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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 9:50 a.m.

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

BOARD MATTERS

2. **MOMENT OF SILENCE FOR THE BROTHER OF VERDIA L. HAYWOOD, DEPUTY COUNTY EXECUTIVE FOR HUMAN SERVICES** (Tape 1)

Chairman Hanley asked that Board Members remember in their thoughts the brother of Verdian L. Haywood, Deputy County Executive for Human Services, who died on June 30, 1996.

3. **INTRODUCTION OF MEGAN SMITH, A GIRL SCOUT WHO WILL BE INTERNING IN SUPERVISOR BULOVA'S OFFICE** (Tape 1)

Supervisor Bulova introduced Megan Smith, a Girl Scout from Lake Braddock Secondary School, who will be interning in her office for the next two weeks, and warmly welcomed her to the Board Auditorium.

4. **INTRODUCTION OF EMILY BAKER FROM GIRL SCOUT TROOP 1733 WHO WILL BE INTERNING IN SUPERVISOR GROSS' OFFICE** (Tape 1)

Supervisor Gross introduced Emily Baker, of Girl Scout Troop 1733, Robinson Secondary School, who is working on her Career Exploration patch and will be interning in her office for the next two weeks and warmly welcomed her to the Board Auditorium.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. CARRINGTON WILLIAMS, CHAIRMAN OF THE WASHINGTON AIRPORTS TASK FORCE** (Tape 1)

Supervisor Gross moved approval of the Certificate of Recognition presented to Mr. Carrington Williams who is retiring as founding Chairman of the Washington Airports Task Force. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell not yet having arrived.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KAREN MILLIGAN** (Tape 1)

(BACs)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to Ms. Karen Milligan for her years of service on the Fairfax/Falls Church Community Services Board (CSB). This motion was jointly seconded by Supervisor Dix and Supervisor Hyland and carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THOMAS W. CHADWICK, CHAIRMAN, FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION** (Tape 1)

(BACs)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Thomas W. Chadwick who is retiring as Chairman of the Fairfax County Consumer Protection Commission. This motion was seconded by Chairman Hanley and carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MARY ALICE GLENN** (Tape 1)

Supervisor Dix moved approval of the Certificate of Recognition presented to Ms. Mary Alice Glenn who is retiring as Community Outreach Coordinator for Reston Interfaith. This motion was seconded by Chairman Hanley and carried by unanimous vote.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO COLONEL ROSS ROGERS, MRS. JANE ROGERS, AND MRS. RITA ROGERS SUDER** (Tape 1)

Supervisor Dix moved approval of the Certificates of Recognition presented to Colonel Ross Rogers, his wife Mrs. Jane Rogers, and daughter Mrs. Rita Rogers Suder for their dedication to the education of children in the community. This motion was seconded by Supervisor Frey and carried by unanimous vote.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO EARTH DAY/ARBOR DAY PLANNING COMMITTEE AND SPONSORS** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Earth Day/Arbor Day Planning Committee and sponsors. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

11. **PROCLAMATION DESIGNATING JULY 8, 1996 AS "GINA VOSS EDWARDS DAY" IN FAIRFAX COUNTY** (Tape 2)

Supervisor Dix moved approval of the Proclamation designating July 8, 1996 as "Gina Voss Edwards Day" in Fairfax County. Ms. Voss, County Editor with the Times Community Newspapers, is leaving the area to accept a position with a Naples, Florida newspaper. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Connolly being out of the room.

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ADDITIONAL BOARD MATTER

12. **INTRODUCTION OF LITHUANIAN VISITOR** (Tape 3)

Supervisor Hyland introduced Board Members to Ms. Rimant_Aidukait_, the niece of a constituent in the Mount Vernon District, who is visiting from Lithuania. She is here to learn about how Fairfax County Government works and will be visiting for the next three months.

13. **PRESENTATION BY THE TELECOMMUNICATIONS TASK FORCE ON FINDINGS AND RECOMMENDATIONS CONCERNING THE REVIEW AND PLACEMENT OF TELECOMMUNICATION FACILITIES AND ADMIN-14 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) AND OUT-OF-TURN PLAN AMENDMENT REGARDING MOBILE AND LAND BASED TELECOMMUNICATIONS FACILITIES** (Tapes 3-4)

(BACs)

(A)

(R) Peter F. Murphy, Jr., Chairman, Telecommunications Task Force, presented a report

concerning the review and placement of telecommunications facilities.

Chairman Hanley recognized the presence of other Telecommunications Task Force members and warmly welcomed them to the Board Auditorium.

A question and answer period ensued among Board Members and staff.

Following discussion, with input from David P. Bobzien, County Attorney; James P. Zook, Director, Office of Comprehensive Planning (OCP); Jane W. Gwinn, Division Director, Zoning Administration Division, OCP; and David Mullet, Director, Network Services Division, Department of Information Technology (DIT), Supervisor Bulova called the Board's attention to Administrative Item 14 - Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and Out-of-Turn Comprehensive Plan Amendment Regarding Mobile and Land Based Telecommunications Facilities and moved adoption of a Resolution authorizing the advertisement of a public hearing to be held before the Board on **November 18, 1996 at 3:30 p.m.** regarding the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and Comprehensive Plan review policies for mobile and land based telecommunications facilities. This motion was seconded by Supervisor Connolly.

Following further discussion, with input from Mr. Zook and David B. Marshall, Assistant Division Director, Planning Division, OCP, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to review provisions for removing unused poles. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following further discussion, with input from Mr. Mullet, Mr. Marshall, and Ms. Gwinn, the question was called on the motion 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."

14. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor McConnell moved approval of the Administrative Items with the exception of Administrative Item 14 - Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) and Out-of-Turn Comprehensive Plan Amendment Regarding Mobile and Land Based Telecommunications Facilities. This motion was seconded by Supervisor Connolly.

Chairman Hanley called the Board's attention to Administrative Item 6 - Adoption of a Resolution Approving the Issuance of a Bond Issue by the Fairfax County Economic Development Authority (EDA) on Behalf of Congressional Schools of Virginia (Mason District) and a brief discussion ensued, with input from Thomas O. Larson, Counsel to the Fairfax County Economic Development Authority (EDA).

The question was called on the motion, which carried by a vote of nine, Supervisor

Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

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

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated July 8, 1996 be recommended into the State Secondary System as follows:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Frying Pan Road Improvements	Hunter Mill	Frying Pan Road, Route 608, four lanes Frying Pan Road, Route 608, Additional right-of-way only
English Oaks, Phase II	Providence	Welbourne Court, Route 8374
Windsong West	Providence	Windsong Drive Tradewind Court Windcloud Court Miller Road, Route 633, Additional right-of-way only
Century Oak Section 1, Phase 1	Sully	Misty Creek lane Lamplight Drive Paramount Road Tolman Road Thompson Road, Route 669, Additional right-of-way only Ox Trail, Route 6985, Additional right-of-way only

ADMIN 2 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 93-B-042, FAIRFAX COUNTY PARK AUTHORITY (BRADDOCK DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 93-B-042 until July 24, 1998, pursuant to provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION SE 93-V-029, ALI AND MAHIN JAVADI (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 93-V-029 until November 15, 1997, pursuant to provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 - PROPOSED STREET NAME CHANGE FOR A PORTION OF WILLARD ROAD (SULLY DISTRICT)

Approved an official street name change for a portion of Willard Road in the *Official Street Names and Property Numbering Atlas* to Stonecroft Boulevard, from its intersection with Lee Jackson Memorial Highway (Route 50) north to Adkins Road at the Washington International Airport property on Tax Map Numbers 33-2 and 34-1.

ADMIN 5 - PROPOSED STREET NAME CHANGE FOR A PORTION OF LAWYERS ROAD (HUNTER MILL AND SULLY DISTRICTS)

Approved an official street name change for a portion of Lawyers Road in the *Official Street Names and Property Numbering Atlas* to McLearn Road, from its intersection with Centreville Road to its intersection with Reston Parkway on Tax Map Numbers 024-4, 025-3, 025-4 and 026-3.

ADMIN 6 - ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF A BOND ISSUE BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) ON BEHALF OF CONGRESSIONAL SCHOOLS OF VIRGINIA (MASON DISTRICT)

- (R) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 4.)

Adopted the Resolution approving the issuance of a bond issue by the Fairfax County Economic Development Authority (EDA) on behalf of Congressional Schools of Virginia.

