



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 2, 2003**

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14-03

SBE:sbe

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

Supervisor McConnell arrived at 9:10 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **ANNUAL FAIRFAX COUNTY FESTIVAL, CELEBRATE FAIRFAX!**
(Tape 1)

Chairman Hanley stated that this was the week that the County begins to *Celebrate Fairfax!* ending in the festival this weekend which will be held at the Government Center on Friday, June 6, through Sunday, June 8, 2003.

2. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to continue to remember in thoughts and prayers those around the world who are defending freedom and their families and friends here at home.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE US ARMY**
(Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the US Army on its 228th anniversary. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2003 LORD AND LADY HONOREES** (Tape 1)

Chairman Hanley moved approval of the Certificates of Recognition presented to the 2003 Lord and Lady Fairfax honorees as follows:

Chairman At-Large

- James W. Dyke, Jr.
- Kohann Whitney

Mount Vernon District

- Neal F. McBride
- Diane L. Donley

Braddock District

- Robert J. Griendling
- Ellen Oppenheim

Providence District

- Stephen Shannon
- Abigail Shannon

Hunter Mill District

- Theodore R. Thomas, Sr.
- Dee Cotton

Mason District

- Sami Kalifa
- Stephanie Mensh

Lee District

- Harrison A. Glasgow
- Sueann Tupy

Springfield District

- Emerson D. Cale
- Pamela Y. Latt

Dranesville District

- Sudhakar Shenoy
- Adrienne Whyte

Sully District

- Jeffrey M. Parnes
- Mildred K. DeBell

Bruce McLeod, Chairman, Celebrate Fairfax, introduced other members of the Board of Directors of Celebrate Fairfax! as well as Peter F. Murphy, Planning Commission Chairman, recipient of the James and Scott Community Spirit Award this year for Celebrate Fairfax!. Mr. McLeod stated that Celebrate Fairfax! was this Friday, Saturday, and Sunday, June 6, 7, and 8 at the Government Center.

This motion, the second to which was inaudible, carried by unanimous vote.

Chairman Hanley recognized the presence of Linda Bestimt, Executive Director, Celebrate Fairfax!, in the Board Auditorium and thanked her for all her work and accomplishments on Celebrate Fairfax!.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

5. **PROCLAMATION DESIGNATING JUNE 14, 2003, AS "GIRL POWER! DAY" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Hyland moved approval of the Proclamation to designate June 14, 2003, as "*Girl Power! Day*" in Fairfax County. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

6. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. CHRISTINA APONTE AND MS. KELLY MORGAN** (Tape 1)

Supervisor Hyland moved approval of the Certificates of Recognition presented to Ms. Christina Aponte and Ms. Kelly Morgan for saving a young man's life and

receiving the American Red Cross Certificate of Merit. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

In addition, Supervisor Hyland presented a life saving award from the American Red Cross to Ms. Morgan and Ms. Aponte for selfless and human action in saving a life.

7. **RESOLUTION OF SUPPORT PRESENTED TO SAVE A LIFE SEASON IN FAIRFAX COUNTY AND THE AMERICAN RED CROSS MONTH GREATER CHESAPEAKE AND POTOMAC BLOOD SERVICES**
(Tape 1)

Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and moved approval of the Resolution to support Save a Life Season in Fairfax County, and the American Red Cross Month Greater Chesapeake and Potomac Blood Services campaign to increase blood collections during May through November. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE RESTON WATERSHED ACTION GROUP AND THE RESTON ASSOCIATION STAFF** (Tapes 1-2)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Reston Watershed Action Group and the Reston Association staff for their efforts in environmental stewardship. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO CLEAN WATER PARTNERSHIP** (Tape 2)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Clean Water Partnership for its work. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

DMB:dmb

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

Supervisor Connolly moved approval of the Administrative Items. Supervisor Gross seconded the motion, and it carried by unanimous vote, Supervisor Bulova,

Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04002 FOR THE CIRCUIT COURT TO CONTINUE NEUTRAL CASE EVALUATION (NCE) FUNDING FROM THE SUPREME COURT OF VIRGINIA

- (SAR) Approved SAR AS 04002 in the amount of \$40,296 for the Circuit Court to continue the NCE grant. No local cash match is required.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING AMENDMENTS TO THE POLICE OFFICERS RETIREMENT SYSTEM – CHANGES TO PARTIAL SERVICE-CONNECTED DISABILITY PROVISIONS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), to consider amendments to the Police Officers Retirement System regarding changes to partial service-connected disability provisions.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03098 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) TO CONTINUE THE FRAUD FREE PROGRAM

- (SAR) Approved SAR AS 03098 in the amount of \$299,975 from VDSS for DFS to continue the fraud reduction and elimination efforts through the Fraud FREE Program. No local cash match is required.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03097 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) TO CONTINUE THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES EMPLOYMENT STRATEGIES FOR THE HARD-TO-SERVE PROGRAM

- (SAR) Approved SAR AS 03098 in the amount of \$179,180 from VDSS to continue supporting DFS's administrative, purchase of service, and medical expenditures associated with assisting families moving from welfare to work. No local cash match is required.

**ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE AND SULLY DISTRICTS)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Challedon Court	Dranesville	Challedon Road Route 5971
Scott Nelson Enterprises	Dranesville	Downey Drive Route 5743 Additional ROW Only
Highland Oaks, Section 2	Sully	Freehill Lane Route 8496

**ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 98-V-049, AMERADA
HESS CORPORATION (MOUNT VERNON DISTRICT)**

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 98-V-049 to February 22, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC
FACILITY REVIEW APPLICATIONS (DRANESVILLE AND MASON
DISTRICTS)**

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application FS-M03-4 to August 14, 2003
- Application 2232-D03-7 to September 7, 2003

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 16, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), regarding regulating dangerous dogs and the holding period for dogs and cats exposed to rabies.

