

AM:am

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

Supervisor McConnell arrived at 9:40 a.m.

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 MATTER

2. **BIRTHDAY GREETINGS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA AND LEE DISTRICT SUPERVISOR DANA KAUFFMAN**
(Tape 1)

On behalf of the entire Board, Chairman Hanley wished Braddock District Supervisor Sharon Bulova and Lee District Supervisor Dana Kauffman a Happy Birthday.

AGENDA ITEMS

3. **RESOLUTION IN RECOGNITION OF MR. AUBREY TARKINGTON FOR HIS YEARS OF SERVICE** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved adoption of the Resolution in recognition of Mr. Aubrey Tarkington for his years of service as President of the Faxfair Corporation. This motion was seconded by Supervisor Mendelsohn and carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ECUMENICAL COMMUNITY HELPING OTHERS FOR OUTSTANDING COMMUNITY SERVICE** (Tape 1)

Supervisor McConnell presented a Certificate of Recognition to the Ecumenical Community Helping Others for outstanding community service to the Springfield and Burke communities.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE CENTREVILLE HIGH SCHOOL GIRLS CROSS COUNTRY TEAM** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to the Centreville High School Girls Cross Country Team for winning the State Championship and for having the individual State Champion. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MEDICAL CARE FOR CHILDREN PARTNERSHIP** (Tape 1)

Chairman Hanley presented the Certificate of Recognition to the Medical Care for Children Partnership for providing health care for medically indigent children in the County.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MICHAEL E. BELEFSKI, AT-LARGE REPRESENTATIVE, PARK AUTHORITY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the Michael E. Belefski, At-Large Representative, Park Authority, for his years of service. This motion was seconded by Supervisor Dix and carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MADISON HIGH SCHOOL FOOTBALL TEAM** (Tape 1)

Supervisor Dix moved approval of the Certificate of Recognition presented to the Madison High School Football Team for winning the Division Five Regional Championship. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO BRUCE MCLEOD, AIDE TO SPRINGFIELD DISTRICT SUPERVISOR ELAINE MCCONNELL** (Tapes 1-2)

Supervisor McConnell presented a Certificate of Recognition to Bruce McLeod, Administrative Aide to the Springfield District Supervisor, for 10 years of outstanding service to her and the Springfield District.

10. **10:00 A.M. - PRESENTATION BY THE TRANSPORTATION ADVISORY COMMISSION (TAC) OF THE TRANSPORTATION ACHIEVEMENT AWARD**
(Tape 2)

Robert Heittman, Lee District Commissioner, Transportation Advisory Commission (TAC), presented the Transportation Achievement Award to Kevin J. Guinaw, Branch Chief, Zoning Evaluation Division, Office of Comprehensive Planning.

11. **10:15 A.M. - BOARD ADOPTION OF THE 1997 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (Tape 2)

Supervisor Dix, Co-Chairman, Board's Legislative Committee, briefly outlined the 1997 Legislative Program and moved that the Board adopt the Fairfax County Legislative Program. This motion was seconded by Supervisor Connolly.

Following discussion, with input by Michael H. Long, Assistant County Attorney, Supervisor Hyland asked unanimous consent that the Board refer Senate Bill (SB) 520, which would remove the requirement for a filing fee for associations, to the Legislative Committee for consideration of a position. Without objection, it was so ordered.

Supervisor Dix announced there would be a Legislative Committee meeting on January 3, 1997 at 4:00 p.m.

Supervisor Bulova asked unanimous consent that the Board refer to the Legislative Committee the issue of parking of commercial vehicles on residential streets. Without objection, it was so ordered.

Supervisor Hyland called the Board's attention to the 1997 Legislative Program as found in the Memorandum to the Board dated December 9, 1996 and asked unanimous consent that the Board direct staff to make corrections to:

- Handwritten page 15, Item One, second paragraph change, "...less than \$200." to "...less than \$200."; and
- Handwritten page 28, Item 13, paragraph two, remove the period at the end of the first sentence and combine the first and second sentences.

Without objection, it was so ordered.

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

CM:cm

12. 10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS (Tape 3)

(BACs)

(APPTS)

ADVISORY SOCIAL SERVICES BOARD

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

AIRPORTS ADVISORY COMMITTEE

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

ATHLETIC COUNCIL

CONFIRMATIONS:

Supervisor Dix moved that the Board confirm the following appointments to the Athletic Council:

- Mr. Michael Pobat to fill the unexpired term of Mr. John Pyron as the Youth Baseball/Softball (Alternate) Representative; and
- Mr. Pat O'Connor to fill the unexpired term of Mr. Charles Seed as the Youth Soccer Council (Alternate) Representative.

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

[NOTE: The appointment of the Dranesville District (Alternate) Representative to the Athletic Council was deferred.]

CHAS COORDINATING COMMITTEE

Supervisor Gross moved the appointment of Dr. H. J. Barrett, Jr. as the Mason District Representative to the CHAS Coordinating Committee. This motion was seconded by Supervisor Dix and carried by unanimous vote.

(NOTE: The appointments of the Lee and Sully District Representatives to the CHAS Coordinating Committee were deferred.)

COMMISSION FOR WOMEN

Supervisor McConnell moved the appointment of Ms. Darlene LaLime as the Springfield District Representative to the Commission for Women. This motion was seconded by Supervisor Dix and carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

[NOTE: The appointments of the At-Large (Medical Community), the Hunter Mill, and the Providence District Representatives to the Commission on Organ and Tissue Donation and Transplantation were deferred.]

COMMUNITY ACTION ADVISORY BOARD

(NOTE: The appointment of the Sully District Representative to the Community Action Advisory Board was deferred.)

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

[NOTE: The appointment of the Mason (Bailey's Conservation Area) District Representatives to the Community Development Advisory Committee was deferred.]

COMMUNITY IMPROVEMENT COMMITTEE

Supervisor Mendelson moved the appointment Mr. Robert P. Hanrahan to fill the unexpired term of Mr. Michael Dennis as the Dranesville District Representative to the Community Improvement Committee. This motion was seconded by Supervisor Dix and carried by unanimous vote.

Supervisor Hyland moved the appointment Mr. Monty H. Westmeyer to fill the unexpired term of Mr. W. Keats Nicoll as the Mount Vernon District Representative to the Community Improvement Committee. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)

Supervisor Gross moved the appointment of Ms. Priscilla S. Weck to fill the unexpired term of Dr. Charles Jelinek as the Mason District Representative to the Environmental Quality Advisory Council (EQAC). This motion was seconded by Supervisor Connolly and carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

[NOTE: The appointments of an At-Large (Business Community) and the Springfield District Representatives to the Fairfax Area Disability Services Board were deferred.]

HISTORY COMMISSION

Chairman Hanley moved the reappointment of Ms. Lea Coryell as an At-Large (Historian) Representative to the History Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

JUVENILE COURT CITIZEN ADVISORY COUNCIL

Supervisor Gross moved the appointment of Mr. Thomas J. Horton as the Mason District Representative to the Juvenile Court Citizen Advisory Council. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

LIBRARY BOARD

Supervisor Frey moved the appointment of Mr. Bruce McLeod as the Sully District Representative to the Library Board. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

PLANNING COMMISSION

Supervisor Connolly moved the reappointment of Mr. Carl Coan, Jr. as the Providence District Representative to the Planning Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION

(NOTE: The appointments of the Lee, Mason, Providence, Springfield, and the Sully District Representatives to the Small and Minority Business Enterprise Program Advisory Commission were deferred.)

(NOTE: Later in the meeting, action was taken regarding this Commission. See Clerk's Summary page seven.)

TENANT-LANDLORD COMMISSION

Supervisor Gross moved the appointment of Ms. Joan Sellers to fill the unexpired term of Ms. Janie Dam as an At-Large (Citizen) Representative to the Tenant-Landlord Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Chairman Hanley moved the appointment of Mr. Andrew A. Brindsi to fill the unexpired term of Mr. John Hartigan as an At-Large (Tenant) Representative to the Tenant-Landlord Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

Chairman Hanley moved the appointment of Mr. Anthony P. Hudgins to fill the unexpired term of Mr. Walter Alcorn as an At-Large (Condo Owner) Representative to the Tenant-Landlord Commission. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

AD-HOCS

CITIZENS ADVISORY COMMITTEE ON SOLID WASTE

[NOTE: The appointment of the At-Large (Principal) Representative to the Citizens Advisory Committee on Solid Waste was deferred.]

ADDITIONAL BOARD MATTER

13. RECOGNITION OF MR. ROBERT ROGERS, JR., FOR HIS SERVICE ON THE SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION (Tape 3)

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Robert Rogers, Jr. to appear before the Board to receive recognition for his service to Fairfax County on the Small and Minority Business Enterprise Program Advisory Commission. Without objection, it was so ordered.

