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

Supervisor McConnell was absent from the entire meeting.

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. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 1998 LORDS AND LADIES OF FAIRFAX AND THE SPONSORS OF THE 1998 FAIRFAX FAIR**
(Tape 1)

Chairman Hanley presented Certificates of Recognition to the following Lords and Ladies of Fairfax Honorees:

At Large

- Ms. Merrily Pierce; and
- Mr. Victor Dunbar.

Braddock District

- Ms. Joan P. Tullington; and
- Reverend Ronald G. "Ron" Qualley.

Dranesville District

- Ms. Diane D'Arcy; and
- Mr. Richard C. "Rick" Thoesen.

Hunter Mill District

- Ms. Donna H. "DH" Scarborough; and
- Mr. Richard L. Fisher.

Lee District

- Ms. Kathleen Snyder; and
- Mr. Roy Rice.

Mason District

- Ms. Sidney Savage; and
- Mr. James Albright.

Mount Vernon District

- Ms. Elizabeth L. "Betty" McManus; and
- Mr. Phil Downs.

Providence District

- Ms. Sally Ormsby; and
- Mr. Patrick J. Morrison.

Springfield District

- Ms. Patricia M. Woolsey; and
- Mr. Jerry L. Little.

Sully District

- Ms. Sheila Coates; and
- Mr. Charles Veatch.

Charlotte Peed, President of Celebrate Fairfax, showed a brief 30 second Public Service Announcement which is being shown on Channel 16, and also announced that the Celebrate Fairfax Fair will be held at the Fairfax County Government Center on Friday, June 5 through Sunday, June 7, 1998.

Mrs. Peed recognized several of the Corporate Sponsors of Celebrate Fairfax.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE LAKE BRADDOCK SECONDARY SCHOOL GIRLS GYMNASTICS TEAM** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Lake Braddock Secondary School Girls Gymnastics Team for winning their fourth consecutive AAA State Championship. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE JAMES MADISON HIGH SCHOOL FORENSIC TEAM** (Tape 1)

Supervisor Dix moved approval of the Certificate of Recognition presented to the James Madison High School Forensic Team for winning the State Forensics Championship for the fifth consecutive year. This motion was seconded by Supervisor Hyland and carried by a vote of seven, Supervisor Connolly and Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

5. **PROCLAMATION DESIGNATING MAY 17-23, 1998 AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation presented to Richard J. Gozikowski, Acting Director, Department of Public Works (DPW), and the following representatives from DPW, the Department of General Services and the Department of Environmental Management (DEM):

- Teresa Lepe, Project Engineer, Office of Capital Facilities, DPW;
- Brenda Bowman, Maintenance Supervisor, Maintenance and Storm Water Management Division, DPW;
- Max Hojatzadeh, Engineer II, Division of Solid Waste Disposal and Resource Recovery, DPW;
- James Butler, Senior Engineering Inspector, Design Review Division, DEM;
- Judy Schambach, Safety/Training Coordinator, Line Maintenance Division, DPW;
- Charles Carter, Engineer II, Division of Solid Waste Collection and Recycling, DPW;
- Arthur Culbertson, Energy Management Control Supervisor, Facilities Management Division, Department of General Services;

- Patrick Nnaji, Chief Mechanical Inspector, Inspection Services Division, DEM;
- Art Puskas, Safety/Training Coordinator, Waste Water Treatment Division, DPW;
- Ben Robles, Management Analyst II, Project Engineering Division, DPW;
- Ahmed Rayyan, Management Analyst II, Chief, Planning Support Branch, Utilities, Planning and Design Division, DPW;
- Gary Fisher, Coordinator II, Code Enforcement Branch, DEM;
- Michael Coleman, Right-of-Way Agent, Land Acquisition Division, DPW;
- Jeff Kent, Engineer III, System Engineering and Monitoring Division, DPW; and
- Carol Lamborn, Management Analyst IV, Director's Office, DPW;

designating the week of May 17-23, 1998 as "**Public Works Week**" in Fairfax County and recognizing the contributions that Public Works employees make to everyone's daily health, safety and comfort. This motion was seconded by Supervisor Hyland and carried by a vote of six, Supervisor Connolly, Supervisor Dix, and Supervisor Frey being out of the room, Supervisor McConnell being absent.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO VETERANS OF FOREIGN WARS AND AMERICAN LEGION REPRESENTATIVES IN HONOR OF MEMORIAL DAY** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Gordon Randall, Commander of American Legion Post 270 in McLean, and all Veterans of Foreign Wars and American Legion representatives in honor of Memorial Day. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

7. **PROCLAMATION DESIGNATING MAY 29, 30 AND 31, 1998 AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Kauffman moved approval of the Proclamation presented to Jeff Lichtenfels, Representative, Greater Springfield Chamber of Commerce, designating May 28, 29, 30 and 31, 1998 as "**Springfield Days**" in Fairfax County and recognizing the participants. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Dix being out of the room, Supervisor McConnell being absent.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO CLAUDE MOORE COLONIAL FARM ON THE OCCASION OF ITS 25TH ANNIVERSARY** (Tape 2)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Claude Moore Colonial Farm for being a valuable community asset on the occasion of the Farm's 25th anniversary. This motion was seconded by Chairman Hanley and carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

9. **10:00 A.M. - BRIEFING ON THE NATIONAL AIR AND SPACE MUSEUM'S DULLES CENTER** (Tape 2)

Vice-Admiral Donald Engen, Director, National Air and Space Museum, presented a briefing on the Museum's Dulles Center.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to return to the Board at the Carryover Budget Review with the recommendation about partnership opportunities and how the Board can become a partner with this facility. This motion was seconded by Supervisor Frey and carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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10. **ORDERS OF THE DAY** (Tape 3)

Chairman Hanley announced that there would be a change in the Orders of the Day and the Board would proceed with a brief Executive Session and a presentation and discussion from Thomas E. Waldrop, Chairman and Chief Executive Officer, Media General Cable.

11. **RECESS/EXECUTIVE SESSION** (Tape 3)

At 10:55 a.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:

- In Re: Media General Cable.

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

At 11:20 a.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

ACTIONS FROM EXECUTIVE SESSION

12. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION** (Tape 3)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Executive Session were heard, discussed, or considered by the Board during the Executive Session. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being absent.

13. **MEDIA GENERAL CABLE** (Tape 3)

There was a discussion regarding Media General Cable, with input from Michael A. Long, Assistant County Attorney; Walter N. Munster, Jr., Chief, Cable Regulatory Division, Department of Consumer Affairs; and Thomas E. Waldrop, Chairman and Chief Executive Officer, Media General Cable.

14. **10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 3)

(BACs)

(APPTS)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Hanley moved the reappointment of Mr. James Carey as the At-Large (Lending Institution) Representative to the Affordable Dwelling Unit Advisory Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Dix moved the reappointment of Ms. Ruth Avjean as the At-Large (Non-Profit Housing) Representative to the Affordable Dwelling Unit Advisory Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Hanley moved the reappointment of Mr. Darren Dickens as the At-Large Representative to the Alcohol Safety Action Program Local Policy Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Hanley moved the reappointment of Mr. Nelson Grant as the At-Large Representative to the Alcohol Safety Action Program Local Policy Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

ATHLETIC COUNCIL

Supervisor Kauffman, on behalf of Supervisor McConnell, moved the appointment of Ms. Patricia A. Junkin as the Springfield District (Principal) Representative to the Athletic Council. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Frey moved the appointment of Mr. David L. Lacey, to fill the unexpired term of Mr. Karl Spinnenweber, as the Sully District (Principal) Representative to the Athletic Council. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

CELEBRATE FAIRFAX, INCORPORATED, BOARD OF DIRECTORS

Supervisor Bulova moved the appointment of Dr. Richard J. Ernst as an At-Large Representative to the Celebrate Fairfax, Incorporated, Board of Directors. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

COMMUNITY ACTION ADVISORY BOARD

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

COMMUNITY DEVELOPMENT ADVISORY BOARD

[NOTE: The appointments of the Mount Vernon (Wiley/Gunston Heights Conservation Area) and the Mason (Bailey's Conservation Area) Representatives to the Community Development Advisory Board were deferred.]