ADMIN 7 - PERMISSION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO CONTINUE THE APPLICATION PROCESS FOR MONIES FROM THE STATE REHABILITATIVE SERVICES INCENTIVE FUND (RSIF) GRANT FOR SERVICES TO PEOPLE WITH PHYSICAL AND/OR SENSORY DISABILITIES

Approved the submission of a grant application by the Department of Family Services (DFS) to the State's Rehabilitative Services Incentive Fund (RSIF) in the amount of \$39,571. These funds will be used to encourage development of community based services for people with physical and/or sensory disabilities.

ADMIN 8 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97008 TOTALING \$109,322 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) COMPREHENSIVE SERVICES ACT (CSA) TRUST FUND GRANT

- (SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97008 to accept \$109,322 for continuation of the Comprehensive Services Act (CSA) Trust Fund Grant. This award will continue funding to oversee respite home care for early intervention services for children and their families at risk of developing emotional or behavior problems, or both, due to environmental, physical, or psychological stress.

ADMIN 9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97015 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO ACCEPT GRANT FUNDS FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO SUPPORT THE VICTIM WITNESS UNIT

- (SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97015 to accept \$59,459 to support the Victim Witness Unit. The money will be used to fund two new grant limited-term positions and to purchase two computer workstations.

ADMIN 10 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 97016 FOR THE GENERAL DISTRICT COURT COMPREHENSIVE COMMUNITY CORRECTIONS GRANT AND THE PRETRIAL SERVICES GRANT

- (SAR) Approved Supplemental Appropriation Resolution (SAR) AS 97016 to accept \$418,743 for the implementation of the Comprehensive Community Corrections Act. This grant will continue to fund 8/8.0 SYE full-time merit grant positions.

ADMIN 11 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE COLEWOOD STREET/WEST OX ROAD, BENNETT ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 5, 1996 at 4:30 p.m.** regarding the proposed acquisition of certain easements necessary for the construction of Project X00823 (T00016) - Colewood Street/West Ox Road/Bennet Road Sanitary Sewer Extension and Improvement Project.

ADMIN 12 - AUTHORIZATION OF A PUBLIC HEARING ON THE VACATION OF CULPER ROAD (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 5, 1996 at 4:30 p.m.** regarding the proposed vacation of Culper Road.

ADMIN 13 - AUTHORIZATION OF A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PORTION OF LEGATO ROAD (ROUTE 656) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 5, 1996 at 4:30 p.m.** regarding the proposed abandonment of a portion of Legato Road.

ADMIN 14 - AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) AND OUT-OF-TURN COMPREHENSIVE PLAN AMENDMENT REGARDING MOBILE AND LAND BASED TELECOMMUNICATIONS FACILITIES

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#13.)

15. **A-1 - REQUEST FOR A REDUCTION FROM REQUIRED PARKING FOR THE SPRING MALL ROAD PROPERTY (LEE DISTRICT)** (Tape 4)

Supervisor Connolly disclosed the following:

- Mr. Charles E. Smith is the landlord for a company for which he works and he recused himself from consideration of this item.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that consideration of the requested 10.0 percent parking reduction for the Spring Mall Road Property; Tax Map Reference 90-2-001, a portion of Lot 61, all of Lots 62, 63 and 76 be deferred until after the land use public hearing later in the meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#91.)

16. **A-2 - PARK ROAD CUT-THROUGH TRAFFIC (DRANESVILLE DISTRICT)**
(Tape 4)

- (R) Following a brief discussion, with input from Samuel T. Chamberlain, Chief, Traffic Operations Section, Office of Transportation, Supervisor Mendelsohn moved that the Board

concur in the recommendation of staff and adopt the Resolution requesting the Virginia Department of Transportation (VDOT) to conduct a review and address possible solutions to the cut-through traffic concern in the Park Road area. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Bulova, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly being out of the room.

17. **A-3 - ABANDONMENT OF A PORTION OF HAYFIELD ROAD (ROUTE 635) (LEE DISTRICT)** (Tape 4)

(R) Following a brief discussion, with input from Samuel T. Chamberlain, Chief, Traffic Operations Section, Office of Transportation, Supervisor Kauffman moved that the Board concur in the recommendation of staff and adopt the Resolution abandoning a portion of Hayfield Road (Route 635). This motion was seconded by Supervisor Dix and carried by a vote of seven, Supervisor Bulova, Supervisor Dix, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

18. **A-4 - ADDITION AND DISCONTINUANCE OF PORTIONS OF BURKE LAKE ROAD (ROUTE 645) (SPRINGFIELD AND BRADDOCK DISTRICTS)** (Tape 4)

(R) On joint motion of Supervisor Bulova and Supervisor McConnell, seconded by Supervisor Dix, and carried by a vote of six, Supervisor Bulova, Supervisor Dix, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution requesting that the Commonwealth Transportation Board (CTB) add a new portion of Burke Lake Road to the State Secondary System and discontinue a portion of Burke Lake Road no longer used for vehicular traffic.

AM:am

19. **C-1 - LOSS OF FEDERAL FUNDS FOR THE NEW GENERATIONS PROGRAM OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)** (Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 regarding the unexpected notification that the Center for Substance Abuse Prevention (CSAP) grant for pregnant women and children will expire September 30, 1996 instead of April 30, 1997 due to federal budget cuts.

Following discussion with input from James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board (CSB); Joan N. Volpe, Deputy Director, CSB; Edward L. Long, Director, Office of Management and Budget (OMB); and Richard L. Kunkel, Director, Alcohol and Drug Services, CSB, Supervisor Connolly moved:

- That this item be added to the Agenda for consideration at Carry-over; and
- That the Board authorize the Chairman to send a letter on behalf of the Board to Fairfax County's Congressional Delegation expressing hope that they might intervene to secure an extension from the United States (U.S.) Department of Health and Human Services (HHS) for the funding of this program.

This motion was seconded by Supervisor Gross.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to return this item to the Board on August 5, 1996, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Dix clarified that the motion included funding alternatives and cost reductions.

Following further discussion, Supervisor Frey asked to amend the motion to include clarification that the \$90 per day cost for New Generations versus \$1,768 per day for a child in a hospital are not interchangeable services, and this was accepted.

Supervisor Bulova asked to amend the motion to include assembling a delegation of persons who spoke before the Board during the Budget public hearings and others who may want to join the delegation to meet with the Federal Representatives to urge them to continue funding, and this was accepted.

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

20. **C-2 - BOARD CONSIDERATION OF THE REPORT ON VICTIM AND COMMUNITY NOTIFICATION, WITH RECOMMENDATIONS, FROM THE COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)** (Tape 5)

(BACs)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting approval and support of recommendations presented by the Community Criminal Justice Board (CCJB) as contained in the Memorandum to the Board.

Following discussion, with input by Sheriff Carl R. Peed, Chair of the Criminal Justice Policy Group (CJPG), Supervisor McConnell moved to accept the recommendations of the CCJB. This motion was seconded by Supervisor Connolly.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to include a County Attorney as a member of the Virginia Crime Commission's Task Force on Megan's Law, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following a request from Sheriff Peed, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that Ms. Sarah Cox, who staffs the CCJB, be a representative on the Virginia Crime Commission's Task Force on Megan's Law. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

21. **I-1 - SECTION 213 REVIEW FOR APPLICATION FOR SECTION EIGHT RENTAL CERTIFICATES UNDER THE FAMILY UNIFICATION PROGRAM**
(Tape 5)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to sign the Section 213 Review letter to be sent to the United States (U.S.) Department of Housing and Urban Development (HUD) for consideration with the Section Eight funding application.

Following discussion, with input from Suzanne Manzo, Director, Department of Family Services (DFS); Mary E. Egan, Deputy Director, Department of Housing and Community Development (DHCD); and William Macmillan, Management Analyst, Program Planning and Evaluation Division, DHCD, Supervisor Kauffman moved that the Board direct staff not to proceed with forwarding the Section 213 letter to the United States (U.S.) Department of Housing and Urban Development (HUD) in request for these 50 additional Section Eight Certificates. This motion was seconded by Supervisor Hyland and **FAILED** by a recorded vote of five, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell voting "AYE," Supervisor Mendelsohn being out of the room.

The staff was directed administratively to proceed as proposed.