SBE:sbe

14. ADMINISTRATIVE ITEMS (Tape 4)

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

Supervisor Frey called the Board's attention to Admin 12 - Authorization to Advertise Proposed Out-of-Turn Comprehensive Plan Amendment and Proposed Amendment to the Code of The County of Fairfax, Chapter 112 (Zoning Ordinance) Regarding Airport Noise Impact Overlay District and Updated Noise and Land Use Compatibility Guidance in the Dulles Airport Noise Impact Area and asked to amend the motion to consider this item separately, and this was accepted.

Supervisor Dix called the Board's attention to:

- Admin 10 - Authorization To Advertise A Public Hearing On Proposed Amendments To The Code of the County of Fairfax, Section 82-5-3, by Deleting The Reference To a Resolution and Adopting a Proposed Ordinance That Lists Roads as Snow Emergency Routes (Countywide); and

- Admin 15 - Advertisement For a Public Hearing To Amend The Current Appropriation Level in the Fiscal Year (FY) 1997 Revised Budget Plan; and

asked to amend the motion to consider these items separately, and this was accepted.

Supervisor Kauffman called the Board's attention to Admin 8 - Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of County Commercial Revitalization Bond Project - Route One Streetscape 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 unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

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

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated December 9, 1996 be recommended into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Ashmit Woods	Dranesville	Saluja Hill Court
Caris Glenne	Dranesville	Caris Glenne Drive Arboroak Place Stuart Road, Route 680, Additional right-of-way only
Kingstowne, Section 29 and the Mews	Lee	Clapham Road
Silverbrook Forest	Springfield	Silverthorn Road Silverline Drive Silver Point Way, Route 8607 Silverbrook Road, Route 600, Additional right-of-way only

ADMIN 2 - EXTENSION OF REVIEW PERIOD FOR PUBLIC FACILITY (456) REVIEW APPLICATIONS

Authorized the extension of the review period for the 10 Public Facility (456) Review Applications listed in the Memorandum to the Board to a date of June 9, 1997.

ADMIN 3 - ADDITIONAL TIME FOR THE ISSUANCE OF THE

NON-RESIDENTIAL USE PERMIT FOR SPECIAL EXCEPTION APPLICATION SE 93-H-056, CONGREGATION BETH EMETH (HUNTER MILL DISTRICT)

- (AT) Approved the request for 30 months of additional time for the issuance of the Non-Residential Use Permit (Non-RUP) for Special Exception Application SE 93-H-056 until June 27, 1999, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 27, 1997 at 3:30 p.m.** regarding the conveyance of a parcel of County-owned property, located at the east side of the Northern County Government Center, Tax Map Number 17-1((1))14D, to the Fairfax County Park Authority.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE JAMES LEE PHASE IV PUBLIC IMPROVEMENTS PROJECT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 3:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project 003910 - James Lee Phase IV Public Improvements.

ADMIN 6 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE JAMES LEE IMPROVEMENTS, PHASE V PROJECT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 3:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project 003910 - James Lee Phase V Public Improvements.

ADMIN 7 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE GUM SPRINGS PHASE III PROJECT (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 3:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project 003905 - Gums Springs Phase III.

ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY COMMERCIAL REVITALIZATION BOND PROJECT - ROUTE ONE STREETScape (LEE AND MOUNT VERNON DISTRICTS)

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

ADMIN 9 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) TO ESTABLISH THE HERNDON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (DRANESVILLE 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 a proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to establish the Herndon Residential Permit Parking District (RPPD), District 26.

ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, SECTION 82-5-3, BY DELETING THE REFERENCE TO A RESOLUTION AND ADOPTING A PROPOSED ORDINANCE THAT LISTS ROADS AS SNOW EMERGENCY ROUTES (COUNTYWIDE)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#16.)

ADMIN 11 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING OFF-STREET PARKING

- (R)
- (A) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 16, 1997 and before the Board on **February 24, 1997 at 3:30 p.m.** on a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to revise certain off-street parking provisions primarily related to parking reductions and the allowance of providing required parking off-site.

ADMIN 12 - AUTHORIZATION TO ADVERTISE PROPOSED OUT-OF-TURN COMPREHENSIVE PLAN AMENDMENT AND PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING AIRPORT NOISE IMPACT OVERLAY DISTRICT AND UPDATED NOISE AND LAND USE COMPATIBILITY GUIDANCE IN THE DULLES AIRPORT NOISE IMPACT AREA (COUNTYWIDE)

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#17.)

ADMIN 13 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING THE FILING OF BUSINESS LICENSE APPLICATIONS BY BUSINESSES WITH GROSS RECEIPTS OF \$10,000 OR LESS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 3:30 p.m.** on a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) concerning the filing of business license applications by businesses with gross receipts not exceeding \$10,000.

ADMIN 14 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER REQUESTS FOR BOARD CONSIDERATION OF SPECIAL LEGISLATION TO GRANT TAX EXEMPTION TO CERTAIN PROPERTY OWNED BY CERTAIN ORGANIZATIONS (COUNTYWIDE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 3:30 p.m.** to consider requests from private organizations for Board endorsement of special State legislation that would provide those organizations with an exemption from County property taxes for certain properties.

ADMIN 15 - ADVERTISEMENT FOR A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1997 REVISED BUDGET PLAN

(Note: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#18.)

15. **ADMIN 8 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY COMMERCIAL REVITALIZATION BOND PROJECT - ROUTE ONE STREETScape (LEE AND MOUNT VERNON DISTRICTS)** (Tape 4)

Supervisor Kauffman moved to defer Administrative Item 8 - Authorization to Advertise A Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of County Commercial Revitalization Bond Project - Route One Streetscape until January 6, 1997. This motion was seconded by Supervisor Dix and carried by unanimous vote.

16. **ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, SECTION 82-5-3, BY DELETING THE REFERENCE TO A RESOLUTION AND ADOPTING A PROPOSED ORDINANCE THAT LISTS ROADS AS SNOW EMERGENCY ROUTES (COUNTYWIDE)** (Tape 4)

- (A) Following discussion, with input from Alexis L. Verzosa, Transportation Planner, Office of Transportation, Supervisor Dix asked unanimous consent that the Board direct staff to consider adding North Shore Drive as a designated snow emergency route and report to the Board. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to review the status of Kingstowne Boulevard and provide further information regarding the addition of this road as a designated snow emergency route. Without objection, it was so ordered.

Supervisor Connolly moved to authorize the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 4:00 p.m.** on proposed:

- Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to delete the reference to a Resolution and adding a new paragraph that references an appendix where snow emergency routes are to be located; and
- Ordinance that lists the roads to be designated as snow emergency routes.

The second to this motion was inaudible.

Supervisor Hyland asked unanimous consent that the Board direct staff to consider adding Parkers Lane and Collingwood Road as designated snow emergency routes and provide further information to the Board regarding these roads. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide further information regarding the criteria for designation as a snow emergency route. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley

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

17. **ADMIN 12 - AUTHORIZATION TO ADVERTISE PROPOSED OUT-OF-TURN COMPREHENSIVE PLAN AMENDMENT AND PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING AIRPORT NOISE IMPACT OVERLAY DISTRICT AND UPDATED NOISE AND LAND USE COMPATIBILITY GUIDANCE IN THE DULLES AIRPORT NOISE IMPACT AREA (COUNTYWIDE)** (Tape 4)

(R)

(A) Supervisor Frey moved that the Board:

- Adopt the revised Resolution which includes the authorization for staff to advertise:
 - A public hearing to be held before the Planning Commission on March 5, 1997 and before the Board on **March 24, 1997 at 5:00 p.m.**;
 - Alternative B of the staff report and the provisions concerning disclosure requirements of the Out-of-Turn Plan Amendments;
 - The Comprehensive Plan (Policy Plan Volume, Area III Volume, and Comprehensive Plan Map); and
 - The Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to address updated noise contours for Washington Dulles International Airport ("Dulles Airport"), Alternative B.

This motion was seconded by Supervisor Mendelsohn.

Following a lengthy discussion, with input from Karen J. Harwood, Assistant County Attorney, and Noel H. Kaplan, Senior Environmental Planner, Environmental and Development Review Branch, Office of Comprehensive Planning (OCP), Supervisor Bulova moved a substitute motion that the Board authorize the advertisement of a public hearing to be held before the Planning Commission and before the Board on both Alternatives A and B as recommended by staff. This motion was seconded by Supervisor Hyland.

