger stated that recently an issue arose regarding the enforcement of scenic easements along the Potomac River. While there was no violation in this case, there could be a problem. When plans are reviewed by the Department of Environmental Management (DEM), there is no way of knowing whether the property contains an easement given to the Northern Virginia Regional Park Authority (NVRPA). Many properties along the Potomac in Great Falls and McLean gave such easements years ago.

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

■ Review this matter; and

- Determine if there is a way to flag the County's database to prevent this problem from occurring in the future.

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

55. CONSIDERATION ITEMS FOR MID-YEAR BUDGET REVIEW: FUNDS FOR CLAUDE MOORE COLONIAL FARM AND PLAYGROUND EQUIPMENT AT SELECTED COUNTY SCHOOLS (Tape 8)

Supervisor Berger said that he had been approached by Jinx Holton, President of the Board of Directors of the Claude Moore Colonial Farm at Turkey Run, about the possibility of the County's financial assistance until the Farm develops its endowment and their fundraising improves. He stated that the Farm is a living history museum and is a wonderful benefit for the residents of Fairfax County, particularly for the school children who visit there.

Supervisor Berger continued on to say that the Board, in a cooperative effort with the School Board and the local schools, has funded the replacement of certain playground equipment. He stated his understanding that the County has targeted for funding in the next year's budget the following eight remaining schools:

- Vienna Elementary School;
- Wolf Trap Elementary School;
- Terraset Elementary School;
- Mantua Elementary School;
- Great Falls Elementary School;
- Key Center Elementary School;
- Timber Lane Elementary School; and
- Pine Springs Elementary School;

Supervisor Berger stated his understanding that the School Board has allocated funding for all these schools already, and that some of the local schools have already raised their portions privately to help with construction.

Accordingly, Supervisor Berger asked unanimous consent that the Board direct staff to prepare the following Consideration Items for the FY1995 Mid-Year Budget Review:

- Funding in the amount of \$30,000 for the Claude Moore Colonial Farm at Turkey Run as a contributory agency; and
- Funding in the amount of \$140,000 for the replacement of playground equipment at the

above-listed schools.

Supervisor Alexander asked unanimous consent that the Board direct staff to prepare a Consideration Item for the FY1995 Mid-Year Budget Review to add funding in the amount of \$50,000 for Franconia Elementary School and three \$30,000 items for unidentified schools in Lee District (\$90,000), for a total of \$140,000.

Following discussion, without objection, the requests were so ordered.

56. RATIFICATION OF REVISED PROVISIONS OF DEED REGARDING ENCUMBRANCE OF LAND CONVEYED TO CENTREVILLE VOLUNTEER FIRE DEPARTMENT (Tape 8)

(R)Supervisor Frey called the Board's attention to a Resolution, copies of which he had distributed to the Board, regarding the ratification of provisions of the deed regarding encumbrance of land conveyed to the Centreville Volunteer Fire Department. He reminded the Board that at the meeting of July 18, 1994, the Board had adopted a Resolution to revise the deed by eliminating the reverter clause.

Therefore, Supervisor Frey moved that the Board adopt the Resolution ratifying the Board's previous action. This motion was seconded by Chairman Davis and carried by unanimous vote.

57. CEDAR LAKES CONDOMINIUMS (Tape 8)

Supervisor Frey stated that the press has covered some of the problems that the residents of Cedar Lakes Condominiums have been having and described some of those problems and the efforts to correct them. Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to:

- Coordinate all the agencies involved to form a team to review the situation;
- Determine what actions can be taken to make these housing units habitable; and
- Report to the Board with its findings.

Without objection, it was so ordered.

58. PAPERS OF LEWIS HENRY MACHEN, FORMER OWNER OF WALNEY PLANTATION (Tape 8)

Supervisor Frey stated that the heirs of Lewis Henry Machen discovered a box of his papers dating back to 1844. Walney Plantation had been purchased by Lewis Machen in 1844 and the property remained in the family until 1935. He stated that the family presented these papers to the County and that he and Hal Strickland, Chairman, Park Authority, accepted them on the County's behalf.

Accordingly, Supervisor Frey asked unanimous consent that the Board direct staff to prepare a letter for the Chairman's signature to the Machen family expressing the appreciation of the County for this tremendous gift. Without objection, it was so ordered.