22. **I-2 - THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 1997 FEE SCHEDULE** (Tapes 5-6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to proceed with the implementation of the Fiscal Year (FY) 1997 Fairfax-Falls Church Community Services Board (CSB) Fee Schedule on August 1, 1996.

Following discussion with input from James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board (CSB); Edward L. Long, Director, Office of Management and Budget (OMB); and Mary Hawley, Reimbursement Officer, CSB, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to:

- Return this item to the Board on August 5, 1996 to allow time for

public comment; and

- Delay implementation of the fees until August 15, 1996.

Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

23. **I-3 - BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE ORDINANCE (BPOL) - 1996 GENERAL ASSEMBLY CODE CHANGES**
(Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to:

- Draft the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) charging a \$100 fee on businesses with gross receipts between \$50,000 and \$100,000;
- Maintain a \$30 fee for those with gross receipts between \$10,000 and \$50,000;
- Not plan to include an exemption for design, development or other creation of computer software for lease, sale or license in the advertised model ordinance for Fairfax County;
- Advertise the proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) with the current filing date of January 31; and
- Use the flexibility authorized by the State to temporarily defer a change to the Business, Professional and Occupational License (BPOL) filing/payment system until the Commercial On-the-Shelf (COTS) computer packages system is purchased, installed, integrated, implemented and tested.

Following input from David P. Bobzien, County Attorney, and Kevin C. Greenlief, Director, Department of Tax Administration, Supervisor Dix asked unanimous consent that the Board direct staff to provide a three tier scenario on the fee to be charged for issuing a BPOL license. Without objection, it was so ordered.

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

- Provide options for combining the filing and payment due date for the BPOL Tax; and
- Determine the cost and the savings.

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 information as to the intended plan and cost for accomplishing this in Fiscal Year (FY) 1998. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly disclosed, for the record, that in reference to Item Two in the Memorandum to the Board, he works for a company in the technology field who does research and development, but that he is not aware of any business in Fairfax County by this company.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information as to any other jurisdictions that currently exclude software development from taxation. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide more details and numbers rather than words like "substantial." Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

24. **I-4 - BINDING AGREEMENT WITH COMMONWEALTH OF VIRGINIA, DEPARTMENT OF FIRE PROGRAMS, REQUIRED FOR ANNUAL DISTRIBUTION OF LOCALITIES' ALLOCATIONS** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to enter into the binding agreement with the Virginia Department of Fire Programs to obtain the annual Fire Programs Fund allocation.

The staff was directed administratively to proceed as proposed.

25. **I-5 - PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 456-S96-3, AMERICAN PERSONAL COMMUNICATIONS (SPRINGFIELD DISTRICT)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 presenting the Planning Commission's action on Public Facilities Application 456-S96-3, citing that it met the *Code of Virginia*, Section 15.1-456 criteria of character, location, and extent, and was in substantial accord with the Comprehensive Plan.

26. **I-6 - DECENTRALIZATION OF TRAINING FOR CITIZENS WHO WISH TO PARTICIPATE IN WORKING AT POLLING PLACES (COUNTYWIDE)**
(Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for the Electoral Board to proceed with its plans to conduct the training for the Chiefs and Assistant Chiefs at the Fairfax County Government Center.

The staff was directed administratively to proceed as proposed.

27. **I-7 - AWARD OF CONTRACT - LAND RECORDS AUTOMATION SYSTEM (LRAS) FOR THE CIRCUIT COURT** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to finalize negotiations and award a contract to Universal Systems, Incorporated, of Chantilly, Virginia, in a total amount not to exceed \$2.1 million for Fiscal Year (FY) 1997 for electronic imaging and other technologies needed to achieve dramatic improvements in work flow and customer service in the Land Records Division of the Circuit Court.

The staff was directed administratively to proceed as proposed.

28. **I-8 - CONTRACT AWARD - CONSTRUCTION OF ATHLETIC FIELD IRRIGATION IMPROVEMENTS AT BARON CAMERON PARK (HUNTER MILL DISTRICT)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to award a contract to Denison Landscaping, Incorporated of Fort Washington, Maryland, in the amount of \$76,950 for construction of athletic field irrigation improvements at Baron Cameron Park as part of Project 004750, Park Proffers, in Subfund 950, Park Authority Capital Improvement Trust Fund and Project 474188, Athletic Field Development in Subfund 451, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

29. **I-9 - AWARD OF CONTRACT - FAIRFAX COUNTY PARKWAY NOISE WALLS (SOUTH SECTION) (SPRINGFIELD AND LEE DISTRICTS)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to:

- Award a contract to JTE Constructors, Incorporated, in the amount of \$1,573,918.52 for the construction of Fairfax County Parkway Noise Walls (South Section), Project 064148, in Subfund 463, Primary and Secondary Road Bond Construction; and
- Reallocate funds as outlined in the Memorandum to the Board.

The staff was directed administratively to proceed as proposed.

30. **I-10 - AWARD OF CONTRACT - INTEGRATED SEWER SYSTEM DOGUE CREEK REPLACEMENT (MOUNT VERNON DISTRICT)** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to award a contract to Whitman, Requardt and Associates, in the amount of \$104,972 for design and engineering services for Project L00117, Dogue Creek in Subfund 524, Sewer Bond Extension and Improvement.

The staff was directed administratively to proceed as proposed.

31. **I-11 - ADDITIONAL SELECTED HIRING ACTIONS TO ENSURE SUPPORT OF FISCAL YEAR (FY) 1997 BUDGET APPROVED SERVICES AND FUNCTIONS** (Tape 6)

The Board next considered an Item contained in the Memorandum to the Board dated July 8, 1996 requesting authorization for staff to proceed with the recruitment and hiring for vacant positions as outlined in the Memo to the Board.

Supervisor Dix stated, for the record, his belief that before this matter is considered by the Board, the Reduction In Force (RIF) process should be completed so the Board can see the outcome.

Following discussion with input from William J. Leidinger, County Executive, the staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

32. **RECOGNITION OF MS. MARGARET PECK AND MR. PORTER HUTCHISON**
(Tape 6)

Chairman Hanley stated that Ms. Margaret Peck and Mr. Porter Hutchison along with 22 others have written a collection of stories about earlier times in Chantilly entitled "*Voices of Chantilly*." They would like to present each Board member with a complimentary copy of their book.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite Ms. Peck and Mr. Hutchison to appear before the Board to be recognized for their effort. This motion was seconded by Supervisor Frey and carried by unanimous vote.

33. **"NATIONAL NIGHT OUT"** (Tape 6)

Chairman Hanley announced that on August 6, 1996, the Police Department, neighborhood watch groups, and citizens of Fairfax County will once again celebrate "National Night Out." This is a coast to coast community crime prevention event. This provides Fairfax County the opportunity to join with thousands of other communities across the country in promoting cooperative, police-community crime fighting efforts. In support of "National Night Out" she moved that the Board direct staff to:

- Prepare a Proclamation designating August 6, 1996 as "**National Night Out**" in Fairfax County; and
- Invite the Chief of Police and appropriate guests to receive this Proclamation on July 22, 1996.

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

34. **CODE RED - RIDE FREE PROGRAM** (Tape 6)

Chairman Hanley called the Board's attention to a letter which she received from Douglas M. Duncan, County Executive, Montgomery County, Maryland about the Council of Government's "End Zone" campaign. Montgomery County will offer the Code Red - Ride Free Program to encourage commuters to leave their cars at home and take public transportation on days predicted "Code Red."

Chairman Hanley asked unanimous consent that the Board direct staff to determine the cost for Fairfax County to implement this program on the Connector buses. Without objection, it was so ordered.

35. **CONCURRENT LEGISLATIVE JURISDICTION** (Tape 6)

Chairman Hanley called the Board's attention to a letter which she received from the United States (U.S.) Department of the Interior, National Park Service, regarding the request for concurrent legislative jurisdiction within all areas of the National Park Service located in Fairfax County.

Chairman Hanley asked unanimous consent that the Board direct staff to review this request and determine:

- What Fairfax County should do; and
- What will be the cost.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to determine in reference to concurrent jurisdiction:

- If an offense were committed and a Fairfax County Police officer made an arrest whether the individual be charged under Federal law or State law; and
- If there is an option as to which law under which one gets charged and would the violation of the law and the penalties that could be imposed be the same.

Without objection, it was so ordered.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Hyland.

