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

Supervisor Hyland arrived at 10:25 a.m.

Supervisor McConnell was absent from the entire meeting.

Others present were Anthony H. Griffin, Acting County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, 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.

BOARD MATTERS

2. **ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR ELAINE MCCONNELL** (Tape 1)

Chairman Hanley announced that Springfield District Supervisor Elaine McConnell would be absent from the entire meeting today.

3. **LATE ARRIVAL OF MOUNT VERNON DISTRICT SUPERVISOR GERALD HYLAND** (Tape 1)

Chairman Hanley announced that Mount Vernon District Supervisor Gerald Hyland would be attending the meeting later in the day.

4. **MOMENT OF SILENCE FOR THE LATE DELEGATE ROBERT E. HARRIS**
(Tape 1)

Chairman Hanley asked that the Board remember the family of Delegate Robert E. Harris, a member of the General Assembly of Virginia and also a member of the Northern Virginia Transportation Commission (NVTC), who passed away last week.

Supervisor Dix offered his condolences to the Harris family.

5. **MOMENT OF SILENCE FOR MS. BARBARA WILLIAMS AND HER FAMILY IN THE LOSS OF HER SON** (Tape 1)

Supervisor Connolly asked that the Board remember Ms. Barbara Williams and her family in the loss of her son Perry.

6. **ORDERS OF THE DAY** (Tape 1)

Chairman Hanley announced that there would be a change in the Orders of the Day. At the request of Supervisor Hyland, the presentation for those persons who participate in the Aluminum Cans for Burned Children Campaign will be moved to the end of the Presentations.

(NOTE: Later in the meeting, this presentation was held. See Clerk's Summary Item CL#12.)

7. **WELCOME BACK FROM THANKSGIVING HOLIDAY** (Tape 1)

Chairman Hanley welcomed everyone back from the Thanksgiving holiday.

AGENDA ITEMS

8. **CERTIFICATES OF RECOGNITION PRESENTED TO A DELEGATION FROM THE RUSSIAN CHAMBER OF COMMERCE AND INDUSTRY FOR THE RUSSIAN FEDERATION** (Tape 1)

Supervisor Bulova moved approval of the Certificates of Recognition presented to a delegation from the Russian Chamber of Commerce and Industry for the Russian Federation who are visiting Fairfax County as representatives of the Fairfax Corner in Moscow program. This motion was seconded by Supervisor Frey and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JOHN A. KEATING**
(Tape 1)

Supervisor Kauffman asked unanimous consent that the Board defer the presentation of the Certificate of Recognition to Mr. John A. Keating for his years of service as Lee District Representative to the Human Rights Commission until January 6, 1997. Without objection, it was so ordered.

10. **CERTIFICATES OF RECOGNITION PRESENTED TO PARTICIPANTS IN THE ALUMINUM CANS FOR BURNED CHILDREN CAMPAIGN** (No Tape)

(NOTE: Later in the meeting, these Certificates were presented. See Clerk's Summary Item CL#12.)

11. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. GILLIAN KILBERG**
(Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Ms. Gillian Kilberg for her humanitarian efforts in establishing a camp for underprivileged children. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

12. **CERTIFICATES OF RECOGNITION PRESENTED TO PARTICIPANTS IN THE ALUMINUM CANS FOR BURNED CHILDREN CAMPAIGN** (Tape 1)

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

Supervisor Mendelsohn moved approval of the Certificates of Recognition presented to those persons who participate in the Aluminum Cans for Burned Children Campaign. This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

13. **DECLARATION OF MONDAY, DECEMBER 2, 1996 AS "PHOTOGRAPHER BOB STANFORD DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved that the Board declare Monday, December 2, 1996 as "**Photographer Bob Stanford Day**" in Fairfax County. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

14. **ADMINISTRATIVE ITEMS** (Tape 1)

Supervisor Connolly moved approval of the Administrative Items. This motion was

seconded by Supervisor Bulova.

Supervisor Dix called the Board's attention to Administrative Item 6 - Supplemental Appropriation Resolution (SAR) AS 97046 for the Office of Transportation Employer Outreach Program and Status Update of the Employer Outreach Program (Countywide) and asked to amend the motion to consider this item separately, and this was accepted

The question was called on the motion, as amended, which carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

ADMIN 1 - EXTENSION OF REVIEW PERIOD FOR PUBLIC FACILITIES (456) REVIEW APPLICATIONS

Approved an extension of the review period for the nine Public Facilities (456) Review Applications listed in the Memorandum to the Board dated December 2, 1996, to a date of June 2, 1997.

ADMIN 2 - INSTALLATION OF MULTI-WAY STOPS AT THE INTERSECTION OF ABBOTSFORD DRIVE AND PERCUSSION WAY (HUNTER MILL DISTRICT)

Approved the endorsement of the installation of multi-way stops at the following intersection:

- Abbotsford Drive (Route 3991) and Percussion Way (Route 4072); and
- Directed staff to request the Virginia Department of Transportation (VDOT) to approve the installation of multi-way stops and install these signs at the earliest possible date.

ADMIN 3 - INSTALLATION OF MULTI-WAY STOPS AT THE INTERSECTION OF ADRIENNE DRIVE AND BEAUCHAMP DRIVE (MOUNT VERNON DISTRICT)

Approved the endorsement of the installation of multi-way stops at the following intersection:

- Adrienne Drive (Route 3124) and Beauchamp Drive (Route 3126); and
- Directed staff to request the Virginia Department of Transportation (VDOT) to approve the installation of

multi-way stops and install these signs at the earliest possible date.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE VACATION OF A PORTION OF NORTH PARK STREET (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 4:00 p.m.** on the proposed vacation of a portion of North Park Street (Route 6318).

ADMIN 5 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97047 FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS AND CHILDREN (WIC) BREASTFEEDING GRANT

- (SAR) Authorized Supplemental Appropriation Resolution (SAR) AS 97047 in the amount of \$7,365 for an increase in the Health Department's Women, Infants and Children (WIC) Breastfeeding Grant from the United States (U.S.) Department of Agriculture.

ADMIN 6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97046 FOR THE OFFICE OF TRANSPORTATION EMPLOYER OUTREACH PROGRAM AND STATUS UPDATE OF THE EMPLOYER OUTREACH PROGRAM (COUNTYWIDE)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#15.)

15. **ADMIN 6 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97046 FOR THE OFFICE OF TRANSPORTATION EMPLOYER OUTREACH PROGRAM AND STATUS UPDATE OF THE EMPLOYER OUTREACH PROGRAM (COUNTYWIDE)** (Tape 1)

- (SAR) Following discussion, with input from Anthony H. Griffin, Acting County Executive; Shiva K. Pant, Director, Office of Transportation; and Andrew J. Szakos, Chief, Transit Operations Division, Office of Transportation; Supervisor Dix moved that the Board authorize Supplemental Appropriation Resolution (SAR) AS 97046 in the amount of \$175,000 for the Office of Transportation Employer Outreach Program and status update of the Employer Outreach Program (Countywide). This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

16. **A-1 - ENDORSEMENT OF DESIGN PLANS FOR ROUTE 28/29 INTERCHANGE (SULLY DISTRICT)** (Tape 1)

Following a brief discussion, Supervisor Frey moved that the Board concur in the recommendation of staff and endorse the Virginia Department of Transportation's (VDOT) design plans for the Route 28/29 interchange as outlined in the Memorandum to the Board dated December 2, 1996. This motion was seconded by Supervisor Connolly, and carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor McConnell being absent.