ADMIN 9 – INSTALLATION OF A MULTI-WAY STOP AT SAMAGA DRIVE AND ANKENY STREET (PROVIDENCE DISTRICT)

Endorsed the installation of a multi-way stop as part of the Fairfax County Department of Transportation Residential Traffic Administration Program at Samaga Drive and Ankeny Street (Providence District).

ADMIN 10 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE AND SULLY DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of R-TAP:
 - Meriwether Lane (Lee District)
 - Thomas Drive (Lee District)
 - Ottawa Road (Sully District)
 - Round Lick Lane (Sully District)
 - Buggy Whip Drive (Sully District)
- Directed staff to work with the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 11 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-D-029, FRANCOIS R. HAERINGER (DRANESVILLE DISTRICT)

(AT)

Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 00-D-029, to May 20, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 12 – AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (JDRDC) TO APPLY FOR JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT ONE TIME SPECIAL FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO PURCHASE ADDITIONAL EMERGENCY COMMUNICATION EQUIPMENT FOR THE JUVENILE DETENTION CENTER

Authorized JDRDC's submission of a grant proposal to DCJS in the amount of \$9,860 to allow for the purchase of Duress Alarms and two-way radios to enhance

emergency communications within the Juvenile Detention Center. No local cash match is required.

ADMIN 13 – AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (JDRDC) TO APPLY FOR JUSTICE AND DELINQUENCY PREVENTION ACT (TITLE II) ONE TIME SPECIAL FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO PURCHASE TRAINING MATERIALS TO ENHANCE THE COURT SERVICE UNIT'S STAFF TRAINING PROGRAM

Authorized JDRDC's submission of a grant proposal to DCJS in the amount of \$9,528 to purchase training materials to enhance the Court Service Unit's capacity to provide high quality training to staff working with juvenile offenders. No local cash match is required.

ADMIN 14 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPLY TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) RESIDENT SERVICE DELIVERY MODELS – ELDERLY AND PERSONS WITH DISABILITIES

Authorized FCRHA to apply for the ROSS Resident Service Delivery Models – Elderly and Persons with Disabilities grant from HUD in the amount of \$200,000 to focus on providing additional support services to the elderly and persons with disabilities.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 10619 ROSEHAVEN STREET (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 7, 2003, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 10619 Rosehaven Street [Tax Map Number 047-3-((07))-0183].

ADMIN 16 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A GRANT UNDER THE HOMELAND SECURITY OVERTIME PROGRAM

Authorized FCPD to apply to DOJ for a Homeland Security Overtime Program grant in the amount of \$1,000,000 to provide for the payment of sworn law enforcement officer overtime. This grant will require a local cash match of \$333,334, for a total program cost of \$1,333,334.

ADMIN 17 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A GRANT UNDER THE UNIVERSAL HIRING PROGRAM

Approved FCPD's application to DOJ for a Universal Hiring Program grant in the amount of \$1,200,000. A local cash match of \$3,862,102 will be required over the 36-month grant period, for a total program cost of \$5,062,102.

11. **A-1 – NORTHERN VIRGINIA SOLID WASTE MANAGEMENT PROGRAM MEMORANDUM OF AGREEMENT (MOA) – AMENDMENT**
(Tape 3)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Resolution approving the amendment to the Northern Virginia Solid Waste Management Program MOA. Supervisor Hyland seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct staff to clarify the second bulleted item on page 42 of the staff report regarding the changes in percentage allocation of budgeted expenses between participating local governments with a population of 75,000 or greater and the remaining jurisdictions from 80 percent to 20 percent to 75 percent to 25 percent. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, action on this item was deferred until later in the meeting pending additional information from staff.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#21.)

12. **A-2 – 2003 SCHOOL BOND REFERENDUM** (Tape 3)

(R)

(BONDS)

Supervisor Connolly moved that the Board concur in the recommendation of staff and adopt the Resolution requesting the Circuit Court to order a special election on the issuance of bonds. Supervisor Hudgins seconded the motion.

Following discussion, with input from Gary Chevalier, Fairfax County Public Schools, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

13. **A-3 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE LOCAL CASH MATCH FOR THE RESTON TOWN CENTER TRANSIT CENTER (HUNTER MILL DISTRICT)** (Tape 3)

On motion of Supervisor Hudgins, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the project agreement in substantial form, including the provision of up to \$400,000 in available funds to meet the required local cash match for a Congestion Mitigation and Air Quality grant awarded to the County to construct a transit center at Reston Town Center.

14. **A-4 – APPROVAL OF THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FINANCING PLAN FOR THE CONSTRUCTION OF THE HERNDON SENIOR CENTER AND A REQUEST FOR AN INVESTMENT BY THE FAIRFAX COUNTY INTEGRATED SEWER FUND (FCISF) IN BOND ANTICIPATION NOTES (BAN) (DRANESVILLE DISTRICT)** (Tape 3)

Supervisor Mendelsohn moved that the Board concur in the recommendation of staff and approve the financing plan, including an investment of up to \$7,400,000 by the FCISF in FCRHA BANs in connection with interim financing for the construction of the Herndon Senior Center. Supervisor Connolly seconded the motion.

Following discussion with input from Cynthia Ianni, Senior Program Manager, Revitalization Division, Department of Housing and Community Development, the question was called on the motion and it carried by unanimous vote.