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board also direct staff to present a Certificate of Appreciation to the Machen family at the Board meeting scheduled for August 8, 1994. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

59. RECOGNITION FOR CLYDE PITTARD, DEPARTMENT OF FIRE AND RESCUE SERVICES EMPLOYEE (Tape 8)

Supervisor Hyland stated that recently he had received a copy of a letter from Dr. Thom A. Mayer to Glenn A. Gaines, Chief, Department of Fire and Rescue Services, reporting a choking incident in a local store which affected his eight-year old son, Kevin. The boy had begun to choke on a jawbreaker candy when Clyde Pittard, who was off-duty from his job at the Vienna Fire Station 2, A-shift, recognized the problem and aggressively took control of the situation by providing the Heimlich maneuver. Dr. Mayer, who is also the medical director for the Department, attributes Mr. Pittard's immediate response with saving his son's life.

Accordingly, Supervisor Hyland asked unanimous consent that the Board acknowledge the actions of this quick-thinking and acting Fire and Rescue employee by directing staff to write a letter to Mr. Pittard and include it in his personnel file. Without objection, it was so ordered.

Supervisor Dix asked unanimous consent that the Board direct staff to send a copy of the letter to the mayor of the Town of Vienna. Without objection, it was so ordered.

60. RESOLUTION PROPOSING TOURISM ACCREDITATION FOR FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (Tape 8)

(R)Supervisor Hyland informed the Board that he had recently received word from the Fairfax County Economic Development Authority that they were attempting to become accredited under the Virginia Tourism Accreditation Program offered by the Virginia Department of Economic Development. Accordingly, Supervisor Hyland moved that the Board adopt the Resolution of Participation as distributed to the Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Trapnell being out of the room.

61. HAZARDOUS LIQUID AND GAS PIPELINE SAFETY IN FAIRFAX COUNTY
(Tape 8)

Supervisor Hyland referred to a resolution adopted by the Mount Vernon Council of Citizens Association on June 22, 1994 regarding their concerns with hazardous liquid and gas pipeline safety in the County. He stated that the Council has requested that the Board send a letter to the United States (U.S.) Secretary of Transportation asking for specific information concerning oversight of pipeline safety and to request the Secretary to transmit this information to the Board no later than Labor Day, 1994.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this item to staff for review and response, and to report to him prior to Labor Day for him to report to the Council. Without objection, it was so ordered.

62. CONCURRENT PROCESSING OF THE PRELIMINARY PLAN AND FINAL SUBDIVISION PLAN FOR THE OAKS AT CROSSPOINTE PHASE II
(Tape 8)

Supervisor McConnell stated that the Pulte Home Corporation is pursuing the completion of a development known as the Oaks at Crosspointe Phase II. Sales and completion of the units in the development have been brisk and Pulte is in a position to move forward with Phase II. In an effort to meet market demands, the applicant has requested the ability to concurrently process a Preliminary Plan and Final Subdivision Plan.

Supervisor McConnell said that the applicant will continue to work with adjoining communities as they work through the process. The applicant understands that the following action neither provides him with a vested right in the Plan approval nor relieves him from the responsibility of any modification as a result of Department of Environmental Management (DEM) review.

Therefore, Supervisor McConnell moved that the Board direct the Director of DEM to accept for concurrent processing the Preliminary Plan and Final Subdivision Plan for the Oaks at Crosspointe Phase II. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

63. NIGHTTIME CRIME RATE FOR COMMUNITIES ON THE STREET LIGHT PRIORITY LIST (Tape 8)

Supervisor McConnell reminded the Board that the street light program is now proceeding with the one million dollars appropriated for the current fiscal year. She stated that the priority list being utilized is the list of nighttime crime rate and expressed her concern that the list has not been updated. Accordingly, she moved that the Board direct staff to update the nighttime crime rate for the highest crime areas to receive the street lights first. This motion was seconded by Supervisor Berger.

Following discussion, Chairman Davis clarified the motion by stating that the current prioritization would be used for the one million dollars and that the revised crime rate would be reviewed to determine the prioritization should any additional money become available. The question was called on the motion which carried by unanimous vote.

