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The meeting was called to order at 10:10 a.m. with all Members being present, with the exception of Supervisor Berger and Chairman Davis, and with Vice-Chairman McConnell presiding.

Supervisor Berger arrived at 10:25 a.m.

Chairman Davis arrived at 4:00 p.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. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE FAIRFAX CORNER IN MOSCOW INTERNSHIP PROGRAM** (Tape 1)

Supervisor Bulova moved approval of the Certificates of Recognition presented to Members of the Fairfax Corner in Moscow Internship Program. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

Supervisor Bulova further moved approval of the Certificates of Recognition to be presented to other members of the Delegation and their host families who will be arriving on Tuesday, December 6, 1994. This motion was seconded by Vice-Chairman McConnell and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

Supervisor Bulova further moved approval of the Certificates of Appreciation to be presented to the interpreters and the linguists traveling with the Delegation during their stay. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO NAOMI ZEAVIN FOR YEARS OF SERVICE AS A MEMBER OF THE ADVISORY SOCIAL SERVICES BOARD** (Tape 1)

Supervisor Trapnell moved approval of the Certificate of Recognition presented to Naomi Zeavin for years of dedicated service as a member of the Advisory Social Services Board. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

4. **PROCLAMATION DESIGNATING DECEMBER 11, 1994 AS "GEORGE MASON DAY" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Hanley moved approval of the Proclamation presented to Mary Lou Curtis, designating December 11, 1994 as "**George Mason Day**" in Fairfax County. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander and Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

Supervisor Hanley further moved that the Board direct staff to recognize each December 11th as George Mason Day in Fairfax County. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander and Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

5. **PROCLAMATION DESIGNATING THE WEEK OF DECEMBER 11 - 17, 1994 AS "GUM SPRINGS HISTORY WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Hyland moved approval of the Proclamation presented to Ronald L. Chase, Jr., Gum Springs Historical Society, designating the week of December 11 - 17, 1994 as "**Gum Springs History Week**" in Fairfax County. This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

6. **DEATH OF MR. GERALD T. CARPENTER, ZONING INSPECTOR** (Tape 1)

Supervisor Frey announced that Gerald T. Carpenter, Zoning Inspector, Zoning Administration Division (ZAD), Office of Comprehensive Planning (OCP) who worked for Fairfax County for almost 22 years, died suddenly on November 28, 1994.

Supervisor Frey asked unanimous consent that the Board direct staff to extend the Board's sympathy to the Carpenter family and invite them to appear before the Board in recognition of Mr. Carpenter's service to the County. Without objection, it was so ordered.

7. **10:00 A.M. - BOARD ADOPTION OF THE 1995 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (Tapes 1-2)

(R)

(A) Supervisor Dix, Chairman, Board's Legislative Subcommittee, briefly outlined the 1995 Legislative Program and moved approval of the Fairfax County Legislative Program Draft dated December 2, 1994 as presented to Board Members on December 5, 1994. The second to this motion was inaudible.

Following discussion, Supervisor Hyland moved to amend the motion to recommend legislation to amend Section 15.1-729 which reads: "Members of the Board and the Chairman shall devote full time to the work of the County, and employment by any other entity shall be prohibited," to read as follows:

- "Members of the Board and the Chairman shall devote full time to the work of the County."

This motion was seconded by Supervisor Bulova.

Following further discussion, with input from Michael H. Long, Assistant County Attorney, Supervisor Dix asked to amend the amendment by adding the following sentence:

- "Supplemental employment which does not impede or conflict with the full time commitment is permitted."

And this was accepted.

Following discussion, with additional input from Mr. Long, the question was called on the motion to amend, as amended, which carried by a vote of nine, Chairman Davis not yet having arrived.

The question was then called on the motion to approve the Fairfax County Legislative Package, as amended, which carried by a vote of nine, Chairman Davis not yet having arrived.

Supervisor Dix moved approval of the draft Resolution on the Small Claims Court issue as submitted. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Chairman Davis not yet having arrived.

Supervisor Bulova moved that the Board direct staff to draft legislation and advertisement for a public hearing before the Board regarding the requirement of headgear and eye protection for moped users in the County. This motion was seconded by Vice-Chairman McConnell and carried by a vote of nine, Chairman Davis not yet having arrived.

Following discussion, with input from Susan Mittereder, Legislative Liaison, Office of the County Executive, Supervisor Hanley moved that the Board direct staff to send a letter to Cindy M. Berndt, Regulatory Coordinator of the Department of Environmental Quality (DEQ) expressing the Board's opposition to the DEQ Regulations on the downgrading of the Aboveground Storage Tank (AST) Regulations, as soon as possible. Supervisor Hanley noted that a similar letter from the Mayor of the City of Fairfax should be used as a model. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander being out of the room, Chairman Davis not yet having arrived.

(NOTE: Later in the meeting, there was clarification of the effective date of the implementation of the Legislative Program. See Clerk's Summary Item CL#9.)

(NOTE: Later in the meeting, the issue of the letter to the DEQ was revisited. See Clerk's Summary Item CL#41.)

8. **10:15 A.M. - PRESENTATION OF OVERVIEW OF FAIRFAX COUNTY'S INFORMATION HIGHWAY** (Tape 2)

Following a brief presentation on Fairfax County's Information Highway by David P. Mullet, Acting Director, Network Services Division, Department of Information Technology (DIT), Supervisor Hyland asked unanimous consent that the Board direct staff to have the "Welcome" into the system broadcast in several languages. Without objection, it was so ordered.

Supervisor Hanley asked unanimous consent that the Board direct staff to provide information in a variety of languages for non-English speaking citizens. Without objection, it was so ordered.

Following discussion, Supervisor Dix asked unanimous consent that the Board direct staff to advise the Board Members of the progress of efforts to combine the Information Highway System throughout the County. Without objection, it was so ordered.

Mr. Mullett announced that the Bulletin Board System is now operational and can be accessed by calling (703) 802-3270.

9. **CLARIFICATION OF THE RECOMMENDED IMPLEMENTATION DATE FOR THE 1995 LEGISLATIVE PROGRAM** (Tape 2)

(NOTE: Earlier in the meeting, this item was discussed and action taken by the Board. See Clerk's Summary Item CL#7.)

Supervisor Dix clarified, for the record, that the recommended effective date of implementation for the Legislative Program is January, 1996.

10. **10:30 A.M. - BOARD DECISION ON AREA PLANS REVIEW (APR) ITEM 94-I-1J, IN THE VICINITY OF LEE HIGHWAY AND GALLOWS ROAD (PROVIDENCE DISTRICT)** (Tape 2)

(NOTE: The public hearing was held on November 21, 1994 and Board decision deferred until December 5, 1994.)

Supervisor Hanley moved approval of Area Plans Review (APR) Item 94-I-1J in the vicinity of Lee Highway and Gallows Road as shown on the Addendum and amended by the Planning Commission. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Chairman Davis not yet having arrived.

11. **10:30 A.M. - BOARD DECISION ON AREA PLANS REVIEW (APR) ITEM 94-II-2V, IN THE VICINITY OF LEE HIGHWAY AND GALLOWS ROAD (PROVIDENCE DISTRICT)** (Tape 2)

(NOTE: The public hearing was held on November 21, 1994 and Board decision deferred until December 5, 1994.)

Supervisor Hanley moved approval of Area Plans Review (APR) Item 94-II-2V in the vicinity of Cedar Lane between Willowmere Drive and Hilltop Road as recommended by the Planning Commission with the modifications as stated on the handout entitled "Proposed Text for APR 94-II-2V," as follows:

- "The south west quadrant of the intersection of Interstate 66 and Cedar Lane (Tax Map Numbers 49-1-((1))-03, 05 and 06: and Parcels 49-1-((4))-15, and 16A) is planned for single-family detached residential use only at a density of 3-4 dwelling units per acre, exclusive of the dedication of land necessary for the widening of Cedar Lane. Only conventional subdivision development should be allowed so that compatibility is maintained with the existing single-family communities to the east, south and west of these parcels."

This motion was seconded by Supervisor Hyland and carried by a vote of nine, Chairman Davis not yet having arrived.

12. **10:00 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 2)

Vice-Chairman McConnell announced that Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups would be deferred until later in the day.

(NOTE: Later in the meeting, Appointments to Citizen Boards, Authorities, Commissions and Advisory Groups were made. See Clerk's Summary Item CL#99.)

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

Supervisor Hyland moved approval of the Administrative Items. This motion was seconded by Supervisor Trapnell.

Supervisor Alexander asked unanimous consent that Administrative Item ADMIN 2 - Acceptance of a Portion of Villa Street Into the State Secondary System (Lee District) be considered separately. Without objection, it was so ordered.