Following discussion, Supervisor Dix stated for the record that he, Supervisor Frey and Supervisor Mendelsohn were the only Supervisors to attend a workshop regarding these issues.

Following additional discussion, the question was called on the substitute motion which **FAILED** by a recorded vote of five, Supervisor Bulova, Supervisor Hyland, Supervisor Gross, Supervisor Connolly, and Chairman Hanley voting "AYE."

The question was then called on the main motion (Supervisor Frey's) to adopt the revised Resolution authorizing advertisement of Alternative B with additional modifications which **CARRIED** by a recorded vote of six, Supervisor Dix, Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Connolly, Supervisor Gross, and Supervisor Hyland voting "NAY."

Supervisor Hyland asked unanimous consent that the Board direct staff to communicate to the Advisory Committee the Board's action on this item. Without objection, it was so ordered.

18. **ADMIN 15 - ADVERTISEMENT FOR A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 1997 REVISED BUDGET PLAN** (Tape 4)

- (A) Supervisor Bulova moved to authorize the advertisement of a public hearing to be held before the Board on **January 6, 1997 at 10:00 a.m.** to amend the current appropriation level in the Fiscal Year (FY) 1997 Revised Budget Plan. This motion was seconded by Supervisor Hyland.

With reference to a budget decision regarding the reduction of hours at Community Centers Countywide, Supervisor Dix stated, for the record, that not one of the Centers is located in the Hunter Mill District. Following discussion, Supervisor Dix moved to amend the motion to direct staff to include a Consideration Item in the Mid-year Review in the amount of \$80,000 that will restore the hours of operation of the six Community Centers and that the Board could consider full impact at the next budget cycle in terms of FY 1998. This motion was seconded by Supervisor Gross and carried by unanimous vote.

Supervisor Gross stated that she had received a memorandum from Wes Kendrick, Director, Department of Community and Recreation Services, on the restoration of funding to the Community Centers and she said that she would circulate copies of it to the Board.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide more detail on the hours to be restored by the \$80,000 proposal. Following discussion, with input from Mr. Kendrick, without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

With reference to a School Board Resolution entitled "*Resolution Requesting the County Board of Supervisors to decrease the FY 97 Appropriation Resolution for the School Operating Fund by \$9,261,000*" and following discussion, with input from Edward L. Long, Director, Office of Management and Budget (OMB), Supervisor Frey asked unanimous consent that the Board direct Anthony H. Griffin, Acting County Executive, to request a response from the Superintendent of Schools on this item.

Supervisor Bulova asked to amend the request to direct staff to clarify whether there was a motion or vote regarding this Resolution, and this was accepted. Without objection, the request, as amended, was so ordered.

With reference to Consideration Item Five, Access to Cable Channel 39, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide more information regarding what the \$413,000 entails. Following discussion, with input from Mr. Long, without objection, it was so ordered.

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

Supervisor Bulova moved that the Board direct staff to prepare for the Board's Consideration a proposed process Policy to comprehensively address all cable requests. This process Policy should be developed as soon as possible to allow the Board to consider requests as part of the FY 1998 Budget process. This motion was seconded by Supervisor Hyland.

Following discussion, Supervisor Dix asked to amend the motion that the Board also direct staff to provide the legal opinions that they have researched as to what those cable funds can be used for and the ability of those funds to be put into the general fund for disbursement should the Board so decide, and this was accepted.

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

19. **ORDERS OF THE DAY** (Tape 4)

Chairman Hanley announced a change in the Orders of the Day to proceed with Information Item 3 - Proposed Consolidation of Circuit Court and Records and Judicial Operations.

20. **I-3 - PROPOSED CONSOLIDATION OF CIRCUIT COURT AND RECORDS AND JUDICIAL OPERATIONS** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 requesting authorization for staff to proceed with the consolidation of the Circuit Court and Records and Judicial Operations.

Chairman Hanley welcomed F. Bruce Bach, Chief Judge, Circuit Court and John T. Frey, Clerk, Circuit Court and Records, to the Board Auditorium.

Following discussion, with input from Peter Schroth, Director, Office of Personnel, Judge Bach and Mr. John Frey, Supervisor Dix moved that the Board:

- Authorize staff to proceed with the:
 - Consolidation of the Circuit Court and Records and Judicial Operations and the establishment of 17 positions; and
 - Elimination of Judicial Operations and the abolishment of 22 positions; and
- Request the Clerk of Court to work with the Acting County Executive under his present authority relative to the hiring freeze to ensure that positions are filled in a timely manner and the necessary staff support for Court operations is provided.

This motion was seconded jointly by Supervisor Bulova and Supervisor McConnell.

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

21. **A-1 - AUTHORIZATION TO PAY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY(WMATA) FISCAL YEAR (FY) 1997 THIRD QUARTER BILLING (COUNTYWIDE)** (Tape 4)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Connolly, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution authorizing payment of the Washington Metropolitan Area Transit Authority's (WMATA) third quarter transit operating and capital billing in the net amount of \$12,118,776.

22. **A-2 - AUTHORIZATION TO MAKE COMMUTER RAIL PAYMENT (BRADDOCK, LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (Tape 4)

On motion of Supervisor Bulova, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized payment of \$1,175,000 to the Northern Virginia Transportation Commission (NVTC) for Fairfax County's share of the Fiscal Year (FY) 1997 Virginia Railway Express (VRE) payment due on January 2, 1997.

23. **A-3 - ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 1998 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET (BRADDOCK, LEE, MASON, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (Tape 4)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize:

- Endorsement of the Chief Administrative Officers (CAO) Task Force's recommendations regarding the preliminary Fiscal Year (FY) 1998 Virginia Railway Express (VRE) Budget; and
- The Acting County Executive to transmit the comments as listed in the Memorandum to the Board dated December 9, 1996 to the VRE.

This motion was seconded by Supervisor Hyland.

Following a brief discussion with input from staff, the question was called on the motion which carried by unanimous vote.

24. **A-4 - AUTHORIZATION TO EXECUTE A LETTER AGREEMENT FOR THE INTERIM OPERATION OF THE FRANCONIA-SPRINGFIELD TRANSPORTATION CENTER (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and authorize the Acting County Executive to execute the Interim Franconia-Springfield Transportation Center Operating Agreement. This motion, the second to which was inaudible, carried by unanimous vote.

Supervisor Kauffman expressed his appreciation to staff regarding their efforts in making the lower level of the parking garage available to customers of the Virginia Railway Express (VRE).

25. **A-5 - STAFF RECOMMENDATIONS ON THE ROUTE 236 CORRIDOR CONGESTION STUDY (COUNTYWIDE)** (Tape 5)

Supervisor Connolly moved that the Board concur in the recommendation of staff and direct staff to request the Virginia Department of Transportation (VDOT) to:

- Proceed with the design phase of the Route 236 Corridor Congestion Study; and

- Include the following in the design phase:
 - A plan for phasing the proposed improvements, providing a short term phase for projects which can be completed in one to two years and a longer term plan of projects which can be constructed in two to six years;
 - The preliminary design of six lanes from Pickett Road to the Beltway so that phased construction of the proposed elements of the congestion study will not conflict with the ultimate construction. Since the critical section of the corridor is from Ridgelea Drive to Wakefield Chapel Road, the initial preliminary design should focus on this section of the corridor;
 - Continuation of work with the adjacent property owners to address critical access concerns, particularly with the Jewish Community Center and Fire Station Number 23; and
 - Maintenance of the median opening and installation of a traffic signal, if necessary to provide safe operations, at Pineland Street/Vanda Lane.

This motion was seconded by Supervisor Bulova.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and, in reference to Supervisor McConnell's remarks regarding an annual meeting where all studies conducted regarding the County are presented, asked unanimous consent that the Board direct staff to add this item to the agenda for the Transportation Committee of the Board. Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to ensure that the Virginia Department of Transportation (VDOT) sends notifications to all seven Board Members who serve on the Transportation Coordinating Council (TCC).

Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff to circulate to all Members of the Board copies of TCC agenda items regarding better cooperation with VDOT, the MIS studies, and enhancements. Without objection, it was so ordered.

Following further discussion, with input from Anthony H. Griffin, Acting County Executive, the question was called on the motion, which carried by unanimous vote.

VILLAGE APARTMENT FOR CONVERSION OF OFFICE SPACE TO FOUR RESIDENTIAL UNITS (HUNTER MILL DISTRICT) (Tape 5)

On motion of Supervisor Dix, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved allocation of \$125,000 from the Undesignated Project in the Housing Trust Fund, Subfund 182, to Stonegate Village Apartments for the conversion of office space to four residential units.