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

At 12:10 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion or consideration of matters enumerated in Virginia Code Section 2.1-344 and listed in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- 13(c) Arrangements for Fairfax County under the Urban Mass Transportation Act of 1964;
- Termination of Contract RQ40004220, Johnson Controls World Services, Incorporated (JCWS); and
- Discussion Concerning a Prospective Business Interested in Locating its Facilities in the Community, Pursuant to Virginia Code Section 2.1-344(A)(5).

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

At 3:40 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, with the exception of Supervisor McConnell, and with Chairman Davis presiding.

ACTIONS FROM EXECUTIVE SESSION

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

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

(*NOTE: Later in the meeting, Supervisor McConnell asked unanimous consent to be recorded as voting "AYE" on the Certification by Board members motion. See Clerk's Summary Item CL#70.)

66. DENIAL OF CLAIM OF CENTURY CONCRETE SERVICES (Tape 9)

Supervisor Hyland moved that the Board deny the claim of Century Concrete Services for additional payment for the removal of rock and silt from the I-95 Landfill, as recommended by the County Attorney in Executive Session. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

SBE:sbe

67. ORDERS OF THE DAY (Tape 10)

Chairman Davis announced that the public hearing on Proffered Condition Amendment Application PCA 76-L-019 would be heard later in the meeting because of a delay in the proffers.

68. 3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-L-019 (RF&P PROPERTIES) (MOUNT VERNON DISTRICT) (No Tape)

(NOTE: Later in the meeting, action was taken on this Proffered Condition Amendment Application. See Clerk's Summary Item CL#89.)

69. 3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-L-004 (KINGSTOWNE COMMERCIAL LIMITED PARTNERSHIP) (LEE DISTRICT) (Tape 10)

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, Supervisor Alexander moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

Supervisor Alexander moved approval of Special Exception Application SE 94-L-004 subject to the development conditions dated June 16, 1994. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of eight, Chairman Davis abstaining, Supervisor Frey being out of the room.

70. REQUEST TO RECORD VOTE (Tape 10)

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

71. 3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION

SEA 86-M-023-2 (COMBINED PROPERTIES LIMITED PARTNERSHIP) (MASON DISTRICT) (Tape 10)

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

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.

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

- In excess of \$200 each from Herbert H. Haft and Ronald S. Haft, Partners, Combined Properties Limited Partnership, to the Friends of Tom Davis Campaign Fund.

Following the public hearing, which included testimony by one speaker, 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 Amendment Application SEA 86-M-023-2 subject to the proposed development conditions dated July 14, 1994;

- Modification of Conditions Four and 10 revised as of July 25, 1994 as follows:

- Condition Four - A brick enclosure for the dumpster along the northern boundary; and

- Condition 10 - Change the and to or to read:

"If a variance of the minimum parking space setback from public right-of-way is not approved by the Board of Zoning Appeals, or if the required parking cannot be provided on the south side of Beauregard after the reconfiguration of the parking spaces in order to meet the minimum parking space setback from public right-of-way, then approval of this special exception amendment shall be null and void";

- Waiver of the minimum open space requirement;

- Modification of the transitional screening and waiver of the barrier requirement along the northern boundary; and

- Modification of the peripheral parking lot landscaping.

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

**72.3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 86-P-050 (INTERNATIONAL HOUSE OF PANCAKES) (PROVIDENCE
DISTRICT)** (Tape 10)

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hanley moved:

- Approval of Special Exception Amendment Application SEA 86-P-050 subject to the development conditions dated July 25, 1994.
- Approval of the requested modification of transitional screening requirements and waiver of the barrier requirements along the eastern lot line of that property in favor of those shown on the Special Exception Plat and as qualified by the development conditions.

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

**73.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION
PCA 91-C-026 (TOLL BROTHERS, INCORPORATED) (HUNTER MILL
DISTRICT)** (Tape 10)

Supervisor Dix announced his intention to defer the public hearing on Proffered Condition Amendment Application PCA 91-C-026 and Final Development Plan Amendment Application FDPA 91-C-026.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#77.)

**74.3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 84-P-105 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)** (Tape 10)

Mr. H. Joe Wiltse reaffirmed the validity of the affidavit for the record.

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

present his case.

Supervisor Dix disclosed the following contribution which he had received from:

- Mr. Benjamin J. Stone, III, Trustee, to the Friends of Bob Dix.