The question was called on the motion to approve all Administrative Items, with the exception of Administrative Item Two, which carried by a vote of nine, Chairman Davis not yet having arrived.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, SPRINGFIELD AND SULLY DISTRICTS)

(R) Adopted the request that certain streets listed in the Memorandum to the Board dated September 26, 1994 be recommended for acceptance into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Morison Estate	Dranesville	Morison Lane River Bend Road, Route 603 (Additional right-of-way only) Jeffery Road, Route 1268 (Additional right-of-way)
Barrington, Section 4	Springfield	Braymore Circle, Route 8771 Comerford Drive Hallston Court Glenhurst Drive
King of Kings Lutheran Church	Sully	Route 50 Service Drive

Pleasant Hill, Section 5B	Sully	Martins Hundred Hidden Canyon Cedarhurst Court Ridgemont Drive
Pleasant Hill, Section 6B	Sully	Martins Hundred Drive Pleasant Valley Route 609 (Additional right-of-way only)

ADMIN 2 - ACCEPTANCE OF A PORTION OF VILLA STREET INTO THE STATE SECONDARY SYSTEM (LEE DISTRICT)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#14.)

ADMIN 3 - ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 91-C-042, GEORGE H. RUCKER REALTY CORPORATION (HUNTER MILL DISTRICT)

- (AT) Approved the request for 30 months of additional time to establish the use for Special Exception Application SE 91-C-042 until July 27, 1997 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN DEDICATIONS AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD BOND PROJECT - ROUTE 236/BEAUREGARD STREET, PHASE II (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **January 9, 1995 at 3:30 p.m.** on the acquisition of interests in real property necessary for the construction of County Road Bond Project 006497 - Route 236/Beauregard Street, Phase II.

ADMIN 5 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL REGARDING STREETS, STORM DRAINAGE, AND SANITARY SEWER (COUNTYWIDE)

- (A) Authorized the advertisement of a public hearing to be held before the Board of Supervisors on **February 13, 1995 at 3:30 p.m.** on proposed amendments to the Public Facilities Manual (PFM) to become effective on July 1, 1995 at 12:01 a.m. and the following shall be grandfathered:
- Subdivisions Plans (excluding Preliminary Plans;

- Site Plans; and
- Public Improvement Plans,

approved prior to 12:01 a.m., July 1, 1995.

14. **ADMIN 2 - ACCEPTANCE OF A PORTION OF VILLA STREET INTO THE STATE SECONDARY SYSTEM (LEE DISTRICT)** (Tape 3)

(R) Supervisor Alexander moved adoption of the Resolution accepting a portion of Villa Street from the intersection of Franconia Road to a point approximately 1,259 (0.24 mile) feet to the south into the State Secondary System on the condition that a "No Through Street" sign is installed prior to acceptance. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Chairman Davis not yet having arrived.

15. **A-1 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 95038 TO EXECUTE A CONTRACT WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR THE I-66 CONGESTION MANAGEMENT PLAN (COUNTYWIDE)** (Tape 3)

(SAR) On motion of Supervisor Frey, seconded by Supervisor Dix, and carried by a vote of nine, Chairman Davis not yet having arrived, the Board concurred in the recommendation of staff and adopted Supplemental Appropriation Resolution (SAR) AS 95038 which includes:

- Authorizing the Director of the Office of Transportation to execute the contract (outlined in the Memorandum to the Board) with the Virginia Department of Rail and Public Transportation (VDRPT); and
- Approval of the establishment of two limited-term positions within the Office of Transportation.

16. **A-2 - DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Alexander, and carried by a vote of nine, Chairman Davis not yet having arrived, the Board concurred in the recommendation of staff and designated the following individual, identified with his registration number, as a Plans Examiner:

- Gregory R. Davis (129).

17. **A-3 - ADDING MAGAZINES, CATALOGS AND CORRUGATED CARDBOARD TO CURBSIDE COLLECTION (COUNTYWIDE)** (Tape 3)

Supervisor Hyland moved that the Board concur in the recommendation of staff as outlined in the Memorandum to the Board regarding adding magazines, catalogs and corrugated cardboard to the County's curbside recycling collection program. This motion was seconded by Vice-Chairman McConnell.

Following discussion, which included input from John W. di Zerega, Director, Department of Public Works, the question was called on the motion which carried by a vote of nine, Chairman Davis not yet having arrived.

18. **A-4 - PROVIDING SUMMARY NOTES TO ALL BOARD COMMITTEES AND SUBCOMMITTEES** (Tape 3)

On motion of Supervisor Berger, seconded by Supervisor Hyland, and carried by a vote of nine, Chairman Davis not yet having arrived, the Board concurred in the recommendation of staff that it approve the provision of summary notes to all Board Committees and Subcommittees.

19. **A-5 - PROPOSED BUDGET FOR THE JOINT HUMAN SERVICES NEEDS ASSESSMENT** (Tape 3)

On motion of Supervisor Hanley, seconded by Supervisor Alexander, and carried by a vote of nine, Chairman Davis not yet having arrived, the Board concurred in the recommendation of staff to:

- Support the goal of the joint human services needs assessment; and
- Approve the fiscal requirements for the survey process.

20. **C-1 - PARKING ARRANGEMENTS AT THE COUNTY GOVERNMENT CENTER FOR FAIRFAX COUNTY'S DELEGATION TO THE VIRGINIA GENERAL ASSEMBLY** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 regarding alternative arrangements to facilitate parking at the County Government Center for Virginia State Senators and members of the Virginia House of Delegates who represent all or a portion of Fairfax County.

Supervisor Alexander moved Board adoption of Option I, which reads as follows:

- Make no permanent reserved parking arrangements for the County's delegation to the General Assembly. However, on a case by case basis as requested, provide special parking arrangements as

had been done successfully for many years at the Massey Building. This motion was seconded by Supervisor Bulova.

Following discussion, with input from Fred K. Kramer, Director, Department of General Services, Supervisor Bulova asked unanimous consent that the Board direct staff to prepare a letter to Members of the General Assembly, for the Board's review, outlining the availability of parking at the Government Center, whom to contact, and steps necessary to make arrangements for parking. Without objection, it was so ordered.

Following additional discussion, Supervisor Hyland moved a substitute motion that the Board defer this matter until further review of:

- A map showing who is assigned spaces in the building parking garages; and
- An inventory as to how many vehicles are parked today in the those spaces.

This motion was seconded by Supervisor Hanley and **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "AYE," Chairman Davis not yet having arrived, with the understanding that a report on assigned spaces in the garage would be provided to Supervisor Hyland.

The question was then called on the main motion, specifically Option I as outlined above, which **CARRIED** by a recorded vote of eight, Supervisor Dix voting "NAY," Chairman Davis not yet having arrived.

21. **C-2 - CREATION OF A SEPARATE PERSONAL PROPERTY CLASSIFICATION AND TAX RATE FOR FAIRFAX COUNTY AUXILIARY POLICE OFFICERS** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 regarding the creation of a separate personal property classification and tax rate for Fairfax County Auxiliary Police Officers similar to that of volunteer Fire Department members.

Supervisor Hyland moved approval of a separate personal property classification and tax rate for Fairfax County Auxiliary Police Officers, with the understanding that the specific rate will be determined by the Board during budget deliberations. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Chairman Davis not yet having arrived.

22. **I-1 - REPORT ON EXTENSION OF FAIRFAX CONNECTOR BUS SERVICE BETWEEN LOISDALE ROAD AND THE VAN DORN METRORAIL STATION (LEE DISTRICT)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 requesting authorization for staff to:

- Proceed to implement the Fairfax Connector Bus Service on Loisdale Road as outlined in the Memorandum to the Board; and
- Continue this service for a six-month trial period.

Supervisor Alexander asked unanimous consent that this item be deferred until further consultation with the Office of Transportation. Without objection, it was so ordered.

23. **I-2 - AWARD OF CONTRACT - ARCHITECTURAL AND ENGINEERING SERVICES FOR THE RENOVATION/EXPANSION OF THE BAILEY'S COMMUNITY CENTER AND THE FORMER LILLIAN CAREY ELEMENTARY SCHOOL (MASON DISTRICT)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 requesting authorization for staff to:

- Award a contract to Sheridan, Behm, Eustice and Associates, Limited, in the amount of \$190,165 for the design and construction of the improvements to the Bailey's Community Center, Project 003817, which includes improvements to the former Lillian Carey Elementary School; and
- Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

24. **I-3 - AMENDMENT TO THE ARCHITECTURAL CONTRACT WITH THE LUKMIRE PARTNERSHIP, INCORPORATED FOR THE DESIGN OF THE JUVENILE DETENTION CENTER EXPANSION (CENTRAL COUNTY COMPLEX, PUBLIC SAFETY CENTER (PROVIDENCE DISTRICT)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 requesting authorization for staff to award a contract amendment to the Lukmire Partnership, Incorporated in the amount of \$70,776 for the design and construction of an expansion to the existing Juvenile Detention Center, Project 89A003 within Subfund 471, County Bond construction Subfund 470, Storm Drainage Bond Construction.