COMMUNITY IMPROVEMENT COMMITTEE

[NOTE: The appointments of the Mason (Fairdale Community) and the Sully District Representatives to the Community Improvement Committee were deferred.]

CRIMINAL JUSTICE ADVISORY BOARD

CONFIRMATIONS:

Supervisor Connolly moved that the Board confirm the following appointments to the Criminal Justice Advisory Board:

- Lieutenant Daniel Marcey as the Vienna Police Department (Alternate) Representative; and
- Lieutenant James Whitley as the Sheriff's Office (Alternate) Representative.

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

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATIONS:**

Supervisor Hyland moved that the Board confirm the following appointments to the Engineering Standards Review Committee:

- Mr. Dana K. Eddy as the Virginia Chapter of the National Association of Industrial Office Properties (NAIOP) Representative; and
- Mr. William C. Putman as the Virginia Chapter of the Associated Builders and Contractors (ABC), Incorporated Representative.

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

(NOTE: The appointment of the Hunter Mill District Representative to the Environmental Quality Advisory Council was deferred.)

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Hyland moved the appointment of Ms. Susan K. Randall as the Mount Vernon District Representative to the Fairfax Area Disability Services Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Sully District Representative to the Fairfax Area Disability Services Board was deferred.)

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley moved the appointment of Mr. Dave Redmon as the At-Large Representative to the Fairfax-Falls Church Community Services Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Chairman Hanley asked unanimous consent that the Board direct staff to invite Ms. Emilie Miller to appear before the Board to receive recognition for her service to the County on the Fairfax-Falls Church Community Services Board. Without objection, it was so ordered.

Supervisor Hyland moved the reappointment of Mr. Vincent Keane as the Mount Vernon District Representative to the Fairfax-Falls Church Community Services Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Frey moved the reappointment of Mr. John M. Stephens as the Sully District Representative to the Fairfax-Falls Church Community Services Board. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointments of the Hunter Mill and the Mason District Representatives to the Fairfax-Falls Church Community Services Board were deferred.)

HEALTH SYSTEMS AGENCY BOARD

Supervisor Frey moved the reappointment of Ms. Carol A. Coryell as an At-Large (Consumer) Representative to the Health Systems Agency Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Bulova moved the reappointment of Mr. Lee Draznin as an At-Large (Consumer) Representative to the Health Systems Agency Board. This motion was seconded by Supervisor Dix and carried by a vote of nine, Supervisor McConnell being absent.

JUVENILE COURT CITIZEN ADVISORY COUNCIL

(NOTE: The appointments of the Mount Vernon and the Sully District Representatives to the Juvenile Court Citizen Advisory Council were deferred.)

HEALTH CARE ADVISORY BOARD

Chairman Hanley announced the resignation of Dr. Thomas Fulcher as an At-Large Representative to the Health Care Advisory Board and moved the appointment of Dr. J. Martin Lebowitz to fill the unexpired term. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

MECHANICAL ADVISORY (HVAC) BOARD

[NOTE: The appointments of the two At-Large (Master Mechanic) and the At-Large (Professional Engineer) Representatives to the Mechanical Advisory (HVAC) Board were deferred.]

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Chairman Hanley moved the appointment of Ms. Janice L. Winters as an At-Large (Fairfax County) Representative to the Northern Virginia Community College Board. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

(NOTE: The appointment of the At-Large Representative to the Oversight Committee on Drinking and Driving was deferred.)

PLUMBING ADVISORY BOARD

[NOTE: The appointment of the At-Large (Master Plumber) Representative to the Plumbing Advisory Board was deferred.]

ROAD VIEWERS BOARD

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

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

[NOTE: The appointment of the At-Large (Resident/Owner) Representative to the Route 28 Highway Transportation District Advisory Board was deferred.]

SMALL AND MINORITY BUSINESS ENTERPRISE PROGRAM ADVISORY COMMISSION

Supervisor Mendelsohn moved the appointment of Ms. Sheila A. Olem as the Dranesville District Representative to the Small and Minority Business Enterprise Program Advisory Commission. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Lee District Representative to the Small and Minority Business Enterprise Program Advisory Committee was deferred.)

TRANSPORTATION ADVISORY COMMISSION

Chairman Hanley moved the reappointment of Mr. George Barker as the At-Large Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Bulova moved the reappointment of Mr. Don Emerson as the Braddock District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Mendelsohn moved the reappointment of Mr. George Smith as the Dranesville District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Kauffman moved the reappointment of Mr. Robert Heittman as the Lee District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the reappointment of Mr. Robert Kuhns as the Mount Vernon District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Connolly moved the reappointment of Mr. Lester Schoene as the Providence District Representative to the Transportation Advisory Commission. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Kauffman, on behalf of Supervisor McConnell, moved the reappointment of Ms. Susan Borinsky as the Springfield District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Frey moved the reappointment of Mr. Richard Frank as the Sully District Representative to the Transportation Advisory Commission. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Dix moved the reappointment of Mr. Craig Sharon as the Hunter Mill District Representative to the Transportation Advisory Commission. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointment of the Mason District Representative to the Transportation Advisory Commission was deferred.)

TREE COMMISSION

CONFIRMATION:

Supervisor Hyland moved that the Board confirm the following appointment to the Tree Commission:

- Mr. John Wharton as the Park Authority Representative.

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

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

UNIFORMED RETIREMENT SYSTEM

Supervisor Dix moved the reappointment of Ms. Pamela Davis as an At-Large (Citizen) Representative to the Uniformed Retirement System. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being absent.

WATER AUTHORITY

Supervisor Connolly moved the reappointment of Ms. Connie Houston as the Providence District Representative to the Water Authority. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Frey moved the reappointment of Mr. Phillip Allin as the Sully District Representative to the Water Authority. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: The appointments of the Dranesville and the Hunter Mill District Representatives to the Water Authority were deferred.)

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

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

Supervisor Kauffman called the Board's attention to Administrative Item 4 - Authorization for the Fairfax County Human Rights Commission to Submit a Grant Application to the United States (US) Department of Housing and Urban Development (HUD) to Support Fair Housing Education and Outreach and asked unanimous consent that the Board direct staff to provide information regarding enforcement efforts. Without objection, it was so ordered.

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

Supervisor Frey asked unanimous consent to be recorded as voting "NAY" on Administrative Item 4 - Authorization for the Fairfax County Human Rights Commission to Submit a Grant Application to the United States (US) Department of Housing and Urban Development (HUD) to Support Fair Housing Education and Outreach. Without objection, it was so ordered.

ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, MOUNT VERNON AND SULLY DISTRICTS)

- (R) Approved the request that certain streets listed in the Memorandum to the Board dated May 18, 1998, be recommended into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grand Hamptons II, Phase 2	Dranesville	Windsor Hall Way, Route 8274
Monroe Manor, Section 3	Hunter Mill	Monroe Manor Drive, Route 8711 New Parkland Drive, Route 7207 Tallyrand Court Tatnuck Court, Route 6368 Camberwell Court, Route 8715
Bush Hill Woods, Section 15	Lee	Westchester Street, Route 782 Barbmor Court

Crosspointe, Section 19	Mount Vernon Copper Leaf Way	
Haverhill West	Sully	Harrington Court Ashburton Avenue, Route 749 Additional right-of-way only
North Hart Run, Section 4	Sully	Hartwood Lane, Route 8412 Hartwood Court

ADMIN 2 - EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS

Authorized the extension of the review period for the five 2232 Public Facility Review Applications listed in the Memorandum to the Board dated May 18, 1998, until November 18, 1998, to ensure compliance with the 60-day review requirement mandated by Section 15.2-2232 of the *Code of Virginia*.