27. **A-7 - AUTHORIZATION TO INCREASE THE ALLOCATION OF HOUSING TRUST FUNDS FOR THE TAVENNER LANE APARTMENTS DEVELOPMENT (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and authorize:

- An increase in the allocation of Housing Trust Funds for increases in the contract for construction and the contract for Architectural and Engineering Services for the construction of the Tavenner Lane Apartments; and
- Allocation of Housing Trust Funds for expert testimony relating to appropriate legal actions taken by the County Attorney on behalf of the Fairfax County Redevelopment and Housing Authority (FCRHA).

The second to this motion was inaudible.

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

28. **A-8 - ESTABLISHMENT OF TOWING ADVISORY BOARD TO PROVIDE ADVICE WITH REGARD TO THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) SECTION 82-5-31 AND CONTRACT FOR POLICE-DIRECTED TOWING SERVICES** (Tape 5)

(BACs)

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

- Appointed an advisory body consisting of representatives from local law-enforcement agencies, towing and recovery operators who are not current contractors with the County, and the general public to provide advice with regard to:

- Modification of the Code of the County of Fairfax Chapter 82 (Motor Vehicles and Traffic) Section 82-5-31 (e) so that the ordinance does not limit the competitive procurement process to the competitive bidding process for police directed towing contracts; and
 - Terms of a new contract or contracts for police directed towing services within the County of Fairfax, to replace the towing contract due to expire on September 30, 1997, and any extensions thereto.
- Approved the Towing Advisory Board Charter and By-Laws.

AR:ar

29. **C-1 - AWARD OF CONTRACT FOR DEVELOPMENT OF AN ECONOMIC INDEX FOR FAIRFAX COUNTY** (Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated December 9, 1996 regarding the approval of a contract with George Mason University's Institute of Public Policy and Doctor Stephen Fuller for the development and maintenance of an Economic Index for Fairfax County as recommended by the Economic Advisory Commission (EAC).

Supervisor Connolly moved approval of a contract with George Mason University's Institute of Public Policy and Doctor Stephen Fuller as recommended by the EAC. This motion was seconded by Supervisor McConnell.

Following discussion, with input from Edward L. Long, Jr., Director, Office of Management and Budget (OMB), the question was called on the motion which carried by unanimous vote.

30. **C-2 - SELECTED RESTORATION OF CLINIC ROOM AIDES' HOURS** (Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated December 9, 1996 providing the Health Department's comprehensive review of the allocation of Clinic Room Aides' hours in elementary schools.

Supervisor McConnell moved that the Board approve the immediate restoration to 35 hours per week for Clinic Room Aides' positions in 53 elementary schools with daily utilization of 40-100 students per day, as identified in Attachment One. This motion was seconded by Chairman Hanley.

Following discussion, with input from Robert B. Stroube, Director of Health Services, Department of Health, and JoAnne M. Jorgenson, Director, Nursing Administration Office, Supervisor Frey moved a substitute motion that the Board:

- Defer consideration of the restoration of Clinic Room Aides' hours; and
- Place it as a Consideration Item on the Agenda for the 1997 Midyear Budget Review on January 6, 1997.

This motion was seconded by Supervisor Hyland.

Following further discussion, with input from Edward L. Long, Director, Office of Management and Budget (OMB), the question was called on the substitute motion which **CARRIED** by a recorded vote of six, Supervisor Connolly, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "NAY."

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

31. **I-1 - FISCAL YEAR (FY) 1996 COMPREHENSIVE ANNUAL FINANCIAL REPORT** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 presenting the Fiscal Year (FY) 1996 Comprehensive Annual Financial Report (CAFR) conducted by KPMG Peat Marwick pursuant to the *Code of Virginia*, Section 15-1-167.

Following discussion, with input from James P. McDonald, Deputy County Executive for Management and Budget, Supervisor Hyland asked unanimous consent that the Board direct staff to forward copies of any management letters to all Board Members prior to the scheduled consideration of an item by the Board. Without objection, it was so ordered.

With reference to Appendix B, page three, regarding the County's disaster recovery ability, Supervisor Hyland asked unanimous consent that the Board direct staff to examine the contract which guarantees equipment arrival within five days of a declared disaster. He added that this length of time is not acceptable. Without objection, it was so ordered.

Supervisor Gross called the Board's attention to the first sentence of the last paragraph of the Memorandum to the Board which reads, ".....where it shall remain open to public inspection at all times by any qualified voter." She asked unanimous consent that the Board direct staff to review this language and determine what, if any, action should be taken to amend it to read, ".....where it shall remain open to inspection by the public at all times." Without objection, it was so ordered.

32. **I-2 - FASTRAN PROGRAM OFFERING SAME-DAY DIAL-A-RIDE TRIP REQUESTS TO REGISTERED RIDERS AND FASTRAN BECOMES A PROVIDER OF SERVICES FOR THE DEPARTMENT OF FAMILY SERVICES' FOSTER CARE AND CHILD PROTECTIVE SERVICES** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 presenting the improvements to the FASTRAN Dial-a-Ride program.

33. **I-3 - PROPOSED CONSOLIDATION OF CIRCUIT COURT AND RECORDS AND JUDICIAL OPERATIONS** (No Tape)

(NOTE: Earlier in the meeting, action was taken by the Board on this item. See Clerk's Summary Item CL#20.)

34. **I-4 - AWARD OF CONTRACT FOR THE FAIRFAX CONNECTOR-COMMUNITY BUS SERVICE DIVISION (HUNTER MILL AND PROVIDENCE DISTRICTS)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 requesting authorization for staff to award a contract to Transportation Management Services, Incorporated for a four and one-half year term with total annual expenditures of approximately \$1,186,346.

The staff was directed administratively to proceed as proposed.

35. **I-5 - POSSIBLE DECRIMINALIZATION OF THE "REQUIREMENT TO HAVE PROPER RABIES VACCINATIONS" IN FAIRFAX COUNTY** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 requesting authorization for violations for no rabies vaccination to remain criminal, not civil violations.

Following discussion, with input from David R. Flagler, Director, Department of Animal Control, the staff was directed administratively to proceed as proposed.

36. **I-6 - INFORMATION ON FAIRFAX TAXI SERVICE APPLICATION FOR 100 OPERATOR CERTIFICATES** (Tapes 5-6)

The Board next considered an item contained in the Memorandum to the Board dated December 9, 1996 addressing concerns that the Consumer Protection Commission and the staff had not investigated the correct company when the Fairfax Taxi Service application was reviewed.

There was discussion of this item with input from Ronald B. Mallard, Director, Department of Consumer Affairs.

ADDITIONAL BOARD MATTERS

37. **POLICE DEPARTMENT'S EIGHTH ANNUAL SANTA'S RIDE FOR CHILDREN** (Tape 6)

Chairman Hanley announced that the Police Department's Eighth Annual Santa's Ride for Children will take place on December 17, 1996. Last year, the men and women of the Police Department, with support from other County agencies, donated more than \$6,000 and five car loads of toys for needy children.

Chairman Hanley noted that toy boxes and money containers have been placed at all Police District Stations, the Massey Building, the Government Center Print Shop, and the fifth floor reception area of the Pennino Building.

As in the past, employees are encouraged to donate cash or a new toy. On December 17, members of the Motor Section and representatives from each District Station, in appropriate Santa garb, will collect gifts and deliver them to children in need.

Chairman Hanley asked that everyone join in bringing happiness to sick, injured, and less fortunate children this Holiday season. If there are any questions, please contact John Lamper at 280-0517.

(NOTE: Later in the meeting, the Board discussed other charitable programs. See Clerk's Summary Item CL#62.)

38. **REPORTS OF ACCIDENTS INVOLVING DEER** (Tape 6)

In response to the increasing number of reports of accidents involving deer, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct the Police Department to maintain records of the number of accidents that are reported involving deer and share this information with the Department of Animal Control. This motion was seconded by Supervisor Mendelsohn and carried by unanimous vote.

39. **LETTER TO THE UNITED STATES (US) OFFICE OF MANAGEMENT AND BUDGET (OMB) REGARDING THE BUDGET FOR THE INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN** (Tape 6)

Chairman Hanley stated that the budget for the Interstate Commission on the Potomac River Basin was zeroed out in Fiscal Year (FY) 1997. If funding is to be included in the President's next budget, a letter must be sent to the United States (US) Office of Management and Budget (OMB) by Christmas.

With reference to a draft letter distributed to Board Members, Chairman Hanley asked unanimous consent that the Board approve forwarding this letter to the US OMB, with copies to be sent to the Virginia Congressional delegation. Without objection, it was so ordered.