The staff was directed administratively to proceed as proposed.

25. **I-4 - AWARD OF CONTRACT - FINAL CLOSURE CONSTRUCTION PLAN PHASE II AREA 2A AND 2C (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 requesting authorization for staff to award a contract to Ground Improvement Techniques, Incorporated in the amount of \$11,387,171.50 for the construction of Final Closure Construction Plan Phase II in Project 186650, I-95 Landfill Closure, in Subfund 186, I-95 Refuse Disposal.

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

26. **I-5 - CONTRACT MODIFICATION - CABLE TELEVISION RATE REGULATION/CONSULTING SERVICES** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 5, 1994 requesting authorization for staff to modify the contract with Donelan, Cleary, Wood and Maser, P.C. as outlined in the Memorandum to the Board.

Following discussion, with input from Ronald B. Mallard, Director, Department of Consumer Affairs; Larry N. Wellman, Director, Purchasing and Supply Management Agency, Department of General Services; and David P. Bobzein, County Attorney, the staff was directed administratively to proceed as proposed.

BOARD MATTERS

27. **EXPEDITED PROCESSING OF SPECIAL EXCEPTION APPLICATION FOR GENERAL TELEPHONE AND ELECTRONICS (GTE) GOVERNMENT SYSTEMS CORPORATION** (Tape 3)

Supervisor Frey moved that the Board direct staff to:

- Expedite processing of the Special Exception application for General Telephone and Electronics (GTE) Government Systems Corporation;
- Schedule the public hearings no later than February 1995; and
- Authorize concurrent and expedited review of any Site Plan or Site Plan Waivers and grading plans associated with the project.

This motion was seconded by Supervisor Berger and carried by a vote of nine, Chairman Davis not yet having arrived.

28. **PROPOSALS REGARDING BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL) TAX LEGISLATION** (Tape 3)

With reference to Governor Allen's recent announcement regarding his submission of tax cut proposals relating to the Business, Professional and Occupational License (BPOL) Tax, Supervisor Frey moved that the Board go on record endorsing the BPOL tax cut proposal. This motion was seconded by Supervisor Berger.

Following discussion, Supervisor Alexander moved a substitute motion that the Board defer action on this particular item until review of Governor Allen's overall budget which is scheduled for release on December 19, 1994. This motion was seconded by Supervisor Hyland.

Following additional discussion, Supervisor Frey clarified that the intent of his motion is to endorse Governor Allen's proposal in "concept" only, with no specific budget initiatives or phase-out program, which presumably will be dealt with through the regular Legislative Committee process.

After further discussion, the question was called on the substitute motion which **CARRIED** by a recorded vote of five, Supervisor Berger, Supervisor Frey, Supervisor Dix, and Supervisor Trapnell voting "NAY," Chairman Davis not yet having arrived.

The question was then called on the main motion, as substituted, which **CARRIED** by a recorded vote of five, Supervisor Berger, Supervisor Frey, Supervisor Dix, and Supervisor Trapnell voting "NAY," Chairman Davis not yet having arrived.

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

29. **HISTORIC CIVIL WAR TRAIL AT WALNEY GLEN** (Tapes 3-4)

Supervisor Frey announced that the historic Civil War trail at Walney Glen has been completed by the developer and appropriate signage is in place; however, a question has arisen regarding who is responsible for maintaining the trail, even though it is built on County property.

Accordingly, Supervisor Frey asked unanimous consent that the Board direct the Deputy County Executive for Planning and Development to determine appropriate responsibility for this historic trail. Without objection, it was so ordered.

30. **PROCLAMATION DESIGNATING DECEMBER 5, 1994 AS "LORRAINE WOLLART DAY"** (Tape 4)

Supervisor Frey announced that Lorraine Wollart, Washington Times Reporter, is transferring within the newspaper, and he moved approval of the Proclamation

designating December 5, 1994, as "**Lorraine Wollart Day**" in Fairfax County. This motion was seconded by Supervisor Hanley and carried by a vote of nine, Chairman Davis not yet having arrived.

31. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR ERNEST BERGER** (Tape 4)

Dranesville District Supervisor Ernest Berger announced that he had no Board Matters to present today.

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32. **SPECIAL EXCEPTION APPLICATION SE 94-H-058 (BELL ATLANTIC VIDEO SERVICES)** (Tape 5)

Supervisor Dix said that the Planning Commission public hearing for Special Exception Application SE 94-H-058 (Bell Atlantic Video Services) is scheduled for March 1, 1995.

Supervisor Dix moved that the Board:

- Direct staff to schedule a public hearing to be held before the Board on March 13, 1995; and
- Authorize the Department of Environmental Management (DEM) to concurrently process the Site Plan (or Site Plan Waiver) during the Special Exception process.

Supervisor Dix stated that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the Special Exception Application in any way. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Chairman Davis not yet having arrived.

33. **REQUEST FOR SIMULTANEOUS PROCESSING FOR REZONING APPLICATION RZ 94-H-011 AND THE PRELIMINARY PLAN** (Tape 5)

Supervisor Dix said that Pulte Home Corporation has filed a Rezoning Application (RZ 94-H-011) for a residential use (PDH-5) near the intersection of Fox Mill Road and Pinecrest Road. The application is currently being reviewed by the staff and has a scheduled Planning Commission public hearing date of January 11, 1995.

Supervisor Dix moved that the Board authorize the Director of the Department of Environmental Management (DEM) to accept the Preliminary Plan for concurrent processing with the rezoning request. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted

standards, and it does not prejudice the consideration of the Special Exception Application in any way. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Berger being out of the room, Chairman Davis not yet having arrived.

34. **RENEWAL OF AGRICULTURAL AND FORESTAL DISTRICTS (A&F)**
(Tape 5)

Supervisor Dix stated that he had received a visit from a constituent regarding the difficulty in renewing an Agricultural and Forestal District (A&F). Therefore, Supervisor Dix asked unanimous consent that the Board direct staff to review the process of renewing A&F Districts to determine if there are ways to streamline the process. Without objection, it was so ordered.

35. **REQUEST FOR REVIEW OF PERSONAL PROPERTY TAX AND DECAL POLICY** (Tape 5)

Supervisor Dix said that his office has received several telephone calls from constituents who have been issued tickets by the Police for having an expired 1994 County decal on their vehicles. All of these residents had paid their personal property taxes and purchased their new decals prior to October 5, 1994. Apparently there has been some confusion as to when the 1994 decal expired and when the 1995 decal had to be displayed on the vehicles. He said that it's his understanding that approximately three years ago the Fairfax County decals did have an expiration date on the back of the sticker. He expressed the opinion that including this information on the decal would reduce the confusion that currently exists. He added that some of the confusion has resulted from some major changes in the personal property tax and decal policies this year.

Therefore, Supervisor Dix moved that the Board:

- Direct staff to review this Policy matter;
- Direct staff to include the expiration date on the back of the County decal as soon as practicable;
- Declare a moratorium on the issuance of tickets related to the decal until January 1, 1995; and
- Direct the County Executive to contact the other jurisdictions in the regional compact and request their concurrence in this moratorium.

This motion was seconded by Supervisor Trapnell.

Supervisor Hyland asked unanimous consent that the Board direct staff to request the

Commonwealth's Attorney to set aside these fines. Without objection, it was so ordered.

Following discussion with input from David P. Bobzien, County Attorney; James P. McDonald, Deputy County Executive for Management and Budget; and Kevin C. Greenlief, Acting-Supervisor, Office of Assessments, the question was called on the motion which carried by a vote of nine, Chairman Davis not yet having arrived.

Following further discussion, Supervisor Berger moved that the Board refer the following issue to the Legislative Subcommittee for review:

- Families who have two vehicles and cannot afford to pay the personal property taxes and to purchase both decals simultaneously, then the County will not issue a decal for only one vehicle.

This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Chairman Davis not yet having arrived.

36. **REQUEST RECONSIDERATION OF ZONING ORDINANCE GOVERNING SIGN CONTROL OVERLAY DISTRICTS** (Tape 5)

Supervisor Hyland said that within Sign Control Overlay Districts, Paragraph Two of Section 12-204 of the Zoning Ordinance states that individual enterprises which are not located within or on the same lot as a shopping center can have a freestanding sign only if the enterprise is located on a primary highway. A primary highway is elsewhere defined as a road that has a route number of less than 600.

Supervisor Hyland noted that while this language provided a necessary function when many of the County's secondary roads had not developed as mainstrems to commercial areas, it seems that it is overly restrictive, especially in view of upcoming businesses and enterprises which require signage to identify their existence.