ADMIN 3 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 28 (MESSAGE ESTABLISHMENT ORDINANCE); CHAPTER 61 (BUILDING PROVISIONS); CHAPTER 64 (MECHANICAL PROVISIONS); CHAPTER 65 (PLUMBING AND GAS PROVISIONS), AND CHAPTER 66 (ELECTRICAL PROVISIONS) REGARDING BUILDING PERMIT FEE SCHEDULE, VIRGINIA UNIFORM STATEWIDE BUILDING CODE CHANGES AND ELECTRICAL, MECHANICAL, AND PLUMBING PROVISIONS

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 29, 1998 at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax as follows:

- Chapter 28 (Massage Establishment Ordinance);
- Chapter 61 (Building Provisions);
- Chapter 64 (Mechanical Provisions);
- Chapter 65 (Plumbing and Gas Provisions); and
- Chapter 66 (Electrical Provisions).

The proposed amendments will bring the Code of the County of Fairfax into conformance with recent changes to the Virginia Uniform Statewide Building Code.

ADMIN 4 - AUTHORIZATION FOR THE FAIRFAX COUNTY HUMAN

RIGHTS COMMISSION TO SUBMIT A GRANT APPLICATION TO THE UNITED STATES (US) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO SUPPORT FAIR HOUSING EDUCATION AND OUTREACH

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 13.)

Authorized the Fairfax County Human Rights Commission to submit a grant application to the United States (US) Department of Housing and Urban Development (HUD) in the amount of \$100,000 to fund fair housing education and outreach activities. No local cash match is required.

ADMIN 5 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ADOPTION OF AN ORDINANCE TO VACATE A RECORDED SUBDIVISION PLAT THAT WAS BASED ON MATERIAL MISREPRESENTATION (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing regarding the adoption of an ordinance to vacate a subdivision plat entitled "Resubdivision of Lot 3, DARNE FARM, Dranesville District, Fairfax County, Virginia," attached to and part of a Deed of Resubdivision and Easements, recorded among the Fairfax County land records on November 28, 1989 in Deed Book 7478, at Page 550 (Tax Map Numbers 31-2((1)) parcels 133A and 133B), which subdivision plat was recorded although the land area was insufficient to support the subdivision.

16. **A-1 - PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (CIP) - NATIONAL CAPITAL REGION, FOR FISCAL YEARS (FY) 1999 - 2003** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and authorize the submission of comments to the National Capital Planning Commission (NCPC) stating that, while in general, Fairfax County endorses the Proposed Federal Capital Improvements Program (CIP) for Fiscal Years (FY) 1999-2003, the County desires to receive complete details and be given the opportunity to review and comment on all projects as they move toward final planning, land acquisition and construction. These comments also indicate that the County desires continued close coordination on all projects and development at Fort Belvoir and that the County requests that the United States (US) Postal Service closely coordinate with the County on all new postal facilities to be located in the County. This motion was seconded by Supervisor Gross.

Following a brief discussion, with input from David B. Marshall, Chief, Facilities Planning Branch, Office of Comprehensive Planning (OCP), the question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

17. **A-2 - FAIRFAX COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED FISCAL YEAR (FY) 1999 ANNUAL BUDGET (COUNTYWIDE)** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and authorized the submission of comments to the Washington Metropolitan Area Transit Authority (WMATA) regarding WMATA's proposed Fiscal Year (FY) 1999 Annual Budget, as outlined in the Memorandum to the Board dated May 18, 1998.

18. **A-3 - REAL ESTATE ASSESSMENT INFORMATION ON THE INTERNET** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and authorized the Department of Tax Administration (DTA) to make the Fairfax County public real estate assessment data accessible over the Internet.

19. **A-4 - MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND CELEBRATE FAIRFAX, INCORPORATED** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the Memorandum of Understanding (MOU) which continues the relationship between Celebrate Fairfax, Incorporated, and Fairfax County. The MOU applies only to the Fairfax Fair and Fall for Fairfax and is effective for five years.

20. **C-1 - APPEAL OF SECTION 15.2-2232 (FORMERLY 15.1-456) DETERMINATION - PUBLIC FACILITIES APPLICATION 456-L95-34, AMERICAN PCS, LIMITED PARTNERSHIP (LEE DISTRICT)** (Tape 3)

(NOTE: On February 9, 1998, the Board deferred consideration of this appeal, at the appellant's request, until May 18, 1998.)

The Board next considered an item contained in the Memorandum to the Board dated May 18, 1998, requesting consideration of an appeal of a Section 15.2-2232 determination - Public Facilities Application 456-L95-34, American PCS, Limited Partnership, by the Planning Commission that the telecommunication facility proposed on the Engleside Plaza Shopping Center property is not in substantial accord with provisions of the adopted Comprehensive Plan.

Supervisor Kauffman moved that the Board defer this item until September 28, 1998. This motion was seconded by Supervisor Bulova.

Following discussion, with input from David B. Marshall, Chief, Facilities Planning Branch, Office of Comprehensive Planning (OCP), Supervisor Hyland asked unanimous consent that the Board direct staff to review the rules regarding the length of time that appeals can be deferred. Without objection, it was so ordered.

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

21. **I-1 - STATUS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) CONGESTION MANAGEMENT PROGRAM (CMP) FOR THE I-95/395/495 SPRINGFIELD INTERCHANGE (COUNTYWIDE)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 18, 1998, presenting the status of the status of the Virginia Department of Transportation (VDOT) Congestion Management Program (CMP) for the I-95/395/495 Springfield Interchange.

Following discussion, staff was directed administratively to proceed as proposed.

22. **I-2 - FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 1999 FEE SCHEDULE** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 18, 1998, requesting authorization for the Fairfax-Falls Church Community Services Board (CSB) to proceed with the implementation of the Fiscal Year (FY) 1999 fee schedule on July 1, 1998.

The staff was directed administratively to proceed as proposed.

23. **I-3 - AWARD OF CONTRACTS - RESIDENTIAL SERVICES FOR INDIVIDUALS WITH MENTAL RETARDATION** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 18, 1998, requesting authorization for staff to proceed with contract awards to the 12 identified offerors for a five-year term, with total annual expenditures of approximately \$4,427,572, to provide residential services for individuals with mental retardation.

The staff was directed administratively to proceed as proposed.

24. **I-4 - AWARD OF CONTRACT - SYSTEMS INTEGRATOR FOR FAIRFAX COUNTY HUMAN SERVICES AUTOMATED SYSTEMS FOR INTEGRATED SERVICES TEAMWORK (ASSIST) PROJECT** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 18, 1998, requested authorization for staff to finalize negotiations and award a contract not to exceed \$375,000 to LCT, Incorporated, for systems integration services for the completion of the human services management information - the Automated Systems for Integrated Services Teamwork (ASSIST).

BOARD MATTERS

25. **LEGISLATION TO INCREASE STATEWIDE CAPS ON PRIVATE ACTIVITY BONDS AND LOW INCOME TAX CREDITS** (Tape 3)

Chairman Hanley shared with Board Members information from the Department of Housing and Community Development (HCD) on legislation currently before the Congress addressing increases in statewide volume caps on private activity bonds and low income tax credits. The increases provide localities greater opportunity to address home ownership and rental housing needs. Currently, Congressmen Thomas M. Davis, III, and James P. Moran are the only members of the Northern Virginia delegation who are cosigners of the legislation.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board send letters to the members of the Northern Virginia Delegation urging their support and co-sponsorship of HR979, HR2990 and SR 1251 and SR 1252 to increase the current statewide caps on low income housing tax credits and tax-exempt activity bonds. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

26. **LETTER FROM THE FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS REGARDING THE CIGARETTE TAX FOR THE 1999 LEGISLATIVE PROGRAM** (Tape 3)

Chairman Hanley informed Board Members of a letter she received from the Fairfax County Federation of Citizens Associations regarding the cigarette tax and moved that this item be referred to the Legislative Subcommittee for discussion in the County's 1999 Legislative Program. This motion was seconded by Supervisor Kauffman and carried by a vote of nine, Supervisor McConnell being absent.

