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The meeting was called to order at 9:30 a.m. with all Members being present, and with Chairman Hanley presiding.

Others present were Robert J. O'Neill, Jr., 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.

2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD HIGH SCHOOL DRAMA STUDENT CAST OF "INTERVIEW"**
(Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to the West Springfield High School drama student cast of "Interview" for winning the State One Act Play Festival. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor Frey being out of the room.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD HIGH SCHOOL BOYS TRACK TEAM** (Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to the West Springfield High School Boys Track Team for winning the Group AAA State Track and Field Championship for the second time in three years. This motion was seconded by Supervisor Bulova and carried by a vote of seven, Supervisor Dix, Supervisor Frey, and Supervisor Gross being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MOBIL OIL FOR SUPPORTING CHILDREN'S HEALTH PROGRAMS IN FAIRFAX COUNTY**
(Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Mobil Oil for supporting children's health programs in Fairfax County and its continuing commitment to County citizens. This motion was seconded by Supervisor Gross and carried by unanimous vote.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO SPONSORS OF THE EARTH DAY/ARBOR DAY CELEBRATION** (Tape 1)

Supervisor Bulova moved approval of the Certificates of Recognition presented to sponsors of the Earth Day/Arbor Day celebration. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Frey being out of the room.

6. **PROCLAMATION DESIGNATING MAY 1998 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Mendelsohn moved approval of the Proclamation presented to George Myers, Chairman, Awards Committee, Fairfax Area Commission on Aging (COA), designating the month of May 1998 as "**Older Americans Month**" in Fairfax County. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

7. **10:00 A.M. - PRESENTATION OF THE FAIRFAX AREA COMMISSION ON AGING'S (COA) OUTSTANDING SERVICE AWARDS** (Tape 1)

On behalf of the Fairfax Area Commission on Aging (COA), George Myers, Chairman, COA Awards Committee, presented awards for outstanding service to elders. The recipients in the two award categories are:

■ Louis B. Wagner Lifetime Achievement Award:

Roland A. Gamotis; and

■ Outstanding Volunteer Service Award:

Norman Beckett.

8. **10:15 A.M. - PRESENTATION OF THE DON SMITH EMPLOYEES ADVISORY COUNCIL AWARDS** (Tape 1)

Mark Wickham, Chairman, Employees Advisory Council (EAC) Awards Committee, presented the Don Smith EAC Awards to the following employees of the County who have contributed in an outstanding manner to the well-being of their fellow employees:

- Douglas Sachs - Retirement Administration Agency; and
- Gloria Campbell - Fairfax County Public Schools' Maintenance Services.

AR:ar

9. **ADMINISTRATIVE ITEMS** (Tape 2)

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

Supervisor Dix asked to amend the motion to consider separately Administrative Item 4 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) Regarding Street Light Standards (Countywide), and this was accepted.

Supervisor Dix called the Board's attention to Administrative Item 5 - Authorization for the Department of Public Works (DPW) to Apply for a Habitat Restoration Projects Challenge Grant, Chesapeake Bay Program, Sponsored by the United States (US) Environmental Protection Agency (EPA) [Fiscal Year (FY) 1999] (Dranesville District), and following discussion with input from Richard J. Gozikowski, Acting Director, DPW, Supervisor Dix asked unanimous consent that the Board direct staff to provide information clarifying the present funding availability in this account and indicating whether there are subfunds which are specifically designated out of this account. Without objection, it was so ordered.

Supervisor Connolly called the Board's attention to Administrative Item 10 - Supplemental Appropriation Resolution (SAR) AS 98066: Office of Transportation Ozone Red Alert Days (Countywide), and a discussion ensued with input from Andrew J. Szakos, Chief, Transit Operations Division, Office of Transportation (OT), and Dorothy W. Cousineau, Head, Marketing and Ridesharing Section, OT.

The question was called on the motion to approve the Administrative Items, as amended, which carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-C-008, DAVCO RESTAURANTS, INCORPORATED (HUNTER MILL DISTRICT)

- (AT) Approved the request for one year of additional time to commence construction for Special Exception Amendment Application SEA 81-C-008 until April 30, 1999, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 - APPROVAL OF THE 1998 SCHEDULE AND THE REVIEW COMMITTEE MEMBERS FOR THE EXCEPTIONAL DESIGN AWARDS PROGRAM (COUNTYWIDE)

Approved the implementation schedule and the Review Committee members, as nominated by their respective organizations, for the 1998 Exceptional Design Awards Program.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT) REGARDING THE RELOCATION OF THE TYSONS PRECINCT POLLING PLACE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 8, 1998 at 4:00 p.m.** on a proposed amendment to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), Article 2, regarding the relocation of the Tysons Precinct Polling Place due to the fact that the existing polling place is no longer available due to renovations.

ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING STREET LIGHT STANDARDS (COUNTYWIDE)

(NOTE: Later in the meeting, action was taken by the Board on this item. See Clerk's Summary Items CL#10 and CL#69.)

ADMIN 5 - AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS (DPW) TO APPLY FOR A HABITAT RESTORATION PROJECTS CHALLENGE GRANT, CHESAPEAKE BAY PROGRAM, SPONSORED BY THE UNITED STATES (US) ENVIRONMENTAL PROTECTION AGENCY(EPA) [FISCAL YEAR (FY) 1999] (DRANESVILLE DISTRICT)

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

Authorized the Department of Public Works (DPW) to submit a grant application to the United States (US) Environmental Protection Agency (EPA) for federal funding of a "Habitat Restoration Project." This funding, in the amount of \$96,082 being made available to promote ecologically sound projects within the Chesapeake Bay watershed,

represents a 30 percent cost sharing for implementation of a bioengineered streambank stabilization and habitat restoration project, with a total cost estimate of \$320,273. The County's 70 percent participation cost of \$224,191 can be accommodated within the current appropriation for Project SC0213, Bridle Path Storm Drainage Improvements, within Fund 316, Pro Rata Share Drainage Construction.

ADMIN 6 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF MOTOR VEHICLES (DMV) TO SUPPORT "OPERATION WEATHER WATCH I"

Authorized the Fairfax County Police Department to submit a grant application to the Department of Motor Vehicles (DMV) in the amount of \$1,500 to support "Operation Weather Watch I." The grant will be used to purchase a computer monitor and related equipment to fulfill a need identified by the Helicopter Unit and the Emergency Services Section for a method of getting "real time" weather information. No matching funds are required.

ADMIN 7 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF MOTOR VEHICLES (DMV) TO SUPPORT "OPERATION WEATHER WATCH II"

Authorized the Fairfax County Police Department to submit a grant application to the Department of Motor Vehicles (DMV) in the amount of \$1,500 to support "Operation Weather Watch II." The grant will be used to purchase a computer CPU and related equipment to fulfill a need identified by the Helicopter Unit and the Emergency Services Section for a method of getting "real time" weather information. No matching funds are required.

ADMIN 8 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF MOTOR VEHICLES (DMV) TO SUPPORT "FLOOD WATCH I"

Authorized the Fairfax County Police Department to submit a grant application to the Department of Motor Vehicles (DMV) in the amount of \$1,500 to support "Flood Watch I." The grant will be used to purchase a computer and related equipment to fulfill a need identified by Emergency Managers, Police and Fire personnel to make critical decisions during the flooding of County roadways. No matching funds are required.

ADMIN 9 - AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF MOTOR VEHICLES (DMV) TO SUPPORT "FLOOD WATCH II"

Authorized the Fairfax County Police Department to submit a grant application to the Department of Motor Vehicles (DMV) in the amount of \$1,500 to support "Flood Watch

II." The grant will be used to purchase a monitor and computer-related equipment to fulfill a need identified by Emergency Managers, Police and Fire personnel to make critical decisions during the flooding of County roadways. No matching funds are required.

ADMIN 10 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98066: OFFICE OF TRANSPORTATION OZONE RED ALERT DAYS (COUNTYWIDE)

(SAR) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page three.)

Approved Supplemental Appropriation Resolution (SAR) AS 98066 in the amount of \$55,000 for Office of Transportation to offer free bus rides on the FAIRFAX CONNECTOR bus system on Ozone Red Alert Days from May 15, 1998 through September 15, 1998. This funding includes \$35,200 in Federal Highway Administration Surface Transportation Programs (STP) funds and \$8,800 in State matching funds for Regional STP funds from the Virginia Department of Rail and Public Transportation (VDRPT). The required local cash match for this grant is \$11,000.