15. **A-5 – APPROVAL OF A LIMITED REVOCABLE AGENCY AGREEMENT BY AND BETWEEN THE BOARD AND THE LORTON ARTS FOUNDATION (LAF), INCORPORATED AND A TEMPORARY REVOCABLE LICENSE FOR ENTRY AGREEMENT TO ALLOW LAF TO ACCESS THE OCCOQUAN WORKHOUSE AREA (MOUNT VERNON DISTRICT)** (Tape 3)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the County Executive, on behalf of the Board, to enter into the Limited Revocable Agency Agreement with LAF and the Temporary Revocable License for Entry agreement. Supervisor Connolly seconded the motion.

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

(NOTE: Later in the meeting additional action was taken on this item. See Clerk's Summary Items CL#44 and CL#45.)

16. **A-6 – APPROVAL OF TESTIMONY – FINAL PUBLIC HEARING FOR VIRGINIA DEPARTMENT OF TRANSPORTATION'S SIX-YEAR IMPROVEMENT PROGRAM FOR HIGHWAY AND TRANSIT FUNDS [FISCAL YEAR (FY) 2004 THROUGH FY 2009]** (Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the proposed testimony for funding of highway and transit projects by the Commonwealth Transportation Board in the Six-Year Improvement Program for FY 2004 - FY 2009 in the form of a letter, signed by the Chairman on behalf of the Board, to Secretary Clement. Supervisor Kauffman seconded the motion.

Extensive discussion ensued with input from Young Ho Chang, Director, Department of Transportation.

Supervisor Frey moved to amend the motion that, along with the comments that the Board submitted on concerns about the Interchange with the Beltway, the Board also request that every effort be made to restore funding for the study regarding widening I-66 inside the Beltway. Supervisor Mendelsohn seconded the motion.

Following additional discussion, the question was called on the amendment to the motion and it **CARRIED** by a recorded vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Chairman Hanley voting "NAY."

The question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Hudgins and Chairman Hanley voting "NAY."

Supervisor McConnell referenced the Engineering Proving Ground section of Fairfax County Parkway and voiced concern regarding the time that it is taking to complete this section and the related increased costs. Following discussion, Supervisor McConnell asked unanimous consent that the Board direct staff to write a letter to the Virginia Department of Transportation requesting the acceleration of the process and a timeline update. Without objection, it was so ordered.

Additional discussion ensued with input from Mr. Chang.

17. **I-1 – FAIRFAX COUNTY'S INVESTMENT POLICY CERTIFIED BY THE ASSOCIATION OF PUBLIC TREASURERS (APT) OF THE US AND CANADA** (Tape 3)

The Board next considered an item contained in the Board Agenda dated June 2, 2003, announcing that for the fifth consecutive year, Fairfax County's Investment Policy has been certified by the APT and will be awarded an Investment Policy Certification plaque at the Association's 2003 Annual Conference in Washington, DC.

18. **I-2 – CONTRACT AWARD – STAFF AND OPERATE THE PUBLIC SAFETY OCCUPATIONAL HEALTH CENTER** (Tape 3)

The Board next considered an item contained in the Board Agenda dated June 2, 2003, requesting authorization for staff to award a contract to Medocracy, Incorporated, to staff and operate the Public Safety Occupational Health Center.

The staff was directed administratively to proceed as proposed.

19. **I-3 – BUS FARE BUYDOWN PROGRAM FOR FISCAL YEAR (FY) 2004: RICHMOND HIGHWAY (ROUTE 1)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated June 2, 2003, requesting authorization for staff to implement the FY 2004 Bus Fare Buydown Program for the Richmond Highway (Route 1) Corridor as outlined in the Board Agenda Item.

The staff was directed administratively to proceed as proposed.

20. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-H03-6, SPRINT PCS (HUNTER MILL DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated June 2, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-H03-6, Sprint PCS.

21. **ACTION ON A-1 – NORTHERN VIRGINIA SOLID WASTE MANAGEMENT PROGRAM MEMORANDUM OF AGREEMENT (MOA) – AMENDMENT** (Tape 3)

(R) (NOTE: Earlier in the meeting, action on this item was deferred. See Clerk's Summary Item CL#11.)

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, reported regarding the changes in allocation from 80 percent to 20 percent to 75 percent to 25 percent.

Following discussion, the question was called on motion that the Board concur in the recommendation of staff and adopt the Resolution approving the amendment to the Northern Virginia Solid Waste Management Program MOA and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADDITIONAL BOARD MATTERS

NV:nv

22. **NURSING ASSISTANTS' WEEK** (Tape 4)

Chairman Hanley stated that as part of National Nursing Assistants' Week, the Long Term Care Coordinating Council requested that the County participate in the program. To acknowledge their hard work and dedication, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send the proclamation declaring June 12-19, 2003, as "*Nursing Assistants' Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

23. **RECOGNITION OF THE FREDDIE MAC FOUNDATION FOR SUPPORT OF HEALTHY FAMILIES PROGRAM** (Tape 4)

Chairman Hanley noted that the Department of Family Services called to her attention the ongoing generous commitment and support from The Freddie Mac Foundation for Healthy Families programs. The foundation recently sponsored a Celebration of Success to recognize the families in Northern Virginia who have successfully completed five years of participation in the program. She said that the foundation's support for Healthy Families Fairfax and Healthy Families Northern Virginia Consortium earned Board recognition. Accordingly, she moved that the Board direct staff to invite the appropriate representatives from The Freddie Mac Foundation to appear before the Board at the July 7, 2003, meeting to receive certificates of recognition. Supervisor Connolly seconded the motion, which carried by unanimous vote.