17. **A-2 - ENDORSEMENT OF FRANCONIA-SPRINGFIELD BUS PLAN FOR THE PURPOSE OF PUBLIC HEARINGS (BRADDOCK, LEE, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (Tape 1)

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

- Endorse the **County Proposal** as outlined in Attachment I of the Memorandum to the Board dated December 2, 1996; and
- Request that Washington Metropolitan Area Transit Authority (WMATA) hold public hearings in January 1997 to obtain public comment.

This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

AM:am

18. **C-1 - MAINTENANCE FUNDING FOR COMMERCIAL REVITALIZATION AREAS (COUNTYWIDE)** (Tape 2)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 regarding the provision of maintenance funding for capital projects constructed with Commercial Revitalization Bond funds under the Commercial Revitalization Program (CRP) which have not proceeded to construction pending identification and direction on a specific funding source for maintenance.

Following discussion, with input from Anthony H. Griffin, Acting County Executive and Larry Ichter, Chief, Transportation Design Branch, Utilities Plan and Design, Department of Public Works, Supervisor Gross moved that the Board provide maintenance funding for capital projects constructed with Commercial Revitalization Bond funds. This motion was seconded by Supervisor Kauffman and **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor McConnell being absent.

Supervisor Dix moved that the Board direct staff to:

- Review the issue of maintenance of public facilities in public rights-of-way Countywide; and
- Provide a recommendation to the Board prior to the Fiscal Year (FY) 1998 Budget deliberations.

This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

19. **C-2 - ISSUANCE AND SALE OF BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE FINANCING OF THE DEVELOPMENT OF HERNDON HARBOR HOUSE PHASE I (DRANESVILLE DISTRICT)** (Tape 2)

Bonds

- (R) The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 regarding the issuance of tax-exempt Elderly Housing Revenue Bonds by the Fairfax County Redevelopment and Housing Authority (FCRHA) as provided for in the *Uniform Policy for Issuance of Economic Development Authority and Redevelopment and Housing Authority Industrial Development Bonds* adopted by the Board on March 7, 1983.

Following discussion, with input from Michael Scheurer, Director, Real Estate Finance and Development Division, Department of Housing and Community Development (HCD), Supervisor Mendelsohn moved adoption of the Resolution authorizing the issuance of tax-exempt Elderly Housing Revenue Bonds Series 1997 A and Series 1997 B to finance the development of Herndon Harbor House, Phase I, in an amount not to exceed \$3,750,000. This motion was seconded by Supervisor Dix and **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross abstaining, Supervisor McConnell being absent.

20. **C-3 - ISSUANCE AND SALE OF BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE REFINANCING OF SHENANDOAH CROSSING APARTMENTS PROJECT (SULLY DISTRICT)** (Tape 2)

Bonds

- (R) The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 regarding the issuance of tax-exempt Multifamily Housing Revenue Refunding Bonds by the Fairfax County Redevelopment and Housing Authority (FCRHA) as provided for in the *Uniform Policy for Issuance of Economic Development Authority and Redevelopment and Housing Authority Industrial Development Bonds* adopted by the Board on March 7, 1983.

Supervisor Frey moved adoption of the Resolution authorizing the issuance of tax-exempt Multifamily Housing Revenue Refunding Bonds Series 1997 for the

purpose of providing financing to refund the Guaranteed Revenue Refunding Bonds (Shenandoah Crossing Apartments Project) Series 1993 A, previously issued by the FCRHA in the aggregate principal amount of \$31,500,000. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being absent.

21. **I-1 - BUS SHELTER INSTALLATION (COUNTYWIDE)** (Tape 2)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to proceed with the installation of bus shelters at the primary locations identified in Attachment I, using the funds designated for this project.

Following discussion, with input from Anthony H. Griffin, Acting County Executive, and Shiva K. Pant, Director, Office of Transportation, Supervisor Connolly asked unanimous consent that the Board direct staff to determine if a bus shelter can be installed at Loehman's Plaza. Without objection, it was so ordered.

Supervisor Gross called the Board's attention to Attachment One of the Memorandum to the Board, entitled *Primary Locations For Bus Shelters to be Purchased with Federal Congestion Mitigation and Air Quality (CMAG) Funds*, and asked unanimous consent that the Board direct staff to clarify if the bus shelter location listed as Route Seven and George Marshall Drive is correct, because this is not an intersection. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board defer action on this item until later in the meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: No further action was taken on this item.)

22. **I-2 - STATUS REPORT ON THE RESTON EAST AT WIEHLE AVENUE PARK-AND-RIDE FACILITY (HUNTER MILL DISTRICT)** (Tape 2)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to open the Reston East at Wiehle Avenue Park-and-Ride facility for commuter use on January 6, 1997, the same day that the bus service adjustments to FAIRFAX CONNECTOR Routes 5A, 5B, 5N, 5P, and 5V are implemented.

Supervisor Dix announced that the Reston East Park-and-Ride Facility will open on January 6, 1997 and asked unanimous consent that the Board direct staff to:

- Schedule an official opening ceremony on January 3, 1997 at 10:00 a.m.; and
- Extend an invitation to all Board Members to attend.

Without objection, it was ordered.

The staff was directed administratively to proceed as proposed.

23. **I-3 - BOARD ENDORSEMENT OF TESTIMONY CONCERNING PROPOSED AMENDMENTS TO THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE** (Tape 2)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to present testimony on behalf of the Fairfax County Building Official, as proposed, at the Virginia Board of Housing and Community Development hearings scheduled for December 9, 1996.

Following discussion of this item, the staff was directed administratively to proceed as proposed.

24. **I-4 - APPROVAL OF A LETTER TO THE VIRGINIA SECRETARY OF NATURAL RESOURCES TRANSMITTING FAIRFAX COUNTY COMMENTS REGARDING THE FINAL COMMENT DRAFT OF THE SHENANDOAH AND POTOMAC RIVER BASINS TRIBUTARY NUTRIENT REDUCTION STRATEGY (COUNTYWIDE)** (Tapes 2-3)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to transmit a letter to the Virginia Secretary of Natural Resources containing Fairfax County's response regarding the *Final Comment Draft, Shenandoah and Potomac Basins Tributary Nutrient Reduction Strategy Report*.

Following a lengthy discussion, with input from Anthony H. Griffin, Acting County Executive; Richard Gozikowski, Acting Director, Department of Public Works (DPW); Jimmie D. Jenkins, Director, Systems Engineering and Monitoring, DPW; John W. Koenig, Director, Utilities Planning and Design Division, DPW and Noel Kaplan, Office of Comprehensive Planning (OCP), Supervisor Dix asked unanimous consent that the Board direct staff to include comments in the cover letter suggesting that, based on current information, Fairfax County fulfills the requirements for meeting the nutrient reduction strategy. Without objection, it was so ordered.

Following further discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board defer action on this item until later in the meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#75.)