ADMIN 11 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 98067 FOR THE FAIRFAX COUNTY CIRCUIT COURT TO ACCEPT GRANT FUNDS FOR THE PRESERVATION OF ARCHIVAL HOLDINGS

(SAR) Approved Supplemental Appropriation Resolution (SAR) AS 98067 in the amount of \$62,261 from the Library of Virginia for the Preservation of Archival Holdings to arrange, flat-file, inventory, index and rehouse Circuit Court's collection of Chancery suits dating from 1742 to 1904. The grant is for a period of two years and no local or in-kind match is required.

ADMIN 12 - INSTALLATION OF MULTI-WAY STOPS AT THE INTERSECTIONS OF FRANKLIN AVENUE/MCARTHUR DRIVE AND BRILYN PLACE/FISCHER AVENUE (DRANESVILLE DISTRICT)

- Endorsed the installation of multi-way stops at the following intersections:
 - Franklin Avenue (Route 2812) and McArthur Drive (Route 2813);
 - Brilyn Place (Route 1771) and Fisher Avenue (Route 1772); and
- Directed staff to request the Virginia Department of Transportation (VDOT) to approve the installation of the multi-way stops and install these signs at the earliest possible date.

ADMIN 13 - ADDITION OF A PORTION OF VADEN DRIVE (PROVIDENCE DISTRICT)

- (R) Adopted a Resolution requesting that the Commonwealth Transportation Board (CTB) add a portion of Vaden Drive (Route 6731) to the State Secondary System of Highways.

10. **ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING STREET LIGHT STANDARDS (COUNTYWIDE)** (Tape 2)

Following discussion, with input from Richard J. Gozikowski, Acting Director, Department of Public Works (DPW), Supervisor Dix asked unanimous consent that the Board direct staff to add language which reflects that, if an incentive is no longer provided, the cost would be adjusted accordingly. Without objection, it was so ordered.

Following further discussion, Supervisor Dix asked unanimous consent that the Board defer action on this item until later in the meeting, pending additional input from staff. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board authorized advertisement of this public hearing. See Clerk's Summary Item CL#69.)

11. **A-1 - ENDORSEMENT OF BUS FARE BUYDOWN FOR FISCAL YEAR (FY) 1999 (COUNTYWIDE)** (Tape 2)

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

- Endorsed the Fiscal Year (FY) 1999 Bus Fare Buydown Program specified in Table One of the Memorandum to the Board dated May 11, 1998; and
- Authorized staff to request the Washington Metropolitan Area Transit Authority (WMATA) to continue the buydown fares on the following Metrobus Routes: Centreville (12C, 12D, 12E, 12L, 12M, 12R, 12S); Burke (18R, 18S); and Chantilly (20F, 20W, 20X, 20Y).

12. **A-2 - EXPANSION OF THE APPROVED SEWER SERVICE AREA TO INCLUDE THE LEEHIGH VILLAGE CONSERVATION AREA (SULLY DISTRICT)** (Tape 2)

Supervisor Frey moved that the Board defer action on the expansion of the County's Approved Sewer Service Area (ASSA) to include land in the Leehigh Village Conservation Area until later in the meeting. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#83.)

13. **C-1 - AUTHORIZATION TO IMPLEMENT THE CONSTRICTED COLLECTION AREA POLICY IN COUNTY SANITARY DISTRICTS (DRANESVILLE, LEE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)** (Tape 2)

(P) (NOTE: On April 27, 1998, the Board deferred action on this item until May 11, 1998.)

The Board next considered an item contained in the Memorandum to the Board dated May 11, 1998, requesting authorization for staff to implement the Constricted Collection Area Policy in County Sanitary Districts related to certain neighborhood pipestems as presented to the Board on September 8, 1997, and outlined in the Memorandum to the Board.

Following discussion, with input from Richard J. Gozikowski, Acting Director, Department of Public Works (DPW), Supervisor Bulova moved that the Board adopt Option One as follows:

- Pipestem residents shall comply with the Policy requiring set out of trash and recyclables at the terminal point of the pipestem driveway where it meets the public right-of-way.

This motion was seconded by Supervisor Mendelsohn.

Following further discussion and input from Mr. Gozikowski, Supervisor Gross moved a substitute motion that the Board adopt Option Two as follows:

- Allow existing pipestem residents (estimated 223 households) to execute a Consent To Enter Property, Assumption of Risk, Waiver and Hold Harmless Agreement enabling County vehicles and contractor vehicles to enter upon private property. All future residents on existing pipestem driveways or to be built pipestem driveways will be required to comply with the policy and would not be eligible to execute a Hold Harmless Agreement.

This motion was seconded by Supervisor Hyland.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Kauffman asked to amend the substitute motion to include a safety review, and this was accepted.

The question was called on the substitute motion, as amended, which **FAILED** by a recorded vote of six, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE."

The question was then called on the main motion (Option One) which **CARRIED** by a recorded vote of eight, Supervisor Gross and Supervisor Hyland voting "NAY."

14. **I-1 - STATUS ON BUS SERVICE PRIVATIZATION (COUNTYWIDE)** (Tape 2)

The Board next considered an item contained in the Memorandum to the Board dated May 11, 1998, providing a status report on bus service privatization, particularly in western Fairfax County.

Following a brief discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Dix moved that the Board direct staff to proceed with the development of the framework of a Request for Proposal (RFP) to take advantage of the cost savings which have already been identified. This motion was seconded by Supervisor Frey and carried by unanimous vote.

Supervisor Frey asked unanimous consent that the Board direct staff to provide detailed information on the recent Metrobus contract which was awarded for service in Prince William County. Without objection, it was so ordered.

15. **I-2 - EXTENSION OF METROBUS ROUTE 12R IN WESTFIELDS (SULLY DISTRICT)** (Tape 2)

The Board next considered an item contained in the Memorandum to the Board dated May 11, 1998, requesting authorization for staff to work with the Washington Metropolitan Area Transit Authority (WMATA) to extend Metrobus Route 12R to serve additional businesses in the Westfields area, including the National Reconnaissance Office (NRO).

Supervisor Frey commended staff for its prompt response to this issue.

The staff was directed administratively to proceed as proposed.

16. **I-3 - PROPOSED CONTRACT BETWEEN GREELEY AND HANSEN AND THE COUNTY OF FAIRFAX FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT SERVICES (COUNTYWIDE)** (Tape 2)

The Board next considered an item contained in the Memorandum to the Board dated May 11, 1998, requesting authorization for staff to proceed to award a contract to Greeley and Hansen in the amount of \$272,200 from Fund 402, Sewer Bond Extension and Improvements, Project I00351, Pump Station Renovations, for providing engineering design and construction management services to the County's Integrated Sewer System.

The staff was directed administratively to proceed as proposed.

BOARD MATTERS17. **ROBIN RUST MULLET, DEPARTMENT OF HEALTH, RECEIVES THE 1998 UNSUNG HERO AWARD** (Tape 2)

With an announcement that Robin Rust Mullet, Assistant Program Director, Department of Health's Community Health Care Network, has been awarded the 1998 Unsung Hero Award in the employee category by the Virginia Health Care Foundation, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite Ms. Mullet to appear before the Board to receive recognition for this outstanding honor. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Mendelsohn being out of the room.

18. **TRENDWATCH PUBLICATION** (Tape 2)

Chairman Hanley circulated to Board Members a copy of the *Trendwatch* publication which ranks Fairfax County first in two areas:

- Washington area location offering the most attractive opportunities for development and acquisition; and
- Local government designated the most business friendly.

19. **PROCLAMATION DESIGNATING MAY 17-23, 1998 AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley moved that the Board direct staff to prepare a Proclamation designating May 17-23, 1998 as "**Public Works Week**" in Fairfax County and invite the appropriate Public Works staff to appear before the Board on May 18, 1998 to receive this Proclamation. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

20. **PROCLAMATION DESIGNATING MAY 1998 AS "FOSTER PARENT RECOGNITION MONTH" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley moved that the Board direct staff to prepare and send to the Department of Family Services a Proclamation designating May 1998 as "**Foster Parent Recognition Month**" in Fairfax County. This motion was seconded by Supervisor Kauffman and carried by unanimous vote.

21. **CELEBRATION OF FLAG DAY ON SUNDAY, JUNE 14, 1998** (Tape 2)

Chairman Hanley noted that the National League of Cities and the National Flag Day Foundation have united to promote additional participation in Flag Day activities. It is their goal to "pass the baton of patriotism to the youth of America."

To further these efforts, Chairman Hanley moved that the Board direct staff to prepare a press release:

- Encouraging all Fairfax County residents to celebrate Flag Day by stopping on Sunday, June 14, 1998, at 7:00 p.m. to "**PAUSE FOR THE PLEDGE OF ALLEGIANCE**"; and
- Including the Internet address for the National Flag Day Foundation to allow community groups the opportunity to obtain Flag Day program materials.