Supervisor Berger disclosed the following contribution which he had received:

- In excess of \$200 from Mr. Earle C. Williams, Trustee, to the Committee to Elect Berger.

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

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 84-P-105 subject to the development conditions dated July 7, 1994. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room

Supervisor Hanley further moved approval of a modification of the transitional screening and barrier requirements around the periphery of the site in favor of that shown on the Special Exception Amendment Application Plat. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Dix, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room.

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

AR:ar

75:4:00 P.M. - PH ON REZONING APPLICATION RZ 94-P-005 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-7 (INOVA HEALTH SYSTEMS HOSPITAL) (PROVIDENCE DISTRICT) (Tape 11)

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

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

Vice-Chairman McConnell disclosed that she is a member of the Fairfax Hospital Board; however, after consultation with the County Attorney, it was determined that she could remain in the Board Auditorium and preside over this hearing.

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

Vice-Chairman McConnell recognized the presence of Mr. Jim Scott, a member of the Hospital Board, and warmly welcomed him to the Board Auditorium.

Supervisor Hanley moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 94-P-005 be amended from R-5 District to the R-12 District subject to the revised proffers dated July 25, 1994. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room.

Supervisor Hanley moved approval of Special Exception Amendment Application SEA 80-P-078-7 subject to the revised development conditions dated July 25, 1994. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Chairman Davis being out of the room.

Supervisor Hanley moved that the Board reaffirm the previously approved modifications of transitional screening and waiver of barriers approved with Special Exception Application SE 80-P-078 through Special Exception Amendment Application SEA 80-P-078-6 and Special Exception Application SE 89-P-066 to that shown on the SEA Plat. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

Supervisor Hanley moved approval of the waiver of the barrier requirement along the eastern and western boundaries of Parcel 136C pursuant to Paragraph 12 of Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

76.4:00 P.M. - PH ON REZONING APPLICATION RZ 93-H-045 (CRIMSON PARTNERS)
(HUNTER MILL DISTRICT) (Tape 11)

(NOTE: Earlier in the meeting, Supervisor Dix announced his intent to defer, at the appropriate time, the public hearing on Rezoning Application RZ 93-H-045. See Clerk's Summary Item CL#39.)

Supervisor Dix moved to defer the public hearing on Rezoning Application RZ 93-H-045 until August 8, 1994 at 4:30 p.m. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

77.4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-C-026 (TOLL BROTHERS, INCORPORATED) (HUNTER MILL DISTRICT) (Tape 11)

Supervisor Dix moved to defer the public hearing on Proffered Condition Amendment Application PCA 91-C-026 until August 8, 1994 at 3:30 p.m. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

78.4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S94-CW-T1 FOR PERMANENT ACCESS BETWEEN ROLLING ROAD AND FULLERTON ROAD IN THE FULLERTON INDUSTRIAL PARK (LEE DISTRICT) (Tape 11)

(NOTE: Earlier in the meeting, Supervisor Alexander announced his intent to defer, at the appropriate time, the public hearing on the Proposed Out-of-Turn Plan Amendment S94-CW-T1. See Clerk's Summary Item CL#34.)

Supervisor Alexander moved to defer the public hearing on Out-of-Turn Plan Amendment S94-CW-T1 until August 8, 1994 at 4:30 p.m. This motion was seconded by Vice-Chairman McConnell and carried by a vote of seven, Supervisor Frey, Supervisor Hanley, and Chairman Davis being out of the room.

79.4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 11 (HUMAN RIGHTS ORDINANCE) REGARDING AUTHORITY FOR THE HUMAN RIGHTS COMMISSION TO SEEK SUBPOENAS (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 July 8 and July 15, 1994.

Following the public hearing, Supervisor Hanley moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance) granting authority to the Fairfax County Human Rights Commission to seek, in General District Court via the County Attorney, with approval by the Board of Supervisors, subpoenas that compel persons with information relevant to a charge under investigation by the Commission to come forward and testify. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Alexander, Supervisor Frey, and Chairman Davis being out of the room.

80.4:00 P.M. - PH ON CONVEYANCE OF COUNTY-OWNED PROPERTY KNOWN AS THE LORTON COMMUTER RAIL SITE TO RICHMOND, FREDERICKSBURG, AND POTOMAC (RF&P) PROPERTIES, INCORPORATED (MOUNT VERNON DISTRICT) (No Tape)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#90.)