36. **INVITATION TO ALAN MERTEN, PRESIDENT, GEORGE MASON UNIVERSITY TO MEET WITH THE BOARD** (Tape 6)

Chairman Hanley stated that at the Fourth of July parade in Fairfax City she had the opportunity to meet the new President of George Mason University, Alan Merten.

Chairman Hanley asked unanimous consent that the Board direct staff to invite Mr. Merten to meet with the Board. Without objection, it was so ordered.

37. **HALON RECOVERY CAMPAIGN** (Tape 6)

Chairman Hanley stated that she has received a request to participate in a program called the Halon Recovery Campaign which is sponsored by the Friends of the Earth and the Environmental Protection Agency (EPA).

Chairman Hanley asked unanimous consent that the Board direct staff to review the request and provide information about the program. Without objection, it was so ordered

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

38. **REQUEST TO INVITE FAIRFAX COUNTY RESIDENTS WHO WILL BE PARTICIPATING IN THE OLYMPIC GAMES TO APPEAR BEFORE THE BOARD FOR RECOGNITION OF THEIR ACHIEVEMENTS** (Tape 6)

Supervisor Mendelsohn said that a number of Fairfax County residents will be representing the United States (U.S.) in the Olympic Games later this month, including a number from the Dranesville District. Many of these athletes will be visiting the area in early August to meet President Clinton and visit Washington.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to invite these residents to appear before the Board at its meeting scheduled for August 5, 1996 to be recognized for their Olympic achievements. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

39. **SOUTHEAST REGIONAL BABE RUTH BASEBALL TOURNAMENT TO BE HELD IN HERNDON** (Tape 6)

Supervisor Mendelsohn announced that the Southeast Regional Babe Ruth Baseball Tournament will be held in Herndon this month. Games will be held at Bready Park from July 25, 1996 through July 30, 1996. Eight states will be represented by their champions as well as the Herndon host team in the tournament. He congratulated the Herndon Optimists and the community in general for helping to raise the \$83,000 for renovations to Bready Park. He said that the hope is for a good showing of support that may give Herndon the opportunity to host the Babe Ruth World Series in a few years.

40. **REQUEST TO EXTEND THE REVIEW PERIOD FOR PUBLIC FACILITIES APPLICATION 456-D95-22** (Tape 6)

Supervisor Mendelsohn stated that on September 21, 1995, the Planning Commission deferred the decision on Public Facilities Application 456-D95-22 by American Personal Communications to construct a telecommunications base station facility on the site of the future Wolf Trap Fire Station Number 43 located on Leesburg Pike. Subsequently, on November 20, 1995, the Board extended the application review period for Public Facilities Application 456-D95-22 until July 31, 1996. To accommodate the additional review time required for this application, he moved that the Board extend the application review period until January 8, 1997. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

41. **SIMULTANEOUS PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-2, POTOMAC SCHOOL** (Tape 6)

Supervisor Mendelsohn said that the Potomac School has submitted Special Exception Amendment Application SEA 85-D-097-2. This application was filed with the Office of Comprehensive Planning (OCP) on June 28, 1996. The applicant proposes to construct a two-phased expansion of the existing gymnasium sports facility. No other changes of the existing approval are requested.

The applicant wishes to submit plans to the Department of Environmental Management (DEM) as soon as possible to facilitate the construction process. In addition, the applicant requests expedited public hearing dates in order that the first phase of development will be operable for student use this fall.

Therefore, Supervisor Mendelsohn moved that the Board direct:

- DEM to process simultaneously a Site Plan for the Potomac School during the processing of SEA 85-D-097-2 for property located on tax map number 31-1-1-5 in McLean; and
- OCP to schedule Special Exception Amendment Application SEA 85-D-097-2 for public hearings before the Planning Commission and the Board at the earliest possible dates.

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

42. **USE OF OFF-DUTY POLICE OFFICERS FOR SPECIAL EVENTS** (Tape 6)

Supervisor Mendelsohn mentioned that on July 4th the Great Falls Friends, a non-profit volunteer organization in Great Falls, sponsored a Fourth of July celebration which included a parade. The parade route involved minimal use of State roads in close proximity to the crossroads of the Great Falls community. The Great Falls Friends, as the sponsoring group, contacted the Fairfax County Police Department to arrange for off-duty police officers to be present at the event out of concerns for safety and traffic control. The Reston Substation personnel and Captain Thomas Bernal complied in full and successfully arranged for off-duty officer coverage for the event.

According to County requirements, the Great Falls Friends was required to contract directly with the individual police officers and to provide worker's compensation insurance coverage for those officers. This same requirement applies to any private group contracting for the services of off-duty police officers and works a particular hardship on non-profit groups with limited financial resources to pay for expensive insurance coverage. The County should provide an alternative to this untenable situation.

Supervisor Mendelsohn stated that an alternative would be to allow the event-sponsoring group to contract directly with Fairfax County so that the County's worker's compensation insurance would cover the officer performing the off-duty work. Under this arrangement, Fairfax County would compensate the officer as it does for all other overtime and would invoice the sponsoring group. If a separate overtime code was assigned to this privately reimbursed overtime, the overtime would not be calculated as part of the budgeted overtime allocation for the Police Department. Even though the administrative costs of this alternative would result in a slightly higher overtime charges to the sponsoring group, most groups would prefer the alternative to the problem of securing worker's compensation insurance.

Supervisor Mendelsohn moved that the Board direct staff to:

- Address an alternative to the requirement that private sponsoring groups contract directly with off-duty police officers and provide worker's compensation insurance coverage for these officers; and

- Present an alternative that would not affect the budgeted overtime allocation for the Police Department as soon as possible.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

43. **EASTERN LOUDOUN CUT-THROUGH TRAFFIC STUDY** (Tape 6)

Supervisor Mendelsohn stated that the Loudoun County Board of Supervisors has recently received information and recommendations from the Virginia Department of Transportation (VDOT) following an Eastern Loudoun Cut-Through Traffic Study. The Loudoun Board is moving ahead with plans to take the extension of Wiehle Avenue off its plan and instead add the Davis Drive extension to Route 606 (Alternative Two in the Public Safety/Transportation Committee Report). These actions could have a devastating impact on roads in the Herndon area. Supervisor Mendelsohn stated that he believed that the Davis Drive extension would increase traffic on Route 606 onto Elden Street in the Town of Herndon. Removing the Wiehle Avenue extension into Loudoun could reduce many of the benefits of extending Wiehle Avenue beyond Dranesville Road. Anecdotally, the citizens of the Herndon area complain of Loudoun cut-through traffic on Hiddenbrook and residential streets that the Wiehle extension was meant to address.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff:

- To contact VDOT and request the following information:
 - What assumptions did VDOT make about traffic and road in Fairfax County when it prepared its alternatives and, in particular, Alternative Two;
 - What does VDOT believe the impact on the Hiddenbrook area and Elden Street would be if Loudoun proceeds with deleting the Wiehle extension and adding the Davis Drive extension;
 - What is the source of the cut-through traffic in the Hiddenbrook area (i.e., Loudoun or Fairfax County);
 - What would be the effect on cut-through traffic in the Hiddenbrook area if Wiehle Avenue were to be constructed between the Fairfax County Parkway and Dranesville Road; and
- Determine if Wiehle Avenue could be built between Dranesville Road and Crestview Drive on land entirely within Fairfax County.

Without objection, it was so ordered.

PMH:pmh

44. **INTENT TO DEFER THE PUBLIC HEARING ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-IV-MV1, HOLLY HILLS SELF STORAGE FACILITY (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Out-of-Turn Plan Amendment S96-IV-MV1, Holly Hills Self Storage Facility until July 22, 1996 at 4:30 p.m.

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

45. **APPOINTMENT TO THE BURGUNDY COMMUNITY CENTER OPERATING COMMITTEE** (Tape 7)

(APPT)

Supervisor Kauffman moved the appointment of Ms. Elizabeth Furea to the Burgundy Community Center Operating Committee. This motion, the second to which was indistinguishable, carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

46. **BASEBALL UPDATE** (Tape 7)

Supervisor Kauffman distributed information regarding baseball. He congratulated Supervisor Dix on assuming Chairmanship of the Stadium Authority.

47. **EXPANSION OF THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT(RPPD): EXPEDITED PROCESSING AND WAIVER OF THE FEES** (Tape 7)

Supervisor Bulova stated that student parking on residential streets around Robinson Secondary School continues to be a serious problem and expansion of the Robinson Residential Permit Parking District (RPPD) is needed.