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

22. **CERTIFICATE OF RECOGNITION FOR THE CONFLICT MEDIATION CONFERENCE STEERING COMMITTEE** (Tape 2)

Chairman Hanley stated that on May 14 and 15, 1998, the Fairfax County Public Schools, Safe and Drug Free Youth, the Department of Family Services, the Office of Community Partnerships, the Fairfax County Police Department, the Prince William County Schools, George Mason University's (GMU) Institute for Conflict Resolution and a whole host of others will participate in a two-day conference for elementary and secondary students and adults who work with youth. The intended outcome of the conference is to promote conflict mediation among youth and to educate youth in the mediation process.

Accordingly, Chairman Hanley moved that the Board:

- Wish the conference participants every success; and
- Direct staff to prepare and send a Certificate of Recognition to the Conflict Mediation Conference Steering Committee in recognition of its efforts on behalf of all youth.

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

23. **"STAND FOR CHILDREN DAY" ON JUNE 1, 1998** (Tape 2)

With a notation that the Children's Defense Fund has contacted her office to request support for the annual "**Stand for Children Day**" on June 1, 1998, Chairman Hanley moved that the Board direct staff to prepare a press release to publicize this important event and encourage all County residents to support the goals and objectives to focus attention on ensuring that children and their families have access to quality child care and after school and summer activities. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

24. **PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (CIP) OF THE NATIONAL CAPITAL REGION** (Tape 2)

Chairman Hanley called the Board's attention to the recently received proposed Federal Capital Improvements Program (CIP) of the National Capital Region. She noted, in particular, the emphasis on Post Office discussions and asked unanimous consent that the Board refer this document to staff for review and comment.

Following discussion, with input from James P. Zook, Director, Office of Comprehensive Planning (OCP), without objection, it was so ordered.

25. **LETTER TO THE STATE CONTAINING SUGGESTIONS REGARDING THE BELTWAY PROJECT** (Tape 2)

With reference to a recent letter sent to the State containing suggestions regarding the Beltway project, Chairman Hanley stated that the Board inadvertently included language regarding a particular two-mile segment which might cause a slowdown of the project. She asked unanimous consent that the Board authorize the submission of modified language which requests a separate study of the segment and will not do anything to slow down the overall project.

Following discussion, with input from Shiva K. Pant, Director, Office of Transportation, Supervisor Kauffman asked to amend the request to ask for a separate study and request funding of the final result of this study, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

26. **CUSTODY AND ACCOUNTABILITY STATEMENT FOR THE DEFENSE MAPPING AGENCY SITE IN GREAT FALLS** (Tape 2)

Supervisor Mendelsohn announced that at approximately 3:00 p.m., April 15, 1998, the Fairfax County Park Authority signed a Custody and Accountability Statement for the Defense Mapping Agency site in Great Falls. This property of approximately 12 acres, adjacent to the 23-acre Lexington Estates Park, will serve to connect Lexington Park to a property the Park Authority hopes to acquire soon, resulting in a 53-acre community park of varied use and purpose.

Supervisor Mendelsohn commended Lynn Tadlock, Director, Planning and Development Division, Park Authority, and her staff for continuing a strong effort to acquire, maintain and preserve natural areas in Fairfax County.

27. **FAITH IN ACTION MEETING** (Tape 2)

Supervisor Mendelsohn announced that Dranesville District will hold a Faith in Action meeting on Wednesday, May 20, 1998, from 3:00 p.m. to 5:00 p.m. in the Community Room of the Governmental Center in McLean. The meeting is being held in partnership with non-profit organizations and local government in a continuing effort to build a network that responds to the needs of the community. Representatives from all faith groups in the Dranesville District are invited to attend the meeting. For more information, please contact Supervisor Mendelsohn's office at 356-0551.

28. **"PROJECT HOSPITALITY"** (Tapes 2-3)

Supervisor Mendelsohn moved that the Board:

- Recognize the Safe Community Coalition's dedication in coordinating "Project Hospitality" so that Prom Year 1998 will be a safer and more sober occasion; and
- Direct staff to invite Margaret Vanderhye, Coordinator, "Project Hospitality," and other leaders of the Safe Community Coalition to appear before the Board on a convenient date to recognize their efforts in coordinating and initiating this project and to express appreciation, on behalf of all citizens, to the Safe Community Coalition, Washington Limousine Association, and participating hotels for this ongoing commitment and dedication to make Prom Year 1998 safer and ultimately more of an enjoyable experience for the entire community.

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

29. **PLACEMENT OF TELECOMMUNICATION TOWERS** (Tape 3)

Supervisor Mendelsohn noted that legislation recently passed by the Virginia General Assembly provides that local governments must allow amateur radio towers of up to 75 feet in Northern Virginia and other urban areas of the Commonwealth and as high as 200 feet in rural communities with few exceptions. This preemption of local land use controls has the potential effect of allowing commercial wireless carriers to circumvent the Section 2232 public hearing process for location of telecommunication facilities by enabling them to co-locate on amateur radio towers.

In light of this legislation and the concerns of the Fairfax County community as a whole for the appropriate placement of telecommunication towers, Supervisor Mendelsohn moved that the Board direct staff to investigate the effects of this new law and submit its findings and recommendations to the Board as soon as possible. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor Hyland being out of the room.

30. **CONSIDERATION OF LADDER TOWER RELOCATION** (Tape 3)

Jointly with Supervisor Connolly, Supervisor Mendelsohn stated that it has come to their attention that the Fire and Rescue Department is considering relocating a ladder tower from Fire Station One in McLean to Frying Pan Station 36. The resulting arrangement will leave the McLean/Tyson's area with coverage only from the next closest ladder tower, at Station 30 in Merrifield. Just recently the equipment has been used to combat an apartment fire in the McLean area. With the concentration of high rise buildings in the McLean and Tyson's Corner, it seems imperative to have the appropriate equipment in close proximity to this area. The ladder tower provides for high volume water flow and rescue capabilities which are not equaled in the straight ladder truck which will replace this unit.

On behalf of himself and Supervisor Connolly, Supervisor Mendelsohn moved that the Board:

- Direct the Fire and Rescue Department to review its consideration and provide both the rationale for and possible alternatives to this proposed relocation of equipment; and
- In the event that such a relocation is absolutely necessary, direct the Fire and Rescue Department to develop a plan prioritizing similar units for design and purchase in coming budget cycles.

This motion was seconded by Supervisor Connolly.

Supervisor Dix asked to amend the motion to direct staff to include his office in all discussions regarding this matter, and this was accepted.

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

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31. **I-66 MAJOR INVESTMENT STUDY** (Tape 4)

Supervisor Dix said that recommendations regarding the I-66 Major Investment Study will be presented later this week. He asked unanimous consent that the Board direct staff to provide a briefing for Board Members regarding the recommendations made by the Technical Advisory Committee as it relates to how to address the matters in the I-66 Corridor. Without objection, it was so ordered.

A brief discussion ensued.

32. **NORTHERN VIRGINIA FINE ARTS FESTIVAL** (Tape 4)

Supervisor Dix announced that the prestigious Northern Virginia Fine Arts Festival will be held on May 16-17, 1998, at the Reston Town Center. The Festival will feature the work of more than 150 artists, festive music, food, and a special "hands on" art area for children.

Supervisor Dix said that the Greater Reston Arts Center (GRACE) is still seeking volunteers to help set up and take down sets, distribute beverages, work at information booths and aid the children's art activity tent. Anyone interested should call GRACE at (703) 471-9242 for more information.

Supervisor Dix said that the Arts Festival will be run from 10:00 a.m. until 7:00 p.m. this Saturday and Sunday.

33. **VIVA! VIENNA! SET FOR MEMORIAL DAY WEEKEND, MAY 23 - 24, 1998**
(Tape 4)

Supervisor Dix announced that VIVA! VIENNA!, now in its 15th year, is a free open air festival that attracts more than 25,000 people during the Memorial Day weekend activities. It is once again offering a weekend of family fun and entertainment. The two-day event, sponsored by the Rotary Club of Vienna, will take place in historic Vienna along Church Street between Lawyers Road and Mill Street. The Festival will have amusement park rides, live entertainment on two stages, and many assorted food vendors.

Supervisor Dix expressed his appreciation to the organizers, and the more than 45 Rotarians, along with their family and friends, who will be volunteering during the weekend to run this two-day event.