27. **RESPONSE FROM MEADOWLARK GARDENS REGARDING THE NEWLY INSTITUTED FEE SYSTEM** (Tape 3)

Chairman Hanley informed Board Members of a response she had received from Meadowlark Gardens regarding the newly instituted fee system.

28. **EARLY DEPARTURE OF CHAIRMAN HANLEY FROM TODAY'S MEETING TO ATTEND A REGIONAL TRANSPORTATION CONFERENCE** (Tape 3)

Chairman Hanley announced that she would be leaving today's Board Meeting early to attend a Regional Transportation Conference on behalf of Fairfax County.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

29. **PROCLAMATION FOR THE LATE MR. PAUL HEARN** (Tape 3)

Supervisor Gross moved that the Board direct staff to prepare a Proclamation for the late Mr. Paul Hearn to be read at a memorial service that will be held May 21, 1998. This motion was seconded by Supervisor Bulova and carried by a vote of nine, Supervisor McConnell being absent.

30. **AWARD OF CONTRACTS FOR LONG TERM CARE DISABILITY INSURANCE AND DENTAL INSURANCE** (Tape 3)

Supervisor Gross moved approval of the award of contracts for Long Term Disability Insurance and Dental Insurance as presented by staff. This motion was seconded by Supervisor Mendelsohn and carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor McConnell being absent.

Supervisor Gross announced that the Personnel Committee was also in support of the staff recommendation to issue a Request for Proposal (RFP) related to deferred compensation.

31. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-017** (Tape 3)

Supervisor Gross stated that the applicant for the Moon Kil Park Service Station has filed Special Exception Amendment Application SEA 94-M-017 to add canopies to an existing service station located at 3015 Patrick Henry Drive. The construction authorized by the 1994 Special Exception is complete, and the applicant has requested that a date be set for the public hearing.

Therefore, Supervisor Gross moved that the Board direct staff to schedule Special Exception Amendment Application SEA 94-M-017 for public hearing to be held before the Board on **August 3, 1998 at 4:00 p.m.** This motion was seconded by Supervisor Hyland and carried by a vote of eight, *Supervisor Connolly being out of the room.

(*NOTE: Later in the meeting Supervisor Connolly asked to be recorded as voting "AYE" on this motion. See Clerk's Summary Item CL#34.)

32. **THE WOMEN'S GLOBAL CHALLENGE** (Tape 3)

Supervisor Gross informed Board Members of a briefing she received on the Women's Global Challenge, the world's first international multi sport event showcasing women's sports. Created by the Women's Sports Foundation, a non-profit organization dedicated to the lifelong participation of girls and women in sports and fitness, the Women's Global Challenge is a unique invitational competition featuring the best amateur and professional female athletes in the world.

The inaugural Women's Global Challenge will take place from April 28 - May 2, 1999 in the Washington area. The Challenge includes competition in figure skating, gymnastics, track and field, basketball, swimming, diving and beach volleyball. The basketball and track and field segments will take place at George Mason University (GMU) in Fairfax County. Important for young women athletes in the County, is the opportunity to participate in clinics and workshops with master athletes and their coaches who come here for the competition.

Supervisor Gross stated that more information will be forthcoming and she is trying to obtain additional packets for the Challenge so that Board Members will have information to distribute to interested constituents. This biennial event will return to the Washington area in 2001.

Supervisor Gross moved that the Board direct staff to circulate information on the Women's Global Challenge to the Commission for Women, the Athletic Council and the Economic Development Authority's (EDA) tourism office so that County residents may obtain the greatest possible benefit from this premier event. This motion was seconded by Supervisor Dix and carried by a vote of seven, *Supervisor Connolly and Supervisor Frey being out of the room, Supervisor McConnell being absent.

(*NOTE: Later in the meeting, Supervisor Connolly asked to be recorded as voting "AYE" on this motion. See Clerk's Summary Item CL#34.)

33. **RECOGNITION OF FAIRFAX COUNTY URBAN FORESTER, TOM FORD**
(Tape 3)

Supervisor Gross read a letter she received from the Landmark Mews Community Association for the exceptional services of Fairfax County Urban Forester Tom Ford and moved that it be placed in Mr. Ford's permanent personnel file. This motion was seconded by Supervisor Connolly and carried by a vote of nine, Supervisor McConnell being absent.

34. **REQUEST TO RECORD VOTE** (Tape 3)

Supervisor Connolly asked unanimous consent to be recorded as voting "AYE" on the matters discussed by Supervisor Gross while he was out of the room. Without objection, it was so ordered.

PMH:pmh

35. **MAP FOR FAITH COMMUNITIES IN ACTION EVENT** (Tape 4)

Supervisor Bulova noted that Lathan Dennis, Office of Human Services System Management, prepared a map for the Faith Communities in Action Event and she complimented him on this outstanding map.

36. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-3-087 (RICHARD M. ROBERTSON) (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 74-3-087 until June 29, 1998 at 5:00 p.m.

(NOTE: Later in the meeting, the public hearing on this application was formally deferred. See Clerk's Summary Item CL#69.)

37. **MCLEAN COMMUNITY CENTER (MCC) GOVERNING BOARD** (Tape 4)

(APPTS)

Supervisor Mendelsohn moved that the Board confirm the appointment of the following individuals to the McLean Governing Center (MCC) Governing Board:

Adult Candidates:

Holly Harmuth Clement;
Carole L. Herrick; and
Fredrick B. Roehner.

Youth Candidates:

Ellie Bissell, McLean High School District; and
Zeina Saliba, Langley High School District.

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

38. **CONCURRENT PROCESSING OF SITE AND BUILDING PLANS WITH PROFFERED CONDITION AMENDMENT APPLICATION PCA 90-D-051-2** (Tape 4)

Supervisor Mendelsohn moved that the Board direct staff to process all Site and Building Plans for the Emerson One building concurrently with Proffered Condition Amendment Application PCA 90-D-051-2. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for approval of Proffered

Condition Amendment Application PCA 90-D-051-2. This motion was seconded by Supervisor Connolly and carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

39. **GUNSTON COMMERCE CENTER - PUBLIC SEWER ALTERNATIVE FROM PRINCE WILLIAM COUNTY** (Tape 4)

Supervisor Hyland said that Colchester Land Company LLC, has filed a Proffered Condition Amendment Application PCA 89-L-062 and Special Exception Amendment Applications SEA 98-L-005 and SEA 98-L-006, and is requesting permission to construct a private sewage treatment facility on 53 acres of usable property [Tax Map Number 113-3((1))-5A, 5B, and 5C]. In working with staff to attempt to resolve issues which were raised, staff has expressed a preference that public sewer be provided to this property and, according to the applicant, the only economically viable alternative for public sewer is through the Prince William County Sewer Service Authority.

To explore the feasibility of providing public sewer to this property, Supervisor Hyland moved that the Board direct the County Executive to submit a letter to Prince William County and the Prince William Sewer Service Authority on behalf of the Board of Supervisors formally requesting that they determine the feasibility of providing public sewer to the property identified as Tax Map Number 113-3((1))-5A, 5B and 5C owned by Colchester Land Company LLC. This motion was seconded by Supervisor Connolly.

Following discussion, with input from Robert J. O'Neill, Jr., County Executive, and David P. Bobzien, County Attorney, the question was called on the motion which carried by a vote of nine, Supervisor McConnell being absent.

40. **WELLNESS CLINIC SUCCESS** (Tape 4)

Supervisor Hyland announced that the Wellness Clinic has been very successful. He asked unanimous consent that the Board direct staff of the Fire and Rescue Department and staff of Consumer Affairs, Cable Programming Division, to produce a video that can be used to show other jurisdictions around the country the success of the Wellness Clinic. Without objection, it was so ordered.