Supervisor Bulova forwarded the petition for the expansion of the RPPD to the Office of Transportation. This petition requests relief on Spring Rock Court, and Pumphrey Drive from Pumphrey Court to Commonwealth Boulevard. To proceed with the request, the Office of Transportation needs Board approval to waive the fees.

Supervisor Bulova moved that the Board direct staff to waive the fees and to proceed as expeditiously as possible. The motion was seconded by Supervisor Frey.

Following discussion, with input from William J. Leidinger, County Executive, the question was called on the motion which **CARRIED** by a recorded vote of seven, Chairman Hanley abstaining, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

48. **EXTENSION OF REVIEW FOR AT&T PUBLIC FACILITIES APPLICATION** (Tape 7)

Supervisor Bulova stated that on May 30, 1996, AT&T Wireless Service submitted a Public Facilities Application pursuant to Section 15.1-456 of the *Code of Virginia* to install a telecommunications facility (radio link) on the rooftop of The Heritage Center, Building I, located at 7617 Little River Turnpike, Annandale.

Supervisor Bulova said that the statutory 60 day review period will soon expire and the Planning Commission will be going into recess, so the review time needs to be extended.

Supervisor Bulova moved that the Board extend the application review period for this application until January 8, 1997. This motion, the second to which was indistinguishable, carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

49. **CONCURRENT PROCESSING OF THE PLANS ASSOCIATED WITH REZONING APPLICATION RZ 95-Y-031** (Tape 7)

Supervisor Frey said that processing of Rezoning Application RZ 95-Y-031 has been delayed pending a staff and community requested revision to address consolidation of adjacent parcels. The applicant was very responsive to the requests and has now submitted a new plan which does show full consolidation. To make up for some of the lost time, representatives of the applicant have requested concurrent review of the plans associated with this application pending action on the rezoning.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the plans associated with Rezoning Application RZ 95-Y-031. It is understood by the applicant that this action does not assure approval of this application and that it is the applicant's responsibility to make any changes which might result from action taken on the requested rezoning. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

50. **CONCURRENT PROCESSING OF THE SITE PLAN ASSOCIATED WITH SPECIAL EXCEPTION APPLICATION SE 96-Y-012** (Tape 7)

Supervisor Frey stated that Special Exception Application SE 96-Y-012 (National Resources, Incorporated) is identical to a previous Special Exception Application which was approved in 1991, but because of a change in ownership, construction of the project never commenced. The new owner and applicant is requesting concurrent review of the Site Plan for this day care center so that development of the site can commence at the earliest possible time.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the Site Plan associated with Special Exception Application SE 96-Y-012. It is understood by the applicant that this action does not assure approval nor does it forgive the applicant of any requirements that may result from actions taken at the public hearing. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

51. **FAIR LAKES' 8-K RACE AND FUN RUN SCHEDULED FOR SEPTEMBER 8, 1996** (Tape 7)

Supervisor Frey announced that the Fair Lakes area hosts an 8-K race as a part of the National Bone Marrow Donor Awareness Program. He noted that September is Bone Marrow Awareness Month and it is also the 10th anniversary of the race.

Supervisor Frey moved that the Board direct staff to prepare a Proclamation honoring the race and proclaiming September as Bone Marrow Awareness Month. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

52. **THANKS TO THOSE WHO HELPED CLEAN-UP DURING THE RECENT TORNADO AND SEVERE STORM IN FAIRFAX COUNTY** (Tape 7)

Supervisor Frey expressed his appreciation to staff for their efforts during the recent tornado and severe storm in Fairfax County. He also expressed his appreciation to AAA Disposal Company for their assistance in the clean-up from the storm.

Supervisor Bulova also expressed her appreciation to AAA Disposal Company for their assistance in the Braddock District.

Chairman Hanley noted the assistance of staff from the Department of Environmental Management (DEM).

Supervisor Bulova moved that the Board direct staff to prepare a letter to be signed by the Chairman on behalf of the Board expressing its appreciation to AAA Disposal Company for its assistance during the clean-up of the storm. This motion was seconded by Supervisor Frey.

Supervisor Dix asked to amend the motion to direct staff to determine if there were others who helped during the clean-up, and if so, send a letter of appreciation from the Board, and this was accepted.

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

53. **REQUEST FOR RECOGNITION OF MIKE SCULLY OF THE FAIRFAX JOURNAL** (Tape 7)

Supervisor Dix said that Mike Scully of the *Fairfax Journal*, known to the Board as an outstanding, young, up-and-coming journalist with a great future ahead of him, will be leaving his current job at the end of July. In September, he will be attending a one-year graduate school program at the Columbia University School of Journalism in New York.

Supervisor Dix asked unanimous consent that the Board direct staff to invite Mr. Scully to appear before the Board on July 22, 1996 to be thanked and recognized for his journalistic professionalism, and wish him well in all his future endeavors. Without objection, it was so ordered.

54. **CHURCH STREET RENOVATION PROJECT** (Tape 7)

Supervisor Dix said that several years ago, the Church Street commercial area in Vienna was identified as a corridor in need of revitalization by both Fairfax County and the Town of Vienna. The corridor has the potential of becoming a vital commercial district within the heart of Vienna and an enhanced focal point within the community.

Supervisor Dix said that construction has now begun on the Church Street Renovation Project. He noted the cooperative working relationship between the County and the Town of Vienna and moved that the Board authorize the waiver of any fees that are the obligation of the Town of Vienna and that are associated with the Church Street Renovation project.

Following discussion, with input from David P. Bobzien, County Attorney, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board defer this until later in the day to allow staff to respond with information regarding fees for other revitalization areas. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#97.)

55. **OFFICE SPACE FOR THE NORTHERN VIRGINIA MEDIATION SERVICES** (Tape 7)

Supervisor Dix referred to a request from the June 3, 1996 Board meeting regarding office space for the Northern Virginia Mediation Services and he asked unanimous consent that the Board direct staff to respond with a status report on this issue.

Following input from William J. Leidinger, County Executive, without objection, it was so ordered.

56. **MEDICAL CARE FOR CHILDREN PARTNERSHIP** (Tapes 7-8)

Supervisor Dix expressed concern regarding the Medical Care for Children Partnership. He asked unanimous consent that the Board direct staff to work to resolve the outstanding issues. Without objection, it was so ordered.

Supervisor Gross stated that she met with Board Members of the Medical Partnership for Children last week. She told the Board that she had correspondence on this subject which she would share with Members desiring additional information.

NV:nv

57. **APPOINTMENT TO THE HUMAN SERVICES COUNCIL** (Tape 8)

(APPT)

Supervisor Gross announced that effective July 1, 1996, Edith Mead resigned as a Mason District Representative to the Human Services Council. She moved the appointment of Ms. Sidney Savage to fill the unexpired term of Ms. Mead. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

There was a brief discussion following the vote.

58. **RECOGNITION OF MS. LORRAINE FOULDS FOR SERVICE ON THE COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE** (Tape 8)

(BACs)

Supervisor Gross stated that after many years of service, Ms. Lorraine Foulds is retiring as Mason District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. She noted that Ms. Foulds had previously served on the Park Authority. Accordingly, she moved that the Board direct staff to invite Ms. Foulds to appear before the Board to be recognized for her outstanding contribution to the citizens of Fairfax County. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

59. **EXPRESSION OF APPRECIATION TO ATTENDEES OF MASON DISTRICT TOWN MEETING ON JUNE 24, 1996** (Tape 8)

Supervisor Gross expressed her appreciation to the following County staff and others who braved a tornado to attend her second Town Meeting on June 24, 1996:

- Lieutenant Steve Sellars, Mason District Police Station;
- Carl Sivertsen, Deputy Zoning Administrator, Zoning Enforcement Branch, Zoning Administration Division, Office of Comprehensive Planning (OCP);
- Janet Hall, Mason District Planning Commissioner;

- Pat Goddard, Mason District Representative to the Fairfax County Redevelopment and Housing Authority (FCRHA);
- Jim Albright, Mason District Representative to the Youth Violence Steering Committee; and
- Fred Ward, Mason District Representative to the School Board.

Supervisor Gross also expressed appreciation to all staff and participants at the Bailey's Community Center.