On behalf of the organizers and the citizens, Supervisor Dix invited all Board Members and other citizens to come and take part in the festivities of VIVA! VIENNA! on Memorial Day Weekend. For more information, please call (703) 255-4742.

34. **INTRODUCTION OF IAAN SHORE, AN EIGHTH GRADE STUDENT, LAKE BRADDOCK MIDDLE SCHOOL** (Tape 4)

Supervisor Dix announced the presence in the Board Auditorium of Iaan Shore, an eighth grade student, Lake Braddock Middle School. He added that Iaan Shore was attending the Board meeting as part of his civics lesson.

35. **COMPRESSED NATURAL GAS VEHICLES** (Tape 4)

Supervisor Dix said that he had received correspondence regarding the success or lack thereof with compressed natural gas vehicles. He asked unanimous consent that the Board direct staff to provide a status report on:

- Where Fairfax County is on meeting the requirements of the Clean Air Act;
- What actions are being taken regarding alternative fueled vehicles as part of the requirement for the municipal fleet;
- The County's experience with compressed natural gas vehicles; and
- Whether the Board should have discussions with Washington Gas or other appropriate individuals as it relates to the County's experience relating to costs and other improvements that may be made.

Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland asked unanimous consent that the Board direct staff to provide information on the durability of compressed natural gas vehicles. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

36. **COPIES OF OVERSIZED PLATS** (Tape 4)

Supervisor Dix stated that he has been contacted by a constituent who has had difficulty obtaining copies of oversized plats. He asked unanimous consent that the Board direct staff to determine if there are areas where customer service might be improved. Without objection, it was so ordered.

37. **PARTNERSHIP FOR YOUTH** (Tape 4)

Supervisor Dix said that it was reported to him that at a meeting of a subcommittee of the Partnership for Youth a presentation was made regarding the Board's appropriation of \$112,000 for an additional late bus for middle schools. However, the School System is not prepared at this time to implement a fourth late bus. The group was asked to seek other ways in which the money could be spent and to report within six weeks with proposed plans and programs.

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

- If items that the Board has approved for expenditures are being proposed to be spent for items other than what the Board approved them for, should the item come back before the Board;
- With additional information regarding the actions of the Partnership for Youth be provided;
- If what was described to him is accurate; and
- With an explanation of the process.

Without objection, it was so ordered.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide Board Members with the language that the Board adopted regarding this item. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Dix asked unanimous consent that the Board direct staff to respond to the following questions regarding the Partnership for Youth meeting:

- Who was invited;
- Who participated;
- How the list was developed; and
- Who was asked to provide suggestions.

Without objection, it was so ordered.

38. **COUNTY ATTORNEY RESPONSE REGARDING MOTIONS RELATING TO THE ADOPTION OF THE BUDGET** (Tape 4)

Supervisor Dix referred to a memorandum that he received from David P. Bobzien, County Attorney, regarding motions relating to the adoption of the budget. He asked unanimous consent that the Board direct staff to provide information regarding the legal and binding nature of the Board's markup session versus the legal and binding nature of the actual budget approval. Without objection, it was so ordered.

39. WESTERN FAIRFAX COUNTY VIRGINIA RAILWAY EXPRESS (VRE) STATION (Tape 4)

Supervisor Bulova said that at a recent Virginia Railway Express (VRE) Operations Board meeting, several persons attended and one spoke during "Citizen's Time" about the need for a Commuter Rail Station in the western part of Fairfax County, somewhere between Manassas Park and Burke Centre. Board Members were presented with a petition, signed by over 900 persons, mostly in the Little Rocky Run area. Additional petitions were being circulated in the Virginia Run, Singleton's Grove and Heritage Woods communities.

Supervisor Bulova said that when the VRE was first being planned, a station somewhere in the Clifton/Rocky run area was planned and has been incorporated into the Comprehensive Plan. Finding an exact location for the station, however, has been problematic.

Supervisor Bulova stated that a number of Transportation studies are underway that could perhaps incorporate an analysis of where to locate a Western County VRE station - the I-66 Corridor Study, the Mixing Bowl Congestion Management Study. The VRE Operations Board unanimously agreed to request that the issue be raised with the Fairfax County Board of Supervisors for its consideration.

Supervisor Bulova moved that the Board direct staff to collaborate with staff from VRE and report within 30 days about appropriate vehicles for a study to identify an appropriate location for a VRE Station in the Western Fairfax County area. The study ultimately should identify potential locations and list advantages, constraints and costs associated with them. This motion was seconded by Supervisor Hyland.

Supervisor McConnell asked to amend the motion to direct staff to include the Springfield and Sully District citizens in the study to identify an appropriate location for a VRE Station, and this was accepted.

Supervisor Frey asked to amend the motion to direct staff to provide information on how long the study may take and a review of the history, and this was accepted.

Supervisor Mendelsohn asked to amend the motion to direct staff to include the projected ridership from the proposed station, and this was accepted.

Supervisor Dix asked to amend the motion to direct staff to provide information on how the study would be funded and by whom, and this was accepted.

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

40. **COMMUNITY ACTION ADVISORY BOARD (CAAB) MEETINGS** (Tape 4)

Supervisor Connolly announced that the Community Action Advisory Board (CAAB) has scheduled focus groups for each of the five regions on June 13, 1998. The purpose of these focus group meetings is to listen to the people CAAB is committed to helping so that CAAB can best prepare human services recommendations for the Board. Providence District is in Region IV and that focus group meets at the Mott Community Center from 10:00 a.m. until Noon.

41. **INTENT TO DEFER THE PUBLIC HEARINGS ON SPECIAL EXCEPTION APPLICATION SE 97-P-040 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-7-057-2 (PROSPERITY PROFESSIONAL CENTER, L.L.C.), PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-2 (TYSONS II LAND COMPANY, L.L.C.) AND SPECIAL EXCEPTION APPLICATION SE 97-P-052 (MCDONALD'S CORPORATION) (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly announced his intent, later in the meeting at the appropriate time, to defer the public hearings on:

- Special Exception Application SE 97-P-040; and Proffered Condition Amendment Application PCA 74-7-057-2 until June 8, 1998 at 5:00 p.m.;
- Proffered Condition Amendment Application PCA 84-D-049-2 until May 18, 1998 at 3:30 p.m.; and
- Special Exception Application SE 97-P-052 until June 8, 1998 at 4:00 p.m.

(NOTE: Later in the meeting, the public hearings on these applications were formally deferred. See Clerk's Summary Items CL#79, CL#85, and CL#89.)

42. **PROVIDENCE DISTRICT FAITH IN ACTION MEETING** (Tape 4)

Supervisor Connolly announced that the Providence District Faith in Action meeting is scheduled for May 19, 1998 from 7:00 p.m. until 9:30 p.m. at the Jewish Community Center.

43. **50TH ANNIVERSARY OF THE FALLS CHURCH KIWANIS LITTLE LEAGUE** (Tape 4)

Supervisor Connolly announced that Falls Church Kiwanis Little League celebrated its 50th anniversary. He asked unanimous consent that the Board direct staff to invite the leadership of the league to appear before the Board to receive a Certificate celebrating its 50th anniversary. Without objection, it was so ordered.

44. **RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) IN BAILEYS**

CROSSROADS (Tape 4)

Supervisor Gross said that she has forwarded to the Office of Transportation petitions signed by the residents of Lake Street near Baileys Crossroads, requesting the creation of a Residential Permit Parking District (RPPD) to include portions of Lake Street between Tyler Street and Blair Road. Community consensus has been reached with 100 percent of the residents on each block signing in support.

Supervisor Gross moved that the Board waive the minimum requirement of 100 contiguous parking spaces. This motion does not include a waiver of the \$10 per household application fee, as the residents have submitted the appropriate payment. This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

45. **PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 1997-MA-006** (Tape 4)

Supervisor Gross said that Windy Hill Limited Partnership has filed Proffered Condition Amendment Application PCA 1997-MA-006. The applicant has requested that the public hearing before the Board be scheduled in advance.

Supervisor Gross moved that the Board direct staff to schedule a public hearing to be held before the Board on Proffered Condition Amendment Application PCA 1997-MA-006. This motion, the second to which was indistinguishable, carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

46. **CONCURRENT PROCESSING OF THE SITE PLAN ASSOCIATION WITH REZONING APPLICATION 1998-MA-029 AND SPECIAL EXCEPTION SE 98-M-031** (Tape 4)

Supervisor Gross said that Davco Corporation has filed Rezoning Application 1998-MA-029 and Special Exception Application SE 98-M-031 for property located at Tax Map 71-1((1))75.