Supervisor Hyland said that these regulations were developed some time ago and that many of the major roadways, not defined as "primary highways," have become significant commercial areas of the County. Therefore, he moved that the Board direct staff to review the issue of whether it would be appropriate to amend the Zoning Ordinance provisions to permit individual enterprises which are located on major thoroughfares such as Backlick or Braddock Roads within a Sign Control Overlay District to have freestanding signage similar to what is permitted for individual enterprises located on primary highways which is a single freestanding sign that does not exceed 40 square feet in size.

This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix and Supervisor Frey being out of the room, Chairman Davis not yet having arrived.

37. **HIGHWAY OVERLAY DISTRICT ZONING FOR ROUTE 1 - ACCOTINK AND LORTON** (Tape 5)

Supervisor Hyland reminded Board Members that the purpose of a Highway Corridor District is to protect and promote the health, safety and general welfare of the public by preventing or reducing traffic congestion and/or dangers by placing limitations on certain auto-oriented, fast food services and quick turn-over uses.

Supervisor Hyland said that the Mount Vernon and Lee Districts have such an ordinance which covers U.S. Route 1, north of Fort Belvoir to the City of Alexandria. He said that the Highway Corridor Overlay District should be widened to include the Route 1 area of Accotink and Lorton.

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

- Review the establishment of a Highway Corridor Overlay District for the Route 1 area of Accotink and Lorton; and
- Report with recommendations within 60 days.

This motion was seconded by Supervisor Alexander and carried by a vote of seven, Supervisor Dix and Supervisor Frey being out of the room, Chairman Davis not yet having arrived.

38. **DEDICATION OF LORTON VIRGINIA RAIL EXPRESS (VRE) TRAIN STATION** (Tape 5)

Supervisor Hyland said that on Saturday, December 3, 1994, there was a ribbon cutting ceremony for the opening of the Virginia Rail Express' (VRE) newest station in Lorton. The weather was perfect, the celebration was perfect and so many people were overjoyed to finally have commuter rail become a reality.

On behalf of the citizens of Mount Vernon, Supervisor Hyland expressed his appreciation to the many dedicated people on staff who worked above and beyond the call of duty to get it accomplished. He noted that it was a herculean team effort that involved 150 people and organizations (listed in his Board Matter item).

Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter to be placed in the file of Tom Biesiadny, Office of Transportation, commending him for his work on this project. Without objection, it was so ordered.

39. **TOWN MEETING ON FUTURE OF THE DISTRICT OF COLUMBIA (D.C.) PRISON IN LORTON - REQUEST FOR INFORMATION** (Tape 5)

Supervisor Hyland noted that the District of Columbia (D.C.) has been a subject of

considerable controversy and debate for a long time. Presently there are two legislative proposals being considered, one from Congressman Wolf to close the prison and move it out of Lorton, and the second, from Congressman Moran's suggestion that it be federalized. To develop consensus in the Lorton community as to the future of the prison and the federal legislation certain to be introduced in the new Congress, Supervisor Hyland will hold a town meeting at the Lorton Fire Station on December 15, 1994 at 7:30 p.m. to discuss this issue.

Supervisor Hyland stated that there are a number of issues and questions presented by the proposed legislation to include the following:

- If the D.C. prison were to be relocated out of Lorton, what would happen to the 3,000 acres known as the Lorton Reservation, particularly with reference to:
 - Reversion of the land to the Commonwealth of Virginia;
 - The future of the mass burn facility;
 - The future of the ash landfill;
 - The future of existing inter-jurisdictional agreements covering solid waste;
 - The future of the sewer agreement recently negotiated with D.C.;
 - The ultimate use and disposition of the property including sale or alternative uses; and
 - The impact on the Plan for the 3,000 acres and the surrounding area.
- If the D.C. prison were to be federalized, all of the questions listed above need to be addressed as well as the following:
 - Would the existing federal law restricting expansion of the prison apply after federalization;
 - Would existing agreements between Fairfax County and D.C. be abrogated with a federal take-over; and

- Would the Plan apply to the 3,000 acres if the land is controlled by the Federal government?

Supervisor Hyland moved that the Board direct staff to:

- Review the two legislative proposals for relocating or federalizing the D.C. prison in Lorton; and
- Prepare a response to the questions and issues raised herein no later than December 14, 1994 to make this information available for the town meeting.

This motion was seconded by Supervisor Hanley and carried by a vote of eight, Supervisor Frey being out of the room, Chairman Davis not yet having arrived.

40. **INTENT TO DEFER THE BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 94-IV-3LP, BOUNDARY CHANGE BETWEEN THE LORTON-SOUTH ROUTE 1 AND MASON NECK COMMUNITY PLANNING SECTORS (MOUNT VERNON DISTRICT)** (Tape 5)

Supervisor Hyland announced his intent later in the meeting, at the appropriate time, to defer Board decision on Area Plans Review (APR) Item 94-IV-3LP.

(NOTE: Later in the meeting, this Board decision was deferred until **December 12, 1994 at 3:00 p.m.** See Clerk's Summary Item CL#73.)

41. **DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) REGULATIONS** (Tape 5)

(NOTE: Earlier in the meeting during adoption of the 1995 Legislative Program, this subject was discussed. See Clerk's Summary Item CL#7.)

Supervisor Hanley referred to the Department of Environmental Quality (DEQ) Regulations and reiterated that the City of Fairfax letter was the most appropriate example for the County to follow in terms of writing a letter regarding the DEQ Regulations.

Therefore, Supervisor Hanley asked unanimous consent that the Board direct staff to write a letter in the vein of the letter written by the Mayor of the City of Fairfax. Without objection, it was so ordered.

42. **CONCURRENT PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 94-P-042 FOR THE SILVER DINER** (Tape 5)

Supervisor Hanley moved that the Board direct staff to concurrently process the Site Plan with the remainder of the Special Exception Application (SE 94-P-042) for the Silver Diner. This motion does not relieve the applicant of 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 Berger and carried by a vote of eight, Supervisor Frey being out of the room, Chairman Davis not yet having arrived.

43. **REQUEST FOR WAIVER OF THE PUBLIC STREET CONNECTION REQUIREMENT FOR A PORTION OF SANDBURG STREET** (Tape 5)

Supervisor Hanley said that as part of the Plan review process, the Virginia Department of Transportation (VDOT) and the County Office of Transportation have recommended the connection of Sandburg Street in the vicinity of the Pritchard's Corner project. Those recommendations, coupled with the Public Facilities Manual (PFM) encouraging interparcel access, have placed the Director of the Department of Environmental Management (DEM) in the position of recommending a public street connection on Sandburg Street. She said that the developer and the citizens in the area have expressed the desire that Sandburg Street not be connected because such a connection would change the character of the neighborhood and cause cut-through traffic to occur.

Therefore, Supervisor Hanley moved that the Board direct the Director of DEM to waive the public street connection requirement for the portion of Sandburg Street shown on Preliminary Plan Number 9071-P-01-Pritchard's Corner. This motion was seconded by Supervisor Alexander and carried by a vote of eight, Supervisor Frey being out of the room, Chairman Davis not yet having arrived.

44. **FAIRFAX CONNECTOR SUPPLEMENTAL HOLIDAY SERVICE** (Tape 5)

Supervisor Hanley called to the Board's attention a memorandum regarding the Fairfax Connector Supplemental Holiday Service. She said that four additional Sundays between Thanksgiving and Christmas have been added at no additional charge. She said that the added service applies to Route 401 which runs between Tysons and Springfield Mall.

45. **FISCAL IMPACT OF METRORAIL ON THE COMMONWEALTH OF VIRGINIA** (Tape 5)

Supervisor Hanley commended to the Board the Executive Summary prepared by KPMG Peat Marwick - Fiscal Impact of Metrorail on the Commonwealth of Virginia showing the revenue to the Commonwealth of Virginia because of Metrorail in Virginia.

46. **PROPOSAL TO ABOLISH THE FEDERAL PROGRAM THAT PROVIDES INCENTIVES FOR THE PRIVATE SECTOR TO PRESERVE HUNDREDS OF THOUSANDS OF FEDERALLY SUBSIDIZED HOUSING UNITS** (Tape 5)

Supervisor Hanley said that she has just learned that the Federal Office of Management and Budget (OMB) is about to propose abolishing the Federal program that provides incentives for the private sector to preserve hundreds of thousands of federally subsidized

housing units.

Supervisor Hanley pointed out that this recommendation, if implemented, would not only cause widespread displacement and homelessness, but it would break faith with the numerous builders and lending institutions who have relied upon the program to invest hundreds of millions of dollars in renovating and preserving those units.