60. **CLOSURE OF MASON DISTRICT BRANCH OFFICE OF THE DEPARTMENT OF TAX ADMINISTRATION** (Tape 8)

Supervisor Gross called the Board's attention to the closure of the branch offices of the Department of Tax Administration. She noted that last week 591 residents visited the Mason District Branch Office. She expressed her concern about how much the office will be missed and asked unanimous consent that the Board direct staff to develop ideas about what may need to be done to address constituents' concerns. Without objection, it was so ordered.

61. **CONGRATULATIONS TO JAMES LEE SPORTS CLUB** (Tape 8)

Supervisor Connolly explained that the James Lee Sports Club, which operates under the auspices of the James Lee Community Center, is currently celebrating its fifth anniversary. He moved that the Board direct staff to invite the President of the James Lee Sports Club, Becky Stotts, other members of the Club board, and the coaches of all the teams to appear before the Board at an appropriate date to accept congratulations on the occasion of the James Lee Sports Club's fifth anniversary. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Dix being out of the room.

62. **RECOGNITION OF MEMBERS OF THE TRANSPORTATION SAFETY COMMISSION (TSC)** (Tape 8)

(BACs)

Supervisor Connolly noted that the Transportation Safety Commission (TSC) held its final meeting last month. The Commission implemented many important highway safety programs since it was formed in 1968, including drunk driving prevention and promotion of the use of child safety seats.

Accordingly, Supervisor Connolly moved that the Board direct staff to invite TSC Chairman Captain Robert Beach and other members of the TSC to appear before the Board at an appropriate time to be honored for their important contribution to the health and welfare of the citizens of the County over the last 28 years. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor Dix being out of the room.

63. **EXTENSION OF APPLICATION REVIEW TIME FOR AT&T WIRELESS SERVICES** (Tape 8)

Supervisor Connolly stated that on June 4, 1996 AT&T Wireless Services submitted a public facilities application pursuant to Section 15.1-456 of the *Code of Virginia* to construct a telecommunications facility on the rooftop of the Massey Building located at 4100 Chain Bridge Road. To accommodate additional review time, he moved that the Board extend the application review period for this application until January 8, 1997. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

64. **REQUEST TO EXPEDITIOUSLY PROCESS THE ENGINEERING AND SITE PLANS FOR PROPERTY LOCATED AT TAX MAP REFERENCE 47-2-((1)), 119B, 121E AND 126** (Tape 8)

In reference to property located on Hibbard Street in the Grays Oakton Community, just west of Flint Hill Cemetery, Tax Map Reference 47-2-((1)) 119B, 121E, and 126, Supervisor Connolly stated that the Variance Application VC 96-P-007 which sought to permit subdivision of three lots into six was approved by the Board of Zoning Appeals (BZA) on May 1, 1996. The developer for this project anticipates starting on the project by mid November 1996. He noted that several of the residents who live just adjacent to this proposed development have requested expedited review for these Site Plans. The residents live on Oakton Drive which is gravel and was not plowed by the State during this year's extreme winter. The developer has plans to pave this road when he receives Site Plan approval which would allow these residents an access to Hibbard Street.

To facilitate the construction of this road prior to the onset of winter, Supervisor Connolly moved that the Board direct the Director of the Department of Environmental Management (DEM) to expeditiously process the engineering and Site Plans for property located at Tap Map Number 47-2-((1)), 119B, 121E, and 126. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

65. **REQUEST FOR CONCURRENT PROCESSING OF THE BUILDING PLANS AND SITE PLANS ASSOCIATED WITH REZONING APPLICATION RZ 96-P-002 AND SPECIAL EXCEPTION APPLICATION SE 85-P-067, MOBIL OIL COMPANY** (Tape 8)

In reference to property at 1957 Chain Bridge Road in Tysons Corner, Supervisor Connolly stated that the public hearings for Rezoning Application RZ 96-P-002 and Special Exception Application SE 85-P-067, Mobil Oil Company, are scheduled to be heard by the Planning Commission on July 18, 1996, but a Board public hearing date has yet to be determined. He stated that there are no outstanding issues with these applications and that Mobil has indicated a desire to commence with the renovation of the station (a gas station canopy), on the referenced property as soon as possible.

Accordingly, Supervisor Connolly moved that the Board direct the Director of the Department of Environmental Management (DEM) to concurrently process the building plans and Site Plans associated with Rezoning Application RZ 96-P-002 and Special Exception Application SE 85-P-067. He noted that this motion does not relieve the applicant of complying with the provisions of any applicable ordinances, regulations or adopted standards, and it does not prejudice the consideration of the application in any way. This motion was seconded by Chairman Hanley and carried by unanimous vote.

66. **INTENT TO DEFER PUBLIC HEARINGS** (Tape 8)

Supervisor Connolly stated his intent to defer, at the appropriate time later in the meeting, the public hearings on Proffered Condition Amendment Application PCA 87-P-038 and Special Exception Application 96-P-004, Atlantic Homestead Village, scheduled for 4:00 p.m. today until **July 22, 1996 at 4:30 p.m.**

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Item CL#81.)

67. **BUDGET IMPACT ON THE ENFORCEMENT OF CURRENT ORDINANCES, REGULATIONS, AND PUBLIC FACILITIES MANUAL (PFM)** (Tape 8)

Supervisor Hyland referred to his written Board Matters and expressed his concern about the impact of the budget regarding the County's ability/capacity to enforce current ordinances, regulations, and the Public Facilities Manual (PFM) particularly as they relate to environment protections and development oversight. He asked unanimous consent that the Board refer his written item to staff and direct the staff to:

- Perform an inventory of those items that the County would like to do, but cannot, and provide this list to the Board by July 22, 1996; and
- Review alternatives to provide protections and present this to the Board by August 5, 1996.

Without objection, it was so ordered.

68. **PROFFERED CONDITION AMENDMENT APPLICATION FILED BY FRITO-LAY INCORPORATED** (Tape 8)

Supervisor Hyland stated that Frito-Lay, Incorporated, is about to file a Proffered Condition Amendment Application on property located in the Mount Vernon District at Tax Map Reference 99-4-((1)), parcel 5, at the intersection of Backlick Road and Cinder Bed Road. The application is to amend the proffers associated with Rezoning Application RZ 87-V-068, and if approved, would allow direct access onto Backlick Road. He noted that the Mount Vernon Council of Citizens Associations has no objections.

Accordingly, Supervisor Hyland moved that the Board direct:

- Staff to expedite the review and processing of the Proffered Condition Amendment Application; and
- The Director of the Department of Environmental Management (DEM) to process concurrently the appropriate Site Plans.

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

69. **EXTENSION OF REVIEW TIME FOR PUBLIC FACILITIES APPLICATION FOR AMERICAN PERSONAL COMMUNICATIONS** (Tape 8)

Supervisor Hyland stated that on May 30, 1996 American Personal Communications submitted an application pursuant to Section 15.1-456 of the *Code of Virginia* to staff a telecommunications base station facility, including a monopole to replace an existing light pole at the Mount Vernon High School located at 8500 Old Mount Vernon Road. He noted that the statutory 60-day review period will soon expire.

To preserve the County's interest in reviewing this application, Supervisor Hyland moved that the Board grant an extension of time for reviewing purposes for the American Personal Communications' application until January 8, 1997. This motion was seconded by Supervisor Bulova.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to determine why an extension of review time is routine for every public facilities application regarding telecommunications. 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.

70. **FOURTH OF JULY PARADE AND FIREWORKS** (Tape 8)

Supervisor McConnell reported that she had attended a Fourth of July celebration in the Town of Stanley, Virginia which included a parade and fireworks display. She also noted that she and her husband were hosts to Miss America and Miss Teenage America who attended the event. She expressed her desire to have a Countywide Fourth of July celebration complete with a parade and fireworks.

A brief discussion ensued.

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

At 2:10 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, as well as:

- *Board of Supervisors of Fairfax County versus Lauanders, et al.*, At Law Number 93886;
- Personnel Services Provided to Constitutional Officers and Certain County Authorities; and
- Prince William County Land Use Regulations.

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

CM:cm

At 4:20 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, and with Chairman Hanley presiding.

ACTIONS FROM EXECUTIVE SESSION72. **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."

73. **AUTHORIZATION OF THE SETTLEMENT OF PRINCIPAL MUTUAL LIFE INSURANCE COMPANY VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AT LAW NUMBER 137175** (Tape 9)

Supervisor Frey moved that the Board authorize the settlement of *Principal Mutual Life Insurance Company versus Board of Supervisors of Fairfax County, Virginia*, At Law Number 137175 according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Dix and carried by unanimous vote.