Supervisor Gross moved that the Board direct staff to process the Site Plan associated with these applications concurrently. This motion should not be construed as a favorable recommendation of the Rezoning Application by the Board, and does not relieve the applicant of compliance with any

applicable ordinances, regulations, or adopted standards. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Dix and Supervisor McConnell being out of the room.

47. **BAILEYS DAY 1998** (Tape 4)

Supervisor Gross announced that Baileys Day 1998 will be held on Sunday, May 17, 1998 from 12:00 noon until 4:00 p.m., at the Baileys Crossroads Shopping Center, located at the intersection of Route 7 and Columbia Pike.

Supervisor Gross said that the 1998 festival includes crafts, vendors, exhibits by community organizations, food from local restaurants, live entertainment, police and fire displays, activities for children, and much more. A special addition this year is the Science Museum of Virginia's AirMobile--a traveling exhibit which includes such attractions as a flight simulator, a wind tunnel, a weather station, and a Global Positioning Satellite receiver.

Supervisor Gross invited everyone in Fairfax County to attend Baileys Day 1998.

NV:nv

48. **CONCURRENT PROCESSING OF PLANS WITH REZONING APPLICATION RZ 98-SU-018 FOR APPLE FEDERAL CREDIT UNION** (Tape 5)

Supervisor Frey stated that the Apple Federal Credit Union is an applicant in Rezoning Application RZ 98-SU-018 for property on Tax Map 56-2((1)), Parcel 32. At the request of the applicant, he moved that the Board direct the Department of Environmental Management (DEM) to process any plans associated with this application concurrently with the pending Rezoning Application. He noted that it is understood that this motion does not relieve the applicant from complying with the provisions of any applicable condition, regulations, or adopted standards, and does not prejudice the consideration of the application in any way. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

49. **CONCURRENT PROCESSING OF PLANS WITH PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-008 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 87-C-008** (Tape 5)

Supervisor Frey stated that Balbir Brar Associates, Incorporated has filed Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA for property located on Tax Map 46-3((1)), parcel 14. At the request of the applicant, he moved that the Board direct the Department of Environmental Management (DEM) to accept and process Subdivision Plans, Site Plans, and other engineering documents concurrently with the pending Proffered Condition Amendment Application PCA 87-C-008 and Final Development Plan Amendment Application FDPA 87-C-008. He noted that this motion should not be construed as a favorable recommendation and does not relieve the applicant from complying with the provisions of all applicable ordinances, regulations, or adopted standards in any way. This motion was seconded by Supervisor Bulova and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

50. **SURPLUS VEHICLE CONSIDERED FOR BLACK WOMEN UNITED** (Tape 5)

Supervisor Frey reported that he had met with Sheila Coates from the Black Women United regarding their mentoring program for Chantilly Mews. They sponsor trips for the children and the cost for transportation in rented vehicles is becoming prohibitive. Accordingly, he moved that the Board direct staff to determine whether there is an available surplus County vehicle for this organization. This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

51. **SMOKING POLICY FOR UNDERAGE PROGRAM PARTICIPANTS** (Tape 5)

Supervisor Frey stated that it was called to his attention that underage participants in drug rehabilitation services at Sunrise House on West Ox Road were allowed to smoke. This program is operated by the Fairfax-Falls Church Community Services Board (CSB). Accordingly, he asked unanimous consent that the Board direct staff to review:

- Whether this is the policy; and if so;
- Whether it is an appropriate policy since it is illegal for persons under the age of 18 to smoke cigarettes; and
- The policies at other County facilities where youth are involved to determine whether appropriate regulations are being enforced.

Without objection, it was so ordered.

52. **LAW LIBRARY'S COPY FACILITY** (Tape 5)

Supervisor Frey reminded the Board that during the Fiscal Year (FY) 1999 Budget deliberations there was discussion regarding the Board's contribution to the Law Library of the Fairfax County Bar Association. He said that an attorney had called to his attention the fact that the Law Library has a copy facility that charges the customers per copy and that the \$100,000-200,000 annual revenue generated there goes directly to the Bar Association. Accordingly, Supervisor Frey asked unanimous consent that the Board direct the County Executive to research this issue and determine whether this assertion is true as to how much revenue is generated and where it goes. Without objection, it was so ordered.

53. **RHYTHM AND CHEER ALL-STAR DANCE TEAM WINS NATIONAL COMPETITION** (Tape 5)

Supervisor McConnell announced that once again the Rhythm and Cheer All-Star Dance Team won the 1998 Grand National Dance Championship held at Walt Disney World. The team went to Florida to defend their 1997 title of Grand National Champions. Team members range in age from 6-18 years old and live in the Lee, Sully, and Springfield Districts, respectively. Accordingly, jointly with Supervisor Kauffman and Supervisor Frey, Supervisor McConnell moved that the Board direct staff to invite the members of

the Rhythm and Cheer All-Star Dance team to appear before the Board at a future meeting to be recognized for their outstanding achievement followed by a brief performance. This motion was seconded by Supervisor Frey and carried by a unanimous vote.

54. **WAIVER OF FEES ASSOCIATED WITH SUBDIVISION OF ABANDONED PORTION OF POHICK ROAD** (Tape 5)

Supervisor McConnell stated that the Board owns a remnant portion of Pohick Road that was left over after Pohick Road was realigned and the old alignment was abandoned in the fall of 1996. The Board authorized the sale of this property to the abutting landowners on July 7, 1997. She stated that it was thought that the conveyance of this property to the abutting landowners could be accomplished most efficiently by consolidating it with the abutting properties, and thereby avoid the expense and time required to subdivide it and then convey it to the abutting landowners.

Supervisor McConnell said that after preparing the consolidation plat, completing the necessary title work to identify all of the liens that encumber the abutting properties, and locating and discussing this matter with the beneficiaries of the deeds of trust that encumber the abutting properties, one of the beneficiaries of a deed of trust recently informed staff that he/she will not consent to the consolidation. The consolidation cannot take place unless all of the beneficiaries agree to it. Supervisor McConnell noted that staff advised her that the subject property will have to be subdivided before it can be conveyed to the abutting landowners.

Supervisor McConnell moved that the Board waive all Department of Environmental Management (DEM) fees associated with the subdivision of the abandoned portion of Pohick Road that the Board authorized to be sold to the abutting landowners on July 7, 1997. This motion was seconded by Supervisor Bulova and, following a brief discussion, carried by unanimous vote.

55. **IRVING BIRMINGHAM SCHOLARSHIP** (Tape 5)

Supervisor McConnell announced the May 7, 1998 dedication of a scholarship fund in memory of the late Irving Birmingham, former director of the Department of Environmental Management (DEM). Representatives of the Urban Systems Engineering Institute (USEI), a George Mason University (GMU) institute to support civil engineering based programs since 1989 dedicated a scholarship in Mr. Birmingham's memory to recognize his dedication as a contributing member of the Institute and contributions in the field of civil engineering. This year's recipient is Ms. Erin Nicole Dryan, a Robinson Secondary School graduate and a resident of Springfield District.

Supervisor McConnell said that individuals wishing to donate to this scholarship may do so by directing their donations to:

George Mason University Foundation (GMUF)
Urban Systems Engineering Institute (USEI)
GMU
4400 University Drive, MS 4A6
Fairfax, Virginia 22030.

For further information, contact Dr. Terry Ryan at the USEI at 703-993-1657.

Supervisor McConnell moved that the Board direct staff to:

- Disseminate this information to County employees, the press, and colleges in the region to be informed about the scholarship; and
- Invite Ms. Dryan to appear before the Board in the future to be recognized for her accomplishment.

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

56. **VIRGINIA OPERA** (Tape 5)

Supervisor McConnell circulated the programs from the performance of the HMS Pinafore by the Virginia Opera which she recently attended. She urged the Board to attend future performances.

57. **INFORMATION FROM THE NATIONAL ASSOCIATION OF COUNTIES (NACO) FINANCIAL SERVICES CENTER** (Tape 5)

With reference to his written Board Matters and corresponding handouts, Supervisor Hyland explained that the National Association of Counties (NACo) has under its umbrella an organization called the NACo Financial Services Center. In addition to other contractual arrangements, this organization entered into the cooperative purchasing arrangements whereby the County, through Office Depot, saves hundreds of thousands of dollars on supplies. The Insurance Center for Local Government provides a national platform for counties and related local governments and their employees to obtain the greatest possible value in their insurance purchases. The distributed materials highlight some of the Insurance Center's programs, including material on the Group Personal Insurance Program, the Viatical Settlement Program, and the Surety Bond Program.