24. **RECREATION AND PARKS MONTH** (Tape 4)

Chairman Hanley announced that the National Recreation and Parks Association, in conjunction with *Sports Illustrated*, designated July as Recreation and Parks Month. The Park Authority requested that the County also participate in the national observance. Accordingly, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board at the July 7, 2003, meeting to receive a proclamation declaring July 2003 as "*Recreation and Parks Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

25. **PROPERTY TAX EXEMPTION** (Tape 4)

Chairman Hanley called the Board's attention to the issue of the property tax legislation taking place. She asked unanimous consent that the Board direct staff to provide a "not-in-package" item with updated information on the status of the property tax exemptions and any required or associated actions. Without objection, it was so ordered.

26. **NON-PROFITS AND FAITH COMMUNITY ECONOMIC IMPACT SURVEY IN 2003** (Tape 4)

Chairman Hanley called the Board's attention to a report that was sent to the Board that was prepared by the Department of Systems Management for Human Services regarding the highlights of the "Non-Profits and Faith Community Economic Impact Survey in 2003." She mentioned that it should have been presented as a formal Board Item. She commended it to the entire Board and praised staff for its excellent quality and asked unanimous consent that the Board direct staff to post the report on the County's website if staff had not already done so. Without objection, it was so ordered.

Chairman Hanley noted that the report points out that non-profits and faith-based organizations are having difficulty with funding from other sources and that the requests for services are changing in tighter economic times.

27. **CONTRIBUTIONS TO COUNTY FOUNDATIONS** (Tape 4)

Chairman Hanley reminded the Board that she had requested a Board Item regarding the contributions to the Park Foundation, Library Foundation, and the School Foundation. She noted that staff presented the information recently in a "not-in package" item and that each foundation was receiving contributions.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

28. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR STUART MENDELSON** (Tape 4)

Supervisor Mendelsohn announced that he had no Board Matters to present today.

29. **ALL FAIRFAX COUNTY HIGH SCHOOLS MAKE NEWSWEEK'S "BEST HIGH SCHOOLS IN AMERICA" LIST** (Tape 4)

Supervisor Connolly announced that *Newsweek's* recent issue names and ranks the most demanding public high schools in the nation, using a number of criteria. **Every** Fairfax County high school made the list, with the County being the only large jurisdiction in the country to have every eligible school on the list of "Best High Schools in America." Accordingly, he moved that the Board direct staff to invite the following persons to appear before the Board at an appropriate time to be honored for this accomplishment:

- Superintendent of Schools.
- Principals of each of the high schools.

- Heads of the Parent-Teacher Associations at each of the high schools.
- Other appropriate representatives.
- Members of the School Board.

Supervisor Hudgins seconded the motion, which carried by unanimous vote.

30. **FAIRHILL ELEMENTARY SCHOOL NEWS (PROVIDENCE DISTRICT)**
(Tape 4)

Supervisor Connolly announced the following news regarding Fairhill Elementary School:

- Lin Jee Hyan Kang was selected from the 14,000 safety patrols in the County as Safety Patrol of the Year for her superior achievements as both a patrol officer and a student.
- Supervisor Connolly announced that the Fairhill Mean, Lean, Green, Awesomely Supreme Recycling Team presented its Johnnie Forte Memorial Award-winning project at Arbor Day ceremonies.
- Dr. Janis Paushter, longtime principal of the school, is retiring. The school's new technology lab is being named in her honor. She also got married at her recent retirement party.

Accordingly, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Dr. Paushter, Police Officer Mike Koltz, fifth grade teacher Roger Kingsbury, and the appropriate students at Fairhill Elementary School to appear before the Board at the next meeting to be honored for their accomplishments. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

31. **SCHEDULING OF REZONING APPLICATION PUBLIC HEARINGS ASSOCIATED WITH LIFE WITH CANCER PROGRAM (PROVIDENCE DISTRICT)** (Tape 4)

With reference to his written Board Matter, Supervisor Connolly reminded the Board that at the site of the Dewberry and Davis building, it is reviewing an out-of-turn Plan amendment and possible rezoning to redevelop the site including bringing the *Life with Cancer* program headquarters to the site. Accordingly, he moved that the Board direct staff to schedule the public hearing to be held before the Board on the rezoning application no later than October 27, 2003, which is the last meeting of the Board prior to the November 4, 2003, elections. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

32. **AUTHORIZATION OF FILING OF A REZONING APPLICATION ON COUNTY RIGHT-OF-WAY (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly stated that representatives of Elm Street Development requested that the Board authorize the filing of Rezoning Application RZ 2003-0245 and a proffered condition amendment application on existing County right-of-way associated with Ninovan Lane in Providence District. The County right-of-way would incorporate 0.109 acres of land into the Wedderburn assemblage at the intersection of Wedderburn Lane and Luckett Avenue.

Accordingly, Supervisor Connolly moved that the Board authorize the filing of rezoning and proffered condition amendment applications on those portions of Ninovan Lane as generally identified in pending Rezoning Application RZ 2003-0245 and a proffered condition amendment application affecting the same and filed in the name of Elm Street Development. He noted that this motion does not prejudice the review of the pending rezoning application in any way. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

33. **SUMMER CONCERT SERIES AT NOTTOWAY PARK (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly announced that the fourth annual summer concert series at Nottoway Park is being held on Thursdays at 7:30 p.m. in June, July, and August. It is open to the public free of charge. He asked unanimous consent that the Board direct the Office of Public Affairs to publicize the series on Channel 16. He will distribute the associated brochures at the next Board meeting. Without objection, it was so ordered.