25. **I-5 - POLICE OVERTIME FOR CAMPAIGN EVENTS** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 presenting:

- An accounting of the funds expended by the Police Department for the appearance of President Clinton at a campaign rally, "Family Day," held at Lee High Park on October 27, 1996, and for the appearance of Presidential Candidate Robert Dole at a campaign rally at Interstate Van Lines on September 22, 1996; and
- A breakdown of costs associated with Presidential visits from Fiscal Year (FY) 1993 to the present.

Supervisor Dix moved that the Board direct the Acting County Executive to bill both of the campaigns that utilized Fairfax County Services for the amount of money that was expended on campaign related events. This motion was seconded by Supervisor Frey.

Supervisor Connolly moved a substitute motion that the Board direct the Acting County Executive to:

- Draft a policy for the future to bill appropriate presidential campaigns when they visit Fairfax County; and
- Submit the draft policy to the Board for review and adoption.

This motion was seconded by Supervisor Hyland.

Following discussion, with input by M. Douglas Scott, Chief of Police, the question was called on the substitute motion which **CARRIED** by a recorded vote of six, Supervisor Dix, Supervisor Frey, and Supervisor Mendelsohn voting "NAY," Supervisor McConnell being absent.

The question was called on the main motion, as substituted, which **CARRIED** by a recorded vote of six, Supervisor Dix, Supervisor Frey, and Supervisor Mendelsohn voting "NAY," Supervisor McConnell being absent.

26. **I-6 - AWARD OF CONTRACT TO VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (VPI&SU) FOR EVALUATION OF THE WELFARE**

REFORM PROGRAM (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to finalize negotiations and award a contract to Virginia Polytechnic Institute and State University (VPI&SU) Center for Public Administration and Policy, in an amount not to exceed \$99,537 for a one-year period with the option for renewal for two additional years pending federal and State funding, for a comprehensive evaluation of Fairfax County's welfare reform program.

The staff was directed administratively to proceed as proposed.

27. **I-7 - AWARD OF CONTRACT - HERNDON/MONROE PARK AND RIDE FACILITY (HUNTER MILL DISTRICT)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to award a contract in the amount of \$16,350,000 to The Driggs Corporation for the construction of Project 90A007, Herndon/Monroe Park and Ride Facility, Subfund 471, County Bond Construction.

The staff was directed administratively to proceed as proposed.

28. **I-8 - ADDITIONAL SELECTED HIRING ACTIONS TO ENSURE SUPPORT OF FISCAL YEAR (FY) 1997 BUDGET APPROVED SERVICES AND FUNCTIONS (COUNTYWIDE)** (Tape 3)

The Board next considered an Item contained in the Memorandum to the Board dated December 2, 1996 requesting authorization for staff to proceed with the recruitment and hiring for the 105 vacant, permanent positions outlined in Attachment I, which are critical in providing direct service to the community as well as supporting the County's direct service operations.

Supervisor Dix moved that the Board permit the Acting County Executive to:

- Manage the hiring activities for Fairfax County; and
- Report to the Board as he determines necessary as to the status.

This motion was seconded by Chairman Hanley.

Following discussion, with input by Anthony H. Griffin, Acting County Executive, the question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTERS

AM:am

29. **BOARD'S POSITION ON THE REGIONAL COMPETITIVENESS ACT AND SCHOOLS CONSTRUCTION/RENOVATION FUNDING** (Tape 3)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board:

- Add to the Legislative Program:
 - Support for an increase in funding for the Regional Competitiveness Act; and
 - Support of schools construction/renovation funding; and
- Direct staff to distribute copies of these items for the public hearing.

This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

30. **LETTER FROM NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES (NAIOP)** (Tape 3)

Chairman Hanley stated that she had received a letter from Martha Marks, Executive Vice President, National Association of Industrial and Office Properties (NAIOP) thanking the members of the Fairfax County Police Motorcycle Squad who assisted in a one day bus tour for developers, brokers, and Virginia Economic Development Partnership managers throughout western Fairfax, Loudoun and Prince William Counties.

31. **USE OF REVERSE 911 TO FORWARD CRIME INFORMATION TO CITIZENS** (Tape 3)

Chairman Hanley explained that the Rosselle Police Department in conjunction with the DuPage County, Illinois Sheriff's Office has implemented the use of Reverse 911 to forward current crime information directly to the homes of citizens by telephone. Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to determine if this system can be utilized in Fairfax County. Without objection, it was so ordered.

32. **PROCLAMATION TO RECOGNIZE THE HONORABLE JOHN DENOYER, OUTGOING AT-LARGE REPRESENTATIVE OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)** (Tape 3)

(BACs)

Chairman Hanley noted that the Honorable John DeNoyer has stepped down from the Environmental Quality Advisory Council (EQAC) effective November 30, 1996. Mr. DeNoyer served as an At-Large Representative of EQAC from November, 1989 through November, 1996 and served as its Chairman from November, 1991 through November 1994. Accordingly, Chairman Hanley asked unanimous consent that the Board direct staff to:

- Prepare a Proclamation acknowledging Mr. DeNoyer's years of service to the County; and
- Invite Mr. DeNoyer to appear before the Board to accept the Proclamation.

Without objection, it was so ordered.

33. **WORLD CONGRESS ON INFORMATION TECHNOLOGY** (Tape 3)

Chairman Hanley called the Board's attention to a letter she had received from the Economic Development Authority (EDA) requesting additional appropriations from the Board at the Fiscal Year (FY) 1997 Midyear Budget Review as well as in the FY 1998 budget to promote Fairfax County through the World Congress on Information Technology.

Accordingly, Chairman Hanley moved that the Board direct staff to include the 1997 portion of this request as a Consideration Item in the Mid-Year Review package. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being absent.

34. **DEER POPULATION ISSUES** (Tape 3)

Chairman Hanley reported that the Northern Virginia Deer Management Committee has prepared a preliminary report on urban deer management issues.

Chairman Hanley moved that the Board refer the report to the:

- Fairfax County Park Authority;
- Northern Virginia Regional Park Authority;
- Fairfax County Department of Animal Control;
- Environmental Quality Advisory Council (EQAC);

- Animal Shelter Advisory Commission; and
- Federation of Citizens Associations

for their reaction and recommendations. This motion was seconded by Supervisor Mendelsohn.

Chairman Hanley asked to amend the motion to direct staff to notify the Citizens' Associations that if they are interested in a copy of the preliminary report they can contact their Supervisor's office for a copy, and this was accepted.

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

35. **PROCLAMATION TO DESIGNATE DECEMBER 7, 1996 AS NATIONAL PEARL HARBOR REMEMBRANCE DAY** (Tape 4)

Chairman Hanley announced that the 103rd Congress of the United States (US) passed Public Law 103-308 to designate December 7 of each year as National Pearl Harbor Remembrance Day. The National Capital Area Chapter of the Pearl Harbor Survivors Association, Incorporated has requested a Proclamation to note that "Day of Infamy" and to request that the US flag be flown at half staff at all County public buildings. Additionally the association will be holding a ceremony on December 7, 1996 at the Pearl Harbor Tree located in Arlington National Cemetery.

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

- Prepare a Proclamation in recognition of December 7, 1996 as National Pearl Harbor Remembrance Day; and
- Invite the appropriate person to receive this Proclamation.

This motion was seconded by Supervisor Mendelsohn and carried by a vote of nine, Supervisor McConnell being absent.