41. **FAIRFAX COUNTY - NO SMOKER POLICY** (Tape 4)

Supervisor Hyland noted that major tobacco legislation is pending before the Congress in which counties have much at stake. The final language for S1415 was adopted by the Senate Commerce Committee. This bill does not compensate county governments for their tobacco related health care costs and dismisses all their claims. Also, the bill is silent on the allocation and allowable uses of the funds for the states but it retains, for the most part, local government's ability to enact and enforce tobacco control ordinances stronger than federal law.

Supervisor Hyland noted that Senators Barbara Boxer and Dianne Feinstein (D-California) will offer a floor amendment to include language originally in Senator Kurt Conrad's (D-North Dakota) bill (1638) which establishes a state process to provide an equitable share of tobacco proceeds to local governments that can document

tobacco-related health costs.

In this regard, he stated that it is important for Fairfax County to examine its experience with tobacco-related health care costs in reference to the pending federal legislation as well as to review the impact of smoking on the workforce as far as lost time and productivity and whether there has been a higher incidence of serious illness in the workforce related to smoking.

Approximately five years ago, Supervisor Hyland suggested to the Personnel Committee that the following issues be reviewed: health care costs, lost time from work and the incidence of life-threatening diseases in the workforce resulting from smoking with a view toward discouraging or prohibiting smoking in the workforce. However, there is an existing Policy requiring that the Police and Fire and Rescue Department personnel be non-smokers and further, there is a No-Smoking Policy in the government buildings which requires personnel to smoke outside.

During the last five years, there has been a remarkable metamorphosis of opinion on the part of federal, state and local government and the citizenry as to the major medical hazards of smoking as well as the awesome smoking related health care costs resulting therefrom. Most important, however, are the tragic consequences of loss of life and serious medical problems resulting from this killer habit.

Supervisor Hyland said that at a minimum, current employees should be encouraged to stop smoking in addition to providing a reduction of medical insurance premiums, but also to have a proactive program to help those employees who want to quit smoking. As to prospective employees, Supervisor Hyland moved that the Board direct the:

- Office of the County Attorney to determine whether Fairfax County has the right to either [a] prohibit smokers from employment in Fairfax County, [b] to give preference to non-smokers in the hiring process or [c] to require successful job applicants to agree to quit smoking as a condition of employment through an employer-sponsored program;
- Office of Personnel to conduct a study to determine the number of smokers versus non-smokers in the workforce and the impact of smoking on personnel for the past five years, particularly, with reference to the incidence of serious illness or death, loss of time from work and health costs;
- Staff to survey other jurisdictions to determine if any county or local jurisdiction has a policy concerning smokers in its employment practices or procedures;
- Staff to opine as to the impact of such a policy, if adopted, on the hiring of qualified persons into the workforce, the impact on existing employees (even if grandfathered or grandmothers) and what the trade-offs are;

- Staff to solicit the opinion of the Employee Advisory Council (EAC) and the Health Department on these issues;
- Staff to report its findings with recommendations;
- Board to authorize the Chairman to send a letter to Senator John Warner, Senator Charles Robb, Representative Thomas Davis, Representative Frank Wolf and Representative James Moran expressing the Board's strongest support to include in the tobacco legislation compensation for county governments for tobacco related health care costs; and
- Staff to provide recommendations as to policy options available to the Board.

This motion was seconded by Supervisor Kauffman.

Following discussion, Supervisor Connolly asked to amend the motion to direct staff to report with information concerning the current Policy regarding allowing smoking in County owned vehicles, and this was accepted.

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

42. **CANKERWORMS ARE FOR THE BIRDS** (Tape 4)

Because of the large number of calls to Supervisor Hyland's office expressing concern about the recent plague of cankerworms and their devastating effects on old established trees and shrubs, residents have been asking if there is a County program, similar to that of the gypsy moth initiative, which could help property owners control this menace.

Supervisor Hyland said that staff has prepared a memorandum concerning the issue of cankerworms and other pests, their effect on the vegetation and health risks to people in the County and what could be done to help curtail these pests when their species experience population explosions. The memorandum specifically addresses the fall cankerworm and the mosquito as being two of the most onerous pests and provides costs and impacts involved in a County-initiated program.

Supervisor Hyland moved that the Board direct staff to:

- Address the issue of the cankerworm and other pests immediately;
- Recommend action to solve the problem of cankerworm and mosquito control in Fairfax County; and
- Refer this issue to the Environmental Committee.

This motion was seconded by Supervisor Kauffman.

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

43. **INTENT TO DEFER THE PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF LORD FAIRFAX ROAD (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly announced his intent, later in the meeting at the appropriate time, to defer the public hearing on the proposal to vacate and abandon portions of Lord Fairfax Road.

(Note: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#86.)

44. **WHITTIER SCHOOL BALLFIELDS** (Tape 4)

Supervisor Connolly said that as a part of the transfer of the Whittier School property on the north side of Hillwood Avenue, there was an understanding between the City of Falls Church and Fairfax County that the playing fields for Whittier School on the south side of Hillwood Avenue would be redone.

Supervisor Connolly noted that the City has had the proposed new fields engineered and has submitted plans to the Department of Environmental Management (DEM) for review and approval. These plans include a soccer field and two softball fields. Since this is a collaborative effort between the City and the County, Supervisor Connolly moved that all fees for the review by DEM be absorbed by DEM. This motion was seconded by Chairman Hanley.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to provide a status report on this issue, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

45. **SEMI-AUTOMATED EXTERNAL DEFIBILLATORS (SAED)** (Tape 4)

Supervisor Connolly said that Tower 401 of the Fairfax Fire and Rescue Department in McLean responded to a call involving a patient in cardiac arrest. Because staff did not have a Semi-Automated External Defibrillator (SAED) on location, they had to resort to regular CPR and airway management, and were forced to wait until the arrival of a paramedic unit from the Tysons area. This additional waiting time puts patients' lives in jeopardy, and is a serious concern.

Supervisor Connolly stated that every Fairfax County firefighter is trained in this skill, and is required to qualify every year, but not all stations have this equipment available. According to the EMS Task Force Report submitted to the Board in October 1992, it was recommended that each Fire and Rescue "front line response should be equipped with a SAED."

Therefore, Supervisor Connolly moved that the Board direct the County Executive to coordinate with the Chief of the Fire and Rescue Department as well as the Director of the Office of Management and Budget (OMB), to immediately obtain SAED's in fire stations that are currently without one. This motion was seconded by Supervisor Hyland.

Following discussion, the question was called on the motion which carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

NV:nv

46. **DESIGNATION OF THE SPRINGFIELD REVITALIZATION AREA AS A SPECIAL STUDY AREA** (Tape 5)

Because Springfield is the only one of the original commercial revitalization areas that has not been scheduled for a special study, Supervisor Kauffman moved that the Board:

- Designate the Springfield Revitalization Area as a Special Study Area; and
- Direct staff to coordinate with the Lee District Supervisor's Office in developing a work program and schedule of activities.

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

(NOTE: Later in the meeting, this issue was revisited. See Clerk's Summary Item CL#48.)

47. **RECONSIDERATION OF SPECIAL EXCEPTION APPLICATION SE 98-V-008, MOTHER NURTURE COMPANY** (Tape 5)

Supervisor Kauffman reminded the Board that on Monday, May 11, 1998 the Board held a public hearing on Special Exception Application SE 98-V-008 by Mother Nurture Company for a child care center and nursery school. He noted that in response to the recommendation from the Planning Commission, the Board approved the application with certain development conditions, including Development Condition Number 18 which currently reads:

18. No children who require special supervision due to behavioral disorders . . . shall be enrolled in the facility.

He stated that this condition addressed a concern by some in the community about possible threats by children at the facility to the safety or health of others. To be certain that the Board is not misinterpreted as requiring the operator of this facility to violate the Americans with Disabilities Act (ADA), Supervisor Kauffman moved that the Board reconsider and amend that condition. This motion was seconded by Supervisor Hyland and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

Supervisor Kauffman moved that the Board amend Development Condition Number 18 to Special Exception Application SE 98-V-008 to read as follows:

- "18. The facility shall not enroll any child who poses a direct threat to the health or safety of others, as defined in the Americans with Disabilities Act at 42 U.S.C. § 12182."