34. **LEE DISTRICT CONCERT SERIES** (Tape 4)

Supervisor Kauffman announced that the "Lee Nights" third annual summer concert series will begin Wednesday evening in the Lee District Park. Friday evening will be the inauguration of the Kingstowne concert series, which will be held in the Kingstowne Town Center next to Panera Bread, and immediately follows the Kingstowne Farmers' Market.

PW:pw

35. **REQUEST FOR EXPEDITED PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2003-HM-010 (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that Jacques J. Moore filed an application for Special Exception Application SE 2003-HM-010 which requests a special exception to expand the existing vehicle sale, rental, and ancillary service of the Moore

Cadillac dealership. Due to contractual obligations with deadlines, Supervisor Hudgins moved that the Board direct staff to expedite the processing of this application and schedule a public hearing to be held before the Board on September 29, 2003. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Frey being out of the room.

36. **WAIVER OF THE FEES FOR USE OF THE SHOWMOBILE (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that The Rotary Club of Vienna has requested a waiver of the fees for the use of the Showmobile for the Viva Vienna Town Festival, which was held from May 24 - 26, 2003, in downtown Vienna.

Therefore, Supervisor Hudgins moved that the Board retroactively grant a waiver of the Showmobile fees for the recent Viva Vienna Town Festival. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor Hyland being out of the room.

37. **REQUEST FOR AUDIT OF FISCAL POLICIES OR PRACTICES OF THE RESTON COMMUNITY CENTER (RCC) (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that the Reston community was startled to learn that the RCC lost two critical programs for its youth, Support on Suspension (SOS) and middle school after-school activities, as a result of financial discrepancies in its youth program. In an effort to retain the SOS program, Supervisor Hudgins contacted the Department of Management and Budget (DMB), and, in following up with RCC staff and working with DMB, the funding is continuing for the SOS program, which successfully provides productive activities for local students serving school suspensions. While she was given assurances that the problem does not reflect any wrongdoing, she believes the community should also be assured that RCC is still the well managed facility the community has come to respect. While she has asked the County Executive to review the matter, she now believes this is an opportunity for a thorough review of the fiscal management practices of RCC.

Accordingly, Supervisor Hudgins moved that the Board direct the Auditor of the Board to:

- Review the fiscal policies or practices of the RCC.

- Expediently report its findings to the Board.

Chairman Hanley seconded the motion, which carried by unanimous vote.

38. **RECOGNITION OF MADISON HIGH SCHOOL'S BASEBALL AND SOFTBALL TEAMS (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that the Madison High School baseball and softball teams have again proven themselves the class of the Northern Region. For the second straight year, the Madison baseball team captured the Northern Region title with an 8-5 victory over Robinson Secondary School on Saturday. A day earlier, the Madison softball team defeated Oakton High School 1-0 to also gain the Northern Region title. Both squads will now enter their State tournaments. She said that the Hunter Mill District is very proud of both teams and excited to see them do well in the State tournaments.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the Madison High School baseball and softball teams to appear before the Board to receive recognition for their outstanding seasons and their dual Northern Regional championships. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

39. **COMMUNITY MEETING FOR AN UPDATE ON THE DULLES CORRIDOR RAPID TRANSIT PROJECT** (Tape 5)

Supervisor Hudgins invited the public to join her; Karen Rae, Director, Virginia Department of Rail and Public Transportation; and the Dulles Corridor Rail Association (DCRA) to attend a community meeting for an update on the Dulles Corridor Rapid Transit Project which will be held on June 5, 2003, at 9 a.m. at Accenture. Additional information can be found on the Hunter Mill District website www.fairfaxcounty.gov/gov/bos/hm/homepage.htm and questions and comments can be emailed as well.

A brief discussion ensued.

40. **BRADDOCK NIGHTS (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova announced that Braddock Nights starts this Friday, June 6, 2003. Braddock Nights is a concert series held every Friday night during the summer starting the first Friday in June and ending on the last Friday in August at both Lake Accotink in Springfield and at Royal Lake in Fairfax.

PMH:pmh

41. **MILITARY EXERCISES (MASON DISTRICT)** (Tape 6)

Supervisor Gross said that last Thursday night many Mason District residents experienced a severe scare when an apparent NORAD military exercise sent F-15s over their neighborhoods at a very low altitude. Although later newscasts announced the exercise, no advance warning apparently was made available to alert residents that they would not be in danger. She said that she has received a number of calls and e-mails inquiring why such tests are conducted in a heavily populated area, and what they can do about it.

Supervisor Gross noted that military exercises are outside of the jurisdiction of Fairfax County. However, this incident raises some serious questions about notification and safety, and deserves greater scrutiny.

Therefore, Supervisor Gross asked unanimous consent that the Board refer this issue to the County Executive for examination and recommendations that the Board might want to forward to the appropriate federal officials.

Following discussion, without objection, the request was so ordered.

42. **SPOTLIGHT BY STARLIGHT (MASON DISTRICT)** (Tape 6)

Supervisor Gross distributed to Board Members a brochure announcing the Spotlight by Starlight Free Summer Concert Series 2003 which began on June 1 and runs through August. The concerts are held at the Newton W. Edwards Amphitheater, Mason District Park, and are on Wednesday and Friday nights with children's programs at 10 a.m. on Saturday mornings.

43. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-033 (MOUNT VERNON COUNTRY CLUB) (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland announced his intent, later in the meeting, to defer the public hearing on Special Exception Amendment Application SEA 97-V-033 until June 16, 2003, at 5 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#54.)

44. **REQUEST FOR WAIVER OF FEES FOR THE LORTON ARTS FOUNDATION (LAF) (MOUNT VERNON DISTRICT)** (Tape 6)

(NOTE: Earlier in the meeting, additional action was taken regarding the LAF. See Clerk's Summary Item CL#15.)

Supervisor Hyland said that earlier in the meeting, the Board approved the agency

agreement permitting the Lorton Arts Foundation (LAF) to move forward with a rezoning and site plan for the property known as "Parcel G" of the former Lorton Correctional Complex.

Supervisor Hyland said that in anticipation of this action, the Executive Director of the Foundation [a 501(c)(3), non-profit corporation] made a request to have any and all fees associated with the rezoning waived.

Accordingly, Supervisor Hyland moved that the Board waive any and all fees associated with the LAF rezoning application. Supervisor Connolly seconded the motion.

Following input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, additional action was taken regarding the LAF. See Clerk's Summary Item CL#45.)

45. **ADDITIONAL ACTION REGARDING ACTION ITEM A-5 - APPROVAL OF A LIMITED REVOCABLE AGENCY AGREEMENT BY AND BETWEEN THE BOARD AND THE LORTON ARTS FOUNDATION (LAF), INCORPORATED AND A TEMPORARY REVOCABLE LICENSE FOR ENTRY AGREEMENT TO ALLOW LAF TO ACCESS THE OCCOQUAN WORKHOUSE AREA (MOUNT VERNON DISTRICT)**
(Tape 6)

(NOTE: Earlier in the meeting, additional action was taken regarding the LAF. See Clerk's Summary Items CL#15 and CL#44.)

Supervisor Hyland referred to Action Item A-5 and noted that because it is uncertain at this time exactly what insurance coverage and terms will be available to the LAF, it is appropriate for the County Executive to be authorized in the Temporary Revocable License for Entry to approve, if necessary, insurance coverage and terms that may differ from those specified in paragraph 5 of that agreement, but which provide materially similar insurance protection.

Therefore, Supervisor Hyland moved to amend the motion (made earlier in the meeting) that the Board concur in the recommendation of staff and authorize the County Executive, on behalf of the Board, to enter into the Limited Revocable Agency Agreement with LAF and the Temporary Revocable License for Entry agreement providing that the first sentence of paragraph 5 of the Temporary Revocable License for Entry agreement shall be revised to read:

- "The Licensee shall, during the continuance of all activities under this Revocable License Agreement provide the following, or, subject to the prior written approval of the County Executive, other materially similar substitutes." Approval of the Limited

Revocable Agency Agreement and the Temporary Revocable License for Entry agreement is made by the Board in its capacity as owner of the Occoquan Workhouse property only, and not in its governmental or regulatory capacity, and shall in no way prejudice the substantive review of any rezoning applications or site plans filed."

Supervisor McConnell seconded the motion and it carried by unanimous vote.

46. **MASTER JHOON RHEE AND TAE KWAN DO** (Tape 6)

Supervisor Frey said that Jhoon Rhee, the creator of Tae Kwan Do, is celebrating his seventieth birthday on June 7, 2003. In addition, this year is the fortieth anniversary of Tae Kwan Do in Fairfax County. Master Rhee has trained many students, including elected officials at the highest levels of government, and the most famous celebrities.

In light of all of Master Rhee's accomplishments and to commemorate his seventieth birthday and the fortieth anniversary of Tae Kwan Do in Fairfax County, Supervisor Frey moved that the Board declare June 7, 2003, as "*Jhoon Rhee Day*" in Fairfax County and that the Chair communicate this and the Board's best wishes to him. Supervisor McConnell and Supervisor Mendelsohn seconded the motion.

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

47. **NO BOARD MATTERS TO PRESENT FOR SUPERVISOR MCCONNELL (SPRINGFIELD DISTRICT)** (Tape 6)

Supervisor McConnell announced that she had no Board Matters to present today.

48. **INTENT TO DEFER THE BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.)** (Tape 6)

Supervisor Mendelsohn announced his intent, later in the meeting, at the appropriate time, to defer the Board decision regarding implementation of revisions to the Chesapeake Bay Preservation Area Designation and Management Regulations (VAC 10-20 ET SEQ.) and on proposed amendments to the PFM and

the Code of the County of Fairfax as follows:

- Chapter 101, (Subdivision Ordinance)
- Chapter 104 (Erosion and Sedimentation Control)
- Chapter 112 (Zoning Ordinance)
- Chapter 118 (Chesapeake Bay Preservation Ordinance)

The Board decision will be deferred to July 7, 2003.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Kauffman asked unanimous consent that the Board direct staff to respond to the issue regarding the value of revitalization/redevelopment areas being designated as an Intensely Developed Area (IDA).

Chairman Hanley noted that the map that shows the data that is being mapped that adds onto resource protection areas does not have any other information on it. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to impose major roads on top of that map. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Kauffmann asked unanimous consent that the Board direct staff to identify revitalization areas on the map. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board with regard to IDAs direct staff to provide proposed language for consideration by the Board prior to the Environmental Committee meeting. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff ensure that the proposed options to be considered by the Board are included in the scope of the advertisement. Without objection, it was so ordered.

Chairman Hanley announced that the following schedule changes:

- Environmental Committee meeting on July 7, 2003, at 8 a.m.
- Personnel Committee meeting on July 21, 2003, at 8 a.m.