36. **VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT)** (Tape 4)

Chairman Hanley stated that the Virginia Department of Rail and Public Transportation (VDRPT) has listed in its internet home page, studies that they are doing in Fairfax County of which the Board is not aware. For example, the Virginia Rail Express (VRE) may be operating rail service between Richmond and Washington. A third track is planned in this corridor and VDRPT is planning to secure a "No Environmental Impact" determination for this project. It also stated that consultants have been hired to develop land use strategies for this corridor to promote growth in efficient and livable patterns and support improved rail passenger service. The communities that are being studied include Lorton in Fairfax County. Chairman Hanley further stated that another consulting firm has been hired to analyze development, zoning, and planning issues at individual station

areas within the corridor.

Chairman Hanley commented that she is concerned at the continuing lack of communication between VDRPT and Fairfax County on a number of issues particularly when they include sensitive issues in the County. Chairman Hanley stated that last week, at the Board's direction, she sent a letter to Secretary Martinez regarding coordination on the State's proposal to add parking at the Vienna Metrorail Station. She further stated that while all these proposals are under study, there is no mention of where the funding is coming from and who has agreed to these undertakings.

Therefore, Chairman Hanley moved that the Board direct the Office of Transportation to:

- Obtain further information on this matter;
- Prepare an appropriate letter to Secretary Martinez expressing Fairfax County's concerns; and
- Provide a briefing to the Board at a later date.

This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

37. **SHIVA K. PANT, DIRECTOR, OFFICE OF TRANSPORTATION, APPOINTED TO THE ADVISORY COMMITTEE FOR THE COMMISSION ON THE FUTURE OF TRANSPORTATION** (Tape 4)

Chairman Hanley announced that the General Assembly authorized a legislative study on transportation needs and funding pursuant to House Joint Resolution HJR 160. This Commission on the Future of Transportation is chaired by Delegate Robinson of Norfolk and Vice-Chairman Senator Walker who is also from Norfolk. To undertake the technical work for the Commission, Delegate Robinson has appointed an Advisory Committee that will be working throughout this year so that the Commission can make a final report to the General Assembly for its 1998 session. Chairman Hanley further stated that Shiva K. Pant, Director, Office of Transportation, has been appointed to this Advisory Committee.

38. **IMMUNIZATION COMPLIANCE** (Tape 4)

Chairman Hanley stated that at the September 9, 1996 meeting, the Board requested that the Health Care Advisory Board (HCAB) report on ideas to promote more immunizations by the age of two and make a recommendation to the Board. The HCAB has submitted a response.

Chairman Hanley said that the HCAB and the Health Department staff met and identified steps to improve immunization compliance rates in Fairfax County through increased involvement of private providers, a greater advocacy role by the Immunization Task Force, and greater awareness of resources available to private providers. Chairman Hanley further stated that the HCAB recommends that the Board send a letter

to family practice physicians and pediatricians in Fairfax County. The intent of such a letter would be to share the Board's concern regarding Fairfax County's low rate and encouraging the Medical Society to initiate a special project on immunization. This letter would contribute to the County's effort to achieve the goal of 90 percent immunization compliance for children under the age of two by the year 2000.

Therefore, Chairman Hanley moved that the Board direct staff to prepare a letter to family practice physicians and pediatricians in Fairfax County. This motion was seconded by Supervisor Mendelsohn.

Supervisor Mendelsohn asked to amend the motion to direct staff to also send a letter to all certified Fairfax County child care providers, and this was accepted.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine if Fairfax County can require that certified child care providers require an immunization certificate as a condition of enrollment. Without objection, it was so ordered.

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

39. **CLINIC ROOM AIDES** (Tape 4)

Chairman Hanley stated that at the September 9, 1996 meeting, the Board requested the Health Department staff to provide a comprehensive review of the allocation of clinic aide time.

Chairman Hanley asked unanimous consent that the Board direct the Health Department to provide a status report as to whether this will be an issue to be considered at Carryover. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

40. **TROLLEY SYSTEM FOR SPRINGFIELD BUSINESS DISTRICT** (Tape 4)

Supervisor Kauffman stated that earlier in the year the Board approved a motion to seek traffic mitigation funds for the operation of a trolley system to link the central Springfield Business District with the Joe Alexander Transportation System but the County has not had a response to this request.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to determine what must be done to make the trolley system possible. Without objection, it was so ordered.

PMH:pmh

41. **BATMAN/MCNAIR ASSOCIATES** (Tape 5)

Supervisor Dix advised Board Members that a check in the amount \$150,000 had been received from the Batman/McNair Associates in the fulfillment of proffer obligations regarding Proffered Condition Amendment Application PCA 87-C-060-5 dated December 13, 1995.

42. **MADISON HIGH SCHOOL WINS REGIONAL CHAMPIONSHIP** (Tape 5)

Supervisor Dix noted that Madison High School and McLean High School engaged in the Regional Championship for the Division Five Playoffs in high school football in Northern Virginia. He added that Madison High School won the Regional Championship for the first time in the history of the high school.

Therefore, Supervisor Dix asked unanimous consent that the Board direct staff to invite the team to appear before the Board at its December 9, 1996 meeting to be recognized for their accomplishment. Without objection, it was so ordered.

43. **YOUTH VIOLENCE MEETING** (Tape 5)

Supervisor Dix expressed his appreciation to the organizers of the Hunter Mill District community meeting on youth violence. He acknowledged Ms. Tricia Hutchison, Mr. Howard Pearlstein, and Mr. Stu Gibson.

Chairman Hanley expressed her appreciation to those involved in holding these meetings.

44. **TAXICABS** (Tape 5)

Supervisor Dix referred to an issue discussed by the Board at its November 18, 1996 meeting regarding taxicabs in Fairfax County. He expressed the opinion that there were still unresolved issues. Supervisor Dix moved that the Board direct staff to report with a Consideration Item at its first meeting in January 1997 which would include the staff's assessment that would allow a compromise position that would permit the issuance of 15 certificates to the Fairfax Taxi Service and to review the remaining outstanding issues. The second to this motion was indistinguishable.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Dix amended his motion to direct staff to report with information as to what company the analysis was performed on, and this was accepted.

Supervisor Hyland moved a substitute motion that the Board reconsider its decision pending the receipt of the requested additional information and that matter be presented to the Board so that it can determine whether its decision stands. This motion was seconded by Supervisor Frey.

Following discussion, with additional input from Mr. Bobzien, the question was called on the substitute motion which **FAILED** by a recorded vote of five, Supervisor Dix,

Supervisor Frey, Supervisor Hyland, and Supervisor Mendelsohn voting "AYE," Supervisor McConnell being absent.

The question was called on the main motion (Supervisor Dix's) which **CARRIED** by a recorded vote of five, Supervisor Dix, Supervisor Frey, Supervisor Hyland, and Supervisor Mendelsohn voting "NAY", Supervisor McConnell being absent.

Anthony H. Griffin, Acting-County Executive, noted that the information would be forwarded to the Board as a separate item.

45. **TOWN MEETING ON YOUTH VIOLENCE** (Tape 5)

Supervisor Connolly announced that the Providence District Town meeting on Youth Violence is scheduled for Wednesday, December 4, 1996 between 7:00 p.m. and 9:00 p.m. at Marshall High School.

