

**SBE:sbe**

The meeting was called to order at 9:40 a.m. with all Members being present, with the exception of Supervisor Berger, Supervisor Frey, and Supervisor Hanley, and with Chairman Davis presiding.

Supervisor Berger arrived at 9:45 a.m.

Supervisor Frey arrived at 9:45 a.m.

Supervisor Hanley arrived at 9:45 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. **DEATHS OF FAIRFAX COUNTY EMPLOYEES AND FAMILY MEMBERS**  
(Tape 1)

Chairman Davis announced the deaths of two Fairfax County employees who had died this past week: Laurence Berg, Transportation Planner, Office of Transportation, and Arvind R. Bhuvra, Department of Public Works, and his wife, and asked that they be remembered in thoughts and prayers. In addition, Chairman Davis also asked that everyone keep in their thoughts and prayers the family of Ross McKay, who died last week. He was the husband of Judge Kathleen McKay, formerly of the County Attorney's Office.

Supervisor Bulova announced the death of Richard Davala, a Social Studies teacher at Robinson Secondary School, and asked that he be remembered in thoughts and prayers.

3. **PROCLAMATION DESIGNATING FRIDAY, SEPTEMBER 16, 1994 AS PRISONER OF WAR (POW)/MISSING IN ACTION (MIA) DAY IN FAIRFAX COUNTY** (Tape 1)

Supervisor McConnell moved approval of the Proclamation presented to Colonel Theodore Mortensen, President of the National Vietnam Veterans Coalition Foundation, designating Friday, September 16, 1994 as "**Prisoner of War (POW)/Missing in Action (MIA) Day**" in Fairfax County. This motion was seconded by Supervisor Dix and carried by unanimous vote.

4. **PROCLAMATION DESIGNATING THE WEEK OF OCTOBER 3 THROUGH OCTOBER 7, 1994 AS "JURY SERVICE APPRECIATION WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor McConnell moved approval of the Proclamation presented to Judge Rosemarie Annunziata, Circuit Court; John T. Frey, Clerk of the Circuit Court; Paul Terpak, Attorney for the Fairfax Bar; and Sam Harahan, Representative, Council for Court Excellence; designating the week of October 3 through October 7, 1994 as "**Jury Service Appreciation Week**" in Fairfax County. This motion was seconded jointly by Supervisor Hanley and Supervisor Hyland and carried by unanimous vote.

5. **PROCLAMATION RECOGNIZING THE 10TH ANNIVERSARY OF CABLECASTING OF BOARD OF SUPERVISORS' MEETINGS ON CHANNEL 16** (Tape 1)

Supervisor McConnell moved approval of the Proclamation presented to Ronald B. Mallard, Director of Consumer Affairs, and Gail C. Eskew, Chief, Cable Programming Division, Department of Consumer Affairs, recognizing the 10th anniversary of cablecasting of Board of Supervisors' meetings on Channel 16, the beginning of County government cable television programming, and proclaiming Monday, September 12, 1994 as "**Channel 16 Day**" in Fairfax County. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION TO MR. REGINALD WILLIAMS UPON HIS RETIREMENT FROM THE SOLID WASTE COLLECTION AND RECYCLING DIVISION, DEPARTMENT OF PUBLIC WORKS** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Reginald Williams for 28 years of dedicated service upon his retirement from the Solid Waste Collection and Recycling Division, Department of Public Works. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Supervisor Frey being out of the room.

7. **CERTIFICATE OF RECOGNITION TO MR. JAMES E. WILLIAMS UPON HIS RETIREMENT FROM THE SOLID WASTE COLLECTION AND RECYCLING DIVISION, DEPARTMENT OF PUBLIC WORKS** (Tape 1)

Supervisor Dix moved approval of the Certificate of Recognition presented to James E. Williams for 30 years of dedicated service upon his retirement from the Solid Waste Collection and Recycling Division, Department of Public Works. This motion was seconded jointly by Supervisor Hyland and Supervisor Trapnell and carried by a vote of nine, Supervisor Frey being out of the room.

8. **CERTIFICATES OF RECOGNITION TO FIRST UNION BANK VOLUNTEERS AND HOLLIN HALL SENIOR CENTER VOLUNTEERS FOR THEIR GENEROUS DONATIONS OF COMPUTER EQUIPMENT AND TRAINING** (Tape 1)

Supervisor Hyland moved approval of the Certificates of Recognition presented to First Union Bank Volunteers and Hollin Hall Senior Center Volunteers for their generous donations of computer equipment and training. This motion was seconded jointly by Supervisor Alexander and Supervisor Dix and carried by unanimous vote.

9. **10:00 A.M. - PRESENTATION BY THE FAIRFAX NETWORK, THE CABLE TELEVISION AND PROGRAMMING SERVICE OF THE FAIRFAX COUNTY PUBLIC SCHOOLS, CONCERNING INFORMATION ABOUT THEIR CURRENT AND FUTURE EDUCATIONAL PROGRAMMING EFFORTS** (Tapes 1-2)

Terence Woolsey, Director of the Fairfax Network, Fairfax County Public Schools, presented information about current and future educational programming efforts.

Following discussion, Supervisor Alexander recognized the presence of John Prohaska, teacher, and his family. He stated that Mr. Prohaska is part of the future educational programming efforts.

Supervisor Bulova recognized the presence of Pam Miles, who also helps with the educational programming efforts.

**AR:ar**

10. **10:00 A.M. - PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 1994 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 1995 REVISED BUDGET PLAN** (Tape 3)

(SAR)

(FPR) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that said notice of said public hearing had been duly advertised in that Newspaper in the issue

of August 26, 1994.

Following the public hearing, which included testimony by four speakers, Supervisor Hanley called the Board's attention to the \$28,600 needed for the purchase of two additional Smart System Display Boards for use by the Police Department. Chairman Davis noted his intent to include these signs as part of his motion covering Consideration Items under "Funding for Police Enforcement and Prevention Efforts in High Crime Areas."

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved approval of Supplemental Appropriation Resolution (SAR) AS 95017 and Amendment to Fiscal Planning Resolution (FPR) AS 95901 which includes expenditure authorization for Fiscal Year (FY) 1994 Carryover encumbrances, unencumbered items, unexpended capital balances, and administrative adjustments identified in the County and School's FY 1994 Carryover Review which results in a Combined General Fund balance of \$32.01 million. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

Supervisor Davis moved appropriation of Federal/State grants including \$13.09 million in Carryover of unexpended balances and additional adjustments. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Davis moved approval of adjusting the Managed Reserve to maintain the reserve at two percent of the total Combined General Fund disbursements based on the actions taken by the Board as part of the FY 1994 Carryover Review. This motion was seconded by Supervisor Dix and carried by unanimous vote.