A brief discussion ensued, with input from Merni Fitzgerald, Director, Office of Public Affairs.

(NOTE: Later in the meeting, the Board decision was formally deferred. See Clerk's Summary Item CL#51.)

49. **RECESS/CLOSED SESSION** (Tape 6)

At 11:10 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
 - 1. *Apolinario Mabini, as Joint Heir and Administrator of the Estate of Tamara Jane Mabini v. Rogelio Vasquez, First Transit, Inc., and Fairfax County, Virginia*, At Law No. 203648 (Fx. Co. Cir. Ct.)
 - 2. *Kara Gedrich, et al. v. Fairfax County Department of Family Services, et al.*, Civil Action No. 02-1708 (E.D. Va.)
 - 3. *Judith Heisinger v. County of Fairfax*, At Law No. 203648 (Fx. Co. Cir. Ct.)
 - 4. *Louise Redditt, et al. v. Fairfax County Police Department, et al.*, Docket No. 03-1440 (U.S. Ct. App. Fourth Cir.)
 - 5. *Ronald Lee Ward, Jr., v. Fairfax County Government*, Case No. 1:02CV02534 (U.S. District Court for D.C.)
 - 6. *Preasley Crone v. Blaine Underwood*, Case No. 02-37325 (Fx. Co. Gen. Dist. Ct.)

7. *Carol S. Koehne v. Fairfax County Board of Zoning Appeals and Trustees of the Kings Chapel*, At Law No. 211070 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Sharif Shafik, Gladis Ondina Diaz, a/k/a Gladis Hondina, and Ramiro Arevalo*, In Chancery No. 177760 (Fx. Co. Cir. Ct.) (Lee District)
9. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker*, In Chancery No. 182748; *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Supervisors and Fairfax County*, At Law No. 204529; and *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Zoning Appeals*, At Law No. 210396 (Fx. Co. Cir. Ct.) (Lee District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. 184232 (Fx. Co. Cir. Ct.) (Dranesville District)

Supervisor Hyland seconded the motion and it carried by unanimous vote.

SBE:sbe

At 3:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Bulova,

Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

(NOTE: Later in the meeting the Board presented additional action from Closed Session. See Clerk's Summary Item CL#67.)

AGENDA ITEMS

DS:ds

51. **3:30 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), CHAPTER 112 (ZONING ORDINANCE), CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING IMPLEMENTATION OF REVISIONS TO THE CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATIONS (9 VAC 10-20 ET SEQ.)** (Tape 8)

(NOTE: Earlier in the meeting this item was discussed. See Clerk's Summary Item CL#48.)

(NOTE: At its May 19, 2003, meeting the Board held a public hearing and deferred decision on this item until June 2, 2003.)

Supervisor Mendelsohn moved to defer decision on proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance), Chapter 118 (Chesapeake Bay Preservation Ordinance), and to the Public Facilities Manual (PFM) regarding implementation of revisions to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 ET SEQ) until **July 7, 2003, at 3 p.m.** Supervisor Connolly and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

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

Chairman Hanley announced that there would be a change in the orders of the day, and asked all Board Members who had 3:30 p.m. deferrals to defer them now.

53. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE CULMORE RESIDENTIAL PARKING PERMIT DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)** (No Tape)

(NOTE: Later in the meeting action was taken regarding this item. See Clerk's Summary Item CL#56.)

54. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-033 (MOUNT VERNON COUNTRY CLUB) (MOUNT VERNON DISTRICT)** (Tape 8)

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 97-V-033 until **June 16, 2003, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

55. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-007 (6245 LEESBURG PIKE, LLC) (MASON DISTRICT)** (Tape 8)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 76-M-007 until **June 16, 2003, at 4 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

56. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE CULMORE RESIDENTIAL PARKING PERMIT DISTRICT (RPPD), DISTRICT 9 (MASON DISTRICT)** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 15 and May 22, 2003.

Hamid Majdi, Transportation Planner, Traffic Operations Section, Department of Transportation, presented the staff recommendation.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Mr. Majdi.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Culmore RPPD, District 9. The proposed District expansion

includes the following street blocks:

- Leesburg Pike Service Drive (Route 985) from Glen Carlyn Road (Route 714) to the end
- Fairview Place (Route 982) from Glen Carlyn Road to the end

Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-033 (MOUNT VERNON COUNTRY CLUB) (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item CL#54.)

58. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-007 (6245 LEESBURG PIKE, LLC) (MASON DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting action was taken regarding this item. See Clerk's Summary Item CL#55.)

59. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-002-03 (PENDERBROOK COMMUNITY ASSOCIATION, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 8)

The application property is located at the east terminus of Penderbrook Drive, Tax Map 46-3 ((1)) 75 pt. and 77.

Mr. Edward J. O'Connell, III, reaffirmed the validity of the affidavit for the record.

Mr. O'Connell 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, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved approval of Proffered Condition Amendment Application PCA 84-P-002-03, subject to the proffers dated May 9, 2003. Supervisor Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER

60. **RED FOLDERS** (Tape 8)

Chairman Hanley called the Board Members' attention to their red folders and noted that they contained proffers and Planning Commission results for the 4 p.m. Hunter Mill District public hearing, among other things.

AGENDA ITEMS

61. **4 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING TEMPORARY CONSTRUCTION/ CONTRACTOR SIGNS** (Tape 8)

(O) (NOTE: At its May 19, 2003, meeting the Board held a public hearing on this item and deferred decision until June 2, 2003.)