46. **METRO POLICE** (Tape 5)

Supervisor Connolly requested Supervisor Kauffman and Supervisor Hyland to enter into discussions with Metro management about the proposal to take police out of Metro station parking lots and assign them to the Red Line because of recent crime incidents. He asked that they convey his concerns about putting at risk the 3,500 vehicles that park at Metro stations.

47. **LA CHOZA RESTAURANT** (Tape 5)

Supervisor Connolly referred to the La Choza Restaurant located on Lee Highway and noted that they are seeking to add 30 seats to the restaurant. He moved that the Board direct staff to expedite the Special Exception Amendment Application (Tax Map Reference 49-3((5))1A, 1, 2, 3 and 4) and concurrently process by the Department of Environmental Management (DEM). This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standard and it does not prejudice the consideration of the application in any way. This motion, the second which was indistinguishable, carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell being absent.

48. **EXPEDITED SCHEDULING AND CONCURRENT PROCESSING OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-Y-005 AND PROFFERED CONDITION APPLICATION PCA 87-S-053** (Tape 5)

Supervisor Frey said that on November 18, 1996 the Board approved applications to allow for the construction of a McDonald's restaurant in Centreville. He said that this applicant has now filed for a Special Exception Amendment Application and a Proffered Condition Amendment Application to enclose the previously approved outdoor play area, modify the hours of operation, and increase the seating capacity.

Supervisor Frey noted that the applicant is ready to start site work for the restaurant and would like to coordinate the proposed enclosure of the play area with the construction of the facility.

Therefore, Supervisor Frey moved that the Board:

- Authorize expedited scheduling of Special Exception Amendment Application SEA 93-Y-005 and Proffered Condition Amendment Application PCA 87-S-053; and
- Direct staff to concurrently process the necessary plans associated with these applications prior to the Board's action on the zoning requests.

It is understood that this motion does not assure approval of the applications and that the applicant will be responsible for any changes required should these applications be approved.

This motion was seconded by Supervisor Mendelsohn and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell being absent.

49. **CONCURRENT PROCESSING FOR AMOCO PETROLEUM PRODUCTS** (Tape 5)

Supervisor Frey said that Amoco Petroleum Products has filed a Proffered Condition Amendment Application and Special Exception Application for a proposed service station at the intersection of Westfields Boulevard and Stonecroft Boulevard in the Westfields development. The applicant has requested concurrent processing of the Site Plan for the proposed facility pending action on the Proffered Condition Amendment Application and the Special Exception Application. The applicant acknowledges that this would be at their own risk and is aware that they would be responsible for any changes that might occur should the applications be approved.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the Site Plan pending consideration of the Proffered Condition Amendment Application and Special Exception Application for an Amoco service station at the intersection of Westfields Boulevard and Stonecroft Boulevard in the Westfields development. This request does not commit the Board to approval of the applications and the applicant will

be responsible to make any changes as may be necessary due to the zoning process. This motion was seconded by Supervisor Mendelsohn and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell being absent.

50. **FAIRFAX COUNTY CRIMINAL JUSTICE ACADEMY** (Tape 5)

Supervisor Frey distributed to Board Members a copy of a letter that he had received from Jon M. Petersen, Vice President, H/P Companies, L.C., expressing his appreciation to the staff of the Office of General Services for a job well done regarding the Fairfax County Criminal Justice Academy. Supervisor Frey also expressed his appreciation to staff.

51. **LUNCH FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (Tape 5)

Supervisor Frey invited Board Members to watch Braddock District Supervisor Sharon Bulova buy him lunch today. He noted that Chantilly High School beat Robinson Secondary School two weeks ago.

Supervisor Frey noted that Chantilly High School also won the State Semifinals.

52. **BRUCE McLEOD, AIDE TO SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL RESIGNS** (Tape 5)

Supervisor Bulova announced that Bruce McLeod, Aide to Springfield District Supervisor Elaine McConnell, is leaving Supervisor McConnell's office to accept a position in the private sector. She said that she and her staff have enjoyed working with him and that he has done a super job.

NV:nv

53. **HERNDON HIGH SCHOOL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) FEE WAIVER** (Tape 6)

Supervisor Mendelsohn stated that the residents surrounding Herndon High School have petitioned for a Residential Permit Parking District (RPPD) and requested that the fees be waived. Accordingly, he moved that the Board direct staff to waive the \$10 fee per resident for the establishment of a RPPD within 1500 feet of a pedestrian entrance to Herndon High School. This motion was seconded by Supervisor Bulova.

Supervisor Hyland asked to amend the motion to direct staff to review these fees and provide a recommendation to consider a change in policy to eliminate the fees for RPPDs. Following input from Anthony H. Griffin, Acting County Executive, this amendment was accepted.

Following discussion, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being absent.

54. **CONCURRENT PROCESSING OF SUBDIVISION PLAN FOR STANLEY GLOD WITH VARIANCE APPLICATION VC-96-D-136** (Tape 6)

Supervisor Mendelsohn moved that the Board direct the Director of the Department of Environmental Management (DEM) to concurrently process a subdivision plan for Stanley Glod during the processing of Variance Application VC-96-D-136 for property located on Tax Map Number 020-3-8, Parcel 28 in McLean. He noted that concurrent processing would allow the applicant to proceed at his own risk to do engineering on the site and to potentially save months in the approval process. He stated that this motion does not relieve the applicant from complying with provisions of all applicable conditions, regulations, or adopted standards relative to this subdivision plan nor does it in any way anticipate support for the variance application which will be considered at a later date by the Board of Zoning Appeals (BZA). This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

55. **SIMULTANEOUS PROCESSING OF THE SITE PLANS FILED BY HOVNANIAN AT STUART ROAD WITH REZONING APPLICATION RZ 94-D-046** (Tape 6)

Supervisor Mendelsohn moved that the Board direct the Director of the Department of Environmental Management (DEM) to simultaneously process the Site Plans filed by Hovnanian at Stuart Road during the processing of Rezoning Application RZ 94-D-046 for property located on Tax Map Number 17-1-4-18-22, 40-44 in Herndon. He noted that simultaneous processing would allow the applicant to proceed at his own risk to do engineering on the site and to potentially save months in the approval process. He said that this application has been stalled since 1994 because of design plans of the Fairfax County Parkway near this location. He stated that this motion does not relieve the applicant from complying with provisions of all applicable conditions, regulations, or adopted standards relative to this Site Plan nor does it in any way anticipate support for the rezoning application which will be considered at a later date by the Board. This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell being absent.

56. **MASON DISTRICT TOWN MEETING** (Tape 6)

Supervisor Gross announced that as part of her regular series of town meetings, she will be hosting a Holiday Town Gathering on Thursday, December 12 at 7:30 p.m. at the Mason Governmental Center, 6507 Columbia Pike in Annandale. The theme for the meeting will be "*Mason District - A Year in Review, Looking Ahead to 1997.*"

Supervisor Gross noted that this meeting will be less formal than previous town meetings and will include refreshments, socializing, and entertainment. She said that residents will have the opportunity to talk one-on-one with her, other elected officials, business leaders, and community activists. She invited everyone in Mason District and her colleagues on the Board to come to this community gathering.