Supervisor Davis moved that in compliance with the FY 1996 Budget Guidelines Resolution approved by the Board on August 8, 1994, that the Board approve maintaining the remaining available balance in a Set Aside Reserve with the following Consideration Items included:

<u>Item</u>	<u>Net Cost</u>
<u>Recommended Consideration:</u>	
1. Subfund 477, Trail Construction - Great Falls Trail.	\$71,840
<u>Other Consideration Items:</u>	
2. Office of Public Affairs - Eliminate Subscription Fee for the Weekly Agenda.	\$15,410
3. Economic Development Authority - Policy and Information Manager position.	\$91,290
4. Contribution for a Memorial to Miss Jennie Dean and the	

Manassas Industrial School.

\$25,000

5.	Contribution to the Homestretch Program - \$20,000 from Community Development Block Grant (CDBG) Funds.	\$0
6.	Subfund 468, Public Works Construction - Meadow Hall Developer Default.	\$30,000
7.	Cable Support for Computerized Cataloging and Check-Out in the Public Schools' Libraries - \$104,000 from County Cable Communications Funds.	\$0
8.	Additional Contribution to the Legal Services of Northern Virginia.	\$53,127
9.	Contribution to the Northern Virginia 4-H Education Center.	\$50,000
10.	Funding for Police Enforcement and Prevention Efforts in High Crime Areas to include an additional Management Analyst position as well as the purchase of two additional Smart System Display Boards.	\$500,000
11.	County Contribution to the Northern Virginia Mediation Service.	\$25,000
12.	Contribution for the Town of Vienna's New Motorcycle and Bicycle Squad Facility.	\$5,000
13.	Contribution to the Center for Multicultural Human Services.	\$65,000
14.	Contribution to Establish a Vietnamese Senior Health Program.	\$25,000
15.	Additional funding for existing Outreach Worker Position in Subfund 105, Department of Community Action, to support McKinney Homeless Grant.	\$12,000

This motion was seconded by Supervisor Alexander.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Following discussion, with input from Colonel M. W. Young, Chief of Police, Supervisor Dix asked unanimous consent that the Board declare its support for an ongoing program in all County public facilities, particularly the schools, to take whatever steps available

under the current laws to closely monitor these facilities and provide prevention and enforcement activities, by using dogs or whatever means necessary, to deal with those who would consider any kind of drug or weapon activity in these facilities. Without objection, it was so ordered.

Following additional discussion, Supervisor Bulova moved to amend the motion to authorize the addition of \$33,000 to the Consideration Items in order to fund the permanent cut-through traffic measures in the Kings Park Subdivision. This motion was seconded by Chairman Davis with the understanding that staff will comprehensively review and prioritize other cut-through safety measures needed throughout the County.

After further discussion, the question was called on Supervisor Bulova's amendment to the motion which carried by unanimous vote.

Supervisor Berger moved to amend the motion to authorize a contribution in the amount of \$30,000 for the Claude Moore Turkey Run Colonial Farm. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Supervisor Hanley moved that the Board endorse, and direct staff to consider, the inclusion of a CDBG Fund contribution in the amount of \$21,920 to the Kurdish Human Rights Watch, Incorporated (KHRW) which is working to directly assist refugees, immigrants, and low-income Kurdish families coming to the United States. This motion was seconded by Supervisor Hyland.

Following discussion, with input from Verdina L. Haywood, Deputy County Executive for Human Services, Supervisor Hanley moved to amend her motion to request \$21,920 for the KHRW directly from the General Fund. This motion was seconded by Supervisor Hyland.

Supervisor Dix moved a substitute motion that the Board defer consideration of this item until the FY 1996 Budget request session. This motion was seconded by Supervisor Trapnell.

Following additional discussion, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked to amend the amendment to the motion by deferring this matter until its next meeting on September 26, 1994, and direct staff to review the qualifications of the KHRW contribution in order to determine if it falls under the CDBG guidelines, or whether it qualifies for payment from the General Fund, and this was accepted.

Supervisor Dix withdrew his substitute motion with the understanding that, as part of the staff review process, this matter is forwarded to the Project Selection Committee for its review of the process and substance of this particular matter.

The question was then called on the main motion, as amended, which carried by



unanimous vote.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

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

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Alexander and carried by unanimous vote.

**ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)**

- (R) Adopted the request that certain streets listed in the Memorandum to the Board dated September 12, 1994 be recommended for acceptance into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Little Rocky Run Section 49A	Sully	Oak Stone Court
Westfax Industrial Park	Sully	Westfax Drive Pepsi Place

**ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT SEA 82-D-038-1, HADID INVESTMENT GROUP, INCORPORATED (PROVIDENCE DISTRICT)**

- (AT) Approved the request for 18 months of additional time to establish the use for Special Exception Amendment Application SEA 82-D-038-1 until May 25, 1996 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AN UNIMPROVED PORTION OF FAIRFAX TERRACE IN THE HUNTINGTON SUBDIVISION (MOUNT VERNON DISTRICT)**

- (A) Directed staff to post notice of the intent to vacate and authorized the advertisement of a public hearing to be held before the Board of Supervisors on **October 10, 1994 at 3:30 p.m.** on the proposed vacation of an unimproved portion of Fairfax Terrace located in the Huntington Subdivision.

**ADMIN 4 - AUTHORIZATION TO POST NOTICE AND ADVERTISE A PUBLIC HEARING ON THE VACATION OF A FIFTEEN FOOT WIDE ALLEY AND AN UNIMPROVED PORTION OF MAPLE STREET (DRANESVILLE DISTRICT)**

- (A) Directed staff to post notice of the intent to vacate and authorized the advertisement of a public hearing to be held before the Board of Supervisors on **October 10, 1994 at 4:00 p.m.** on the proposed vacation of an unimproved portion of a 15 foot wide alley and an unimproved portion of Maple Street.

**ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE COUNTY CODE FOR THE INCLUSION OF A PORTION OF PUMPHREY DRIVE WITHIN THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **October 10, 1994 at 4:00 p.m.** regarding the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) Article 5A [Residential Permit Parking Districts (RPPD)], Appendix G to include a portion of Pumphrey Drive within the Robinson RPPD.

**ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT, DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, LEE AND PROVIDENCE DISTRICTS)**

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **October 10, 1994 at 4:00 p.m.** to consider the following changes to small and local sanitary districts for refuse and leaf collection service in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District A-6-1 within Small District 1 within Dranesville District	Enlarge	Refuse and Leaf	Approve
Local District A-6 within Small District 1 within Dranesville District	De-Create/ Re-Create	Leaf	Deny
Small District 1 within Providence District, (James Lee Condominiums)	De-Create/ Re-Create	Leaf	Deny
Small District 1 within Providence District, (Carr of New Providence)	De-Create/ Re-Create	Leaf	Deny

Local District C within Small District 1 within Lee District	Enlarge	Refuse and Leaf	Approve
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12. **A-1 - ESTABLISHMENT OF A STORMWATER UTILITY PROGRAM IN FAIRFAX COUNTY (COUNTYWIDE)** (Tapes 3-4)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize staff to proceed during Fiscal Year (FY) 1995 with development of the detailed engineering criteria needed for the future implementation of a Stormwater Utility Program in Fairfax County. This motion was seconded by Supervisor Alexander.

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, the question was called on the motion which carried by unanimous vote.

13. **A-2 - AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SEND A LETTER TO VIRGINIA'S UNITED STATES SENATORS CONCERNING TELECOMMUNICATIONS LEGISLATION, S. 1822** (Tape 4)

On motion of Supervisor Dix, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to send the letter contained in the Memorandum to the Board dated September 12, 1994 which conveys the County's support and concerns regarding pending federal telecommunications legislation - S.1822.

14. **A-3 - VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT FOR A GRADE SEPARATED INTERCHANGE AT ROUTE 7 AND FAIRFAX COUNTY PARKWAY (ROUTE 7100) (DRANESVILLE DISTRICT)** (Tape 4)

On motion of Supervisor Berger, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the Virginia Department of Transportation (VDOT) design plans for the Route 7 and Fairfax County Parkway Interchange as presented at the July 26, 1994 public hearing, subject to the following:

- Evaluation of the feasibility of extending Route 7 improvements to the east to Georgetown Pike intersection and consider including improvements as part of this project;
- Consideration of the replacement of noise berms impacted by the project which were installed by developers for the purpose of noise abatement along the Algonkian Parkway; and
- Evaluation of the need for improvements to the eastbound Route 7 grade at the Rolling Holly Drive intersection and consider

including the project.

15. **A-4 - FUNDING PLAN FOR PERMANENT CUT-THROUGH TRAFFIC RESTRICTION MEASURES (COUNTYWIDE)** (Tape 4)

On motion of Supervisor Bulova, seconded by Chairman Davis, and carried by unanimous vote, the Board concurred in the recommendation of staff and directed staff to:

- Request the Virginia Department of Transportation (VDOT) to use the \$20,000 of VDOT Secondary Road funds which have been allocated in Fiscal Year (FY) 1995, to construct permanent cut-through projects on a first-come-first-serve basis, phasing projects as needed to maximize the use of the \$20,000; and
- Allow projects to queue and evaluate annually at the time of the VDOT Secondary Road Budget adoption to see if additional funding will be required. If additional funding is required in FY 1996, request VDOT to increase funding accordingly.

16. **A-5 - DENSITY CREDIT FOR ADVANCE DEDICATION OF LAND FOR PUBLIC STREET PURPOSES (COLUMBIA PIKE) (MASON DISTRICT)** (Tape 4)

(DC)

(R) On motion of Supervisor Trapnell, seconded by Supervisor Alexander, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the density credit for the portions of the following lot or parcel 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:

<u>Tax Map Reference</u>	<u>Approximate Area</u>
60-4((1))22	7952.24 square feet

17. **A-6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95026 FOR CONTINUATION OF THE FEDERAL HEAD START PROGRAM GRANT WITHIN THE OFFICE FOR CHILDREN** (Tape 4)

(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 95026 in the amount of \$1,758,697 for continuation of ongoing federal Head Start programs.

18. **A-7 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95027 FOR THE DEPARTMENT OF HUMAN DEVELOPMENT VIRGINIA REFUGEE**

**RESETTLEMENT PROGRAM GRANT** (Tape 4)

(SAR) Supervisor Hanley moved that the Board concur in the recommendation of staff and approve Supplemental Appropriation Resolution (SAR) AS 95027 in the amount of \$300,000 for the Department of Human Development to continue the Virginia Refugee Resettlement Program (VRRP) Grant for the period October 1, 1994 through September 30, 1995. This motion was seconded by Supervisor Hyland.

Supervisor Hyland asked unanimous consent that the Board direct staff to review a previous request submitted by Supervisor Hanley during the Carryover Review (See Clerk's Summary Item CL#10) to determine if the needs of the Kurdish Human Rights Watch (KHRW) might be covered under this grant. Without objection, it was so ordered.

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

19. **A-8 - PERMISSION FOR THE DEPARTMENT OF HUMAN DEVELOPMENT TO SUBMIT A GRANT APPLICATION TO THE FREDDIE MAC FOUNDATION FOR FUNDING TO STRENGTHEN FAMILIES** (Tape 4)

On motion of Supervisor Hyland, seconded by Supervisor Dix, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Human Development to submit an application to the Freddie Mac Foundation for funding under the "Strengthening Families" priority area.

CM:cm

20. **A-9 - DESIGNATION OF PLANS EXAMINERS STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM** (Tape 5)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and designated the following individual, identified with his registration number, as a Plans Examiner:

- Jeffrey T. Lohr (122).

21. **A-10 - APPROVAL OF FUNDING TO CONTINUE IMPLEMENTATION OF THE BURKE CENTRE COMMUTER RAIL STATION PARKING LOT EXPANSION (SPRINGFIELD DISTRICT)** (Tape 5)

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

- Directed staff to continue to implement the expansion of the Burke Centre Commuter Rail Station parking lot;

- Allocated \$100,000 from the fund balance in Subfund 103, County Transit Systems, to be spent on the design and land acquisition phase of this project; and



- Authorized the County Executive to execute an agreement with the Virginia Department of Transportation (VDOT) for the implementation of this project.

22. **A-11 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING RETAIL USES IN INDUSTRIAL DISTRICTS**  
(Tape 5)

(A)

- (R) Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning (OCP), Supervisor Alexander 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 October 24, 1994 and before the Board of Supervisors on **December 5, 1994 at 4:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow for retail uses in certain industrial districts as a subordinate component of certain uses and as a principal use subject to the approval of a Special Exception. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Chairman Davis being out of the room.

23. **A-12 - PROPOSED CONSOLIDATION AND REORGANIZATION OF COUNTY REVITALIZATION ACTIVITIES** (Tape 5)

Supervisor Trapnell moved that the Board approve implementation of the plan as outlined in the Memorandum to the Board and begin the process of filling the position of Director of the Revitalization Branch. This motion was seconded by Supervisor Alexander.

Following discussion, with input from William J. Leidinger, County Executive; Walter D. Webdale, Director, Department of Housing and Community Development; and Verdia L. Haywood, Deputy County Executive for Human Services, Supervisor Dix moved to amend the motion to defer staffing of the position until the regular budget process for Fiscal Year (FY) 1996. This motion was seconded by Supervisor Frey and **FAILED** by a recorded vote of eight, Supervisor Dix and Supervisor Frey voting "AYE."