Discussion ensued with input from Michael A. Adams, Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), and Eileen M. McLane, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding temporary construction/contractor signs, as recommended by the Planning Commission, with staff changes as contained in the staff report listed as Attachment One of the Board Agenda Item. Supervisor Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hyland, and Supervisor McConnell being out of the room.

62. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-002 [CROSSPOINTE (E&A), LLC] (MOUNT VERNON DISTRICT)** (Tape 8)

Supervisor Mendelsohn moved to defer the public hearing on Special Exception Application SE 2003-MV-002 until **June 16, 2003, at 3:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hyland, and Supervisor McConnell being out of the room.

63. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-044, SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-C-027-9, AND PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-091-8 AND PCA 88-C-039-8 (COLUMBIA REGENCY RETAIL PARTNERS, LLC) (HUNTER MILL DISTRICT)** (Tape 8)

(O) The Rezoning Application RZ 2002-HM-044 property is located in the southeast quadrant of the intersection of Sunrise Valley Drive and Fox Mill Road (Village Center at Dulles), Tax Map 16-3: consisting of an abandoned portion of Fox Mill Road, adjacent to Village Center at Dulles.

The Special Exception Amendment Application SEA 89-C-027-9 property is located in the southeast quadrant of the intersection of Centreville Road and Sunrise Valley Drive/Fox Mill Road, Tax Map 16-3 ((1)) 15B pt. and an abandoned portion of Fox Mill Road adjacent to Village Center at Dulles.

The Proffered Condition Amendment Applications PCA 88-C-091-8 and PCA 88-C-039-8 property is located in the southeast quadrant of the intersection of Centreville Road and Sunrise Valley Drive, Tax Map 16-3 ((1)) 15B pt.

Mr. Frederick R. Taylor reaffirmed the validity of the affidavit for the record.

Mr. Taylor 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, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-044, from the I-4 District to the C-6 District, and approval of Proffered Condition Amendment Applications PCA 88-C-039-08 and PCA 88-C-091-08, subject to the proffers dated May 29, 2003.

- Approval of Special Exception Amendment Application SEA 89-C-027-09, subject to the development conditions dated May 28, 2003.

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

Supervisor Hudgins further moved:

- Modification of the transitional screening requirements as shown on the SE plat and modified by the development conditions.
- Waiver of the minimum district size to allow a 6,706 square foot parcel of land into the C-6 District.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

64. **BOARD RECESS** (Tape 8)

At 4:15 p.m., the Board recessed briefly, and at 4:40 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, and with Chairman Hanley presiding.

65. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-016-4 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-Y-024-3 (CHANTILLY 50-28 ASSOCIATES LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 8)

The Proffered Condition Amendment Application PCA 95-Y-016-4 property is located on the east side of Lee Road, approximately 1,100 feet south of Lee Jackson Memorial Highway, Tax Map 34-3 ((13)) 1, 2, 3, and 4 (formerly known as 34-3 ((1)) pt. 7B and pt. 19).

The Special Exception Amendment Application SEA 95-Y-024-3 property is located at 14409 Lee Jackson Memorial Highway, Tax Map 34-3 ((13)) 1, 2, 3, and 4 (formerly known as 34-3 ((1)) pt. 7B and pt. 19).

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

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

- In excess of \$200 from Louis L. Glickfield

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

- In excess of \$200 from Marriott Corporation and Westfields
Marriott

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

Following the public hearing, which included testimony by two speakers, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 95-Y-016-4, subject to the proffers dated May 15, 2003. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 95-Y-024-3, subject to the development conditions dated May 27, 2003. Supervisor Hyland and Supervisor Kauffman jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

66. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 84-D-049-5/ FDPA 84-D-049-6 (TYSONS II LAND COMPANY, LLC) (PROVIDENCE DISTRICT)** (Tape 8)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment/Final Development Plan Amendment Application PCA 84-D-049-5/ FDPA 84-D-049-6 until **June 16, 2003, at 5:30 p.m.** Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION67. **APPOINTMENT OF MICHAEL P. NEUHARD TO FIRE CHIEF, FIRE AND RESCUE DEPARTMENT** (Tape 8)

Supervisor Gross moved the appointment of Mr. Michael P. Neuhard to the position of Fire Chief, Fire and Rescue Department, at Grade E-13 at a salary of \$133,000 effective June 2, 2003. Supervisor Connolly seconded the motion and it carried by a vote of eight, *Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

(*NOTE: Later in the meeting Supervisor Hudgins asked to be recorded as voting "AYE" on this motion. See Clerk's Summary Item CL#68.)

ADDITIONAL BOARD MATTERS68. **VOLUNTEER FIRE DEPARTMENTS** (Tape 8)

Supervisor Hyland moved that the Board direct the County Executive and the newly appointed Fire Chief, Michael P. Neuhard, to undertake a full-scale review of the role of, and the County's relationship with, the Volunteer Fire Departments with one aim of recognizing and reinforcing their function, and report with their recommendations. Supervisor Connolly and Supervisor Kauffman jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Hudgins asked unanimous consent to be recorded as voting "AYE" on the motion appointing Michael P. Neuhard as the Fire Chief. Without objection, it was so ordered.

69. **CONGRATULATIONS AND WELCOME TO MICHAEL P. NEUHARD, FIRE CHIEF** (Tape 8)

Chairman Hanley recognized the presence of the newly appointed Fire Chief, Michael P. Neuhard and, on behalf of the Board, congratulated him on his appointment, and warmly welcomed him to the Board Auditorium.

70. **BOARD ADJOURNMENT** (Tape 8)

At 4:50 p.m., the Board adjourned.

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