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

Supervisor Kauffman commended the staff for their efforts in this regard.

48. **ADDITIONAL DISCUSSION REGARDING DESIGNATION OF THE SPRINGFIELD REVITALIZATION AREA AS A SPECIAL STUDY AREA** (Tape 5)

(NOTE: Earlier in the meeting, action was taken by the Board on this issue. See Clerk's Summary Item CL#46.)

In regard to the special study for the Springfield Revitalization Area, Supervisor Dix clarified with Supervisor Kauffman that the funding for the study is already included within appropriated Revitalization dollars and would require no further appropriation.

49. **VOLUNTEER APPRECIATION DINNER** (Tape 5)

To recognize the ongoing contributions of the volunteers who serve the Board on the various Boards, Authorities, and Commissions (BACs), Supervisor Kauffman moved that the Board direct staff to add as a Consideration Item at the Carryover Budget Review funding for an annual "Volunteer Appreciation Dinner" for formerly compensated appointees. He noted that compensation for 34 BACs was eliminated in the Fiscal Year (FY) 1997 Budget. This motion was seconded by Supervisor Hyland.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved a substitute motion to direct the County Executive to examine opportunities for partnerships with the private sector or Volunteer Center to develop a recognition celebration for these volunteers. This motion was seconded by Supervisor Bulova with the understanding that the County would seek private funding.

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

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

50. **INTENT TO DEFER THE PUBLIC HEARINGS ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-3 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-026-2 (BROOKFIELD-BEVERLY ROAD ASSOCIATES LIMITED PARTNERSHIP)** (Tape 5)

Supervisor Frey announced his intent, later in the meeting at the appropriate time, to defer the public hearings on Special Exception Amendment Application SEA 88-S-077-3 and Proffered Condition Amendment Application PCA 88-S-026-2, scheduled for 5:00 p.m. today, until June 8, 1998 at 4:30 p.m. due to affidavit issues.

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

51. **CONCURRENT PROCESSING OF SITE PLANS WITH REZONING APPLICATION RZ 98-SU-007** (Tape 5)

Supervisor Frey moved that the Board direct staff to accept and review the Site Plans associated with Rezoning Application RZ 98-SU-007 concurrently with the review and consideration of the Rezoning Application. He noted that this motion does not relieve the applicant from complying with the provisions of any applicable conditions, regulations, or adopted standards, and does not prejudice the consideration of this application in any way. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

52. **RETIREMENT OF MAJOR ARTHUR L. MABRY FROM THE POLICE DEPARTMENT** (Tape 5)

Supervisor Frey announced the retirement of Major Arthur L. Mabry after nearly 25 years of service with the Police Department. He asked unanimous consent that the Board direct staff to invite Major Mabry to appear before the Board for recognition of his years of service. Without objection, it was so ordered.

53. **RECOGNITION OF LEES CORNER ELEMENTARY SCHOOL FOR "JUMP FOR HEART" FUNDRAISER** (Tape 5)

Supervisor Frey stated that Lees Corner Elementary School participated in the American Heart Association's (AHA) fundraiser "Jump for Heart" and was the number one fundraiser in the State for the second year in a row and in 1997 was fifth in the nation. Lees Corner Elementary School's "Jump for Heart" was held May 5, 1998 and the total donation to AHA was \$28,360. Accordingly, he asked unanimous consent that the Board direct staff to invite representatives from the school, including the principal and the physical education teacher in charge of the event, as well as the top student fundraisers from each grade, and S. Robin Hardy from the Planning Commission, who called this achievement to the Board's attention, to appear before the Board in appreciation of their efforts. Without objection, it was so ordered.

54. **LAND BAY A** (Tape 5)

Supervisor Frey reminded the Board that it owns the property known as Land Bay A which is located on the other side of I-66 from the Government Center and the west side of West Ox Road. In recognition of expressions of interest in the availability of this land and the significant value of Land Bay A, and that there are no projected governmental needs for this land, Supervisor Frey moved that the Board direct staff to prepare a Request for Proposal (RFP) for the sale of Land Bay A for Board review with a target for release of the RFP to be August 1, 1998. This motion was seconded by Supervisor Dix and carried by a vote of eight, Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

55. **ORDERS OF THE DAY** (Tape 5)

Chairman Hanley announced that the Board would proceed directly into Executive Session following the presentation of Supervisor Dix's Board Matters, with lunch to follow.

56. **REQUEST FOR STATUS REPORT ON COUGAR IN THE TYSONS CORNER AREA** (Tape 5)

Supervisor Dix called the Board's attention to the recently reported sightings of a cougar in the Hunter Mill and Dranesville areas of the County. He asked unanimous consent that the Board direct staff to provide an update on this issue as soon as possible to include the following information:

- Actions to confirm that such an animal exists;
- Actions to locate the animal; and
- Potential public safety issues.

Without objection, it was so ordered.

57. **BEST OF RESTON** (Tape 5)

Supervisor Dix stated that he and Chairman Hanley recently attended the Best of Reston Awards banquet, a collaboration between the Reston Chamber of Commerce and Reston Interfaith. The event this year generated over \$75,000 to support the programs of Reston Interfaith. Accordingly, he asked unanimous consent that the Board direct staff to invite the organizers of this year's event to appear before the Board to be recognized for outstanding efforts on behalf of the community. Without objection, it was so ordered.

58. **NORTHERN VIRGINIA FINE ARTS FESTIVAL** (Tape 5)

Supervisor Dix announced that the Northern Virginia Fine Arts Festival was held May 16-17, 1998, at the Reston Town Center with over 70,000 attendees. Accordingly, he asked unanimous consent that the Board direct staff to invite the organizers of the Festival to appear before the Board to be recognized for their efforts. Without objection, it was so ordered.

59. **VIVA VIENNA!** (Tape 5)

Supervisor Dix reminded the Board that VIVA VIENNA!, now in its 15th year, a free open air festival, will be held this Memorial Day weekend. He asked unanimous consent that the Board direct staff to invite the organizers of this community event to appear before the Board to be recognized for their efforts. Without objection, it was so ordered.

60. **RETIREMENT OF SUNRISE VALLEY ELEMENTARY SCHOOL PRINCIPAL**
(Tape 5)

Supervisor Dix announced that the principal of Sunrise Valley Elementary School, Dr. Mary Ann Chung, will be retiring at the end of this school year. In recognition of Dr. Chung's dedication, innovation, and service to the County Public Schools and for all of her outstanding accomplishments at Sunrise Valley Elementary School, he asked unanimous consent that the Board direct staff to invite her to appear before the Board on June 8, 1998 to receive a Certificate of Appreciation. Without objection, it was so ordered.

61. **CONCURRENT PROCESSING OF PRC PLAN AND THE SITE PLAN FOR THE AMERICAN PRESS INSTITUTE (API)** (Tape 5)

Supervisor Dix stated that the American Press Institute (API) is working on an expansion project for its site located at 11690 Sunrise Valley Drive in Reston. The plans include an addition to the front of the existing building and a parking lot behind the building. The API property consists of two parcels and is within three different zoning districts, I-5, R-E, and PRC. Because a corner of the existing building is within the PRC District, the Department of Environmental Management (DEM) has determined that the approval of a PRC Plan will be required. Accordingly, Supervisor Dix moved that the Board authorize the Director of DEM to accept the PRC Plan and Site Plan for the API project for concurrent processing. This motion was seconded by Chairman Hanley and carried by a vote of seven, Supervisor Hyland and Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

62. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-C-043, CANDLEWOOD HERNDON, LLC** (Tape 5)

Supervisor Dix stated that Candlewood Herndon LLC proposes to construct a four-story, extended-stay hotel on a 2.26-acre parcel at the intersection of Coppermine Road and Horse Pen Road. Candlewood originally filed a Special Exception Application for an adjacent parcel, but to accommodate consolidation of property planned for office development, they agreed to relocate to their current site. This resulted in a six-month delay for Candlewood.