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

24. **A-13 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS95028 FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO ACCEPT REIMBURSEMENT FROM CENTREVILLE HIGH SCHOOL FOR STAFF SERVICES** (Tape 5)

(SAR) On motion of Supervisor Frey, seconded by Supervisor Hanley, and carried by a vote of

nine, Supervisor Dix being out of the room, the Board concurred in the recommendation of staff and approved Supplemental Appropriation Resolution (SAR) AS95028 for the

Youth Services Division of Alcohol and Drug Services of the Fairfax-Falls Church Community Services Board to accept \$13,600 of reimbursement funds from Centreville High School.

25. **C-1 - APPEAL BY FREDRICK GOLDBECKER OF THE JULY 27, 1994, DECISION OF THE COUNTY EXECUTIVE RELATING TO 5213 GRINNELL STREET UNDER CHAPTER 119-3-6 (GRASS/LAWN AREA ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA (BRADDOCK DISTRICT)** (Tape 5)

(LEGAL)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 regarding the appeal by Frederick Goldbecker of the July 27, 1994, decision of the County Executive relating to 5213 Grinnell Street under the Code of the County of Fairfax, Chapter 119-3-6 (Grass/Lawn Area Ordinance).

Following discussion, with input from Penelope Rood, Department of Environmental Management (DEM), and Jan Brodie, Assistant County Attorney, Supervisor Bulova moved to **DENY** the appeal of Frederick Goldbecker concerning the July 27, 1994, decision of the County Executive relating to 5213 Grinnell Street under the Code of the County of Fairfax, Chapter 119-3-6 (Grass/Lawn Area Ordinance). This motion was seconded by Chairman Davis and carried by unanimous vote.

26. **C-2 - STAFF REVIEW AND COMMENT ON THE TASK FORCE REPORT ON MINORITY UPWARD MOBILITY AND RETENTION** (Tape 5)

(BACs)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 regarding staff review and comment on the Task Force Report on Minority Upward Mobility and Retention.

Following discussion, with input from William J. Leidinger, County Executive, and LaGretta L. Butler, Director, Office of Equity Programs, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved approval of the Task Force Report. This motion was seconded by Vice-Chairman McConnell.

Following further discussion, Supervisor Dix asked unanimous consent that Item Number 13 of the Report, relative to the staffing issue be considered at mid-year. Without objection, it was so ordered.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

27. **C-3 - HAZARDOUS WASTE DROP-OFF POINTS FOR HOUSEHOLDERS (COUNTYWIDE)** (Tapes 5-6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 regarding relative cost of reinstating household hazardous waste drop-off points at the fire station at Sherwood Hall Lane and also at the West Ox Road facility, preferably in the spring and fall.

Following discussion, with input from John W. di Zerega, Director, Department of Public Works, Supervisor Hyland moved that the Board defer this item and refer it to staff for consideration of an alternative plan in which a Household Hazardous Waste Clean-Up Program can be tied in with Fire Prevention Week. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Alexander and Supervisor Bulova being out of the room.

28. **I-1 - EQUIPMENT MANAGEMENT TRANSPORTATION AGENCY (EMTA) QUALITY CONTROL PROGRAM FOR VEHICLE MAINTENANCE** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 requesting authorization for staff to proceed to implement the Quality Control Program recommended by David M. Griffith and Associates, Limited, as outlined in the Memorandum to the Board.

Following discussion, with input from William J. Leidinger, County Executive; Fred K. Kramer, Director, Department of General Services; and Ray E. Willis, Deputy Director, Equipment Management Transportation Agency, Supervisor Dix moved approval of Information Item I-1 - Equipment Management Transportation Agency (EMTA) Quality Control Program for Vehicle Maintenance, as submitted. This motion was seconded by Supervisor Alexander and **CARRIED** by a recorded vote of nine, Supervisor Berger voting "NAY."

29. **I-2 - TRANSPORTATION ENHANCEMENT PROGRAM (COUNTYWIDE)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 presenting the staff review of the recent Virginia Department of Transportation (VDOT) Enhancement Program award.

30. **I-3 - RESULTS OF COUNTY TESTIMONY ON THE ALLOCATION PROCESS FOR SECONDARY, INTERSTATE AND PRIMARY ROADS (COUNTYWIDE)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 presenting the results of the County's recent testimony before the Commonwealth Transportation Board (CTB) on the allocation process for secondary,

interstate and primary roads.

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

31. **I-4 - REGIONAL SURFACE TRANSPORTATION AND CONGESTION MITIGATION AND AIR QUALITY PROGRAM PROJECTS FOR VIRGINIA DEPARTMENT OF TRANSPORTATION PROGRAM FISCAL YEAR (FY) 1995-96 (COUNTYWIDE)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 presenting a prioritized list of projects to be submitted to the Virginia Department of Transportation (VDOT) for the Congestion Regional Surface Transportation Program (RSTP) and the Congestion Mitigation and Air Quality Program (CMAQ).

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

32. **I-5 - VIRGINIA STATE POLICE USE OF FREE CELLULAR TELEPHONE SERVICE FOR HIGHWAY SAFETY REPORTING AND POSSIBLE COUNTY IMPLEMENTATION OF A SIMILAR SERVICE** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 requesting authorization for staff to conduct an ongoing evaluation of the State Police program and any impact it has on existing County call handling procedures. If confusion arises over the proper use of the State Police Number 77 by County citizens, additional education and more explicit signage along the interstates may be necessary regarding the State Police programs.

The staff was directed administratively to proceed as proposed.

33. **I-6 - ECONOMIC DEVELOPMENT INITIATIVE GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 requesting authorization for staff to proceed with the submission to the Department of Housing and Urban Development (HUD) by September 16, 1994 of an application for \$150,000 in Economic Development Initiative (EDI) grant funds and an initial application for \$1,000,000 in Section Eight loan funds.

The staff was directed administratively to proceed as proposed.

34. **I-7 - BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 1995** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated September 12, 1994 requesting authorization for staff to use the meeting calendar contained in the Memorandum to the Board for the purpose of scheduling.

Following discussion, Supervisor Dix moved that the Board direct staff to add September 11, 1995, to the Board of Supervisors' meeting schedule for calendar year 1995. This motion was seconded by Supervisor Hanley and carried by unanimous vote.

Following further discussion, Supervisor McConnell moved that the Board not schedule a meeting on April 17, 1995, but meet on April 18, 19, and 20, 1995 instead. This motion was seconded by Supervisor Hyland and **FAILED** by a recorded vote of six, Supervisor Bulova, Supervisor Hyland, Supervisor McConnell, and Supervisor Trapnell voting "AYE."