Accordingly, Supervisor Hyland asked unanimous consent that the Board:

- Direct staff to review the materials; and
- Refer it to the Board's Personnel Committee to review the offerings and the extent to which County employees may have these programs available to them.

Without objection, it was so ordered.

58. **POSSIBLE PERSONAL PROPERTY TAX EXEMPTION FOR AUXILIARY OFFICERS FOR THE SHERIFF'S DEPARTMENT** (Tape 5)

With reference to his written Board Matter regarding a change in the State Code, Supervisor Hyland moved that the Board refer to the Legislative Committee the issue of extending the exemption from personal property tax currently granted to members of the Auxiliary Police, to the individuals who volunteer as Auxiliary Officers for the Sheriff's Department. Without objection, it was so ordered.

59. **PROPERTY TAX ON WATERCRAFT** (Tape 5)

Supervisor Hyland stated that under Sections 58.1-3506; 58.1-3506(A)(1); and 58.1-3506(A)10) of the *Virginia Code*, Prince William County's Board of Supervisors eliminated its taxation on watercraft. He distributed copies of a letter from the Prince William County Attorney and that Board's motion. Supervisor Hyland noted that marina business owners located in Fairfax County have already felt the adverse impact of the recent action taken in Prince William County.

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

- Review the recent action taken by Prince William County for review and analysis as to the impact on the County and its businesses if Fairfax County considered removing the personal property tax on boats; and
- Add this issue as a Consideration Item at the Carryover Review.

Following a brief discussion, this motion was seconded by Supervisor Bulova.

Chairman Hanley relinquished the Chair to Acting-Chairman Dix and asked unanimous consent that the Board direct staff to include an analysis of the migration at marinas. Without objection, it was so ordered.

Acting-Chairman Dix returned the gavel to Chairman Hanley.

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

60. **150TH ANNIVERSARY OF WOODLAWN ELEMENTARY SCHOOL** (Tape 5)

Supervisor Kauffman announced that this year marks the 150th anniversary celebration of Woodlawn Elementary School, the oldest school in the County, which was founded by Quakers and started with classes in the historic Woodlawn. Accordingly, he moved that the Board direct staff to:

- Prepare a Proclamation recognizing the month of May 1998 as the 150th anniversary of the Woodlawn Elementary School; and
- Invite Theresa Nunan, Principal of Woodlawn Elementary School, and any other appropriate guests, to appear before the Board on June 8, 1998 to be recognized and to receive the Proclamation.

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

61. **HILLTOP SAND AND GRAVEL** (Tape 5)

Supervisor Kauffman stated that for nearly a year Hilltop Sand and Gravel has been diligently pursuing three Rezoning Applications, a Special Exception Amendment Application, and a Special Permit Application to construct a nine hole golf course, miniature golf course, a batting cage, and improvements to an existing driving range. This application converts an existing landfill into a recreational use and has had the support of Lee District residents for many years, and a unanimous endorsement by the Lee District Land Use and Transportation Advisory Committee.

Supervisor Kauffman stated that the Comprehensive Plan was amended to plan the Hilltop site for future recreational use. However, some of the adjoining land that is included in the application is planned for residential use and would not allow some of the commercial recreation uses being proposed. The Office of Comprehensive Planning (OCP) has been working diligently to resolve this problem and has recommended an Out-of-Turn Plan Amendment to permit commercial recreation use on the Hilltop landfill and associated properties north of Telegraph Road between Beulah Street and Piney Run.

Accordingly, Supervisor Kauffman moved that the Board:

- Authorize the processing of an amendment to the Comprehensive Plan; and
- Direct staff to process the Out-of-Turn Plan Amendment concurrently as expeditiously as possible so that these items can be presented to the Board prior to the August recess.

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

Supervisor Kauffman noted that this motion should not be construed as a favorable recommendation on the Plan Amendment in any way.

62. **TIMBER OPERATIONS** (Tape 5)

With reference to his written Board Matter on timber harvesting operations in Lee District which referred to a December 8, 1997 Board Matter he had presented, Supervisor Kauffman stated that forest management plans approved by the State Forester can allow the harvesting of timber which are not consistent with the Comprehensive Plan in regard to buffer areas.

To address the issue of the need for adequate buffering of nearby properties, Supervisor Kauffman moved that the Board direct staff to add to the Zoning Ordinance Amendment Work Program the preparation of amendments that would require timber operations, such as the one referenced in his written Board Matter, to maintain buffer areas to mitigate negative impacts on nearby properties. This motion was seconded by Supervisor Hyland.

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

63. **RECESS/EXECUTIVE SESSION** (Tape 5)

Subject to the following motion, Chairman Hanley announced that the Board would convene Executive Session at 2:00 p.m.

At 12:30 p.m., Supervisor Connolly moved that the Board recess and go into Executive Session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting, and in addition:

- Renewal of the franchises awarded to Media General Cable of Fairfax County, Incorporated.

Following a brief query to David P. Bobzien, County Attorney, this motion, the second to which was inaudible, carried by unanimous vote.

AM:am

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

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

Chairman Hanley announced that there would be a change in the Orders of the Day to move the Board decision on the adoption of an Ordinance to grant non-exclusive cable television franchises to Media General Cable of Fairfax County, Incorporated to the end of the meeting.

ACTIONS FROM EXECUTIVE SESSION65. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 6)

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 Gross 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."

66. **AUTHORIZATION OF SETTLEMENT OF SMITH PROPERTY HOLDINGS ONE, LIMITED PARTNERSHIP VERSUS COUNTY OF FAIRFAX, AT LAW NUMBER 165305** (Tape 6)

Supervisor Gross moved that the Board authorize the settlement of *Smith Property Holdings One, Limited Partnership versus County of Fairfax*, At Law Number 165305, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

67. **AUTHORIZATION FOR APPROVAL OF THE DRAINAGE STUDY FOR LAND BAY A** (Tape 6)

Supervisor Frey moved that the Board authorize the County Executive, on behalf of the Board, to approve solely in the Board's proprietary capacity as the owner of Land Bay A, the drainage study presented to the Board in Executive Session on May 11, 1998, it being understood that such action in no way will limit or otherwise restrict review and consideration of the drainage study at a later date by the Board in its regulatory capacity. This motion was seconded by Supervisor Bulova and carried by unanimous vote.

68. **AUTHORIZATION OF SETTLEMENT OF J.C. PENNEY PROPERTIES, INCORPORATED VERSUS BOARD OF SUPERVISOR, AT LAW NUMBER 164057, AND J.C. PENNEY PROPERTIES, INCORPORATED VERSUS BOARD OF SUPERVISORS, AT LAW NUMBER 164058** (Tape 6)

Supervisor Kauffman moved that the Board authorize the settlement of *J.C. Penney Properties, Incorporated versus Board of Supervisors*, At Law Number 164057, and *J.C. Penney Properties, Incorporated versus Board of Supervisors*, At Law Number 164058, according to the terms and conditions outlined by the County Attorney in Executive Session. This motion was seconded by Supervisor Hyland and carried by unanimous vote.

AGENDA ITEMS

69. **ADMIN 4 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING STREET LIGHT STANDARDS (COUNTYWIDE)** (Tape 6)

- (A) (NOTE: Earlier in the meeting, this item was deferred pending receipt of additional input from staff. See Clerk's Summary Item CL#10.)

Supervisor Dix moved authorization of the advertisement of a public hearing to be held before the Planning Commission on June 11, 1998 at 8:15 p.m., and before the Board on **June 29, 1998 at 4:00 p.m.** on the proposed amendments to the Public Facilities Manual (PFM) regarding street light standards. This motion was seconded by Supervisor Connolly and carried by unanimous vote.

SBE:sbe

70. **3:30 P.M. - PH REGARDING A LEASE AMENDMENT TO THE LEASE OF COUNTY-OWNED PROPERTY AT MASSEY BUILDING, 4100 CHAIN BRIDGE ROAD, TO NEXTEL COMMUNICATIONS (PROVIDENCE DISTRICT)** (Tape 7)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 23 and April 30, 1998.

Following the public hearing, Supervisor Connolly moved that the Board authorize the County Executive to execute a lease with Nextel Communications for a portion of the property at the Massey Building, 4100 Chain Bridge Road, Tax Map Number 57-4 ((11))-14, for the purpose of installing additional antennae on the rooftop. This motion was seconded by Supervisor Gross and carried by a vote of nine, Supervisor McConnell being out of the room.

71. **3:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-P-022-4 (SUNRISE DEVELOPMENT, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 7)

Mr. Michael J. Giguere reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Michael J. Giguere of McGuire,

- Woods, Battle and Boothe.
- In excess of \$200 from Mr. Paul J. Klassen of Sunrise Development Incorporated.