81.4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC). ARTICLE 5A -RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) - TO EXPAND THE EXISTING ANNANDALE RPPD (BRADDOCK DISTRICT) (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 July 8 and July 15, 1994.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5A - Residential Permit Parking District (RPPD) - expanding the existing Annandale RPPD, District 14, to include the following streets: Davian Drive from Medford Drive to Park Lane; from Medford Drive to Gaylord Drive; and Erie Street from Newcastle Drive to Heritage Drive. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

82.ORDERS OF THE DAY (Tape 11)

Vice-Chairman McConnell announced that the Orders of the Day would be changed in order to proceed with the public hearings on Proffered Condition Amendment Application PCA 87-C-060-3 and Special Exception Application SE 94-L-001.

83.4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-3 (RICHMOND AMERICAN HOMES OF VIRGINIA, INCORPORATED) (HUNTER MILL DISTRICT) (Tape 11)

(NOTE: On July 18, 1994, the Board deferred its scheduled public hearing on this application until July 25, 1994, at 4:30 p.m.)

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

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

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

Supervisor Dix moved:

- Approval of Proffered Condition Amendment Application PCA 87-C-060-3, subject to the executed proffers dated July 20, 1994, and the development conditions dated July 22, 1994;
- Modification of the transitional screening requirements; and
- Waiver of the barrier requirement along the northeastern boundary on Fox Mill Road.

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

84.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-L-001 (CHEVY CHASE SAVINGS BANK, F.S.B.) (LEE DISTRICT) (Tape 11)

(NOTE: On July 18, 1994, the Board deferred its scheduled public hearing on this application until July 25, 1994, at 4:30 p.m.)

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

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

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

Supervisor Alexander moved:

- Approval of Special Exception Application SE 94-L-001 subject to the development conditions dated May 12, 1994; and
- Waiver of the minimum lot requirements and lot width requirements.

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

85.4:30 P.M. - PUBLIC HEARING ON PUBLIC STREET FRONTAGE WAIVER REQUEST FOR THE SKALLERUP PROPERTY (DRANESVILLE DISTRICT)
(Tapes 11-14)

(NOTE: On June 27, 1994, the Board deferred its scheduled public hearing on this waiver request until July 25, 1994, at 4:30 p.m.)

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 June 10 and June 17, 1994.

Supervisor Hanley noted, for the record, that the Planning Commission listed Commissioner Baldwin as being absent when, in fact, the transcript indicates he was present and did participate in the hearing on the Skallerup Property.

Following the public hearing, which included testimony by 10 speakers, Supervisor Berger moved approval of the request for a waiver of the public street frontage requirement for a proposed subdivision of the Skallerup Property located at 1155 Crest Lane, Public Street Waiver Number 014460, Tax Map Number 22-4-001-21, into two lots, subject to the Planning Commission recommendation and proposed development conditions dated July 14, 1994, and contained in Attachment VIII of the Memorandum to the Board dated July 25, 1994. This motion was seconded by Supervisor Frey and **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Dix, Supervisor Hanley, and Supervisor Hyland voting "NAY," Chairman Davis being out of the room.

86. 4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-3 (RICHMOND AMERICAN HOMES OF VIRGINIA, INCORPORATED) (HUNTER MILL DISTRICT) (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#83.)

87.4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-L-001 (CHEVY CHASE SAVINGS BANK, F.S.B.) (LEE DISTRICT) (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#84.)

88.A-15 - PROPOSED COUNTY POSITION ON BELL ATLANTIC'S VIDEO DIALTONE APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION (FCC)
(Tape 14)

(NOTE: Earlier in the meeting, this item was deferred until later in the meeting. See Clerk's Summary Item CL#23.)

Following discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs, and Michael H. Long, Assistant County Attorney, Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the submission of the County's testimony to the Federal Communications Commission (FCC), as shown in the Attachment to the Memorandum to the Board dated July 25, 1994, in the case of W-P-C 6912 scheduled to be heard by the FCC on July 29, 1994. This motion was seconded by Supervisor Hyland and **CARRIED** by a recorded vote of five, Supervisor Berger abstaining, Supervisor Frey, Supervisor McConnell, and Supervisor Trapnell voting "NAY," Chairman Davis being out of the room.