35. **REQUEST FOR CLARIFICATION OF BOARD ACTION FROM BUDGET PUBLIC HEARING ON THE COUNTY AND SCHOOL' FISCAL YEAR (FY) 1994 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 1995 REVISED BUDGET PLAN** (Tape 6)

(NOTE: Earlier in the meeting, there was Board discussion and action regarding this matter. See Clerk's Summary Item CL#10)

Supervisor Dix asked Chairman Davis to summarize Board action from earlier in the meeting regarding the management activities and the projections for next year.

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

At 1:50 p.m., Supervisor Dix moved that the Board recess and go into Executive Session for discussion or consideration of matters enumerated in Virginia Code Section 2.1-344 and listed in the Agenda as well as for discussion of actual and probable litigation and other specific legal matters requiring the provision of legal counsel, as well as:

- Computer Sciences Corporation versus Board of Supervisors of Fairfax County, et al., In Chancery Number 131653;
- Termination of Contract RQ40004220, Johnson Controls World Service, Incorporated;
- Erroneous Tax Assessment Litigation; and
- 1988 Agreement Between Fairfax and Loudoun Counties Concerning Brockman Lane and Thomas Avenue.

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

**AR:ar**

At 4:00 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, and with Chairman Davis presiding.





**ACTIONS FROM EXECUTIVE SESSION****37. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION (Tape 7)**

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 unanimous vote.

**38. APPROVAL OF CONTRACT OF SALE AND ADDENDUM FOR SITE FOR HERNDON/MONROE PARK-AND-RIDE LOT (Tape 7)**

Supervisor Dix stated that the Board has before it today the consideration of the Contract of Sale and Addendum for Contract of Sale for certain property located adjacent to the Dulles Toll Road, east of Monroe Street and north of Sunrise Valley Drive, as the site for the Herndon/Monroe Park-and-Ride Lot.

In conjunction with that, Supervisor Dix moved that the Board approve the Contract of Sale and Addendum for Contract of Sale between the Board and owners of said property, and authorize the execution of said instruments by the Deputy County Executive for Planning and Development. Subject property is located in the Hunter Mill District and identified as Tax Map Number 016-4-01-0027. This motion was seconded by Supervisor Berger and carried by unanimous vote.

**39. AUTHORIZATION OF SETTLEMENT OF WOSH, INCORPORATED VERSUS BOARD OF SUPERVISORS, AT LAW NUMBER 124815 (Tape 7)**

Supervisor Hanley moved that the Board authorize the settlement of WOSH, Incorporated versus Board of Supervisors, At Law Number 124815, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

**40. AUTHORIZATION OF SETTLEMENT OF BOARD OF SUPERVISORS VERSUS NOVAK PROPERTY JOINT VENTURE, ET AL., AT LAW NUMBER 128883 (Tape 7)**

Supervisor Frey moved that the Board authorize the settlement of Board of Supervisors versus Novak Property Joint Venture, et al., At Law Number 128883, as recommended by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

41. **INCREASE IN SALARY SCALE FOR POSITION OF ASSISTANT TO THE AUDITOR TO THE BOARD** (Tape 7)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board authorize an increase in the salary scale for the position of Assistant to the Auditor to the Board from an S-23 to an S-29 as requested by the Auditor. This motion was seconded by Supervisor Trapnell and **CARRIED** by a recorded vote of seven, Supervisor Dix and Supervisor Hanley voting "NAY," Supervisor Alexander being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

**AM:am**

42. **3:00 P.M. - PH ON THE ABANDONMENT OF A PORTION OF GREEN SPRING ROAD (ROUTE 797) (MASON DISTRICT)** (Tape 8)

- (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 August 26 and September 2, 1994.

Following the public hearing, which included testimony by five speakers, Supervisor Trapnell moved that the Board adopt the Order abandoning a portion of Green Spring Road (Route 797). This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

43. **3:00 P.M. - PH ON THE VACATION OF A PORTION OF MOSBY LANE (SULLY DISTRICT)** (Tape 8)

(NOTE: The applicant needs to resolve outstanding issues on this vacation.)

Supervisor Hanley moved to defer the public hearing on the vacation of a portion of Mosby Lane until **December 5, 1994 at 4:00 p.m.** This motion was seconded by Supervisor Berger and carried by a vote of six, Supervisor Alexander, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

44. **3:00 P.M. - PH ON THE ACQUISITION OF CERTAIN EASEMENTS NECESSARY FOR CONSTRUCTION OF THE WINDSOR ESTATES STORM DRAINAGE PROJECT (LEE DISTRICT)** (Tape 8)

Supervisor Alexander moved to defer indefinitely the public hearing on the acquisition of necessary property interests for the construction of County Project M00077 (AC0213), Windsor Estates Storm Drainage Project. This motion was seconded by Supervisor Berger and carried by a vote of seven, Supervisor Frey, Supervisor Trapnell, and Chairman Davis being out of the room.



45. **3:00 P.M. - PH ON ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE FAIRHAVEN PUBLIC IMPROVEMENTS PHASE V PROJECT (MOUNT VERNON DISTRICT)** (Tape 8)

(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 August 26 and September 2, 1994.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution authorizing the acquisition of necessary property interests for the construction of County Project 003848, Fairhaven Public Improvements Phase V. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

46. **3:00 P.M. - PH ON THE ACQUISITION OF CERTAIN EASEMENTS NECESSARY FOR CONSTRUCTION OF THE WINDSOR ESTATES STORM DRAINAGE PROJECT (LEE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, action was taken to defer this public hearing indefinitely. See Clerk's Summary Item CL#44.)

47. **3:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-V-030 (DBS GENERAL PARTNERSHIP) (MOUNT VERNON DISTRICT)** (Tape 8)

(NOTE: This application is to be remanded to the Planning Commission due to an amendment to add additional land area, and it will be scheduled for a public hearing before the Board after the Planning Commission makes a decision.)

Supervisor Hyland moved to defer indefinitely the public hearing on Special Exception Application SE 93-V-030. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Frey and Chairman Davis being out of the room.

48. **3:30 P.M. - PH ON REZONING APPLICATION RZ 94-P-017 (WILLIAM P. SLOAN) (PROVIDENCE DISTRICT)** (Tape 8)

(NOTE: The Planning Commission deferred its public hearing on Rezoning Application RZ 94-P-017 until September 29, 1994.)

Supervisor Hanley moved to defer the public hearing on Rezoning Application RZ 94-P-017 until **October 10, 1994 at 4:00 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey, and Chairman Davis being out of the room.