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

Supervisor Connolly moved:

- Approval of Special Exception Amendment Application SEA 87-P-022-4 subject to the development conditions dated March 3, 1998; and
- Reaffirmation of the approval of the modification of the transitional screening and barrier around the periphery of the site in favor of that shown on the SEA Plat and as further stipulated in the proposed development.

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

ADDITIONAL BOARD MATTER

72. **WELCOME TO BOY SCOUT TROOP 1131 FROM SAINT STEVENS METHODIST CHURCH** (Tape 7)

Supervisor Bulova recognized the presence of Boy Scout Troop 1131 from Saint Stevens Methodist Church, and Ms. Kathy Lloyd, Merit Badge Leader. Supervisor Bulova warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

73. **3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-V-061 (QUARLES PETRO, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 7)

Ms. Sharon S. Scarce reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 97-V-061 subject to the development conditions dated February 18, 1998;
- Waiver of the transitional screening and barrier requirements on the northern and western periphery; and
- Waiver of the service drive requirements on Gunston Road and Richmond Highway.

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

74. **3:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 98-L-008 (MOTHER NURTURE COMPANY) (LEE DISTRICT)** (Tapes 7-8)

Ms. Pamela P. Tinker reaffirmed the validity of the affidavit for the record.

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

Supervisory Hyland disclosed the following campaign contribution which he had received:

- In excess of \$185 from Ms. Pamela P. Tinker.

Chairman Hanley disclosed that several of the members of the Board of Supervisors are on the Board of Directors of Mother Nurture Company.

Following the public hearing, which included testimony by 10 speakers, Inda Stagg, Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Following discussion, with input from Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning (OCP), Ms. Tinker, and David P. Bobzien, County Attorney, Supervisor Kauffman moved:

- Approval of Special Exception Application SE 98-L-008 subject to the development conditions dated May 6, 1998;
- Modification of transitional screening on the northern periphery from a point starting approximately 300 feet west of the eastern property line and continuing west to permit 25 feet of supplemented vegetation to satisfy TS-1 requirements;

- Modification of transitional screening on the southern periphery to permit a 0-19 feet of existing vegetation, as shown on the Special Exception Plat, to satisfy the TS-1 requirements;
- Waiver of the transitional screening requirements on the western periphery adjacent to residential open space property;
- Modification of the barrier requirement on the southern periphery to permit a 35 inch high chain link fence to satisfy Barrier D requirements;
- Modification of the barrier requirements along the eastern periphery to permit existing trees and supplemental shrubs to satisfy Barrier H requirements;
- Modification of the barrier requirements along the western periphery to permit an existing 40-inch high chain link fence to satisfy Barrier D requirements; and
- That Barrier F, a six foot high solid wood fence, be provided along the entirety of the Northern periphery and that this waiver request be denied.

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

75. **4:00 P.M. - BOARD DECISION ON THE CONVEYANCE OF COUNTY-OWNED PROPERTY, TAX MAP NUMBER 067-1((1))-0015-D, SASHER LANE TO MEL D. PATRICK AND NICOLE L. PATRICK (SULLY DISTRICT)** (Tape 8)

(NOTE: On March 9, 1998, the Board held the public hearing on this item and deferred its decision until May 11, 1998.)

Supervisor Frey moved to defer Board decision on the conveyance of County-owned property, Tax Map Number 067-1((1))-0015-D, Sasher Lane to **June 29, 1998 at 4:30 p.m.** This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor Gross being out of the room.

76. **ORDERS OF THE DAY** (Tape 8)

Chairman Hanley announced a change in the Orders of the Day that the Board would proceed with the 4:00 p.m. public hearing on the Agricultural and Forestal District Renewal Application AR 89-S-002.

77. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT) AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 89-S-002 (MARIE Y. MA, JOAN MA PIERRE JOSEPH MA PIERRE AND JOHN MA PIERRE)(SPRINGFIELD DISTRICT**
(Tape 8)

- (O) Ms. Marie Y. Ma reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F-26, to renew the Ma Local Agricultural and Forestal District (Application AR 89-S-002) subject to the proposed Ordinance provisions contained in Appendix One of the staff report. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Dix and Supervisor Gross being out of the room.

78. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-L-065 (EXXON CORPORATION) (LEE DISTRICT)** (Tape 8)

Mr. Jay du Von reaffirmed the validity of the affidavit for the record.

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

Supervisor Kauffman disclosed the following campaign which he had received:

- In excess of \$200 from Mr. B. Mark and Mrs. Barbara Fried.

Supervisor Mendelsohn disclosed the following campaign which he had received:

- In excess of \$200 from Mr. B. Mark and Mrs. Barbara Fried.

Supervisor McConnell disclosed the following campaign which she had received:

- In excess of \$200 from Mr. B. Mark Fried.

Supervisor Dix disclosed the following campaign which he had received.

- In excess of \$200 from Mr. B. Mark and Mrs. Barbara Fried.

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 Special Exception Application SE 97-L-065 subject to the development conditions dated April 23, 1998. This motion was seconded by Supervisor Dix and carried by a vote of nine, Chairman Hanley being out of the room.

79. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-P-040 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-7-057-2 (PROSPERITY PROFESSIONAL CENTER, L.L.C.) (PROVIDENCE DISTRICT)**
(Tape 8)

Supervisor Connolly moved to defer the public hearing on Special Exception Application SE 97-P-040 and Proffered Condition Amendment Application PCA 74-7-057-2 until **June 8, 1998 at 5:00 p.m.** This motion was seconded by Supervisor Bulova and carried by a vote of nine, Chairman Hanley being out of the room

80. **4:00 P.M. - PH ON REZONING APPLICATIONS RZ 1996-HM-044, RZ 1996-HM-043 AND PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-066-2, PCA 85-C-008-3 AND PCA 86-C-029-6 (JEFFERSON AT PRESIDENT'S PARK, L.P.) (HUNTER MILL DISTRICT)** (Tape 8)

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

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

Supervisor Dix disclosed the following campaign which he had received:

- In excess of \$200 from Mr. Bahman Batmanghelidj.

Supervisor McConnell disclosed the following campaign which she had received:

- In excess of \$200 from Mr. Bahman Batmanghelidj.

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

Supervisor Dix moved approval of Proffered Condition Amendment Application PCA 85-C-008-3 subject to the proffers dated April 1, 1998. This motion was seconded by Supervisor Kauffman, and carried by a vote of seven, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved waiver of the transitional screening and barrier requirements along the north side of Horsepen Road, pursuant to paragraphs three and 12 of Section 13-304 of the Zoning Ordinance. This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1996-HM-043 be amended from the I-5 and PDC Districts to the PDH-30 District subject to the execution of the proffers dated April 22, 1998; the Planning Commission having previously approved Final Development Plan Amendment Application FDP 1996-HM-043 on April 2, 1998. This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved waiver of the 600-foot private street length limitation, pursuant to paragraph two of Section 11-102 of the Zoning Ordinance. This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1996-HM-044 be amended from the I-5 District to the PDC District subject to the executed proffers dated March 9, 1998. This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved approval of Proffered Condition Amendment Application PCA 86-C-029-6 and Proffered Condition Amendment Application PCA 88-C-066-2 subject to the executed proffers dated March 9, 1998. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix moved reaffirmation of a waiver of the service drive requirement along Route 28. This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

Supervisor Dix stated that these recommendations for approval are contingent upon the applicant's payment of funds according to the Board's Policy and formula regarding the

rezoning of commercially and industrially zoned land to residential use within the Route 28 Tax District with such payment to be received prior to the effective date of the rezoning as set by the Board. Failure to provide payment according to the Board Policy will result in any action taken by the Board to approve this request being voided in accordance with *Virginia Code* Sections 15.2-4600-4618.

Supervisor Dix moved that the Board direct the Acting Director of the Department of Environmental Management (DEM) to approve a waiver of the transitional screening and barrier requirements at the time of Site Plan approval for the hotel and office uses on the property shown on Tax Map 15-4 ((1)) as Parcel 14A in favor of that shown on the relevant documents. This motion was seconded by Supervisor Mendelsohn and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley being out of the room.

CM:cm

81. **4:00 P.M. - PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT) AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 89-S-002 (MARIE Y. MA, JOAN MA PIERRE JOSEPH MA PIERRE AND JOHN MA PIERRE) (SPRINGFIELD DISTRICT)**
(No Tape)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#77.)