Supervisor Hanley distributed to Board Members the background information on this disastrous proposal by OMB, and noted that time is extremely short--less than two weeks--for the initial OMB proposal to be opposed before it is forwarded to the President for inclusion in the Fiscal Year (FY) 1996 budget.

Therefore, Supervisor Hanley moved that the Board:

- Immediately send a letter to Secretary Cisneros and the Fairfax County Congressional delegation outlining the devastating effect the OMB recommendation could have on Fairfax County residents and businesses; and
- Request them to express their opposition to the OMB proposal as expeditiously as possible.

This motion was seconded by Supervisor Alexander and carried by a vote of nine, Chairman Davis not yet having arrived.

NV:nv

47. **MODIFICATION OF ROUTE 7 IN THE COMPREHENSIVE PLAN** (Tape 6)

Supervisor Trapnell stated that the widening of Route 7 to eight lanes between Bailey's Crossroads and Seven Corners has been on the County's Comprehensive Plan for several years. The plans for this project which have been developed by the Virginia Department of Transportation (VDOT) show that this widening will create significant impacts on adjacent properties. As a result, this project will be extremely costly to construct and disruptive to the community.

Supervisor Trapnell said that development applications are being received along Route 7 in this area. The staff has indicated that the development review policies require that the Board request that right-of-way be provided for these improvements since they are shown on the Plan. However, the landowners often cannot provide the required right-of-way due to the size of their site or the nature of their application.

Supervisor Trapnell concluded that the only practical solution to this matter is the removal of the designation of Route 7 as an eight-lane improvement from the Plan. To retain the possibility of providing some more modest level of improvements where the impacts are not so severe, she suggested that staff examine this matter in the context of an Out-of-Turn Plan Amendment.

Supervisor Trapnell moved that the Board direct staff to prepare:

- An Out-of-Turn Plan Amendment to delete the widening of Route 7 to eight lanes between Bailey's Crossroads and Seven Corners; and
- Alternative recommendations for possible inclusion in the amended Plan for Route 7 in this area.

This motion was seconded by Supervisor Bulova.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, the question was called on the motion which carried by a vote of nine, Chairman Davis not yet having arrived.

48. **INTENT TO DEFER PUBLIC HEARING ON REZONING APPLICATION RZ 94-L-035 (OAKWOOD VAN DORN ASSOCIATES) (LEE DISTRICT)**
(Tape 6)

Supervisor Alexander moved to defer the public hearing on Rezoning Application RZ 94-L-035 (Oakwood Van Dorn Associates) until **December 12, 1994 at 5:00 p.m.** This motion was seconded by Supervisor Dix and carried by a vote of nine, Chairman Davis not yet having arrived.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#64.)

49. **INTENT TO DEFER PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT S94-CW-T1 - TO CONSIDER PROVIDING PERMANENT ACCESS BETWEEN ROLLING ROAD AND FULLERTON ROAD (LEE AND SPRINGFIELD DISTRICTS)** (Tape 6)

Supervisor Alexander moved to defer the public hearing on Out-Of-Turn Plan Amendment S94-CW-T1, to consider providing permanent access between Rolling Road and Fullerton Road until **December 12, 1994 at 4:30 p.m.** This motion was seconded by Vice-Chairman McConnell.

Following discussion, with input from William O. Howland, Jr., Assistant to the County Executive, Supervisor Alexander withdrew his motion and announced his intention to have this public hearing and others formally deferred at the appropriate time.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#70.)

50. **DEPARTURE OF LEE DISTRICT SUPERVISOR JOSEPH ALEXANDER**
(Tape 6)

Supervisor Alexander announced that he would be departing the meeting at 5:30 p.m. today to attend to personal business.

51. **NO BOARD MATTERS FOR VICE-CHAIRMAN ELAINE MCCONNELL**
(Tape 6)

Vice-Chairman McConnell, Springfield District Supervisor, announced that she had no Board Matters to present today.

52. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (Tape 6)

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

53. **LOCATION OF MOBILE AND LAND BASED TELECOMMUNICATIONS FACILITIES** (Tape 6)

On behalf of Chairman Davis, Vice-Chairman McConnell presented his written Board Matter regarding the location of mobile and land based telecommunications facilities. She stated that on December 7, 1992 the Board passed an amendment to the Zoning Ordinance and the Comprehensive Plan entitled "Mobile and Land Based Telecommunications Facilities" to address the increasing number of requests the County had been receiving for the installation of radio dispatch, paging, and cellular telephone facilities. Further, the Division of Communications had expressed a continuing need to provide a dependable communication system for emergency services such as police and fire and rescue. These government services require similar facilities and antennas to those of private providers.

As a result of meetings held between the public and private sectors on the proposed amendment, staff recommended approval and the Board approved the amendment. While the amendment was to have eased the requirements to locate mobile and land based equipment on government (County) property, Vice-Chairman McConnell stated that this had not been the case.

Recent applicants for the location of telecommunications equipment have experienced many problems as they moved through the process. Often times the applications have been withdrawn or denied. However, this was not the intent of the amendment.

Therefore, Vice-Chairman McConnell, on behalf of Chairman Davis, relinquished the Chair to Acting-Chairman Alexander and moved that the Board direct staff to send the appropriate letter to the Chairman of the:

- Planning Commission;
- School Board; and
- Park Authority

reiterating the Board's policy as it relates to the location of these telecommunications facilities by:

- Reminding them of the need for these facilities from a private provider standpoint, and more importantly from a public safety standpoint; and
- Indicating the Board's strong desire to assist applicants in locating their facilities in Fairfax County.

This motion was seconded by Supervisor Bulova.

Following discussion, the question was called on the motion which carried by a vote of nine, Chairman Davis not yet having arrived.

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

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

At 1:40 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:

- Correspondence from Local 689, Amalgamated Transit Union regarding arrangements under Section 13(C) of the Urban Mass Transportation Act (UMTA) of 1964;
- Freedom of Information Act (FOIA) request from Fredrick H. Goldbecker dated November 22, 1994; and
- Police enforcement of state law regarding signs in state right-of-way.

This motion was seconded by Supervisor Hyland.

Following a query to David P. Bobzien, County Attorney, the question was called on the motion which carried by a vote of nine, Chairman Davis not yet having arrived.

CM:cm

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

55. **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 Frey and carried by unanimous vote.

56. **TERMINATION OF EMPLOYMENT OF DR. DANIEL BOYLE, DIRECTOR, DEPARTMENT OF ANIMAL CONTROL** (Tape 7)

Supervisor Alexander moved that the employment of Daniel P. Boyle as Director of the Fairfax County Department of Animal Control be terminated effective immediately. This motion was seconded by Supervisor Frey and carried by unanimous vote.

AM:am

57. **3:00 P.M. - PH ON A PROPOSAL TO VACATE A PORTION OF A SANITARY SEWER EASEMENT IN THE RIDGELEA HILLS SUBDIVISION (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 November 18 and November 25, 1994.

Following the public hearing, Supervisor Trapnell moved adoption of an Ordinance vacating a portion of a sanitary sewer easement in the Ridgelea Hills Subdivision. This motion was seconded by Supervisor Berger and carried by a vote of nine, Supervisor Dix being out of the room.

58. **3:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), POLICE OFFICERS RETIREMENT SYSTEM ORDINANCE REGARDING INCREASE MAXIMUM RETIREMENT BENEFIT** (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 November 18 and November 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Police Officers Retirement System Ordinance to increase maximum retirement benefit. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Dix being out of the room.

59. **3:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), POLICE OFFICERS RETIREMENT SYSTEMS ORDINANCE REGARDING ELIMINATION OF MEDICAL BENEFITS PROVISION** (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 November 18 and November 25, 1994.

Following the public hearing, Supervisor Alexander moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Police Officers Retirement System Ordinance regarding elimination of the medical benefits provision. This motion was seconded by Supervisor Trapnell and carried by a vote of nine, Supervisor Dix being out of the room.

60. **3:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), POLICE OFFICERS, SUPPLEMENTAL AND UNIFORMED RETIREMENT SYSTEMS ORDINANCE REGARDING DIRECT TRANSFERS OF INDIVIDUAL RETIREMENT ACCOUNT MONEY TO THE SYSTEMS** (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 November 18 and November 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Trapnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Police Officers, Supplemental and Uniformed Retirement System Ordinance regarding direct transfers of individual retirement account (IRA) money to the Systems. This motion was seconded by Supervisor Alexander and carried by a vote of nine, Supervisor Dix being out of the room.

61. **3:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), POLICE OFFICERS RETIREMENT SYSTEMS ORDINANCE REGARDING ELIMINATION OF MEDICAL BENEFITS PROVISION** (No Tape)

(NOTE: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#59.)