57. **MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATIONS REQUESTS BOARD SUPPORT FOR SENATE BILL 520** (Tape 6)

Supervisor Hyland called the Board's attention to his written Board Matters as distributed to the Board and explained that the first item concerned a resolution regarding *Senate Bill (SB) 520* adopted by the Mount Vernon Council of Citizens Associations at its meeting on October 23, 1996. The Council was requesting Board support of SB 520 which was in regard to filing fees for property owners' associations.

Following a query from Chairman Hanley regarding the Board's position on this issue last year, Supervisor Hyland stated that he would defer this item until appropriate staff was present.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#61.)

58. **BOARD RECOGNITION OF SUCCESSFUL PUBLIC/PRIVATE COMMUNITY-WIDE EFFORT RESULTING IN \$3.4 MILLION AWARD** (Tape 6)

Supervisor Hyland called the Board's attention to a successful Human Services public/private community-wide work team process which not only demonstrated the principles of Human Services Redesign but resulted in a \$3.4 million award to Fairfax County. Chairman Hanley stated that on behalf of the Board she had written a letter to members of the Continuum of Care Development Team (CCDT) congratulating them for their superlative work.

59. **DECLARATION OF JANUARY 6, 1997 AS "CALANTHIA TUCKER DAY" IN FAIRFAX COUNTY** (Tape 6)

Supervisor Hyland announced that Dr. Calanthia Tucker, Principal of Mount Vernon High School, has been awarded *The Washington Post Distinguished Educational Leadership Award* and has been named **Fairfax County Public Schools' Principal of the Year**. In his written Board Matter, Supervisor Hyland explained the award's selection process and noted some of Dr. Tucker's significant accomplishments.

Accordingly, Supervisor Hyland moved that the Board declare January 6, 1997 as "**Calanthia Tucker Day**" in Fairfax County in recognition of Dr. Tucker's awards. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

60. **REQUEST FOR WAIVER OF FEES AND SIMULTANEOUS, EXPEDITED PROCESSING FOR MOUNT VERNON PRESBYTERIAN CHURCH** (Tape 6)

Supervisor Hyland explained that the Mount Vernon Presbyterian Church will soon be submitting an application to the Office of Comprehensive Planning (OCP) for a Special Permit from the Board of Zoning Appeals (BZA) to build an addition to its Christian Education Building. Since the church is anxious to complete the project and because the proposed child care center will provide a service to any citizen of Fairfax County, they are requesting expedited and simultaneous processing of their application along with a request that all fees associated with this are waived.

Following input from David P. Bobzien, County Attorney, regarding a specific prohibition for a church to receive a fee waiver, Supervisor Hyland moved that the Board direct staff to expeditiously and simultaneously process the application being submitted by the Mount Vernon Presbyterian Church for their proposed expansion. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

61. **MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATIONS REQUESTS BOARD SUPPORT FOR SENATE BILL (SB) 520** (Tape 6)

(NOTE: Earlier in the meeting, action on this item was deferred. See Clerk's Summary Item CL#57.)

Supervisor Hyland called the Board's attention to the pending item regarding support for *Senate Bill (SB) 520* as requested by the Mount Vernon Council of Citizens Associations.

The Council was requesting Board support on an issue regarding filing fees for property owners' associations.

Supervisor Hyland moved that the Board refer this item to the Legislative Committee for consideration of a position in support of the Council and SB 520 which would remove the requirement for a filing fee for associations. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

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

At 1:15 p.m., Supervisor Connolly 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, and in addition:

- *Marc Alexander, et al., versus Prince George's County, et al.,* Chancery Number 95-2978, 4th Circuit United States (US) Court of Appeals; and

- *Neighborhood Committee Against Target, et al., versus Department of Environmental Management (DEM), et al., In Chancery Number 147025.*

This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

CM:cm

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

ACTION FROM EXECUTIVE SESSION

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

Supervisor Bulova moved that the Board certify that, to the best of its 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 Connolly and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

SBE: sbe

64. **3:30 P.M. - PH ON REZONING APPLICATION RZ 96-B-018 (BO-BUD CONSTRUCTION COMPANY, INCORPORATED) (BRADDOCK DISTRICT)**
(Tape 8)

- (O) Mr. William C. Thomas, Jr. reaffirmed the validity of the affidavit for the record.

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

Chairman Hanley disclosed the following campaign contribution which she had received:

- An amount in excess of \$200 from Mr. Bernard M. Fagelson.

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

Supervisor Bulova moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 96-B-018 be amended from the R-1 District to the R-3 District subject to the execution of the proffers dated November 6, 1996. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

65. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-S-107-2 (FIRST UNION NATIONAL BANK) (SULLY DISTRICT)** (Tape 8)

Mr. Christopher D. Bell reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 84-S-107-2 subject to the proposed development conditions dated November 5, 1996; and
- Reaffirmation of the waiver of the minimum lot area and width requirements.

This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

66. **WELCOME BOY SCOUT TROOP 1131 TO THE BOARD AUDITORIUM** (Tape 8)

Supervisor Bulova introduced Ms. Kathy Lloyd and Boy Scout Troop 1131, and warmly welcomed them to the Board Auditorium.

67. **3:30 P.M. - PH ON REZONING APPLICATION RZ 95-Y-031 (WILLIAM J. MCMENAMIN) (SULLY DISTRICT)** Tape 8)

- (O) Ms. Susan K. Yantis reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Julie Schilling, 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 applies to the property which is the subject of Rezoning Application RZ 95-Y-031 be amended from the R-1 and Water Supply Protection Overlay Districts to the R-3 and Water Supply Protection Overlay Districts subject to the execution of the proffers dated November 7, 1996. This motion was seconded by Acting-Chairman Dix and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Mendelsohn, and Acting-Chairman Dix voting "AYE," Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Frey moved waiver of:

- Section 2-309 of the Zoning Ordinance which requires one acre of open space with a width of at least 50 feet; and
- The Public Facilities Manual (PFM) Standards for the TS Two street cross section to that shown on the Generalized Development Plan (GDP).

This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Mendelsohn and Acting-Chairman Dix voting "AYE," Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

68. **3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING METRIC STANDARDS AND COUNTY SOIL SCIENCE OFFICE** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 14 and November 21, 1996.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to:

- Require metric measurements on Site Plans and to require both English and metric measurements on zoning applications **to become effective on August 1, 1997 at 12:01 a.m.**; and
- Delete references to the Fairfax County Soil Science Office **to become effective on December 3, 1996 at 12:01 a.m.**

This motion was seconded by Supervisor Bulova and **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Dix voting "NAY," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

69. **3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CLOSURE OF THE SOIL SCIENCE OFFICE (COUNTYWIDE)** (Tape 8)
- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 14 and November 21, 1996.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax Chapter 101 (Subdivision Ordinance) and the Public Facilities Manual (PFM) regarding the closure of the Soil Science Office **to become effective on December 3, 1996 at 12:01 a.m.** This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

70. **4:00 P.M. - JOINT PH ON PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX YEAR SECONDARY ROAD IMPROVEMENT PROGRAM (COUNTYWIDE) AND JOINT PH ON PROPOSED VDOT SECONDARY ROAD IMPROVEMENT BUDGET FOR FISCAL YEAR (FY) 1998 (COUNTYWIDE)** (Tapes 8-9)

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 14 and November 21, 1996.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, (OT); Renee' N. Hamilton, Assistant Resident Engineer, Virginia Department of Transportation (VDOT); Katherine D. Ichter, Chief, Highway Operations Division, OT, and Samuel Chamberlain, OT, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide information as to how and when the costs for the section of the Fairfax County Parkway between Rolling Road and I-95 increased from \$21million to \$35 million. Without objection, it was so ordered.