82. **4:00 P.M. - PH ON OUT-OF-TURN PLAN AMENDMENT S98-III-BR1 FOR THE LEEHIGH VILLAGE CONSERVATION AREA (SULLY DISTRICT)** (Tape 9)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 23 and April 30, 1998.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved approval of Out-of-Turn Plan Amendment S98-III-BR1 as recommended by the Planning Commission and staff and shown on pages three and four of the staff report. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Connolly and Supervisor Mendensohn being out of the room.

83. **A-2 - EXPANSION OF THE APPROVED SEWER SERVICE AREA TO INCLUDE THE LEEHIGH VILLAGE CONSERVATION AREA (SULLY DISTRICT)** (Tape 9)

(NOTE: Earlier in the meeting, action was deferred on this item. See Clerk's Summary Item CL#12.)

Supervisor Frey moved approval of the expansion of the County's Approved Sewer Service Area (ASSA) to include land in the Leehigh Village Conservation Area. This motion was seconded by Supervisor Kauffman and carried by a vote of seven, Supervisor Connolly, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

84. **4:30 P.M. - PH ON REZONING APPLICATION RZ 1997-HM-018 (HANNA AND NAIMEH GEORGE) (HUNTER MILL DISTRICT)** (Tape 9)

Mr. Patrick M. Via reaffirmed the validity of the affidavit for the record.

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

Supervisor Dix disclosed the following information:

- That he previously had a client relationship with the firm of Reiss, Bruman and Diaz.

Following the public hearing, which included testimony by one speaker, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Dix moved to defer Board decision on Rezoning Application RZ 1997-HM-018 until **May 18, 1998 at 3:30 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Connolly, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

85. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-2 (TYSONS II LAND COMPANY, L.L.C.) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-D-049-2 until **May 18, 1998 at 3:30 p.m.** This motion was seconded by Supervisor Frey and carried by a vote of seven, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

86. **4:30 P.M. - PH ON REZONING APPLICATION RZ 1997-SU-045 (FAIRLAND DEVELOPMENT AND INVESTMENT CORPORATION) (SULLY DISTRICT)**
(Tape 9)

(O) Mr. Patrick Walsh reaffirmed the validity of the affidavit for the record.

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

Supervisor Frey moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1997-SU-045 be amended from the R-1 and Water Supply Protection Overlay Districts to the R-3 and Water Supply Protection Overlay Districts subject to the execution of the proffers dated March 18, 1998;
- Waiver of the minimum district size for an R-3 Cluster Zoning District; and
- Waiver of the minimum open space requirement for a cluster subdivision.

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

87. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-060 (FAIR OAKS SIERRA ASSOCIATES, L.P.) (SULLY DISTRICT)**
(Tape 9)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-C-060 until **May 18, 1998 at 3:30 p.m.** This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

88. **4:30 P.M. -BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX H (CABLE TELEVISION FRANCHISES) RELATING TO CABLE TELEVISION SERVICE PROVIDED BY MEDIA GENERAL CABLE OF FAIRFAX COUNTY, INCORPORATED (NORTH AND SOUTH COUNTY FRANCHISE AREAS)** (Tape 9)

Chairman Hanley announced that the Board decision on the proposed amendments to the Code of the County of Fairfax, Appendix H, Section A, to grant non-exclusive cable television franchises to Media General Cable of Fairfax County, Incorporated to construct, operate and maintain a cable television system within the North and South County Franchise Areas of Fairfax County would be deferred until later in the meeting.

(NOTE: Later in the meeting, action was taken by the Board on this item. See Clerk's Summary Item CL#93.)

89. **4:30 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-P-052 (MCDONALD'S CORPORATION) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Special Exception Application SE 97-P-052 until **June 8, 1998 at 4:00 p.m.** This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

90. **5:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-P-027 (HOMESTEAD VILLAGE, INCORPORATED, PRUDENTIAL INSURANCE COMPANY OF AMERICA, INCORPORATED, ET AL) (PROVIDENCE DISTRICT)** (Tape 9)

Ms Elizabeth Baker reaffirmed the validity of the affidavit for the record.

Supervisor Bulova disclosed the following information:

- That she is a member of the INOVA Health Care Services Board.

Supervisor Gross disclosed the following information:

- That she is a member of the INOVA Health Care Services Board.

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

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

Supervisor Connolly moved approval of Special Exception Application SE 97-P-027 subject to the development conditions dated May 6, 1998. This motion was seconded by Supervisor Gross and carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

91. **5:00 P.M. - BOARD DECISION ON THE CREATION OF A SMALL SANITARY DISTRICT FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)** (Tape 9)

(R) (NOTE: On April 27, 1998, the Board held a public hearing on this application and deferred decision until May 11, 1998.)

Supervisor Mendelsohn moved adoption of the Resolution authorizing the creation of a Small Sanitary District for refuse and leaf collection service within Dranesville District in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 3 within Dranesville District (Briar Ridge Court)	Create	Refuse and Leaf	Approve

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

92. **5:00 P.M. - PH ON REZONING APPLICATION RZ 1997-PR-024 (YASH P. SALUJA, ET AL) (PROVIDENCE DISTRICT)** (Tapes 9-10)

(O) Mr. Mark Jenkins reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1997-PR-024 be amended from the R-1 District to the PDH-4 District subject to the execution of the proffers dated May 11, 1998; and
- Approval of the request for a variance to the minimum district size in accordance with the provisions of Section 16-408 of the Zoning Ordinance.

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

93. **4:30 P.M. -BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX H (CABLE TELEVISION FRANCHISES) RELATING TO CABLE TELEVISION SERVICE PROVIDED BY MEDIA GENERAL CABLE OF FAIRFAX COUNTY, INCORPORATED (NORTH AND SOUTH COUNTY FRANCHISE AREAS)** (Tapes 10-11)

(O)

- (P) (NOTE: On March 30, 1998, the Board held a public hearing on this application and deferred decision until May 11, 1998.)

Supervisor McConnell moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix H, as prepared by staff and dated May 9, 1998. This amendment is a revision to that which was previously considered by the Board at the public hearing held on March 30, 1998. This adoption will approve, with certain amendments shown on that document, the proposal for a Cable Television Franchise that was submitted by Media General Cable of Fairfax County, Incorporated. This motion was seconded by Supervisor Bulova.

Following a lengthy discussion, with input from Robert J. O'Neill, Jr., County Executive; Ronald B. Mallard, Director, Department of Consumer Affairs; Michael Long, Assistant County Attorney; and Thomas E. Waldrop, Chairman, Media General Cable, 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."

Following further discussion, Supervisor Connolly asked unanimous consent that the Board direct staff and Media General to meet with INOVA staff to determine if some accommodations of INOVA and other health care service providers within the County, who choose to participate, can be worked out to provide access to the public for dissemination of health care programming assistance in producing special local health programming and negotiating a reasonable service rate package. Without objection, it was so ordered.

Supervisor McConnell further moved that the Board adopt the Policy recommended by staff that establishes the following annual allocation of Media General franchise revenues to the Fairfax County Public Schools:

- That the equivalent of one percent of Media General's annual gross revenues be allocated to Fairfax County Public Schools, in support of its cable-related activities, from the annual franchise revenues paid by Media General to the County;
- That \$250,000 for the replacement of cable-related equipment be allocated annually to Fairfax County Public Schools from the annual franchise revenues paid by Media General to the County;
- That the County provide equipment, maintenance, and other related support, equivalent to approximately one percent of Media General's annual gross revenues, to Fairfax County Public Schools for its use of the County's Institutional Network; and
- Recognizing the Board's interest in accounting for the use of these cable-related revenues, that the provision of these allocations and support be conditioned on the filing of an annual report to the Board on the prior fiscal year's use of these funds by Fairfax County Public Schools.

This motion was seconded by Supervisor Bulova.

Following further discussion, 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."

Supervisor Mendelsohn moved that the Board direct staff to meet with the School System officials to develop an analysis of their current use, their future need for an additional channel, including cost, and to report with a recommendation.

Following further discussion, Supervisor Mendelsohn withdrew his previous motion and moved that the Board direct staff to:

- Meet with the School System officials to conduct an analysis of their current use of the existing channel;
- Determine their need for an additional channel;
- Include in this analysis the present allocation of expenditures and projected cost implications of additions; and
- Report with a recommendation.

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

94. **CAPITAL IMPROVEMENT PROGRAM (CIP) WORKSHOP** (Tape 11)

Chairman Hanley announced that a workshop on the Capital Improvement Program (CIP) is scheduled for Tuesday, May 12, 1998 at 10 a.m.

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

At 9:40 p.m., the Board adjourned.