74. **REJECTION OF THE SETTLEMENT IN RALPH D. ROCKS, ET AL VERSUS**

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA CONSOLIDATED AT LAW NUMBERS 128198, 128199, 128200, 128201, 128204, AND 128205 AND GWH CORPORATION ET AL., VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, CONSOLIDATED AT LAW NUMBERS 128202 AND 128203 (Tape 9)

Supervisor Dix moved that the Board reject the \$125,000 settlement offer in *Ralph D. Rocks, et al., versus Board of Supervisors of Fairfax County, Virginia* Consolidated at Law Numbers 128198, 128199, 128200, 128201, 128204, and 128205 and *GWH Corporation et al., versus Board of Supervisors of Fairfax County, Virginia*, Consolidated at Law Numbers 128202 and 128203 and authorize the settlement of these cases on the terms and conditions as outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor McConnell and carried by unanimous vote.

75. **AUTHORIZATION OF THE FILING OF AN APPEAL IN CENTURY CONCRETE SERVICES, INCORPORATED VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, AT LAW NUMBER 134852** (Tape 9)

Supervisor Hyland moved that the Board authorize the filing of an appeal in *Century Concrete Services, Incorporated versus Board of Supervisors of Fairfax County*, At Law Number 134852, as outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

SBE:sbe

76. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-6 (BATMAN COMPANY, INCORPORATED) (HUNTER MILL DISTRICT)** (Tape 10)

Supervisor Dix moved to defer the public hearing on Proffered Condition Amendment Application PCA 87-C-060-6 until **July 22, 1996 at 4:30 p.m.** This motion was seconded by Supervisor Connolly and carried by unanimous vote.

77. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-101 (SCHOOL FOR CONTEMPORARY EDUCATION) (MASON DISTRICT)** (Tape 10)

Mr. David L. Williams reaffirmed the validity of the affidavit for the record.

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

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

- In the amount of \$200 from Mr. James Webster Dyke, Jr. who served on her Finance Committee.

Supervisor Connolly disclosed that Mr. James Webster Dyke, Jr. served on the Finance Committee for the Connolly for Supervisor Campaign last year.

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 85-M-101 subject to the development conditions dated June 26, 1996; and
- Modification of the transitional screening and barrier requirements along the northern, southern and western boundaries to that reflected on the Special Exception Plat except as modified by the development conditions.

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

78. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-D-045-3 (WASHINGTON-BALTIMORE CELLULAR LIMITED PARTNERSHIP, D/B/A CELLULAR ONE WASHINGTON-BALTIMORE) (DRANESVILLE DISTRICT)** (Tape 10)

Mr. Michael Jackson reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Donna McNeally, Branch Chief, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved approval of Special Exception Amendment Application SEA 80-D-045-3 subject to the development conditions dated May 30, 1996. This motion was seconded by Supervisor McConnell and carried by a vote of eight, Supervisor Dix and Supervisor Kauffman being out of the room.

79. **3:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-II-M2 FOR SUBAREAS 11 AND 24 OF THE MCLEAN COMMUNITY BUSINESS**

CENTER (DRANESVILLE DISTRICT) (Tape 10)

A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of June 20 and 27, 1996.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved approval of Out-of-Turn Plan Amendment S96-II-M2 for Subareas 11 and 24 of the McLean Community Business Center as modified by the Planning Commission with the following modification:

- In the Area 24 guidelines, delete the second sentence of the implementation strategy which states:
 - “Allow all existing Special Exception Commercial permits to expire.”

Supervisor Mendelsohn stated that this deletion will leave one sentence under the limitation strategy that reads:

- Change existing zoning to medium density residential. This modification will eliminate any potential confusion regarding the status of Special Exception Commercial permits in this Subarea.

This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Kauffman being out of the room.

80. **3:30 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING METRIC STANDARDS (COUNTYWIDE)** (Tapes 10-11)

- (O) A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of June 20 and 27, 1996.

Following discussion, with input from Irving Birmingham, Director, Department of Environmental Management, (DEM), Supervisor Hyland moved that the Board direct staff to provide a determination as to whether:

- The Virginia Department of Transportation (VDOT) will require plans that are completed now and subject to approval by the year 2000 to be converted to metric measurements; and
- There will be any grandfathering for plans not in metric measurements prior to the year 2000.

Without objection, it was so ordered.

Following the public hearing, which included testimony by two speakers, Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and the Public Facilities Manual (PFM) regarding metric measurement with an effective date of 30 days after the PFM and Zoning Ordinance are available in metric units with the stipulation that the Board would encourage voluntary compliance during the interim period. This motion was seconded by Supervisor Hyland.

Following further discussion, Supervisor Mendelsohn asked to amend his motion to set the effective date as August 1, 1997, and this was accepted.

The question was called on the motion, as amended, which **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Dix, and Supervisor McConnell voting "NAY."

AR:ar

81. **4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-038 AND SPECIAL EXCEPTION APPLICATION SE 96-P-004 (ATLANTIC HOMESTEAD VILLAGE INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 12)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment Application PCA 87-P-038 and Special Exception Application SE 96-P-004 until July 22, 1996 at 4:30 p.m. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Hyland being out of the room.

82. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-Y-007 (CHANTILLY SIERRA ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 12)

Ms. Toni L. McMahon reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved approval of Special Exception Application SE 96-Y-007 subject to the development conditions dated June 19, 1996. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Dix, Supervisor Gross, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

83. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-Y-001 (ATLANTIC HOMESTEAD VILLAGE INCORPORATED) (SULLY DISTRICT)**
(Tape 12)

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

Supervisor McConnell disclosed the following campaign which she had received:

- In excess of \$200 from Charles P. Johnson.

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

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

Supervisor Frey moved approval of Special Exception Application SE 96-Y-001 subject to the development conditions dated June 19,

1996. This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Dix, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

84. **4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-IV-MV1, HOLLY HILLS SELF STORAGE FACILITY (LEE DISTRICT)**
(Tape 12)

Supervisor Kauffman moved to defer the public hearing on Out-of-Turn Plan Amendment S96-IV-MV1, Holly Hills Self Storage Facility, until **July 22, 1996 at 4:30 p.m.** This motion was seconded by Supervisor McConnell and carried by a vote of seven, Supervisor Dix, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

85. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 83 (BOATS) ARTICLE 4, REGARDING BOATING SAFETY** (Tape 12)

- (O) A Certificate of Publication was filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of June 20 and 27, 1996.

Following the public hearing, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 83 (Boats) Article 4, regarding boating safety to bring the Code of the County of Fairfax in line with the *Code of Virginia*, **to become effective upon adoption.** *This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Dix, Supervisor Mendelsohn, and Chairman Hanley being out of the room.*

86. **4:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-077-2 (FIRST UNION NATIONAL BANK OF VIRGINIA) (LEE DISTRICT)** (Tape 12)

(NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

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

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

Following the public hearing, Mary Ann Godfrey, Senior 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 86-L-077-2 subject to the executed proffers dated April 18, 1996; and
- Modification of the transitional screening along the north, as shown in the Generalized Development Plan (GDP), subject to the executed proffers.

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

87. **4:00 P.M. - PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING ZONING FEE SCHEDULE** (Tapes 12-13)

- (O) (NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

Following a briefing by Stephen W. Kerr, Assistant Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP) on the staff recommendation and the alternatives, with input from James P. Zook, Director, OCP, Supervisor Connolly asked unanimous consent that the Board direct staff to examine the feasibility of charging a fee for the filing of an Out-of-Turn Plan Amendment. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to consider, during the Fiscal Year (FY) 1998 Budget deliberations, the waiving of an increase in zoning fees in the County's revitalization areas in an effort to encourage development in those areas. Without objection, it was so ordered.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Option Two, Attachment One, and Alternative A for the zoning compliance letter fees, with an effective date for the amendment of **July 9, 1996 at 12:01 a.m.** and that:

- The revised fees shall be applicable to any zoning application or zoning compliance letter request filed subsequent to the effective date of the amendment; and
- That zoning applications which were filed prior to the effective date of this amendment and which are complete in accordance with the applicable submission requirements shall be grandfathered from this amendment.

In addition, Supervisor Bulova noted that the issue of revitalization, as addressed by the Planning Commission and aforementioned by Supervisor Mendelsohn, will be the subject of future deliberations by the Board and an issue for review by the County Attorney.