Following the testimony of Ms. Doris Fix (Speaker 11), Supervisor Mendelsohn asked unanimous consent that the Board direct staff to respond to the question raised by Mrs. Fix regarding a plan for handling the traffic flow at the Wiehle Avenue exit of the Fairfax County Parkway. Without objection, it was so ordered.

Following the public hearing, Supervisor Bulova moved approval of the proposed VDOT Six Year Secondary Road Improvement Program for Fiscal Year (FY) 1998 through 2003. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Kauffman moved adoption of the proposed VDOT Secondary Road Improvement Budget for FY 1998. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved that the Board direct staff to:

- Formally make written contact with VDOT relative to the options regarding access from the Fairfax County Parkway to Wiehle Avenue prior to the time that Wiehle Avenue is completed in terms of its impact on those surrounding neighbors; and
- Share the correspondence and the response with the Chairman's Office as well as Supervisor Mendelsohn's Office and his office.

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

In regard to Project 33, the widening of Guinea Road, Supervisor Bulova moved that the Board direct staff to accelerate this project out-of-turn if another project is delayed or its construction is not necessary as early as anticipated. This motion was seconded by Supervisor Connolly.

Supervisor Dix asked to amend the motion that should that opportunity arise, that the issue be presented to the Board as to how a reshuffling might take place so that the Board might discuss the issues for all projects, and this was accepted.

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

SEA 92-L-039 (ACTION RENT-A-CAR AND TRUCKS, INCORPORATED, T/A ACTION AUTOMOTIVE, INCORPORATED) (LEE DISTRICT) (Tape 9)

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

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

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

Supervisor Kauffman moved:

- Approval of Special Exception Amendment Application SEA 92-L-039 subject to the development conditions dated October 1, 1996;
- Modification of the transitional screening requirements along the northern and eastern boundaries;
- Waiver of the barrier requirement in favor of Development Condition Number Five;
- Waiver of the peripheral parking lot landscaping requirement; and
- Modification of additional standards for vehicle sales, rental, and ancillary service establishments per paragraph three of Section 9-518 to permit parking spaces closer than 10 feet from the front property line.

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

72. **4:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-D-045-4 (WIRELESS PCS, INCORPORATED D/B/A AT&T WIRELESS SERVICES) (DRANESVILLE DISTRICT)** (Tape 9)

Mr. Edward L. Donohue reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Mendelsohn moved approval of Special Exception Amendment Application SEA 80-D-045-4 subject to the development conditions dated October 17, 1996. This motion was seconded by Supervisor Frey and carried by a vote of six, Supervisor Bulova, Supervisor Dix, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

73. **4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING SERVICE STATION/MINI-MARTS** (Tapes 9-10)

Certificates of Publication were filed from the Editor of the *Fairfax Journal*, showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 14 and November 21, 1996.

Following the public hearing, which included testimony by two speakers, Supervisor Kauffman moved that the proposed amendments to Articles 2, 4, 5, 6, 7, 9, 11, 12, 13, 20 and Appendix One the Code of the County of Fairfax, Chapter 112, (Zoning Ordinance), known as the "Service Station/Mini-Mart Amendments," be referred to the Planning Commission for re-advertisement and rehearing before the Planning Commission on January 16, 1996 and before the Board on January 27, 1997. This re-advertisement shall reference the previously advertised amendments, and, an alternative, the definitions of a Service Station and a Service Station/Mini-Mart, as follows:

“Service Station: (No changes to the Amendment until paragraph 9)

9. Sales, of beverages, snack foods, tobacco products and other retail merchandize, except alcoholic beverages, and rental of video tapes and video cassette recorders. The area devoted to such sales shall not exceed 250 square feet of gross floor area, which shall include the cashier's area and space used for the display of sale items to include cooler space, but not including storage areas.

In addition to the above, there may be fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. The use of more than one microwave oven by customers for purchased food items; the preparation of food other than hot and cold beverages, donuts and other bakery foods; major mechanical and body work; repair of transmissions or differentials; straightening of body parts; painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations shall not be permitted.

Service Station/Mini-Mart: Buildings and premises for a combination service station and retail sales of food and other items, with the building area limited to a maximum gross floor area of 2500 square feet, excluding any automotive service or repair area. In addition, there may be fifty (50) square feet of accessory

outdoor storage and display area for goods offered for sale. Sales of alcoholic beverages, rental of video tapes and video cassette recorders, and the preparation of food, other than that allowed in a limited food-service establishment pursuant to Chapter 43 of the Fairfax County Code, shall not be permitted; provided, however that the use of microwave ovens by customers for purchase food items is allowed. A service station with retail sales of food and/or other items in excess of 2500 square feet of gross floor area, exclusive of automotive service or repair areas, shall be deemed a service station and quick-service food store.”

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

Following input from David P. Bobzien, County Attorney, Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved that the Board direct the Planning Commission to provide its recommendation concerning its new language on this proposed ordinance to the Board prior to January 27, 1997. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

There was a brief discussion regarding the color of the Mobil mini-marts.

AR:ar

74. **4:30 P.M. - PH ON REZONING APPLICATION RZ 96-S-012 (STONEMARK CORPORATION) (SPRINGFIELD DISTRICT)** (Tape 11)

On behalf of Supervisor McConnell, Supervisor Connolly moved to defer the public hearing on Rezoning Application RZ 96-S-012 until **December 9, 1996 at 4:30 p.m.** This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

75. **I-4 - APPROVAL OF A LETTER TO THE VIRGINIA SECRETARY OF NATURAL RESOURCES TRANSMITTING FAIRFAX COUNTY COMMENTS REGARDING THE FINAL COMMENT DRAFT OF THE SHENANDOAH AND POTOMAC RIVER BASINS TRIBUTARY NUTRIENT REDUCTION STRATEGY (COUNTYWIDE)** (Tape 11)

(NOTE: Earlier in the meeting, there was discussion of this item. See Clerk's Summary Item CL#24.)

Chairman Hanley called the Board's attention to Information Item I-4 - Approval of a Letter to the Virginia Secretary of Natural Resources Transmitting Fairfax County Comments Regarding the Final Comment Draft of the Shenandoah and Potomac River Basins Tributary Nutrient Reduction Strategy (Countywide).

Supervisor Gross referred to the prepared comments and asked unanimous consent that

the Board direct staff to correct the numbering for the last paragraph to reflect the number "13." Without objection, it was so ordered.

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

- Change the wording of the last sentence in the first paragraph of the letter to read, ".....and therefore recommends in the report that biological nutrient removal (BNR) technology be required at wastewater treatment plants at a cost of approximately \$40 million to the County;"
- Change the wording of the first sentence in the second paragraph of the letter to read, "As you know, the County very strongly supports the clean-up of the Chesapeake Bay and the corresponding goals of water quality improvements;" and
- Change the wording of the first sentence of the third paragraph of the letter to read, "The County believes that it is essential that quantifiable water quality and living resource benefits supported by emperical and scientific evidence,....."

Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and asked unanimous consent that the Board direct staff to change the wording in the last sentence in attached comment number three to read, ".....through updated measuring techniques and creative solutions." Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to submit the letter and attached comments, as amended, to Becky Norton Dunlop, Secretary of Natural Resources. Without objection, it was so ordered.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

ADDITIONAL BOARD MATTER

76. **TESTIMONY FOR HOUSE JOINT RESOLUTION (HJR) 240 SUBCOMMITTEE ON THE MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES SYSTEM** (Tape 11)

With reference to the draft testimony for the House Joint Resolution (HJR) 240 Subcommittee presentation on December 3, 1996 on the Mental Health, Mental Retardation, and Substance Abuse Services System, which was distributed to Board Members, Chairman Hanley relinquished the Chair to Acting-Chairman Dix and asked unanimous consent that the Board approve the submission of this testimony. Without objection, it was so ordered.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

77. **4:30 P.M. - PH ON REZONING APPLICATION RZ 96-L-008 AND SPECIAL EXCEPTION APPLICATION SE 96-L-014 (STEVEN P. MEHR) (LEE DISTRICT)** (Tape 11)

- (O) Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- An amount in excess of \$200 from Mr. John B. Kelso.

Chairman Hanley disclosed the following campaign contribution which she had received:

- An amount in excess of \$200 from Mr. John B. Kelso.

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

Following the public hearing, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Connolly, Supervisor Frey, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Kauffman moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 96-L-008 be amended from the R-2, C-8, and Highway Corridor Districts to the C-8 and Highway Corridor Districts subject to the execution of the proffers dated October 30, 1996;

- Approval of Special Exception Application SE 96-L-014 subject to the development conditions dated October 30, 1996;
- Waiver of the service drive requirement along the Richmond Highway frontage; and
- That the Board direct the Director of the Department of Environmental Management (DEM) to waive the road frontage improvement and escrow requirements along the Richmond Highway frontage.

This motion was seconded by Supervisor Mendelsohn and carried by a vote of seven, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

78. **4:30 PM - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-M-023 (SUITE VENTURE ASSOCIATES, LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 11)

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

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

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

Supervisor Gross moved approval of Proffered Condition Amendment Application PCA 88-M-023 subject to the executed proffers dated October 9, 1996. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Kauffman, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Gross moved:

- Reaffirmation of the previous modification of transitional screening and barrier requirements along the northern property boundary in accordance with paragraph three of Section 13-304 of the Zoning Ordinance; and
- Reaffirmation of the previous waiver of the service drive requirement along Route 7 and a waiver of the Board's Policy prohibiting direct access onto a primary highway.

This motion was seconded by Supervisor Connolly and carried by a vote of six,

Supervisor Bulova, Supervisor Kauffman, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

79. **4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-P-030 (ENTERPRISE RENT-A-CAR) (PROVIDENCE DISTRICT)** (Tape 11)

Ms. Meaghan S. Kiefer reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Connolly moved:

- Approval of Special Exception Application SE 96-P-030 subject to the development conditions dated October 30, 1996; and
- Modification of the peripheral and parking lot landscaping requirements subject to the development conditions dated October 30, 1996.

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

80. **4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-H-022 (AMERICAN MOBILE SATELLITE CORPORATION) (HUNTER MILL DISTRICT)** (Tape 11)

Ms. Meaghan S. Kiefer reaffirmed the validity of the affidavit for the record.

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

- An amount in excess of \$200 from Mr. Brian Pemberton.

Ms. Kiefer had filed the necessary notices showing that at least 25 adjacent and/or interested parties 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 Dix moved approval of Special Exception Application SE 96-H-022 subject to the development conditions dated August 28, 1996. This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Bulova, Supervisor Kauffman, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

81. **5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-2 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)**
(Tape 11)

Mr. William M. Barry III reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by four speakers, Supervisor Mendelsohn moved that the Board:

- Defer its decision on Special Exception Amendment Application SEA 85-D-097-2 until **December 9, 1996 at 4:30 p.m.**; and
- Leave the record open for submission of written testimony until that time.

This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Bulova and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

82. **5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-V-025 (RICHARD HEAPES) (MOUNT VERNON DISTRICT)** (Tapes 11-12)

Mr. Jonathan P. Rak reaffirmed the validity of the affidavit for the record.

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

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

On behalf of Supervisor Hyland, Supervisor Kauffman moved approval of Special Exception Application SE 96-V-025 subject to the development conditions dated September 17, 1996. This motion was seconded by Supervisor Gross and carried by a vote of six, Supervisor Bulova, Supervisor Dix, and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

83. **BOARD RECESS** (Tape 12)

At 7:20 p.m., the Board recessed briefly, and at 7:35 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTERS

84. **MEDICAID BENEFITS FOR LEGAL IMMIGRANTS** (Tape 12)

Chairman Hanley called the Board's attention to a letter she had written on behalf of the Board on July 10, 1996 to the Northern Virginia Congressional Delegation expressing opposition to legislation before the Conference Committee that would deny Medicaid benefits to legal immigrants. She said that subsequently the Congress passed and the President signed into law the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. She noted that the current law particularly targets legal immigrants and seriously impacts local governments with large numbers of foreign born residents.

Accordingly, Chairman Hanley relinquished the Chair to Acting-Chairman Dix and moved that the Board send a letter to President Clinton describing the consequences to legal immigrants, local hospitals, and local governments if the County legal immigrant population is banned from receiving Medicaid and other benefits. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Bulova and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

85. **EARNED INCOME TAX CREDITS** (Tape 12)

Chairman Hanley stated that she had received a letter regarding earned income tax credits and distributed copies to the Board.

86. **RECOGNITION OF BOY SCOUT TROOP 160 FROM FRANKLIN INTERMEDIATE SCHOOL** (Tape 12)

Chairman Hanley recognized the presence the Boy Scout Troop 160 from Franklin Intermediate School and warmly welcomed them to the Board Auditorium.

87. **7:00 P.M. - PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM THAT THE COUNTY WILL PRESENT TO THE 1997 VIRGINIA GENERAL ASSEMBLY** (Tape 12)

A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of November 14 and November 21, 1996.

Following the public hearing, which included testimony by nine speakers, Chairman Hanley noted that the record would remain open for submission of written testimony on the County's proposed legislative program presentation to the 1997 Virginia General Assembly.

Supervisor Dix asked unanimous consent that the Board direct staff to forward a memorandum to all Board Members, and the representatives of all organizations who have been attending, noting that the meeting of the Legislative Committee scheduled for December 5, 1996 has been cancelled. Without objection, it was so ordered.

88. **7:00 P.M. - PH ON THE CONSOLIDATED PLAN - PROPOSED ONE YEAR ACTION PLAN FOR FISCAL YEAR (FY) 1998** (Tapes 12-13)

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 14 and November 21, 1996.

Following the public hearing, which included testimony by six speakers, Chairman Hanley noted that the record would be left open for submission of written testimony until the Board's adoption of the Consolidated Plan - Proposed One Year Action Plan for Fiscal Year (FY) 1998 on January 6, 1997.

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

At 9:00 p.m., the Board adjourned.