40. **IMPLEMENTATION OF THE COMPREHENSIVE SERVICES ACT (CSA)** (Tape 6)

Chairman Hanley noted that, during the implementation of the Comprehensive Services Act (CSA), there has been much discussion about the cost of this program, and Fairfax County has added funds during quarterly budget reviews in the past. There seems to be indications that the County's costs are above several other jurisdictions.

Accordingly, Chairman Hanley moved that the Board direct the Acting County Executive to:

- Immediately undertake a review of the CSA implementation in Fairfax County; and
- Provide the Board with an analysis of the program costs as well as what measures should be implemented to reduce those costs.

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

41. **HUMAN SERVICES SUBCOMMITTEE AGENDA** (Tape 6)

Chairman Hanley announced that a meeting of the Human Services Subcommittee is scheduled for Monday, December 16, 1996, at 7:30 p.m. Chairman Hanley asked unanimous consent that the Board add the following items to the Agenda:

- With reference to the review of welfare reform in the County, in addition to answering the questions regarding how is it working, what are the costs, and what are the savings, add a response as to how the Maximus contract is performing; how many clients are being served; what are the effects on the other service providers; and
- Provide an update on the actions that are being taken concerning Child Protective Services.

Without objection, it was so ordered.

42. **DETERMINATION OF WHETHER VACANT POSITIONS ARE ADVERTISED TO BE FILLED INTERNALLY OR EXTERNALLY** (Tape 6)

Chairman Hanley asked unanimous consent that the Board direct staff to submit information regarding the procedure followed in the determination as to whether a vacant position is advertised to be filled internally (within the County) or externally (from the public sector). Without objection, it was so ordered.

43. **DEFERRAL OF THE PUBLIC HEARING ON THE POLICY PLAN REVIEW**
(Tape 6)

Chairman Hanley moved that the Board defer the public hearing on the Policy Plan Review from January 6, 1997 until **January 27, 1997 at 7:00 p.m.** The motion was seconded by Supervisor Connolly and carried by unanimous vote.

44. **INTENT TO DEFER PUBLIC HEARING ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-III-UP2** (Tape 6)

Supervisor Dix announced his intent to defer, at the appropriate time later in the meeting, the public hearing on proposed Out-of-Turn Plan Amendment S96-III-UP2 scheduled for 3:30 p.m. today until **January 27, 1997 at 4:00 p.m.**

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

45. **CONCURRENT PROCESSING OF SITE PLAN WITH SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-C-063-2** (Tape 6)

Supervisor Dix stated that AAL Partnership has filed Special Exception Amendment Application SEA 82-C-063-2 to allow showroom and service capability expansion for HBL, Incorporated, an automobile dealership located on Leesburg Pike in Tysons Corner, which is currently being reviewed by staff.

Supervisor Dix moved that the Board authorize the Director of the Department of Environmental Management (DEM) to accept the Site Plan for concurrent processing with the Special Exception Amendment Application. This motion does not relieve the applicant from complying with the provisions of any applicable conditions, regulations or adopted standards and does not prejudice the consideration of this Application. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

46. **CONSIDERATION OF OUT-OF-TURN PLAN AMENDMENT FOR PROPERTY LOCATED IN THE VICINITY OF MONROE STREET AND FRYING PAN ROAD** (Tape 6)

Supervisor Dix moved that the Board authorize consideration of an Out-of-Turn Plan Amendment for property located in the vicinity of Monroe Street and Frying Pan Road, Tax Map Numbers 16-4 ((1)) 10, 11, 12 and 13, and 25-2 ((1)) 1.

Supervisor Dix noted that, although this area is currently planned for two-three dwelling units per acre (du/ac), approved development to the north and east is of a much higher density as is the effective density of the approved development to the south.

In addition, Supervisor Dix moved that the Board direct staff to evaluate an option for higher density single family development on this site as a way to promote coordinated development and provide for a better transition of densities in this area. A Rezoning Application will be filed shortly for this property, which is one of the few remaining vacant R-1 parcels in this general area.

Following a second by Supervisor Hyland and a brief discussion, the question was called on the motion which **CARRIED** by a recorded vote of nine, Chairman Hanley abstaining.

47. **OBSERVANCE OF FIRST NIGHT** (Tape 6)

Supervisor Dix asked unanimous consent that the Board direct the staff of the Department of Recreation and Community Services and Office of Public Affairs to evaluate and determine whether it would be appropriate to recommend the beginning of a First Night celebration in Fairfax County. Without objection, it was so ordered.

48. **STATUS OF ISSUES REGARDING THE USE OF MERCURY VAPOR STREET LIGHTS** (Tape 6)

Supervisor Dix asked unanimous consent that the Board direct staff to provide the status of the issues regarding the use of Mercury Vapor Street Lights. Without objection, it was so ordered.

49. **RETIREMENT OF MAJOR JUSTIN MURPHY, POLICE DEPARTMENT** (Tape 6)

Supervisor Dix asked unanimous consent that the Board direct staff to invite Major Justin Murphy, who is retiring from the Police Department, to appear before the Board to be recognized for his years of service to Fairfax County. Without objection, it was so ordered.

50. **EXPENSES RELATED TO THE PRESIDENTIAL CAMPAIGN VISITS TO FAIRFAX COUNTY** (Tape 6)

With reference to the Board's recent discussion and action regarding expenses related to the Presidential Campaign visits to Fairfax County, Supervisor Dix moved that the Board direct the County Attorney to request from the Federal Election Commission (FEC) an advisory opinion as to whether failing to bill for the expenses that are documented to have been incurred during recent campaign visits does, in fact, constitute an in-kind contribution and, therefore, could be potentially in violation of FEC laws. This motion was seconded by Supervisor Frey.

Supervisor Frey asked to amend the motion to request the FEC to provide this information prior to the next election in Fairfax County, and this was accepted.

Following discussion, Supervisor Bulova moved to amend the motion to direct the County Attorney to provide information regarding the need for Police to respond to safety issues at other events in the County, such as a religious gathering, and whether this would be considered an in-kind contribution. This motion, the second to which was inaudible, carried by unanimous vote.

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

PMH:pmh

51. **DEFERRAL OF THE BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-2 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)** (Tape 7)

Supervisor Mendelsohn announced that, at the appropriate time later in the meeting, is his intent to defer the Board decision on Special Exception Amendment Application SEA 85-D-097-2 until January 6, 1997.

(NOTE: Later in the meeting, this Board decision was formally deferred. See Clerk's Summary Item CL#89.)

52. **LEE DISTRICT HOLIDAY BANQUET** (Tape 7)

Supervisor Kauffman expressed his appreciation to Chairman Hanley for attending the annual Lee District Holiday Banquet.

Supervisor Kauffman noted that Anthony H. Griffin, Acting County Executive, was the speaker at the banquet. He added that John W. di Zerega, Acting Deputy County Executive for Planning and Development, was recognized for his many years of dedicated service.

53. **INCONSISTENT INTERPRETATION AND ENFORCEMENT OF THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE)** (Tape 7)

Supervisor Kauffman said that the Secret Cove restaurant, located at 8786 Richmond Highway in the Woodlawn Shopping Center received its first Non-Residential Use Permit (Non-RUP) on November 22, 1989. On April 17, 1996, the restaurant received a second Non-RUP, issued for an extension of its restaurant business in the basement of its building. This basement area is being used as a sporting arena for a variety of boxing events, including "Ultimate" and "Cage fighting" (many of these activities are not permitted in other jurisdictions because they are considered too violent), boxing lessons, and dancing. It appears that the Zoning Administration Division of the Office of Comprehensive Planning (OCP), accepted these activities as an accessory use to a restaurant and granted the Non-RUP.

Supervisor Kauffman said that since the Non-RUP was granted, organizations such as the Southeast Fairfax Development Corporation (SFDC) and individuals have contacted him with numerous concerns. He asked unanimous consent that the Board direct staff to:

- Review the permits issued to the Secret Cove restaurant and report with information on why the establishment was allowed to install a sports arena in its basement without a Special Exception Application; and
- Define the limits of necessary use for restaurants and report its findings to the Board.

Without objection, it was so ordered.

54. **CONCURRENT PROCESSING OF THE SITE PLAN AND VARIANCE APPLICATION SUBMITTED BY JUNIPER ASSOCIATES, L.C.** (Tape 7)

Supervisor Gross stated that Juniper Lane Associates, L.C. has submitted a Variance Application to the Board of Zoning Appeals (BZA) for property located at 6211 Leesburg Pike, identified as Tax Map Number 51-3((11)) parcel 190A and 51-3((23)) parcel A. The building pre-dates the adoption of the 1978 Zoning Ordinance. To expedite the process, the applicant has requested that the Site Plan be processed concurrently with the Variance Application.