With a notation that Special Exception Amendment Application SEA 88-C-043 is scheduled for public hearing before the Planning Commission on June 10, 1998, Supervisor Dix moved that the Board direct the Director of the Department of Environmental Management (DEM) to accept the Site Plan for concurrent processing with the SEA Application. He noted that this motion does not relieve the applicant from complying with the provisions of any applicable conditions, regulations, or adopted standards, and it does not prejudice the consideration of the Special Exception Amendment Application in any way. This motion was seconded by Chairman Hanley and carried by a vote of seven, Supervisor Hyland and Supervisor Mendelsohn being out of the room, Supervisor McConnell being absent.

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

At 1:05 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:

- *City of Alexandria, Virginia versus Rodney E. Slater*, Civil Action Number 98-0251-55, USDC District of Columbia.

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

Chairman Hanley announced that the Board would proceed directly into Executive Session.

SBE:sbe

At 1:30 p.m., the Board reconvened in the Board Auditorium with all Board Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

ADDITIONAL ACTIONS FROM EXECUTIVE SESSION

64. **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 Hyland and carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being absent.

65. **AUTHORIZATION TO PURSUE THE FILING OF AN AMICUS ON BEHALF OF THE DEFENDANT FEDERAL HIGHWAY ADMINISTRATION IN THE CASE OF CITY OF ALEXANDRIA VERSUS RODNEY E. SLATER** (Tape 6)

Supervisor Dix moved that the County Attorney be authorized to pursue the filing of an *amicus* on behalf of the defendant federal Highway Administration in the case of *City of Alexandria versus Rodney E. Slater*, which is the lawsuit regarding the Wilson Bridge. This motion was seconded by Chairman Hanley and carried by a vote of nine, Supervisor McConnell being absent.

AR:ar

At 1:35 p.m., the Board recessed for lunch and at 3:30 p.m., reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley, and with Vice-Chairman Hyland presiding.

66. **CLARIFICATION OF ADDITIONAL ACTIONS FROM EXECUTIVE SESSION** (Tape 7)

(NOTE: Earlier in the meeting, actions were taken by the Board following Executive Session. See Clerk Summary Items CL#64 and CL#65.)

Vice-Chairman Hyland referred to the Additional Actions from Executive Session and clarified that these actions did occur without the cable video in place; however, an audio

record is available of the proceedings.

67. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-S-071 (TRINITY LAKE LLC) (SULLY DISTRICT)** (Tape 7)

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested 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, Leslie Johnson, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 86-S-071 subject to the executed proffers dated May 13, 1998; and
- Waiver of the 75-foot setback requirement for commercial buildings adjacent to interstate highways.

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

68. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-062, SPECIAL EXCEPTION APPLICATIONS SE 98-V-005 AND SE 98-V-006 (COLCHESTER LAND COMPANY, LLC) (MOUNT VERNON DISTRICT)** (Tape 7)

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Bulova and moved to defer the public hearing on:

- Proffered Condition Amendment Application PCA 89-V-062; and
- Special Exception Applications SE 98-V-005 and SE 98-V-006

until **June 29, 1998 at 4:30 p.m.** This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

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

69. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-3-087 (RICHARD M. ROBERTSON) (DRANESVILLE DISTRICT)** (Tape 7)

Supervisor Mendelsohn moved to defer the public hearing on Proffered Condition Amendment Application PCA 74-3-087 until **June 29, 1998 at 5:00 p.m.** This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

70. **3:30 P.M. - BOARD DECISION ON REZONING APPLICATION RZ 1997-HM-018 (HANNA AND NAIMEH GEORGE) (HUNTER MILL DISTRICT)** (Tape 7)

- (O) (NOTE: On May 11, 1998, the Board held the public hearing on Rezoning Application RZ 1997-HM-018 but deferred decision until May 18, 1998.)

Supervisor Dix moved that the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1997-HM-018 be amended from the R-1 District to the R-2 District subject to the execution of the revised proffers dated May 7, 1998. This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Gross, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved that the Board direct staff to conduct an analysis of traffic management and safety issues on Irvin Street and the connecting road network. This motion was seconded by Supervisor Mendelsohn and carried by a vote of six, Supervisor Gross, Supervisor Kauffman, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

71. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-2 (TYSONS II LAND COMPANY, LLC) (PROVIDENCE DISTRICT)** (Tape 7)

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Connolly moved approval of Proffered Condition Amendment Application PCA-84-D-049-2 subject to the revised proffers dated May 18, 1998. This motion was

seconded by Supervisor Dix and carried by a vote of seven, Supervisor Kauffman and Chairman Hanley being out of the room, Supervisor McConnell being absent.

72. **3:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-060 (FAIR OAKS SIERRA ASSOCIATES, LP) (SULLY DISTRICT)**
(Tape 7)

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

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

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

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 84-C-060 subject to the executed proffers dated May 4, 1998; and
- Waiver of the service drive requirement along Route 50.

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

73. **BOARD RECESS** (Tape 7)

At 3:55 p.m., the Board recessed briefly, and at 4:00 p.m. reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley, and with Vice-Chairman Hyland presiding.

74. **4:00 P.M. - PH ON SPECIAL EXCEPTION APPLICATION SE 97-Y-039 (EBRAHIM A. BABAZADEH) (SULLY DISTRICT)** (Tape 7)

Mr. Ebrahim A. Babazadeh reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved denial of Special Exception Application SE 97-Y-039. This motion was seconded by Supervisor Bulova and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

75. **4:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S98-III-UP1 TO CONSIDER REPLANNING 1775 WIEHLE AVENUE TO OFFICE USE UP TO .82 FLOOR AREA RATIO (FAR) (HUNTER MILL 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 30 and May 7, 1998.

Following the public hearing, which included testimony by one speaker, Supervisor Dix moved approval of Out-of-Turn Plan Amendment S98-III-UP1 for office use up to a .70 Floor Area Ratio (FAR) at 1775 Wiehle Avenue, as recommended by the Planning Commission on May 13, 1998. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

76. **RECOGNITION OF SENIORS FROM THE GOVERNMENT CLASS AT BISHOP IRETON HIGH SCHOOL, ALEXANDRIA** (Tape 7)

Vice-Chairman Hyland recognized the presence of several seniors from the Government Class at Bishop Ireton High School in Alexandria, and extended a warm welcome.

AGENDA ITEMS

77. **4:00 P.M. - PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SUPPLEMENTAL RETIREMENT SYSTEM ORDINANCE, TO SUSPEND SERVICE-CONNECTED DISABILITY BENEFITS FOR UNJUSTIFIED REFUSAL TO COOPERATE WITH WORKERS' COMPENSATION** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 30 and May 7, 1998.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Supplemental Retirement System Ordinance, to suspend service-connected disability benefits

for unjustified refusal to cooperate with workers' compensation. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, and Vice-Chairman Hyland voting "AYE," Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

78. **4:00 P.M. - PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SUPPLEMENTAL RETIREMENT SYSTEM ORDINANCE, TO REQUIRE SPOUSAL ACKNOWLEDGMENT ON APPLICATIONS FOR RETIREMENT** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 30 and May 7, 1998.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Supplemental Retirement System Ordinance, to require spousal acknowledgment on applications for retirement. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, and Vice-Chairman Hyland voting "AYE," Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

79. **4:00 P.M. - PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), UNIFORMED RETIREMENT SYSTEM ORDINANCE, REGARDING THE REVOCATION OF THE OPTIONAL SURVIVOR BENEFIT AFTER DIVORCE** (Tape 8)

- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 30 and May 7, 1998.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Uniformed Retirement System Ordinance, regarding the revocation of the optional survivor benefit after divorce. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, and Vice-Chairman Hyland voting "AYE," Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

80. **4:00 P.M. - PH ON A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SUPPLEMENTAL RETIREMENT SYSTEM ORDINANCE, WHERE THE CHARACTER OF A SERVICE-CONNECTED DISABILITY COULD BE CHANGED AFTER THE MEMBER RETIRED** (Tape 8)
- (O) Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 30 and May 7, 1998.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Supplemental Retirement System Ordinance, where the character of a service-connected disability could be changed after the member retired. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Dix, Supervisor Frey, Supervisor Gross, and Vice-Chairman Hyland voting "AYE," Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

81. **4:30 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-039-7, PCA 88-C-091-7 (VILLAGE CENTER AT DULLES ASSOCIATES, LP) AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-C-027-07 (SHOWBIZ PIZZA TIME, INCORPORATED D/B/A CHUCK E. CHEESE'S) (HUNTER MILL DISTRICT)** (Tape 8)

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

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 88-C-039-7; and
- Proffered Condition Amendment Application PCA 88-C-091-7 subject to the executed proffers dated May 6, 1998.