49. **3:30 P.M. - PH ON REZONING APPLICATION RZ 94-P-013 (PULTE HOME CORPORATION) (PROVIDENCE DISTRICT)** (Tape 8)

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, Julie Schilling, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 94-P-013 be amended from the R-1 District to the R-3 District subject to the revised proffers dated August 16, 1994. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor Frey, and Chairman Davis being out of the room.

Supervisor Hanley moved waiver of the:

- Open space requirement in accordance with Section 2-309 of the Zoning Ordinance; and
- Minimum district size in accordance with Section 9-610 of the Zoning Ordinance.

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

50. **3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-P-026 (ALBERT J. DENNETT) (PROVIDENCE DISTRICT)** (Tape 8)

Mr. Albert J. Dennett reaffirmed the validity of the affidavit for the record.

Mr. Dennett 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, Leslie Johnson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Hanley moved approval of Special Exception Application SE 94-P-026 subject to the development conditions dated September 8, 1994. This motion was

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

51. **3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-L-022 (HILLTOP SAND AND GRAVEL COMPANY, INCORPORATED) (LEE DISTRICT)** (Tape 8)

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

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

Following the public hearing, Regina Murray, Senior 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-022 subject to the development conditions dated September 9, 1994; and
- Modification of the transitional screening and barrier around the peripheral of the site in favor of that shown in the SE Plat.

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

52. **3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING YARD REQUIREMENTS AND TRANSIT FACILITIES** (Tape 8)

- (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 August 26 and September 2, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding yard requirements and transit facilities. This motion was seconded by Supervisor Hanley and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor McConnell, and Chairman Davis being out of the room.

#### **ADDITIONAL BOARD MATTER**

53. **FIRST RABID DOG CONFIRMED IN FAIRFAX COUNTY** (Tape 8)

Supervisor Hyland read a news release which indicates that the first rabid dog was confirmed in Fairfax County on September 9, 1994. The Fairfax County Department of Animal Control impounded the body of a male mixed breed chow dog approximately three years old that bit a 19 year old Lorton man without provocation. The injuries sustained determined that the dog had never been inoculated against rabies and five weeks previously had fought with a raccoon.

54. **3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING RECYCLING FACILITIES** (Tape 8)

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 August 26 and September 2, 1994.

Following discussion, Supervisor Hyland moved to defer the public hearing on the proposed amendment to Chapter 112 (Zoning Ordinance) regarding recycling facilities until **September 26, 1994 at 4:00 p.m.** This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor McConnell, and Chairman Davis being out of the room.

55. **3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING THE HISTORIC OVERLAY DISTRICTS** (Tape 8)

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 August 26 and September 2, 1994.

Supervisor Hanley moved to withdraw from consideration the public hearing on proposed amendment to Chapter 112 (Zoning Ordinance) regarding the Historic Overlay Districts. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor McConnell, and Chairman Davis being out of the room.

56. **4:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S94-IV-LP2 (MOUNT VERNON DISTRICT)** (Tape 8)

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 August 26 and September 2, 1994.

Supervisor Hyland disclosed the following campaign contributions which he had received:

- \$100, \$800 and \$250 for the years 1991, 1992 and 1993 from Bob and Marilyn DeLuca; and
- \$100 from Samuel B. Skinner in 1991.



Supervisor Berger disclosed the following campaign contribution which he had received.

- \$100 from Bob and Marilyn DeLuca.

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

Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S94-IV-LP2 as recommended by the Planning Commission. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor McConnell and Chairman Davis.

57. **4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-V-064-2, SPECIAL EXCEPTION APPLICATIONS SE 94-V-030 AND SE 94-V-031 (MCDONALD'S CORPORATION AND GUNSTON PLAZA ASSOCIATES LIMITED PARTNERSHIP) (MOUNT VERNON DISTRICT)**  
(Tapes 8-9)

Ms. Marilyn DeLuca reaffirmed the validity of the affidavit for the record.

Ms. DeLuca 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.

Supervisor Hyland disclosed the following campaign contributions which he had received:

- \$100, \$800 and \$250 for the years 1991, 1992 and 1993 from Bob and Marilyn DeLuca; and
- \$100 from Samuel B. Skinner in 1991.

Supervisor Berger disclosed the following campaign contribution which he had received.

- \$100 from Bob and Marilyn DeLuca.

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application

PCA 87-V-064-2 subject to the proffers dated August 26, 1994;

- Approval of Special Exception Application SE 94-V-030 subject to the development conditions dated September 7, 1994;
- Approval of Special Exception Application SE 94-V-031 subject to the development conditions dated September 7, 1994.
- Reaffirmation of the previously approved waiver of the service drive along Route One; and
- Modification of transitional screening and barrier to that shown on the Landscaping Pplan approved in conjunction with approval of RZ 87-V-064 as supplemented on the General Development Plan/Special Exception (GDP/SE) Plat and subject to proffers dated August 26, 1994 and development conditions dated September 7, 1994.

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

58. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 92-D-028 (EXXON CORPORATION) (DRANESVILLE DISTRICT)** (Tape 9)

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

Supervisor Berger moved approval of Special Exception Application SE 92-D-028 subject to the development conditions dated September 12, 1994. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Chairman Davis being out of the room.

59. **4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 76-C-152-3 (EXXON CORPORATION) (HUNTER MILL DISTRICT)** (Tape 9)

Mr. Keith C. Martin reaffirmed the validity of the affidavits 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.

During consultations regarding this public hearing, the following Board Matter was presented:

**Fee Waiver for Franconia Volunteer Fire Station**

Acting-Chairman Alexander relinquished the Chair to Acting-Chairman Bulova and moved that the Board direct staff to waive all fees to process the Rezoning, Special Exception Amendment Applications, and related Department of Environmental Management (DEM) plans and permits for the Franconia Volunteer Fire Station at 6300 Beulah Street. He noted that the station needs to make a 5,800 square foot addition to accommodate the Americans with Disabilities Act (ADA) requirements as well as provide more living space for the fire fighters. Noting the valuable service that the station provides, Supervisor Alexander stated that it is in the best interest of the County to waive the County fees.

Supervisor Alexander further moved that the Board direct staff to:

- Expedite the applications; and
- Grant simultaneous processing and review of the Fire Station's plans.

Supervisor Alexander noted that the applicant understands that this action neither provides him with a vested right in the plan approval nor relieves him from the responsibility of any plan modifications as a result of Board review.

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

Acting-Chairman Bulova returned the gavel to Acting-Chairman Alexander.

Following discussion, Supervisor Dix asked unanimous consent that the Board defer further action on Special Exception Amendment Application SEA 76-C-152-3 until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken to defer the Board Decision on Special

Exception Amendment Application SEA 76-C-152-3. See Clerk's Summary Item CL#61.)

