



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 8, 2004**

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The meeting was called to order at 9:40 a.m., with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

Supervisor McConnell arrived at 9:42 a.m.

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

AGENDA ITEMS

1. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. RICHARD COMBS** (9:41 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Richard Combs for his years of service to the Lee District and the County. Supervisor Gross seconded the motion and it carried by unanimous vote.

2. **PROCLAMATION DESIGNATING MARCH AS "INCLUDING PEOPLE WITH DEVELOPMENTAL DISABILITIES MONTH" IN FAIRFAX COUNTY** (9:44 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March as "Including People with Developmental Disabilities Month" in Fairfax County. Supervisor Hudgins and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. JAMES WILSON BRAY, MR. RICHARD MORTIMER, AND MR. FREDERICK SUFFA** (9:50 a.m.)

(BACs) Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. James Wilson Bray for his years of service on the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion.

Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. Frederick Suffa for his years of service on the Board of Equalization of Real Estate Assessments. Supervisor Kauffman seconded the motion.

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Richard Mortimer for his years of service on the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion.

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

4. **PROCLAMATION DESIGNATING MARCH AS “RED CROSS MONTH” IN FAIRFAX COUNTY** (10:03 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March as “*Red Cross Month*” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE CHAIRMAN AND MOUNT VERNON DISTRICT REPRESENTATIVE OF THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) AND THE DIRECTOR AND STAFF OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)** (10:07 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to the following individuals for their work in regard to the Gum Springs Glen facility:

- Conrad Egan, Chairman, FCRHA
- Elisabeth Lardner, Commissioner and Mount Vernon District Representative, FCRHA
- Paula Sampson, Director, HCD

- Staff of HCD

Supervisor Hudgins and Supervisor Kauffman jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MARCH AS “WOMEN’S HISTORY MONTH” IN FAIRFAX COUNTY** (10:22 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March as “*Women’s History Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued with a brief presentation by Leia Francisco, Executive Director, Office for Women, and Alotta Taylor, Chair, Commission for Women.

(NOTE: Later in the meeting, the Board made reference to this presentation. See Clerk's Summary Item CL#37.)

DS:ds

BOARD MATTER

7. **HAPPY BIRTHDAY TO CATHERINE A. CHIANESE, ASSISTANT TO THE COUNTY EXECUTIVE** (10:41 a.m.)

Chairman Connolly announced that today we are celebrating Catherine Chianese's birthday. On behalf of the Board, he presented her with a plant and wished her a happy birthday.

AGENDA ITEMS

8. **10 A.M. – PRESENTATION OF THE ENVIRONMENTAL ENTERPRISE CERTIFICATION FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)** (10:41 a.m.)

Jeff Steers, Regional Director, Northern Office, DEQ, and Sharon K. Baxter, Office of Pollution Prevention, DEQ, gave a presentation on the County's Environmental Enterprise Certification.

A brief discussion ensued.

9. **10:15 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION ANNUAL REPORT** (10:52 a.m.)

Timothy G. Fleming, Chairman of the Volunteer Fire Commission, presented its annual report.

A brief discussion ensued.

10. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:07 a.m.)

Chairman Connolly, Chair, Board's Legislative Committee, presented a report on the General Assembly activities.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Legislative Report dated March 8, 2004. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

11. **ADMINISTRATIVE ITEMS** (11:12 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Frey seconded the motion.

Supervisor Bulova called the Board's attention to Admin 12 – Authorization to Advertise Publication of the Fiscal Year 2005 Budget and Required Tax Rates and distributed to Board Members:

- A document regarding legislation introduced by Delegate Hugo as House Bill 1001. The legislation permits the Board to impose an additional transient occupancy tax beginning July 1, 2004.
- Proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), regarding implementation of the new transient occupancy tax.

Therefore, Supervisor Bulova moved to amend the motion to:

- Advertise the tax rate and direct staff to include language to implement the enabling legislation for the additional transient occupancy tax authorized by House Bill 1001.
- Direct staff to advertise the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to allow implementation of the new tax effective July 1, 2004.

Supervisor Hyland seconded the motion.

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

Supervisor Frey asked to amend the motion to consider Admin 10 separately, and this was accepted.

The question was called on the main motion, as amended, with the exception of Admin 10, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – INSTALLATION OF “NO PARKING” SIGNS ON CINDER BED ROAD NORTH SIDE FROM BACKLICK ROAD WEST TO THE CUL-DE-SAC (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution restricting parking on Cinder Bed Road north side from Backlick Road west to the cul-de-sac.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 2 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR UNION VILLAGE CIRCLE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- Endorsed the traffic-calming plan for Union Village Circle as proposed by staff and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One speed table adjacent to 1353 and 1354 Union Village Circle.
 - One speed table adjacent to 13541, 13542, and 13543 Union Village Circle.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-Y-011, RAINBOW DAY CARE INCORPORATED (SULLY DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 00-Y-011 to February 7, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04075 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) CITIZEN CORPS PROGRAM GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

- (SAR) Approved SAR AS 04075 in the amount of \$13,800 for FRD to accept FEMA grant funds from VDEM to support Citizen Corps programs. No local cash match is required.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7724 GUNSTON DRIVE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 29, 2004, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7724 Gunston Drive, Lorton, 22079-2531, (Tax Map Number 113-4-((04))-0056).