Therefore, Supervisor Gross moved that the Board direct staff to process the Site Plan associated with this application concurrently. This motion should not be construed as a favorable recommendation on the Variance Application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This motion was seconded by Supervisor Kauffman and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

55. **ROBINSON SECONDARY SCHOOL'S VARSITY FOOTBALL COACH NICK HILGERT RETIRES** (Tape 7)

Supervisor Bulova announced that Robinson Secondary School's Varsity Football Coach, Nick Hilgert, is retiring from teaching and coaching sports at the end of this school year. She noted that he has been at Robinson Secondary School for 20 years.

Supervisor Bulova asked unanimous consent that the Board direct staff to invite Coach Hilgert to appear before the Board to be thanked and congratulated for his outstanding and successful career. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

56. **REORGANIZATION SUBCOMMITTEE MEETING** (Tape 7)

Supervisor Bulova reminded Board Members that a Reorganization Subcommittee meeting is scheduled for Tuesday, December 17, 1996 at 8:30 a.m. She added that the Peat, Marwick Study would be discussed.

Supervisor Bulova noted that late in January 1997 a workshop would be scheduled to discuss the results of the Study with staff.

57. **BRADDOCK DISTRICT HOLIDAY OPEN HOUSE/TASTE OF BRADDOCK**
(Tape 7)

Supervisor Bulova invited Board Members to attend the Braddock District Holiday Open House/Taste of Braddock scheduled for Friday, December 13, 1996 from 4:00 p.m. until 6:00 p.m. She noted that numerous restaurants would be providing samples of their fare.

NV:nv

58. **CHANTILLY CHARGERS WIN STATE HIGH SCHOOL FOOTBALL CHAMPIONSHIP** (Tape 8)

Supervisor Frey announced that the Chantilly Chargers won the State AAA Division Six Title in football by beating George Washington High School from Danville on Saturday, December 7, 1996 by a score of 14-7. He extended congratulations to the team and moved that the Board direct staff to invite the team to appear before the Board on January 6, 1997 to be recognized for this accomplishment. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

59. **ALTERNATIVE BUS SERVICE OPTIONS FOR THE MCLEAREN ROAD AREA** (Tape 8)

Supervisor Frey referred to his written Board Matters and stated that several businesses on McLearen Road and the Dulles Area Transportation Association (DATA) have requested bus service for employees working in the McLearen Road area. He said that he recently met with representatives of the Office of Transportation (OT), EDS, National Health Labs, and DATA to discuss this matter.

Accordingly, Supervisor Frey moved that the Board direct the staff of OT to:

- Outline alternative bus service options for the McLearen Road area (including "reverse service");
- Determine the County cost of each option; and
- Report to the Board in February, 1997.

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

60. **USE ASSESSMENT PROPOSAL FOR LAND HELD FOR RECREATIONAL PURPOSES** (Tape 8)

Supervisor Frey stated that he had recently met with representatives from the Chantilly Youth Association (CYA) who presented a use assessment proposal for property similar to that used for Agricultural and Forestal Districts. The CYA discovered some *Virginia Code* sections which provide some of the same opportunities for lower taxes for land that is held open specifically for recreational purposes. He noted that this offers the opportunity for businesses to participate in partnerships with the County for commitments for ballfields.

Accordingly, Supervisor Frey asked unanimous consent that the Board refer this issue to the County Attorney and direct him to provide possible applications of these sections as soon as possible. Without objection, it was so ordered.

61. **STORM WATER MANAGEMENT SYSTEM ON LAND BAY A** (Tape 8)

Supervisor Frey explained that he had been working with the County Attorney's Office, County Executive's Office, and the Department of General Services to come to an agreement with the H/P Company to do a joint public/private partnership for the provision of storm water management for county-owned property across the street from the Government Center known as Land Bay A. He commended Robert L. Howell, Deputy County Attorney, and his staff, as well as Fred K. Kramer, Director, Department of General Services and his staff, for their efforts in this endeavor.

Because of the time tables which must be met regarding the Corps of Engineers permit, Supervisor Frey moved that the Board:

- Authorize the Acting County Executive to execute an agreement with FL Promenade L.P and Overbank L.L.C. to allow them to construct and maintain a Storm Water Management System on Land Bay A. He noted that the basic provisions were set forth in the latest draft of the Agreement which was distributed to the Board and that this authorization is contingent on the approval by the County Attorney of the final contract terms;
- Authorize the advertisement of a public hearing to be held before the Board on January 27, 1997 for the purpose of conveying an easement to FL Promenade L.P. and Overbank L.L.C. which would allow them to use a portion of Land Bay A for storm water management purposes;

- As owner of Land Bay A, concur in the filing of a Conceptual Development Plan Amendment and Final Development Plan Amendment Applications which, if approved, would permit the proposed storm water management system. This motion should not be construed as a favorable recommendation on the Conceptual Development Plan Amendment and the Final Development Plan Amendment applications by the Board and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and
- Direct staff to expedite the Conceptual Development Plan Amendment and Final Development Plan Amendment Applications and process concurrently the drainage study and construction plans for the storm water management system.

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

62. **OPPORTUNITIES TO HELP FAIRFAX COUNTY'S MOST NEEDY CITIZENS DURING THE HOLIDAY SEASON** (Tape 8)

(NOTE: Earlier in the meeting, Chairman Hanley called the Board's attention to a charitable holiday drive. See Clerk's Summary Item CL#37.)

Supervisor Connolly reminded the Board that on August 5, 1996, it approved the provision of a County-owned used van to the organization known as Food for Others located on Prosperity Avenue in Merrifield. He reported that the van has been used to distribute tons of foodstuffs to charitable organizations throughout the County.

Supervisor Connolly distributed to the Board a list compiled by the Department of Family Services of charitable organizations currently accepting donations along with suggested items. He asked unanimous consent that the Board direct the Office of Public Affairs to:

- Post this information on Channel 16; and
- Distribute the referenced list to the news media and all County offices and organizations.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to also post the information on the Internet and the County's Bulletin Board, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, Supervisor Dix asked to amend the request to direct the Office of Public Affairs to coordinate with the Supervisors' Offices to publicize additional charitable groups which are accepting donations, and this was accepted.

Without objection, the request, as amended, was so ordered.

63. **PROVIDENCE DISTRICT YOUTH VIOLENCE TOWN MEETING HELD AT MARSHALL HIGH SCHOOL** (Tape 8)

Supervisor Connolly reported on the well-attended Providence District Youth Violence Town Meeting which he co-hosted at Marshall High School on Wednesday, December 4, 1996. He expressed his appreciation to:

- The Steering Committee for the Community Initiative on Youth Violence;
- Marilyn Gould of Mobil Corporation;
- Delegate James Scott;
- Dr. George Bailey, Medical Director of the Kellar Center;
- Nathan DeWitt and Janeese Duarte, Marshall High School Students;
- Rudy Zimmerman, Police Gang Coordinator;
- Reverend Lenwood Graham, First Baptist Church of Merrifield;
- Beverly Blondell, parent;
- Becky Rives, Guidance Counselor at Marshall High School;
- Baron Bingen, outreach counselor at Alternative House; and
- Robert Harris, facilitator, George Mason University.

64. **TIME LIMIT ON THE CONSTRUCTION PHASE OF AN APPROVED BUILDING PERMIT** (Tape 8)

Supervisor Connolly stated that a constituent called to his attention the fact that once a building permit has been issued and construction has commenced on an approved project, there is no code provision specifying when the project has to be completed. He explained a situation where a permit holder has been constructing an addition to his home since 1988.

Accordingly, Supervisor Connolly moved that the Board direct the Director of the Department of Environmental Management (DEM) to consult with the appropriate State building code officials to address the possibility of amending the *BOCA* Code to include language that would place a time limit on the construction phase of an approved building permit. This motion was seconded by Supervisor Bulova.

Supervisor Bulova asked to amend the motion to direct staff to consult with the Northern Virginia Building Industry Association (NVBIA) as to how the code could be amended or an ordinance adopted without negatively impacting people who have a legitimate reason for not starting immediately, and this was accepted.

Following discussion, with input from Anthony H. Griffin, Acting County Executive, the question was called on the motion, as amended, which carried by unanimous vote.

65. **CHILD ABUSE CASES** (Tape 8)

(NOTE: Earlier in the meeting, this issue was raised. See Clerk's Summary Item CL#41.)

Supervisor Connolly called the Board's attention to an article in a recent issue of *The Washington Post* regarding potential child abuse cases. Chairman Hanley said that she had requested that this item be added to the agenda of the next meeting of the Board's Human Services Committee.

A brief discussion ensued.