62. **3:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), POLICE OFFICERS, SUPPLEMENTAL AND UNIFORMED RETIREMENT SYSTEMS ORDINANCES REGARDING FAMILY AND MEDICAL LEAVE ACT** (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 November 18 and November 25, 1994.

Following the public hearing, Supervisor Trapnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 3 (County Employees), Police Officers, Supplemental and Uniformed Retirement System Ordinance regarding the Family and Medical Leave Act. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix and Chairman Davis being out of the room.

63. **3:00 P.M. - PH ON THE ACQUISITION OF A CERTAIN EASEMENT NECESSARY FOR THE CONSTRUCTION OF LINCOLNIA HEIGHTS, PHASE II NEIGHBORHOOD IMPROVEMENTS PROJECT (MASON 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 November 18 and November 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Trapnell moved adoption of the Resolution authorizing the acquisition of the necessary property interest for the construction of Project C00080 - Lincolnia Heights, Phase II Neighborhood Improvements Project. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Dix and Chairman Davis being out of the room.

64. **DEFERRAL OF PUBLIC HEARING ON REZONING APPLICATION RZ 94-L-035 (OAKWOOD VAN DORN ASSOCIATES) (LEE DISTRICT)** (Tape 8)

Supervisor Alexander moved to defer the public hearing on Rezoning Application RZ 94-L-035 until **December 12, 1994 at 5:00 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Dix and Chairman Davis being out of the room.

65. **DEFERRAL OF PUBLIC HEARINGS ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-P-068, REZONING APPLICATIONS RZ 94-P-025 AND RZ 94-P-026 (J.A. LOVELESS HOMES III, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 8)

Supervisor Hanley moved to defer the public hearings on Proffered Condition Amendment Application PCA 89-P-068, Rezoning Applications RZ 94-P-025 and

RZ 94-P-026 until **December 12, 1994 at 5:30 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix and Chairman Davis being out of the room.

66. **3:30 P.M. - PH ON REZONING APPLICATION RZ 94-H-019 (WINCHESTER HOMES, INCORPORATED) (HUNTER MILL 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, which included testimony by one speaker, Diane Johnson-Quinn, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Dix moved:

- That the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 94-H-019 be amended from the R-1 District to the R-3 District subject to execution of the proffers dated November 30, 1994; and
- Waiver of the open space requirements.

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

67. **3:30 PM - PH ON REZONING APPLICATION RZ 94-Y-014 (TETRA PARTNERSHIPS) (SULLY DISTRICT)** (Tape 8)

Mr. Manning B. Mahaffee reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 94-Y-014 be amended from the R-1 and Water Supply Protection Overlay Districts to the R-3 and Water Supply Protection Overlay

Districts subject to execution of the proffers dated December 1, 1994. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Chairman Davis being out of the room.

Supervisor Frey moved:

- Waiver of the minimum district size requirement; and
- Waiver of the requirement for one acre of open space located outside of the floodplain.

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

68. **3:30 P.M. - PH ON REZONING APPLICATION RZ 93-Y-040 (RICHARD C. WALSH, D.V.M.) (SULLY 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, Lorrie Kirst, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved that the Zoning Ordinance as it applied to the property which is the subject of Rezoning Application RZ 93-Y-040 be amended from the R-1 and Water Supply Protection Overlay Districts to the C-6 and Water Supply Protection Overlay Districts subject to execution of the proffers dated November 10, 1994. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Frey moved to modify the transitional screening and to waive the barrier requirement on the southern and eastern boundaries. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Frey moved waiver of the service drive along Route 28. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger, Supervisor Dix, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Frey moved to waive the minimum lot requirement. This motion was seconded by Supervisor Trapnell and carried by a vote of six, Supervisor Berger,

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

69. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-064-2 (HEAD INJURY SERVICES PARTNERSHIP, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 8)

Mr. Stephen K. Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox 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 report and Planning Commission recommendations. This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application 88-V-064-2 subject to the development conditions contained in Appendix 1 as modified by the Planning Commission;
- Reaffirmation of the modification of the transitional screening and barrier; and
- Waiver of the peripheral parking lot landscaping along the north and interior parking lot landscaping.

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

70. **DEFERRAL OF 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)** (Tape 8)

Supervisor Alexander moved to defer the public hearing on Out-of-Turn Plan Amendment S94-CW-T1 until **December 12, 1994 at 4:30 p.m.** This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis being out of the room.

(NOTE: Later in the meeting, the Board reiterated its action on this public hearing. See Clerk's Summary Item CL#80.)

71. **DEFERRAL OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING) REGARDING RETAIL USES IN INDUSTRIAL DISTRICTS** (Tape 8)

Supervisor Alexander moved to defer the public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) regarding retail uses in Industrial Districts until **February 13, 1995 at 4:00 p.m.** This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Berger, Supervisor McConnell, and Chairman Davis being out of the room.

72. **3:30 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING) REGARDING OCCUPANCY OF A DWELLING UNIT** (Tapes 8-10)

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 November 18 and November 25, 1994.

Following the public hearing, which included testimony by 17 speakers, Supervisor Trapnell moved to defer Board decision on the proposed amendment to the Code of the County of Fairfax Chapter 112 (Zoning) regarding occupancy of a dwelling unit until **January 9, 1995 at 4:30 p.m.** and keep the record open for submission of additional testimony. This motion was seconded by Supervisor McConnell and **CARRIED** by a recorded vote of five, Supervisor Berger, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "NAY," Supervisor Alexander being out of the room.

73. **3:30 P.M. - BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 94-IV-3LP, BOUNDARY CHANGE BETWEEN THE LORTON-SOUTH ROUTE 1 AND MASON NECK COMMUNITY PLANNING SECTORS (MOUNT VERNON DISTRICT)** (Tape 10)

[NOTE: The public hearing on Area Plans Review (APR) Item 94-IV-3LP was held on November 21, 1994, and Board decision deferred until December 5, 1994.]

Supervisor Hyland moved to defer Board decision on Area Plan Review (APR) 94-IV-3LP until **December 12, 1994 at 3:00 p.m.** This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Alexander being out of the room.

74. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING), REGARDING RETAIL USES IN INDUSTRIAL DISTRICTS** (No Tape)

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#71.)

75. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING), REGARDING PLANNED RESIDENTIAL COMMUNITY (PRC) DISTRICTS** (Tape 10)

- (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 November 18 and 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) to revise the Plan requirements and procedures for Planned Residential Community (PRC) Districts, **to become effective on December 6, 1994 at 12:01 a.m.** with an additional revision to paragraph 11, Section 16-203, **to provide for time limits for appeals of PRC Plans** and the following grandfather provision shall apply:

- Preliminary Site Plans which have been filed and accepted prior to 12:01 a.m., December 6, 1994, shall not be subject to the revised submission, notice and posting requirements; however, all other provisions shall apply.

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

76. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING), REGARDING REVISION OF HISTORIC OVERLAY DISTRICT AND ARCHITECTURAL REVIEW BOARD (ARB) PROVISIONS** (Tape 10)

- (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 November 18 and 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hanley moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) to revise Historic Overlay District and Architectural Review Board (ARB) provisions to conform to requirements for the national/state Certified Local Government Program; to reflect recent changes to the State Code; to increase the membership of the ARB from nine to 10 members; and to clarify and update language, requirements and procedures. This motion was seconded by Supervisor Bulova.

Supervisor Frey asked to amend the motion to delete from the proposed amendment Article 7-202 - District Boundaries, Number Two, and this was accepted.

Following discussion, Supervisor Frey clarified that included in his amendment to the motion was language that referred to "a significant route of tourist access" which would be eliminated throughout the amendment.

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

SBE:sbe

77. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL) TO ALIGN LOCAL ORDINANCE WITH AMENDMENTS TO THE STATE EROSION AND SEDIMENT (E&S) CONTROL LAW** (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 November 18 and 25, 1994.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control) to align the local ordinance with amendments to the State Erosion and Sediment (E&S) Control Law. This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Dix being out of the room.

78. **4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109 (SOLID WASTE) AND CHAPTER 5 (OFFENSES) (COUNTYWIDE)** (Tape 11)

- (Os) 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 November 18 and 25, 1994.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 109 (Solid Waste) and Chapter 5 (Offenses) to provide civil penalty fines to solid waste collectors operating within a jurisdiction without a permit, and to address several solid waste and recycling issues by revising inappropriate or confusing language. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Hanley being out of the room.

79. **4:00 P.M. - PH ON PROPOSED VACATION OF A PORTION OF MOSBY LANE (SULLY 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 November 18 and 25, 1994.

Following the public hearing, Supervisor Frey moved adoption of the Ordinance vacating a portion of Mosby Lane. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Hanley being out of the room.