NV:nv

60. **TESTIMONY TO BE PRESENTED TO SENATE FINANCE COMMITTEE REGARDING JUVENILE DETENTION FACILITIES** (Tape 10)

Supervisor Dix stated that he had distributed to Board Members copies of the issues relative to the County staff testimony to be presented before the Senate Finance Committee on Tuesday, September 13, 1994 regarding Juvenile Detention Facilities.

61. **BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 76-C-152-3 (EXXON CORPORATION) (HUNTER MILL DISTRICT)** (Tape 10)

- (A) (NOTE: Earlier in the meeting, there was discussion regarding Special Exception Amendment Application SEA 76-C-152-3. See Clerk's Summary Item CL#59.)

Supervisor Dix moved that the Board defer decision on Special Exception Amendment Application SEA 76-C-152-3 until **October 10, 1994 at 4:30 p.m.** This motion was seconded by Chairman Davis and carried by unanimous vote.

(NOTE: Because the public hearing was never formally completed, the public hearing will be continued until **October 10, 1994 at 4:30 p.m.**)

62. **SIMULTANEOUS PROCESSING OF BUILDING PLANS WITH SITE PLANS FOR FOREST GLEN PROJECT** (Tape 10)

Supervisor Frey stated that an elderly project in the Sully Station to be named Forest Glen requires plan approval before federal tax credits are lost. Accordingly, he moved that the Board direct the Director of the Department of Environmental Management (DEM) to accept for simultaneous processing the building plans and other plans with the Site Plan review. This motion was seconded by Chairman Davis and carried by unanimous vote.

63. **SCHEDULING OF PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-7, TILGHMAN LIMITED PARTNERSHIP** (Tape 10)

Supervisor Frey stated that Proffered Condition Amendment Application PCA 82-P-069-7 is an application by Tilghman Limited Partnership which must be scheduled for public hearing before the Board by the end of September due to contractual obligations. Therefore, Supervisor Frey moved that the Board direct staff to schedule for public hearing Proffered Condition Amendment Application PCA 82-P-069-7 to be heard before the Board on **September 26, 1994 at 4:30 p.m.** This motion was seconded

by Chairman Davis and carried by unanimous vote.

64. **REQUEST RESOLUTION SUPPORTING "NO MONEY, NO MANDATES"**  
(Tape 10)

- (R) Supervisor Hyland said that he recently received a copy of a letter sent to the County Executive by Congressman Condit (18th District, California) in which he provides an update on the congressional efforts to enact meaningful mandate relief legislation. In his communication, the Congressman requests the support of local jurisdictions to help in this effort.

Supervisor Hyland moved that the Board:

- Resolve to support the bipartisan "No Money, No Mandates" reform;
- Resolve to support discharge petition number 25; and
- Send this joint resolution to Congressman Condit's office and to Members of Congress as well as to state and national organizations.

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

65. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR ERNEST BERGER** (Tape 10)

Supervisor Berger announced that he would not present any Board Matters today.

66. **CATHOLIC CAMPUS MINISTRY: WAIVER OF THE DESIGN REVIEW FEE**  
(Tape 10)

Supervisor Bulova said that the non-profit Catholic Campus Ministry which is affiliated with George Mason University (GMU) is constructing a new chapel and ministry center on Roberts Road. While development of the site has been proceeding fairly quickly, an unforeseen drainage problem has arisen.

Supervisor Bulova said that in order to correct the storm water outfall problem which is impacting an adjacent residential property, the church has agreed to re-engineer this portion of the Site Plan. The redesign and construction costs to correct this problem are considerable.

Supervisor Bulova moved that the Board direct staff of the Department of Environmental Management (DEM) to pay the review fee for this redesign. This motion was seconded by Chairman Davis and carried by unanimous vote.

67. **BOARD OF SUPERVISORS' RECOGNITION OF WILLIAM ENDERLE, DIRECTOR, OFFICE OF CONSTRUCTION MANAGEMENT, CATHOLIC DIOCESE** (Tape 10)

Supervisor Bulova said that for over 30 years William Enderle has represented the Catholic Diocese as Director of the Office of Construction Management. She said that he has overseen a number of significant projects throughout Fairfax County.

Supervisor Bulova said that on September 30, 1994, William Enderle will be retiring his position as Director. Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to:

- Invite William Enderle to appear before the Board on September 26, 1994 to be appropriately recognized for his outstanding contributions to the spiritual, educational, and housing needs of many of the residents of Fairfax County.

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

PMH:pmh

68. **IMPLEMENTATION OF CAPITAL IMPROVEMENT PROGRAM (CIP) ADVISORY COMMITTEE RECOMMENDATIONS** (Tape 11)

Supervisor Trapnell stated that Board Members had received a letter from Stuart Finley, Chairman, Capital Improvement Program (CIP) Advisory Committee. Supervisor Trapnell moved that the contents of this letter be implemented as recommended. This motion was seconded by Chairman Davis and carried by unanimous vote.

69. **MEMENTOS FROM EGYPT AND RUSSIA** (Tape 11)

Supervisor Alexander announced that he and Supervisor Bulova brought mementos back from Russia and Egypt.

70. **THIRD PARTY FINANCING FOR NOISE BARRIERS AT FAIRFAX STATION** (Tape 11)

Supervisor McConnell reminded the Board that the Virginia Department of Transportation (VDOT) has indicated its willingness to allow third party financing of the incremental cost of noise abatement measures which meet the noise and development date criteria of the State Noise Abatement Policy, but exceeds the policy's \$20,000 cost per receptor criteria. Under the third party option, VDOT would provide up to \$20,000 per receptor (80 percent Federal funding, 20 percent State match) and property owners would provide any incremental amount over the \$20,000 limit.

Supervisor McConnell stated that VDOT has requested that all third party funds be channeled through the County. As of Wednesday, September 7, 1994, Fairfax Station property owners have deposited with the County the aggregate amount of \$91,000 for the incremental cost over \$20,000 per receptor for the noise barriers along their properties. These include the following:

- Barrier Number 32, located on the west side of Route 123 between Fairfax County Parkway and Robert Carter Road. The third party share totals \$63,000; and
- Barrier Number 35, located on the west side of Route 123 extending approximately 700 feet south from the intersection of Clara Barton Drive. The third party share totals \$28,000.

Therefore, Supervisor McConnell moved that the Board direct staff to forward a check in the amount of \$91,000 to VDOT for the purpose of designing and constructing the two above-referenced noise barriers. She noted that there is no financial commitment on the County's part, other than staff time for processing the payment to VDOT, for the provision of the noise barriers. This motion was seconded by Chairman Davis and carried by unanimous vote.