**89.3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION
PCA 76-L-019 (RF&P PROPERTIES) (MOUNT VERNON ISTRICT)** (Tape
14)

Mr. Denton U. Kent reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 76-L-019 subject to the revised proffers dated July 25, 1994, with the revisions to Proffer Number Six; and
- Modification of the transitional screening and barrier requirements along the entire periphery of the site in favor of that shown on the General Development Plan (GDP). Special reference is made to Paragraph Two of Proffer Number Seven which states, "Board-on-board fencing shall be placed within the 50 foot buffer adjacent to Tax Map Parcels 107-2((2))22 and 107-4((2))18 to 22." For the record, board-on-board fencing should be field located approximately 25 feet from the property line subject to the approval of the Urban Forester in order to maximize tree preservation.

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

90. **4:00 P.M. - PH ON CONVEYANCE OF COUNTY-OWNED PROPERTY KNOWN AS THE LORTON COMMUTER RAIL SITE TO RICHMOND, FREDERICKSBURG, AND POTOMAC (RF&P) PROPERTIES, INCORPORATED (MOUNT VERNON DISTRICT)** (Tape 14)

(R)A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of July 8 and July 15, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Resolution authorizing the County Executive to execute the necessary documents to convey approximately 11.259 acres of County-owned property to Richmond, Fredericksburg, and Potomac (RF&P), Incorporated for the construction of the Lorton Virginia Railway Express (VRE) Station. This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Frey, Supervisor Berger, and Chairman Davis being out of the room.

91. **4:30 P.M. - PH TO RECEIVE CITIZEN COMMENT ON ISSUES OF CONCERN**
(Tapes 14-15)

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 July 8 and July 15, 1994.

Citizens of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Citizens must call the Chairman's Office (703-324-2321) to register to speak and provide their names, addresses, phone numbers, and topics they wish to address.

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

- Mr. Gene Betit, regarding the Housing Trust Fund;
- Mr. Brad Flippin, regarding boats and other recreational vehicles parked on public streets;
- Ms. Susan Sheridan, regarding school funding;
- Mr. John Clark, regarding access to materials in public libraries;
- Ms. Marlene Blum, regarding the Library Board; and
- Ms. Linda Singer, regarding the Library Board.

92. **4:30 P.M. - PH TO RECEIVE COMMENT FROM FAIRFAX COUNTY BUSINESSES**

ON ISSUES OF CONCERN (Tape 15)

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 July 8 and July 15, 1994.

Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear business comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), or comments regarding individuals. Each business speaker may have up to three minutes and a maximum of 10 speakers will be heard. Businesses must call the Chairman's Office (703-324-2321) to register to speak and provide their names, addresses, phone numbers and topics they wish to address.

The public hearing was held and there were no speakers.

ADDITIONAL BOARD MATTERS**93. AUTHORIZATION FOR AN AMENDMENT OF AREA PLAN NOMINATION NUMBER PC 94-174** (Tape 15)

Supervisor Bulova stated that, as part of the Area Plan Review (APR), a Plan Amendment Nomination has been submitted for an approximately 10 acre property located on Lee Highway near Shirley Gate Road. The area is within Fairfax Center Sub-unit V2 and is planned for office and residential development at the overlay level. The Plan Nomination is for residential development at 8-12 dwelling units per acre. In discussions between the Braddock District Task Force, the nominator, and staff, restaurants have been suggested as a potentially appropriate use for the area nearest Lee Highway.

Supervisor Bulova noted that she has been advised by staff that, in order to consider restaurant use on this site within the APR process and schedule, the uses being considered under the nomination should be amended. This can be considered with the Board's approval. Therefore, Supervisor Bulova moved that the Board authorize an amendment of Plan Nomination Number PC 94-174 to include consideration of restaurant uses on the northern portion of the Lee Highway/Shirley Gate Road site. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Berger and Chairman Davis being out of the room.

94. USE OF OUTSIDE COUNSEL BY THE COUNTY (Tape 15)

Supervisor Hanley asked unanimous consent that the Board direct the County Attorney to provide information regarding the number of times the County employs outside counsel and for what purpose. Without objection, it was so ordered.

95. BOARD ADJOURNMENT (Tape 15)

At 8:25 p.m., the Board adjourned.