80. **DEFERRAL OF 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)** (Tape 11)

(NOTE: Earlier in the meeting, the Board took action on this public hearing. See Clerk's Summary Item CL#70.)

Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S94-CW-T1 to permit permanent access between Fullerton Road and Rolling Road until **December 12, 1994 at 4:30 p.m.** This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Dix being out of the room.

81. **4:30 P.M. - PH ON PROPOSED VACATION OF A STORM DRAINAGE EASEMENT LOCATED ON THE PROPERTY OF GRACE M. WISE (PROVIDENCE DISTRICT)** (Tape 11)

- (R) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 18 and 25, 1994.

Following the public hearing, Supervisor Hanley moved adoption of the Resolution vacating a storm drainage easement located on the property of Grace M. Wise, 2500 Patrick Street, McHenry Heights Subdivision, Tax Map Number 39-3((5))(3)25. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Dix, and Supervisor Frey being out of the room.

82. **4:30 P.M. - PH ON THE LEASING OF COUNTY-OWNED PROPERTY LOCATED AT 4100 CHAIN BRIDGE ROAD, FAIRFAX, TO AMERICAN PERSONAL COMMUNICATIONS (PROVIDENCE DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 18 and 25, 1994.

Following the public hearing, Supervisor Hanley moved that the Board authorize the County Executive to execute a lease with American Personal Communications for the purpose of installing telecommunications antennae on property located at 4100 Chain Bridge Road, Tax Map Number 57-4((1))14 in accordance with the terms and conditions outlined in the Memorandum to the Board dated December 5, 1994. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Frey being out of the room.

83. **4:30 P.M. - PH ON PROPOSED VACATION OF PORTION OF A TRAIL EASEMENT IN QUIET COVE SUBDIVISION (MASON DISTRICT)** (Tape 11)

(R) A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 18 and 25, 1994.

Following the public hearing, Supervisor Hyland, on behalf of Supervisor Trapnell who was not seated at the dias, moved adoption of the Resolution authorizing the vacation of a portion of a trail easement located in the Quiet Cove Subdivision. This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor Bulova, and Supervisor Frey being out of the room.

84. **4:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING AN ALTERNATE METHOD OF FILING PERSONAL PROPERTY RETURNS FOR MOTOR VEHICLES** (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 November 18 and 25, 1994.

Following the public hearing, Chairman Davis relinquished the Chair to Vice-Chairman McConnell and moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 17.1, Personal Property Tax, by adding Section 4-17.1-6.1, Alternate Method of Filing Personal Property Returns for Motor Vehicles, **to become effective on January 1, 1995.** This motion was seconded jointly by Supervisor Dix and Supervisor Hanley and carried by a vote of seven, Supervisor Alexander, Supervisor Bulova, and Supervisor Frey being out of the room.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

(NOTE: Earlier in the meeting, there was discussion of the enforcement procedures for expired motor vehicle decals. See Clerk's Summary Item CL#35.)

85. **5:00 P.M. - PH ON REZONING APPLICATION RZ 94-M-038 AND SPECIAL EXCEPTION APPLICATION SE 94-M-043 (FRALIN AND WALDRON, INCORPORATED) (MASON DISTRICT)** (Tape 11)

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

Mr. McDermott 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 that previously he has had an attorney/client relationship with Hunton and Williams.

Chairman Davis disclosed the following contributions which he had received:

- In the amount of \$500.00 from R. D. Pope to Davis for Congress Campaign on May 23, 1994; and
- In the amount of \$500.00 from Gordon F. Rainey, Jr. to Davis for Congress Campaign on May 24, 1994.

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

Supervisor Trapnell moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 94-M-038 be amended from the R-2 District to the R-5 District subject to the execution of proffers dated November 15, 1994. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Chairman Davis being out of the room.

Supervisor Trapnell further moved:

- Waiver of minimum district size for the R-5 District;
- Approval of Special Exception Application SE 94-M-043 subject to the development conditions dated November 16, 1994;
- Modification of paragraphs five and six of Section 9-308 to allow

the medical care assisted living facility to be located on a lot of 3.98 acres with a setback as shown on the Generalized Development Plan (GDP)/Special Exception (SE) plat; and

- Waiver of the barrier requirements along Backlick Road pursuant to paragraph 12 of Section 13-304.

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

86. **5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 94-M-017 (MOON KIL PARK) (MASON DISTRICT)** (Tape 11)

Mr. Arif H. Hodzic reaffirmed the validity of the affidavit for the record.

Mr. Hodzic 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 Trapnell moved:

- Approval of Special Exception Application SE 94-M-017, subject to the revised development conditions dated October 27, 1994;
- Waiver of the barrier requirements along the western and southern boundaries; and
- Modification of the transitional screening requirements along the eastern, western and southern boundaries of the site in favor of that depicted on the Special Exception plat.

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

87. **5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 93-D-053 (SHELL OIL COMPANY) (DRANESVILLE DISTRICT)** (Tape 11)

Mr. John L. McBride reaffirmed the validity of the affidavit for the record.

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

Supervisor Berger moved:

- Approval of Special Exception Application SE 93-D-053, subject to the revised development conditions dated October 27, 1994; and
- Waiver of the minimum lot size requirements, relative to lot area and lot width.

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

88. **5:00 P.M. - PH ON PROPOSED ABANDONMENT OF A PORTION OF OSMAN DRIVE (ROUTE 935) (LEE DISTRICT)** (Tape 11)

Following discussion, with input from William O. Howland, Jr., Assistant to the County Executive; Lynne Strobel, Attorney for the applicant; and William J. Leidinger, County Executive; Acting-Chairman Bulova announced that the public hearing on the proposed abandonment of a portion of Osman Drive would be deferred until later in the meeting.

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Items CL#92 and CL#94.)

89. **DEFERRAL OF PUBLIC HEARING ON PROPOSED AREA PLANS REVIEW (APR) ITEM 94-I-2J AT THE NORTHWEST QUADRANT OF THE I-495/ROUTE 50 INTERCHANGE (PROVIDENCE DISTRICT)** (Tape 11)

Supervisor Hanley moved to defer the public hearing on Proposed Area Plans Review (APR) Item 94-I-2J until **January 23, 1995 at 3:30 p.m.** This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Chairman Davis being out of the room.

90. **5:00 P.M. - PH ON PROPOSED VACATION OF A SANITARY SEWER EASEMENT AND A PORTION OF A SANITARY SEWER EASEMENT LOCATED IN WILTON WOODS SUBDIVISION, SECTION A (LEE DISTRICT)**
(Tape 11)

Acting-Chairman Bulova announced that the public hearing on the proposed vacation of a sanitary sewer easement and a portion of a sanitary sewer easement located in Wilton

Woods Subdivision, Section A, would be deferred until later in the meeting.

(NOTE: Later in the meeting, this public hearing was deferred until **December 12, 1994 at 3:00 p.m.** See Clerk's Summary Item CL#97.)

91. **5:00 P.M. - BOARD DECISION ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING) REGARDING THE SULLY HISTORIC OVERLAY DISTRICT** (Tape 11)

- (O) (NOTE: On November 22, 1994, the public hearing on this proposed amendment was held and Board decision deferred until December 5, 1994.)

Supervisor Frey moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning) to allow outdoor storage in association with a warehousing establishment in the Sully Historic Overlay District, as recommended by the Planning Commission, **to become effective on December 6, 1994, at 12:01 a.m.** This motion was seconded by Supervisor Trapnell and carried by a vote of seven, Supervisor Alexander, Supervisor McConnell, and Chairman Davis being out of the room.

92. **DEFERRAL OF PUBLIC HEARING ON PROPOSED ABANDONMENT OF A PORTION OF OSMAN DRIVE (ROUTE 935) (LEE DISTRICT)** (Tape 11)

(NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#88.)

Following discussion, with input from staff, Supervisor Hanley asked unanimous consent that this public hearing be deferred until later in the meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Item CL#94.)

93. **5:00 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 94-CW-4TR ADDITION OF A TRAIL ALONG BUCKELEW DRIVE (PROVIDENCE DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 18 and 25, 1994.

Following the public hearing, which included testimony by two speakers, Supervisor Hanley moved approval of Area Plans Review (APR) Item 94-CW-4TR to add a trail on the Countywide Trails Plan Map along the east side of Buckelew Drive from the Washington and Old Dominion (W&OD) Trail to Allan Avenue. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Alexander and Supervisor Berger being out of the room.

94. **5:00 P.M. - PH ON PROPOSED ABANDONMENT OF A PORTION OF OSMAN DRIVE (ROUTE 935) (LEE DISTRICT)** (Tape 11)

- (O) (NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Items CL#88 and CL#92.)

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 November 18 and 25, 1994.