This motion was seconded by Supervisor Kauffman.

Following discussion, the question was called on the motion which **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Dix, Supervisor Frey, and Supervisor Mendelsohn voting "NAY," Supervisor McConnell being out of the room.

88. **4:30 P.M. - PH ON REZONING APPLICATION RZ 95-L-060 (CHARLES E. SMITH RESIDENTIAL REALTY, LIMITED PARTNERSHIP) (LEE DISTRICT)**
(No Tape)

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

89. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-P-038 (LEHNDORFF TYSONS PROPERTY JOINT VENTURE) (PROVIDENCE DISTRICT)** (Tape 13)

(NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

Mr. J. Randall Minchew reaffirmed the validity of the affidavit for the record.

Mr. Minchew 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, Mary Ann Godfrey, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Approval of Proffered Condition Amendment Application PCA 85-P-038 subject to the executed proffers dated June 18, 1996 and the development condition dated July 8, 1996;
- Modification of the interior and peripheral parking lot landscaping to that shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA) Application; and
- Waiver of the service drive requirement on Route 7 and modification of the bike trail requirement along Route 7 and International Drive to that shown on the CDPA/FDPA.

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

90. **4:30 P.M. - PH ON REZONING APPLICATION RZ 95-L-060 (CHARLES E. SMITH RESIDENTIAL REALTY, LIMITED PARTNERSHIP) (LEE DISTRICT)** (Tape 13)

(O) (NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

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

Supervisor Connolly disclosed that Charles E. Smith Residential Realty, Limited Partnership, is a landlord for the company by which he is employed and recused himself from Board consideration of this application.

Mr. Walsh 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, Mary Ann Godfrey, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 95-L-060 be amended from the R-1 and Sign Control Districts to the PDH-40 and Sign Control Districts subject to the execution of the proffers dated June 26, 1996;
- Approval of Final Development Plan Application FDPA 95-L-060 subject to the development conditions dated May 29, 1996;
- Modification of the transitional screening and barrier requirements along the eastern boundary of the parcel to that shown on the Conceptual/Final Development Plan (CDP/FDP); and
- That the Board direct the Director of the Department of Environmental Management (DEM) to approve the private streets in excess of 600 feet in length and waive the trail requirement along the north side of the Franconia/Springfield Parkway.

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

91. **A-1 - REQUEST FOR A REDUCTION FROM REQUIRED PARKING FOR THE SPRING MALL ROAD PROPERTY (LEE DISTRICT)** (Tapes 13-14)

(NOTE: Earlier in the meeting, consideration of this item was deferred until later in the day. See Clerk's Summary Item CL#15.)

Chairman Hanley announced that the Board would consider Action Item A-1 - Request for a Reduction From Required Parking for the Spring Mall Road Property (Lee District) at this time.

Following discussion and input from Karen J. Harwood, Senior Assistant County

Attorney; Samuel T. Chamberlain, Section Chief, Traffic Operations, Office of Transportation (OT); Dan Southworth, Transportation Planner II, OT; and Richard Hayes, Engineer II, Special Projects Branch, Design Review Division, Department of Environmental Management (DEM), Supervisor Kauffman moved that the Board approve the request by the Charles E. Smith Residential Realty, Limited Partnership, for a 10 percent parking reduction, in conjunction with Rezoning Application RZ 95-L-060, for the Spring Mall Road Property, Tax Map Number 90-2-001, a portion of Lot 61, all of Lots 62, 63 and 76. This motion was seconded by Supervisor Mendelsohn.

Following additional discussion, the question was called on the motion which **CARRIED** by a recorded vote of seven, Supervisor Bulova and Supervisor Hyland voting "NAY," Supervisor Connolly being out of the room.

92. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-P-038 (LEHNDORFF TYSONS PROPERTY JOINT VENTURE) (PROVIDENCE DISTRICT)** (No Tape)

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

93. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-10 (KINGSTOWNE COMMERCIAL LIMITED PARTNERSHIP) (LEE DISTRICT)** (Tape 14)

(NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

Mr. R. Bruce Thompson reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from the Kingstowne Limited Partnership.

Mr. Thompson 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, Peter Braham, Senior 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 84-L-020-10 subject to the proffers dated April 29, 1996; and
- Acceptance of the change of the transitional screening yard and barrier requirements, as modified, in favor of that shown on the

Final Development Plan Amendment (FDPA) as previously approved by the Planning Commission subject to the Board's approval of this Application.

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

94. **4:30 P.M. - BOARD DECISION ON REZONING APPLICATION RZ 95-D-053 (PINEY RUN L.C.) (DRANESVILLE DISTRICT)** (Tape 14)

(NOTE: On April 29, 1996, the Board held a public hearing on Rezoning Application RZ 95-D-053 and deferred its decision until May 20, 1996. On May 20, 1996 the Board deferred its decision until June 17, 1996. On June 17, 1996, the Board deferred its decision until July 8, 1996.)

Supervisor Mendelsohn moved to defer the Board decision on Rezoning Application RZ 95-D-053 until **September 9, 1996 at 4:00 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Gross and Supervisor Kauffman being out of the room.

95. **4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-H-002 (THE GULICK GROUP) (HUNTER MILL DISTRICT)** (Tape 14)

(NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

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

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

- In the amount of \$199 from Mr. Steve Gulick;
- In excess of \$200 from The Gulick Group; and
- In the amount of \$199 from The Gulick Group Interiors.

Chairman Hanley disclosed that Mr. James Webster Dyke, Jr. served on the Hanley for Chairman Finance Committee.

Supervisor Connolly disclosed that Mr. James Webster Dyke, Jr. served on the Connolly for Supervisor Finance Committee.

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

Supervisor Dix moved:

- Approval of Special Exception Application SE 96-H-002 subject to the development conditions dated May 15, 1996; and
- Waiver of the service drive requirements along Route 7.

This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Gross and Supervisor Kauffman being out of the room.

ADDITIONAL BOARD MATTERS

96. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-V-028 (BANK OF ALEXANDRIA)** (Tape 14)

Supervisor Hyland noted that he is in receipt of a request from the Bank of Alexandria which has filed Proffered Condition Amendment Application PCA 93-V-028 for modification of the Generalized Development Plan (GDP). Part of the application property includes a portion of Old Lorton Road (Route 968) which is no longer in use and will be vacated. Since the Board owns the underlying title to the right-of-way for this portion of Old Lorton Road, the Board must concur in this Application for it to proceed.

Accordingly, Supervisor Hyland moved that the Board concur in the filing of Proffered Condition Amendment Application PCA 93-V-028 so that the application, including that portion of Old Lorton Road which is proposed to be vacated, may proceed. This motion should not be construed as a favorable recommendation of the Application and does not relieve the applicant/owner from compliance with the provisions of any applicable Ordinances, regulations or adopted standards. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Gross and Supervisor Kauffman being out of the room.

97. **WAIVER OF FEES FOR THE TOWN OF VIENNA (CHURCH STREET RENOVATION PROJECT)** (Tape 14)

(NOTE: Earlier in the meeting, there was discussion of this matter. See Clerk's Summary Item CL#54.)

Supervisor Dix moved that the Board waive the fees for the Town of Vienna for six electrical permits for the Church Street Renovation Project in the amount \$446.40. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Gross and Supervisor Kauffman being out of the room.

98. **4:30 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S96-III-UP1 FOR LAND UNIT F OF THE RESTON-HERNDON SUBURBAN CENTER, INCLUDING THE SHERATON RESTON HOTEL SITE (HUNTER MILL DISTRICT) AND PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING USES ALLOWED IN THE CONVENTION/CONFERENCE CENTER DESIGNATION OF THE PRC DISTRICT** (Tapes 14-17)

(NOTE: On June 17, 1996 the Board deferred the public hearing on this item until July 8, 1996.)

*Following the public hearing, which included testimony by 44 speakers, Supervisor Dix moved to defer Board decision on proposed Out-of-Turn Plan Amendment S96-III-UP1 and proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding uses allowed in the convention/conference center designation of the PRC District until **July 22, 1996 at 4:30 p.m.** This motion was seconded by Supervisor Connolly and carried by unanimous vote.*

99. **5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 96-H-002 (THE GULICK GROUP) (HUNTER MILL DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#95.)

100. **BOARD ADJOURNMENT** (Tape 17)

At 11:15 p.m., the Board adjourned.