This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Gross and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved approval of Special Exception Amendment Application

SEA 89-C-027-07 subject to the proposed development conditions contained in Appendix Two of the staff report dated April 22, 1998. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Gross and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved reaffirmation of a waiver of the barrier requirement and a modification of the screening requirements, in favor of that provided on the combined General Development Plan/Special Exception (GDP/SE) Plat. This motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Gross and Chairman Hanley being out of the room, Supervisor McConnell being absent.

AM:am

82. **4:30 P.M. - PH ON PROFFERED CONDITION APPLICATIONS PCA 77-C-098-3, PCA 80-C-028-4, PCA 83-C-031, REZONING APPLICATION RZ 1997-HM-054 AND SPECIAL EXCEPTION APPLICATION SE 97-H-070 (TST WOODLAND LLC) (HUNTER MILL DISTRICT)** (Tape 9)

(O) Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

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.

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

- In excess of \$200 from William H. Gordon and Associates.

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

Supervisor Dix moved:

- Approval of the following Proffered Condition Amendment Applications:
 - PCA 77-C-098-3 subject to the executed proffers dated March 11, 1998;
 - PCA 83-C-031-1 subject to the executed proffers dated March 11, 1998;
 - PCA 80-C-028-4 subject to the executed proffers dated April 28, 1998;
- That the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ

1997-HM-054 be amended from the C-8 and I-4 Districts to the I-4 District subject to the execution of the proffers dated April 7, 1998;

- Approval of Special Exception Application SE 97-H-070 subject to the development conditions dated May 4, 1998;
- Modification of the transitional screening requirements along Centreville Road and Woodland Park Road, in favor of that shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat; and
- Waiver of the barrier requirement along Centreville Road and Woodland Park Road.

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

83. **4:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-B-042 (FAIRFAX COUNTY PARK AUTHORITY) (BRADDOCK DISTRICT)** (Tape 9)

Barbara A. Byron, Director, Zoning Evaluation Division, Office of Comprehensive Planning, announced that the representatives from the Park Authority were not present. David P. Bobzien, County Attorney, pointed out that the individuals listed on the affidavit are internal Park Authority staff and that it would be appropriate for the Board to proceed without Park Authority representatives.

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

Supervisor Bulova moved approval of Special Exception Amendment Application SEA 93-B-042 subject to the development conditions dated May 13, 1998. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

84. **4:30 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-D-059 (NOBEL EDUCATION DYNAMICS, INCORPORATED) (HUNTER MILL DISTRICT)** (Tape 9)

Mr. Jeffrey A. Nein reaffirmed the validity of the affidavit for the record.

Mr. Nein had filed the necessary notices showing that at least 25 adjacent and/or

interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

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

Supervisor Dix moved approval of Special Exception Amendment Application SEA 86-D-059 subject to the development conditions dated March 31, 1998. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved modification of transitional screening and barrier requirements along the entire periphery of the site in favor of that shown on the Special Exception Amendment (SEA) Plat and as further specified in the development conditions. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

Supervisor Dix moved waiver of the service drive requirement along Leesburg Pike frontage. This motion was seconded by Supervisor Connolly and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

85. **WELCOME TO A BOY SCOUT FROM TROOP 51** (Tape 9)

Supervisor Frey recognized the presence of a Boy Scout from Troop 51, and warmly welcomed him to the Board Auditorium.

(NOTE: Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Items CL#90 and CL#92.)

AGENDA ITEMS

86. **4:30 P.M. - PH ON A PROPOSAL TO VACATE AND ABANDON PORTIONS OF LORD FAIRFAX ROAD (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on the proposed vacation and abandonment of portions of Lord Fairfax Road (Route 837) until **June 8, 1998 at 4:00 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

87. **4:30 P.M. - PH ON PROFFERED CONDITION APPLICATION PCA 79-S-022 (EDGEMOORE HOMES, LLC) (SULLY DISTRICT)** (Tape 9)

Mr. H. Kendrick Sanders reaffirmed the validity of the affidavit for the record.

Mr. Sanders 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 two speakers, Denise James, Senior Staff Coordinator, Zoning Evaluation Division, Office of Comprehensive Planning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 79-S-022 subject to the executed proffers dated April 9, 1998; and
- Waiver of the Public Facilities Manual (PFM) street standards to allow a reduction in minimum street centerline radius to conform with current Virginia Department of Transportation (VDOT) standards.

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

88. **5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-3 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-026-2 (BROOKFIELD-BEVERLY ROAD ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 9)

Supervisor Frey moved to defer the public hearing on Special Exception Amendment Application SEA 88-S-077-3 and Proffered Condition Amendment Application PCA 88-S-026-2 until **June 8, 1998 at 4:30 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

89. **5:00 P.M. - PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-2 (MOBIL OIL CORPORATION) (SULLY DISTRICT)** (Tape 9)

Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved approval of Special Exception Amendment Application SEA 88-S-077-2 subject to the development conditions dated May 18, 1998. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

90. **5:00 P.M. - PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 82-L-030-10 AND PCA 87-L-031-02 (MANCHESTER LAKES LIMITED PARTNERSHIP) (LEE DISTRICT)** (Tape 9)

Ms Erika B. Johnson reaffirmed the validity of the affidavit for the record.

Ms. Johnson 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.

ADDITIONAL BOARD MATTER

WELCOME TO ADDITIONAL MEMBERS OF BOY SCOUT TROOP 51

(NOTE: Earlier in the meeting, there was discussion regarding this item. See Clerk's Summary Item CL#85.)

Supervisor Frey recognized the presence of additional members of Boy Scout Troop 51, and warmly welcomed them to the Board Auditorium.

(NOTE: Later in the meeting, there was additional discussion regarding this item. See Clerk's Summary Item CL#92.)

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

Supervisor Connolly, on behalf of Supervisor Kauffman, moved approval of:

- Proffered Condition Amendment Application PCA 82-L-030-10; and
- PCA 87-L-031-02 subject to the executed proffers dated

April 1, 1998.

This motion was seconded by Supervisor Gross and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

91. **5:00 P.M. - PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S97-II-F1, LOCATED SOUTH OF ROUTE 50 AND IS GENERALLY BOUNDED BY PENNELL STREET, THE ELKS LODGE AND THE PINE RIDGE SUBDIVISION (PROVIDENCE DISTRICT)** (Tapes 9-10)

Certificates of Publication were filed from the Editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of April 30 and May 7, 1998.

Following the public hearing, which included testimony by five speakers, Supervisor Connolly moved approval of Out-of-Turn Plan Amendment S97-II-F1 as shown in the handout titled *Draft Plan Text for Out-of-Turn Plan Amendment S97-II-F1* dated May 18, 1998. This motion was seconded by Supervisor Dix and carried by a vote of six, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

92. **BRIEF QUESTION AND ANSWER PERIOD FOR THE BOY SCOUTS FROM TROOP 51** (Tape 10)

(NOTE: Earlier in the meeting, there was additional discussion regarding this item. See Clerk's Summary Items CL#85 and CL#90.)

A brief question-and-answer period ensued among the Boy Scouts from Troop 51 and the Board.

93. **BOARD ADJOURNMENT** (Tape 10)

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