71. **FEE WAIVER FOR PUBLIC FACILITIES MANUAL (PFM) REQUEST FOR OLDE OAK RIDGE COMMUNITY** (Tape 11)

Supervisor McConnell stated that recently she had been contacted by the residents of the Olde Oak Ridge Community who have requested modification of the proposed and approved multi-purpose court and associated tot lot in their community, Plan Number 6722-SP-02-G1. The developer, Foster Brothers, has interrupted construction while seeking County approval to relocate and redesign this community recreational facility. Supervisor McConnell noted that with the community's desire to reduce the size of the proposed multi-purpose court and to increase the size and number of apparatus of the proposed tot lot, a Public Facilities Manual (PFM) Modification Request is required of Foster Brothers, as well as payment of the associated fees. She stated that in the spirit of cooperation and through no fault of its own, Foster Brothers has incurred additional expense to re-engineer this community recreation facility and their construction crews have been delayed.

Therefore, on behalf of the residents of Olde Oak Ridge, Supervisor McConnell moved that the Board direct staff to waive the \$500 fee associated with this PFM Modification Request, Multi-purpose Court Drawing B-15-36. This motion was seconded by Chairman Davis and carried by a vote of nine, Supervisor Alexander being out of the room.

72. **REQUEST FOR AUTHORIZATION TO ADVERTISE A PUBLIC HEARING**

**FOR THE DEDICATION OF BOARD OF SUPERVISORS' OWNED PROPERTY AS RIGHT-OF-WAY FOR THE SPRING HILL ROAD EXXON PROJECT**  
(Tape 11)

Supervisor Hanley said that an Exxon operator located at Spring Hill Road wants to relocate his gas pumps (Special Exception Application SE 94-P-045). During staff investigation of this case, it was discovered that the existing access onto Spring Hill Road is across Board of Supervisors property which is currently zoned in the R-1 District. She added that it was determined that the entire R-1 parcel would be needed as right-of-way for the Spring Hill Road widening project. When the R-1 zoned parcel becomes right-of-way, there will be no problem allowing access to the Exxon station across the parcel. In order to dedicate the parcel of right-of-way the Board will need to authorize the advertisement of a public hearing to consider and authorize that dedication.

Therefore, Supervisor Hanley moved that the Board direct staff to prepare the necessary materials and authorize the advertisement of a public hearing to dedicate the Board owned property as right-of-way. This motion was seconded by Chairman Davis and carried by unanimous vote.

73. **REQUEST FOR CONCURRENCE IN THE FILING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005** (Tape 11)

Supervisor Hanley said that Proffered Condition Amendment Application PCA 88-D-005 is a request to amend the proffers for Rezoning Application RZ 88-D-005 known as West Park, a rezoning in Tysons Corner. She said that part of the application property includes a 4.28 acre parcel of land owned by the Board of Supervisors. She added that this parcel was dedicated in 1991 by West Park to the County for use as a transit station. Since the Board now owns the 4.28 acre parcel the Board must concur in the filing of the Proffered Condition Amendment Application in order for the application to proceed.

Supervisor Hanley moved that the Board concur in the filing of Proffered Condition Amendment Application PCA 88-D-005 so that the application including the 4.28 acre parcel may proceed. This motion should not be construed as a favorable recommendation on the Proffered Condition Amendment Application by the Board and does not relieve the applicant and owner from compliance of provisions of any applicable ordinances, regulations or adopted standards. This motion, the second to which was inaudible, carried by unanimous vote.

74. **REQUEST TO PROCLAIM SEPTEMBER 15 THROUGH OCTOBER 15, 1994 AS "HISPANIC HERITAGE MONTH"** (Tape 11)

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved that the Board:

- Proclaim September 15 through October 15, 1994 as "Hispanic



Heritage Month" at the Board meeting scheduled for September 26, 1994; and

- Direct staff to invite Hispanic and Latino leaders to be present for the Proclamation.

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

Vice-Chairman McConnell returned the gavel to Chairman Davis.

75. **CLARIFICATION OF MOTION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-C-026, TOLL BROTHERS** (Tape 11)

On August 8, 1994, a public hearing was held on Proffered Condition Amendment Application PCA 91-C-026, an application by Toll Brothers to make modifications to the site layout and the unit type of affordable dwelling units at a site located on Baron Cameron Avenue. Following the public hearing, the Board approved the application and reaffirmed a number of waivers and modifications which had been approved with the original rezoning in 1992.

Supervisor Dix clarified his motion made on August 8, 1994, regarding the waiver of the length of private streets. The Public Facilities Manual (PFM) states a maximum length of 600 feet for private streets. There is no minimum length requirement. Supervisor Dix stated that his motion referred to a modification of the minimum length rather than maximum length requirement.

Supervisor Dix moved, as a point of clarification with regard to Proffered Condition Amendment Application PCA 91-C-026, approved by the Board on August 8, 1994, waiver of the 600 foot maximum length of private streets requirement. This motion was seconded by Chairman Davis and carried by unanimous vote.

76. **BUILDING PERMIT FEE WAIVER - TOWN OF VIENNA PARKS AND RECREATION DEPARTMENT** (Tape 11)

Supervisor Dix informed the Board that the Town of Vienna Parks and Recreation Department is currently in the process of submitting an application for a building permit for renovation of the Bowman House Arts and Crafts Center, located at 211 Center Street, South. The main floor of the building has been the hub of youth and adult arts, crafts, and pottery programs for over 10 years, and residents from throughout the County participate in these programs. This renovation work will greatly improve the usable classroom space and safety as well as bring the facility into compliance with handicap accessibility requirements.

Supervisor Dix moved that the Board authorize the waiver of any fees associated with the required permits for this renovation project. This motion was seconded by Chairman Davis and carried by unanimous vote.

77. **SPECIAL PERMIT FEE WAIVER FOR PROPERTY AT 3227 ANNANDALE ROAD** (Tape 11)

Supervisor Trapnell said that Mr. Anthony J. Fertitta of 3227 Annandale Road has recently been cited for a zoning violation regarding a structure built too close to a neighbor's lot line. She stated that since receiving the notice of violation, Mr. Fertitta has been very cooperative with both her office and the Zoning Enforcement Branch, Zoning Administration Division, Office of Comprehensive Planning (OCP). Therefore, Supervisor Trapnell moved that the Board direct staff to waive all fees associated with a Special Permit for Mr. Fertitta's property at 3227 Annandale Road. This motion was seconded by Supervisor Berger.

Following discussion, Chairman Davis relinquished the Chair to Acting-Chairman Alexander and asked to amend the motion to include that the request be subject to the review of the County Attorney, and this was accepted.

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

Acting-Chairman Alexander returned the gavel to Chairman Davis.

78. **BOARD ADJOURNMENT** (Tape 11)

At 5:30 p.m., the Board adjourned.