66. **REQUEST WAIVER OF APPLICATION FEE ASSOCIATED WITH RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) PETITION** (Tape 8)

Supervisor Hyland stated that the residents of Nalls Road, Pram Way, and Quisenberry Drive have submitted petitions requesting that these streets be designated as Residential Parking Permit Districts (RPPD). Accordingly, he moved that the Board waive the application fees associated with the request for the creation of an RPPD on Nalls Road, Pram Way, and Quisenberry Drive. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

Supervisor Frey reminded the staff that the Board is awaiting the response to the Board's action last week regarding the consideration of a change in policy to eliminate the fees for RPPDs.

67. **RECOGNITION OF THE 10TH ANNIVERSARY OF ROUTE ONE CORRIDOR HOUSING'S ELEANOR U. KENNEDY SHELTER** (Tape 8)

Supervisor Hyland referred to his written Board Matters and announced that on Saturday, December 14, 1996, the Eleanor U. Kennedy Shelter will be celebrating its 10th Anniversary with a special ceremony to thank the people who helped to establish and sustain the shelter. He recognized the United States (US) Army, Fort Belvoir, Route One Corridor Housing, Incorporated, and the many churches in the community.

In recognition of this event, Supervisor Hyland invited all Members of the Board to join him in congratulating the Board of Directors and staff at Route One Corridor Housing, and moved that the Board direct staff to issue a Proclamation to be presented to Route One Corridor Housing at their 10th Anniversary Celebration on December 14, 1996 in honor of this milestone. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

68. **VOTING MACHINE PROBLEM AT GUNSTON PRECINCT** (Tape 8)

Supervisor Hyland referred to his written Board Matters and stated that during the morning of Election Day, November 5, 1996, one of the two voting machines at Gunston Precinct malfunctioned. The problem with the machine could not be fixed because it would have risked losing the votes that had already been cast. Thus, the Electoral Board proceeded to issue paper ballots, the only option available.

Supervisor Hyland stated that even though this type of malfunction is extremely rare, he believes that it is necessary to review back up scenarios. According to the Electoral Board the only option they presently have is to issue paper ballots; Fairfax County has no stand-by "back up" voting machine.

Therefore, Supervisor Hyland moved that the Board:

- Direct staff to review the concerns the public raised regarding malfunctioning voting machines and develop a workable and responsive back up plan including but not limited to purchasing at least one additional voting machine for back up purposes throughout the County; and
- Direct the Office of Public Affairs to work with the Electoral Board to implement a public awareness campaign that will attract the public to apply for the unfilled positions of election officers.

The second to this motion was inaudible.

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and asked to amend the motion to direct staff to respond to other problems on Election Day as related to the Board by citizens, and this was accepted.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

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

69. **INTENT TO DEFER THE PUBLIC HEARING ON THE ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE FORT HUNT ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)**
(Tape 8)

Supervisor Hyland stated his intent to defer, at the appropriate time, the public hearing on the Acquisition of Certain Sanitary Sewer Easements necessary for the Construction of the Fort Hunt Road Sanitary Sewer Extension and Improvement Project scheduled for 4:00 p.m. today until **February 10, 1997 at 3:30 p.m.**

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

70. **STREET LIGHTS IN THE INDIAN OAKS COMMUNITY** (Tape 8)

Supervisor McConnell called the Board's attention to a memorandum she had received from the Acting County Executive in response to her inquiry regarding the County's ability to pay the monthly operation and maintenance cost for street lights in the Indian Oaks Community if they pay for the installation of the street lights. She noted that the response indicates that the County cannot pay for the monthly operation and maintenance costs due to existing policies for the Fairfax County Street Light Program. The Indian Oaks Community does not meet the criteria for the program because their "selected nighttime event rate" for crime is 2.1 and the County's criteria is 2.9.

Therefore, Supervisor McConnell moved that the Board direct staff to draft Policy language to present to the Board which would allow communities to pay for the installation of street lights in their communities and have the County pay for the monthly operation and maintenance costs of the street lights.

Supervisor Bulova seconded the motion with the understanding that this was a request to staff for information regarding this issue.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to include:

- A fiscal analysis;
- The current Policy for street lights and what communities need to do to obtain street lights; and
- Criteria for how the Board prioritizes the list of requests;

and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, with input from Anthony H. Griffin, Acting County Executive, and John W. di Zerega, Acting Deputy County Executive for Planning and Development, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Dix being out of the room.

71. **OLDE OAK RIDGE COMMUNITY** (Tape 8)

Supervisor McConnell explained that her office has remained in contact with representatives of the Olde Oak Ridge Homeowner's Association relating what may be unprecedented inspection errors which occurred in January 1995.

Supervisor McConnell stated that in 1995 the bond of Olde Oak Ridge community was released to the developer, Foster Brothers. Prior to bond release, the community notified the Department of Environmental Management's (DEM) Public Utility inspector of several construction deficiencies for repairs to be made by the developer as part of the bond release process. She said that despite the community's efforts, the inspector failed to require the developer to replace damaged curb and gutter sections, sidewalks, and to repaint approximately 40 sign posts throughout this private community. She stated that her staff contacted DEM to determine if any bond monies were available and appropriate assistance could be provided to the community. However, all bond monies had been released and the developer declared bankruptcy. She asserted that the community is faced with construction repair costs of several thousand dollars because of the County inspector's error.

Accordingly, Supervisor McConnell asked unanimous consent that the Board direct staff to:

- Thoroughly investigate this matter and determine possible options which the County may have to assist the community in correcting the existing construction deficiencies originally identified by the Olde Oak Ridge community; and
- Review the bond release process to ensure that this problem does not occur in the future.

Without objection, it was so ordered.

72. **DEATH OF SAM PATTESON, FORMER SUPERVISOR OF ASSESSMENTS**
(Tape 8)

Chairman Hanley announced that Sam Patteson, former Supervisor of Assessments, died of pancreatic cancer on Sunday, December 8, 1996. His viewing will be on Tuesday evening, with the funeral on 1:00 p.m. on Wednesday at the Everly Funeral Home on Main Street in Fairfax. She expressed her condolences to his family.

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

At 2:20 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:

- *Computerware, Incorporated, et al., versus Board of Supervisors, et al.,* In Chancery 147115;
- Collection of Delinquent Real Estate Taxes on Parcels 015-4-01-0002; 015-4-01-0004 and Route 28 Supplemental Assessment; and
- *The Neighborhood Committee and Citizens Against Target, et al., versus Target Corporation, et al.,* Civil Action Number 96-1703-A.

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

74. **GIFTS FROM MASON DISTRICT SUPERVISOR PENELOPE A. GROSS**
(Tape 8)

Supervisor Frey expressed his appreciation to Supervisor Gross for the Board's special Christmas treats from Mason District. Supervisor Gross explained that the honey was produced in the Mason District.

AM:am

At 4:10 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, and with Chairman Hanley presiding.

ACTIONS FROM EXECUTIVE SESSION75. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 9)

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 Hyland and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

76. **AUTHORIZATION OF SETTLEMENT OF THE TC-MCNAIR FARMS AND BATMAN/PARKFORD ASSOCIATES VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY VIRGINIA** (Tape 9)

Supervisor Dix moved that the Board authorize settlement in the matter of *The TC-McNair Farms Company and Batman/Parkford Associates versus Board of Supervisors of Fairfax County, Virginia* At Law Number 152206, in accordance with the terms outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

ADDITIONAL BOARD MATTER77. **MVC LATE NIGHT VIDEO** (Tape 9)

Supervisor Kauffman stated that he was concerned about the operation of MVC Late Night Video which recently opened two locations in Fairfax County. He further stated that legitimate questions have been raised by concerned citizens regarding whether the videos being rented and sold rise to the level of being obscene and therefore are prohibited by criminal law.

Therefore, Supervisor Kauffman moved that the Board formally request the Commonwealth's Attorney to investigate whether MVC Late Night Video is violating the obscenity laws of the Commonwealth. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

SBE:sbe

78. **4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE FORT HUNT ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)** (Tape 10)

Supervisor Hyland moved to defer the public hearing on the Acquisition of Certain Sanitary Sewer Easements Necessary for the Construction of the Fort Hunt Road Sanitary Sewer Extension and Improvement Project until **February 10, 1997 at 3:30 p.m.** This motion was seconded by Supervisor Bulova and carried by unanimous vote.

79. **3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-III-UP2 TO CONSIDER INCORPORATING 1241 RESTON AVENUE INTO RESTON (HUNTER MILL DISTRICT)** (Tape 10)

Supervisor Dix moved to defer the public hearing on proposed Out-of-Turn Plan Amendment S96-III-UP2 until **January 27, 1997 at 4:00 p.m.** This motion was seconded by Chairman Hanley and carried by unanimous vote.

80. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-14 [FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)] (LEE DISTRICT)** (Tape 10)

Mr. Michael J. Scheurer, Director, Division of Housing Development, Department of Housing and Community Development, reaffirmed the validity of the affidavit for the record.

Mr. Scheurer 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.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$100 from Dr. John Kershenstein.

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

- In excess of \$200 from Mr. Albert J. McAloon.

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

- In excess of \$200 from Mr. Leonard S. Mitchel.

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

- In excess of \$200 from the Northern Virginia Building Industry Association (NVBIA).

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

- In excess of \$200 from the NVBIA.
- In excess of \$200 from Ms. Barbara Shanahan.

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

- In excess of \$200 from Mr. Carl Coan, III;
- In excess of \$200 from Mr. Albert McAloon;
- In excess of \$200 from Ms. Barbara Shanahan; and
- In excess of \$200 from the NVBIA.

Supervisor Frey disclosed the following campaign contributions which he had received from:

- Dr. John Kershenstein;
- Mr. John E. Betts;
- Mr. Leonard S. Mitchel; and
- Mr. Kenneth W. Butler.

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

- In excess of \$200 from the NVBIA.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- From the NVBIA.

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

- From the NVBIA.

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 Proffered Condition Amendment Application PCA C-448-14 subject to the executed proffers dated December 6, 1996; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA C-448-23 subject to the development conditions dated November 1, 1996; and
- Modification of the maximum length limitations specified in Section 11-302 of the Zoning Ordinance for private streets in a residential development in favor of that shown on the Final Development Plan Amendment (FDPA) Application.

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

81. **3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-III-UP2 TO CONSIDER INCORPORATING 1241 RESTON AVENUE INTO RESTON (HUNTER MILL DISTRICT)** (NoTape)

(Note: Earlier in the meeting, action was taken on this item. See Clerk's Summary Item CL#79.)

82. **3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING MISCELLANEOUS PROVISIONS (COUNTYWIDE)** (Tape 10)

- (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 20 and November 27, 1996.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved adoption of the proposed amendments to the Public Facilities Manual (PFM) pertaining to miscellaneous provisions. This motion was seconded by Supervisor Frey and carried by a vote of eight, Supervisor Bulova, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly and Supervisor Hyland being out of the room.

83. **3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE) REGARDING PRELIMINARY SUBDIVISION PLATS AND DEVELOPMENT PLANS (COUNTYWIDE)** (Tape 10)

- (O's) 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 20 and November 27, 1996.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved to waive the reading of the staff and Planning Commission recommendations. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor Connolly and Supervisor Hyland being out of the room.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) regarding preliminary Subdivision Plats and development plans as set forth in the staff report dated October 22, 1996 with the following modification:

- Change "State of Virginia" to "State" for consistency with Section 1-1-220 of the Code of the County of Fairfax.

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

CM:cm

84. **4:00 P.M. - PH ON REZONING APPLICATION RZ 96-B-025 AND SPECIAL EXCEPTION APPLICATION SE 85-B-082 (EXXON CORPORATION) (BRADDOCK DISTRICT)** (Tape 11)

- (O) Mr. Jay Devon reaffirmed the validity of the affidavit for the record.

Mr. Devon 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, Leslie Johnson, 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-025 be amended from the R-1 and C-5 Districts to the C-5 District subject to the executed proffers dated December 9, 1996; and
- Approval of Special Exception Application SE 85-B-082 subject to the development conditions recommended by the Planning Commission dated November 20, 1996;
- Waiver of the minimum lot width requirement for the Route 123 frontage at the site;
- Waiver the service drive requirement along Route 123;
- Modification of the transitional screening and barrier requirements for the northern and eastern property boundaries to that shown on the General Development Plan/Special Exception (GDP/SE) Plat;
- Modification of the transitional screening requirements; and
- Waiver of the barrier requirements for the western and southern property boundaries, subject to the proposed development conditions dated November 20, 1996.

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

85. **4:00 P.M. - PH REGARDING THE DEDICATION OF COUNTY-OWNED PROPERTY LOCATED AT WIEHLE AVENUE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR ROAD IMPROVEMENTS (HUNTER MILL DISTRICT)** (Tape 11)

- (R) 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 20 and November 27, 1996.

Following the public hearing, Supervisor Dix moved adoption of the Resolution authorizing the dedication of a portion of County-owned property, Tax Map Number 17-4 ((01)) 17A,

located at Reston East/Wiehle Avenue to the Virginia Department of Transportation (VDOT). This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Bulova, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, and Supervisor Hyland being out of the room.

86. **4:00 P.M. - PH ON A PROPOSAL TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO PROHIBIT THROUGH TRUCK TRAFFIC ON THOMAS AVENUE (ROUTE 1208) (DRANESVILLE DISTRICT)** (Tape 11)

Verbatim

- (R) 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 20 and November 27, 1996.

Following the public hearing, which included testimony by three speakers, Supervisor Mendelsohn moved adoption of the Resolution requesting the Virginia Department of Transportation (VDOT) to prohibit through truck traffic on Thomas Avenue. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Bulova, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly and Supervisor Hyland being out of the room.

87. **4:00 P.M. - PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS (COUNTYWIDE)** (Tape 11)

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 20 and November 27, 1996.

In reference to a letter from the Rails-to-Trails Conservancy regarding a grade separated bridge crossing of Maple Avenue, Supervisor Dix asked unanimous consent that the Board direct staff to provide information on the status of this proposed project. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to add two projects:

- Landscaping of three medians along Route 1 between Fairview Drive and Groveton Street, at an estimated cost of \$90,000; and

- The Gunston Road Trail.

Without objection, it was so ordered.

Following the public hearing, which included testimony by three speakers, Chairman Hanley announced that the Board decision on proposed Transportation Enhancement Program Projects would be deferred until January 6, 1997.

88. **ORDERS OF THE DAY** (Tape 11)

Chairman Hanley announced a change in the Orders of the Day to proceed with the remaining land use cases.

89. **4:30 P.M. - PH ON REZONING APPLICATION RZ 96-S-012 (STONEMARK CORPORATION) (SPRINGFIELD DISTRICT)** (Tape 11)

(O) Ms. Susan 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, which included testimony by four speakers, Julie Schilling, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 96-S-012 be amended from the R-1 District to the C-5 District subject to the execution of the proffers dated October 17, 1996; and
- Modification of the barrier requirement along the western property boundary and modification of the transitional screening and barriers along the north and east property boundaries as shown on the Generalized Development Plan (GDP) in accordance with paragraph three of Section 13-304 of the Zoning Ordinance.

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

90. **4:30 P.M. - BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-2 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)** (Tape 11)

(NOTE: On December 2, 1996, the Board held the public hearing on Special Exception Application SEA 85-D-097-2 and deferred its decision until December 9, 1996.)

Supervisor Mendelsohn moved that the Board defer its decision on Special Exception Amendment Application SEA 85-D-097-2 until **January 6, 1997 at 4:30 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Dix being out of the room.

91. **4:00 P.M. - PH ON THE ACQUISITION OF CERTAIN SANITARY SEWER EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE FORT HUNT ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, action was taken to defer this public hearing until **February 10, 1997 at 3:30 p.m.** See Clerk's Summary Item CL#78.)

92. **4:30 P.M. - PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 3, FAIRFAX COUNTY UNIFORMED RETIREMENT SYSTEM, TO REDESIGN THE BENEFIT STRUCTURE FOR SERVICE-CONNECTED DISABILITY AND NORMAL RETIREMENT** (Tapes 11-12)

- (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 20 and November 27, 1996.

Following the public hearing, which included testimony by eight speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 3, Fairfax County Uniformed Retirement System, to redesign the benefit structure for service-connected disability and normal retirement. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Dix and Supervisor Mendelsohn being out of the room.

93. **4:30 P.M. - PH ON REZONING APPLICATION RZ 96-S-012 (STONEMARK CORPORATION) (SPRINGFIELD DISTRICT)** (NoTape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#89.)

94. **4:30 P.M. - BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-2 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, action was taken to defer this Board decision until **January 6, 1997 at 4:30 p.m.** See Clerk's Summary Item CL#90.)

95. **4:30 P.M. - PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 12)

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 October 11 and October 18, 1996.

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of 10 speakers will be heard. Speakers may address the Board only once during a six month period.

Chairman Hanley announced that the speakers who had signed up for Public Comment had cancelled.

96. **BOARD ADJOURNMENT** (Tape 12)

At 5:50 p.m., the Board adjourned.