Following the public hearing, Supervisor Hyland, on behalf of Supervisor Alexander, moved that the Board:

- Authorize the Deputy County Executive for Planning and Development, on behalf of the Board, to execute an agreement providing for maintenance of a 12-inch storm sewer pipe currently located within the Osman Drive right-of-away by the applicant; and
- Adopt the Order of Abandonment, as shown in Attachment II of the Memorandum to the Board dated December 5, 1994, abandoning a portion of Osman Drive.

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

95. **WITHDRAWAL OF NOMINATION FOR AREA PLANS REVIEW (APR) ITEM 94-I-2A IN THE VICINITY OF BACKLICK ROAD AND AUBURN STREET (MASON DISTRICT)** (Tape 11)

(NOTE: On November 22, 1994, a public hearing was held on this item and Board decision deferred until December 5, 1994.)

Supervisor Trapnell moved that the Board accept the withdrawal of this nomination, Area Plans Review (APR) Item 94-I-2A. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Alexander, Supervisor Berger, and Supervisor Hanley being out of the room.

96. **5:00 P.M. - PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 94-I-5J IN THE VICINITY OF ARLINGTON BOULEVARD AND ANNANDALE ROAD (MASON DISTRICT)** (Tapes 11-12)

A Certificate of Publication was filed from the Editor of the Fairfax Journal showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 18 and 25, 1994.

Following the public hearing, which included testimony by five speakers, Supervisor Trapnell moved approval of Area Plans Review (APR) Item 94-I-5J to modify the Comprehensive Plan as recommended by the Planning Commission, with modifications

that delete references for Floor Area Ratios (FAR) and add references to the Frozen Dairy Bar which is on the Inventory of Historic Sites and as shown on her hand-out entitled "Proposed Text for APR Item 94-I-5J." This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey, and Supervisor Hanley being out of the room.

97. **DEFERRAL OF PUBLIC HEARING ON PROPOSED VACATION OF A SANITARY SEWER EASEMENT AND A PORTION OF A SANITARY SEWER EASEMENT LOCATED IN WILTON WOODS SUBDIVISION, SECTION A (LEE DISTRICT)** (Tape 13)

Supervisor Hyland, on behalf of Supervisor Alexander, moved to defer the public hearing on proposed vacation of a sanitary sewer easement located in Wilton Woods Subdivision, Section A (Lee District) until **December 12, 1994 at 3:00 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Alexander, Supervisor Berger, Supervisor Frey and Supervisor Hanley being out of the room.

ADDITIONAL BOARD MATTER

NV:nv

98. **ENDORSEMENT OF PROPOSALS REGARDING BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL) TAX LEGISLATION** (Tape 13)

(NOTE: Earlier in the meeting, this item was considered. See Clerk's Summary Item CL#28.)

Supervisor McConnell moved that the Board reconsider its earlier action regarding endorsement of Governor Allen's proposal regarding the Business, Professional and Occupational License (BPOL) tax. This motion was seconded by Supervisor Berger and **CARRIED** by a recorded vote of five, Supervisor Bulova and Supervisor Hyland voting "NAY," Chairman Davis abstaining, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Frey once again moved that the Board:

- Endorse the concept of Governor Allen's proposal to phase out the Business, Professional and Occupational License (BPOL) tax over a period of five years; and
- Direct staff to convey the Board's support to Governor Allen.

This motion was seconded by Supervisor Berger.

Following discussion, Supervisor Dix asked to amend the motion to add the language:

- "Provided that the outcome of the phase-out does not result in an increased tax burden to the residential citizenry through the local real estate tax, thereby being a de facto shift of tax liability inequitably to the property owners of Fairfax County."

This was accepted.

Following further discussion, the question was called on the motion, as amended, which **CARRIED** by a recorded vote of seven, Supervisor Hyland voting "NAY," Supervisor Alexander and Supervisor Hanley being out of the room.

CM:cm

99. **10:00 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 13)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

(NOTE: The appointment of the Providence District Representative to the A. Heath Onthank Memorial Award Selection Committee was deferred.)

ATHLETIC COUNCIL

[NOTE: The appointments of the Springfield (Principal) and the Springfield (Alternate) Representatives to the Athletic Council were deferred.]

CHAS COORDINATING COMMITTEE

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

CIVIL SERVICE COMMISSION

Chairman Davis moved the appointment of Ms. Carol L. Kelly as the At-Large Representative to the Civil Service Commission. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

COMMISSION FOR WOMEN

Supervisor Dix moved the appointment of Ms. Senzel Ayubi as the Hunter Mill District Representative to the Commission for Women. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

(NOTE: The appointment of the Dranesville District Representative to the Commission for Women was deferred.)

COMMISSION ON AGING

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

COMMUNITY CORRECTIONS RESOURCES BOARD

Supervisor Hyland moved the appointment of Ms. Henley Gible as the At-Large Representative to the Community Corrections Resources Board. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

COMMUNITY IMPROVEMENT COMMITTEE

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

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor McConnell moved the appointment of Mr. Mike Dewberry as the Springfield District Representative to the Criminal Justice Advisory Board. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

FAIRFAX COUNTY AIRPORTS ADVISORY COMMITTEE

(NOTE: The appointment of the Sully Business District Representative to the Fairfax County Airports Advisory Committee was deferred.)

FAIRFAX COUNTY COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Bulova moved the appointment of Mr. Laurence M. Feder as the Braddock District Representative to the Fairfax County Commission on Organ and Tissue Donation

and Transplantation. The motion, the second to which was inaudible, carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Trapnell moved the appointment of Ms. Linda E. Hollis as the Mason District Representative to the Fairfax County Commission on Organ and Tissue Donation and Transplantation. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Frey, on behalf of Supervisor Hanley, moved the appointment of Mr. Robert C. Dutton as the Providence District Representative to the Fairfax County Commission on Organ and Tissue Donation and Transplantation. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor Hyland moved the appointment of Ms. Carmen C. Hyland as the Mount Vernon District Representative to the Fairfax County Commission on Organ and Tissue Donation and Transplantation. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Following a brief discussion, Supervisor Frey moved the appointment of Ms. Pat Beck as the Sully District Representative to the Fairfax County Commission on Organ and Tissue Donation and Transplantation. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Trapnell moved the appointment of Ms. Naomi Zeavin as the At-Large Representative to the Fairfax/Falls Church Community Services Board. This motion was seconded by Supervisor Berger and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

(NOTE: The appointment of the Mount Vernon District Representative to the Fairfax/Falls Church Community Services Board was deferred.)

HISTORY COMMISSION

[NOTE: The appointment of the At-Large (Citizen) Representative to the History Commission was deferred.]

HUMAN SERVICES COUNCIL

Supervisor Dix moved the appointment of Ms. Susan L. Shallcross as the Hunter Mill District Representative to the Human Services Council. This motion was seconded by Chairman Davis and carried by a vote of eight, Supervisor Alexander and Supervisor

Hanley being out of the room.

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

PARK AUTHORITY

(NOTE: The appointment of the Mount Vernon District Representative to the Park Authority was deferred.)

PROJECT SELECTION COMMITTEE

[NOTE: The appointments of the Springfield and the Sully District (Ordway Road Conservation Area) Representatives to the Project Selection Committee were deferred.]

ROAD VIEWERS BOARD

(NOTE: The appointment of the At-Large Representative to the Road Viewers Board was deferred.)

SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION

(NOTE: The appointment of the At-Large Representative to the Small and Minority Business Enterprise Program Advisory Commission was deferred.)

TOWING ADVISORY BOARD

CONFIRMATIONS

Supervisor Bulova moved that the Board confirm the following appointments to the Towing Advisory Board:

- Major Walter A. Baranyk as a Police Department Representative;
- Captain Robert P. Fitzpatrick as a Police Department Representative; and
- Sergeant Fred Clark as the Virginia State Police Representative.

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

TREE COMMISSION

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

AD-HOCS

CITIZENS ADVISORY COMMITTEE ON SOLID WASTE

[NOTE: The appointments of the Braddock (Alternate), the Sully (Alternate) and the Springfield (Alternate) Representatives to the Citizens Advisory Committee on Solid Waste were deferred.]

TREE PRESERVATION TASK FORCE

(NOTE: The appointments to the Tree Preservation Task Force were deferred.)

SITE SELECTION TASK FORCE

Chairman Davis moved the appointment of Mr. David T. Huddleston as the At-Large Representative to the Site Selection Task Force. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

Supervisor McConnell moved the appointment of Mr. Peter F. Murphy, Jr., as the Springfield District Representative to the Site Selection Task Force. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Alexander and Supervisor Hanley being out of the room.

(NOTE: The remaining appointments to the Site Selection Task Force were deferred.)

100. **BOARD ADJOURNMENT** (Tape 13)

At 7:50 p.m., the Board adjourned.