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) FOR GRANT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAZARD MITIGATION GRANT PROGRAM

Authorized the FCPD to submit an application to VDEM for FEMA Hazard Mitigation Grant Program funding in the amount of \$797,275. A local cash match of 25 percent is required. The \$199,318.75 match requirement is the responsibility of the individual homeowner benefiting from the elevation project.

ADMIN 7 – APPROVAL OF A STREET NAME CHANGE FOR CAMDEN COURT (MOUNT VERNON DISTRICT)

Approved the street name change from Camden Court to Brintzer Way effective immediately following approval, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04079 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), EMERGENCY MANAGEMENT DIVISION, TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) STATE HOMELAND SECURITY GRANT PROGRAM SUPPLEMENTAL AWARD FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

- (SAR) Approved SAR AS 04079 in the amount of \$2,057,481 for the FCPD to accept DHS funding from VDEM. These funds will be used to enhance the capabilities of local first responders by acquiring equipment, attending training, conducting exercises, and paying for planning-related activities. No local cash match is required.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04078 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), EMERGENCY MANAGEMENT DIVISION, TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) STATE HOMELAND SECURITY GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

- (SAR) Approved SAR AS 04078 in the amount of \$628,301 for the FCPD to accept DHS funding from DVEM. These funds will be used to enhance the capabilities of local first responders through acquisition of equipment. No local cash match is required.

ADMIN 10 – APPROVAL OF A STANDARD AGREEMENT FORM FOR FUTURE CONSTRUCTION OF PUBLIC IMPROVEMENTS BY CERTAIN COUNTY ENTITIES

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#12.)

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) TO INCREASE THE ELIGIBILITY REQUIREMENT FOR ASSETS IN ORDER TO QUALIFY FOR THE ELDERLY AND DISABLED REAL ESTATE TAX RELIEF PROGRAM AND TO PERMIT THE PRORATION OF BENEFITS DURING THE YEAR

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 29, 2004, at 3:30 p.m.** in concert with deliberation of the Fiscal Year 2005 Advertised Budget Plan to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), increasing the eligibility

requirement for assets in order to qualify for the Elderly and Disabled Real Estate Tax Relief program and to permit the proration of benefits during the year.

(NOTE: Earlier in the meeting the Board discussed tax relief for elderly and disabled citizens. See CL#52.)

ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2005 BUDGET AND REQUIRED TAX RATES

(A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 4.)

Authorized the advertisement of the following items, which are included in the proposed FY 2005 Budget:

- A brief synopsis of the FY 2005 Budget and a notice of proposed adoption of a Resolution appropriating funds for FY 2005 to be advertised during the week ending March 19, 2004.
- The notice required by *Virginia Code* Section 58.1-3321.
- Public hearings on the proposed Advertised Capital Improvement Program for FYs 2005 – 2009 (with Future FYs to 2014).
- Public hearing on the FY 2005 Effective Tax Rate – March 29, 2004.

12. **ADMIN 10 – APPROVAL OF A STANDARD AGREEMENT FORM FOR FUTURE CONSTRUCTION OF PUBLIC IMPROVEMENTS BY CERTAIN COUNTY ENTITIES** (11:16 a.m.)

Discussion ensued with input from Len Wales, County Debt Manager, Department of Management and Budget; Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Management; Lynn Tadlock, Director, Planning and Development Division, Park Authority; and Anthony H. Griffin, County Executive.

Supervisor Bulova moved to defer action on this item to allow staff time to provide additional information. Supervisor Frey seconded the motion and it carried by unanimous vote.

13. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR THE PUBLIC HOUSING AND HOUSING CHOICE VOUCHER ANNUAL PLAN UPDATE FOR FISCAL YEAR (FY) 2005 OF THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public Housing and Housing Choice Voucher Annual Plan Update for the FY 2005 submission to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

14. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-S03-13, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) AND DEPARTMENT OF FAMILY SERVICES (DFS) (SPRINGFIELD DISTRICT), AND NAMING OF THE FACILITY** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-S03-13, DPWES and DFS, for the West County Family Shelter.

Chairman Connolly noted that under Mrs. Hanley's leadership the Board moved toward addressing one particular long-standing need in the County, the waiting list for temporary shelter for families. On February 5, 2004, the Planning Commission approved the facility which will consist of a 20,000 square foot family shelter and two transitional housing units of 3,000 square feet each. It will accommodate 60 beds for parents and their children. A tot lot and a multi-use court for family recreation are all part of the plans to provide a safe, stable environment for families.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, on behalf of himself, Supervisor Hudgins, and Supervisor McConnell, moved that this newly established facility be named the "Katherine K. Hanley Family Shelter," in honor of the former chairman. Supervisor Hudgins seconded the motion.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

15. **I-3 – CONTRACT AWARD – REPLACEMENT/ENHANCEMENT OF THE EXISTING SLUDGE DEWATERING SYSTEM (MOUNT VERNON DISTRICT)** (11:37 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to award a contract to W.M. Schlosser Company, Incorporated, in the amount of \$11,433,000 for the construction of Project X00910, Replacement and Renewal – Treatment, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

16. **I-4 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON CHANTILLY MEWS APARTMENTS (SULLY DISTRICT)** (11:37 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to sign a letter of support for the Chantilly Mews Apartments and forward it to VHDA for consideration with the tax credit application.

Following discussion, with input from Teresa Knerr, Loan Officer, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, Supervisor Frey asked unanimous consent to defer action on this item until March 15, 2004. Without objection, the request was so ordered.

17. **I-5 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON WESLEY HOUSING AT COPPERMINE PLACE I – DISABILITY (HUNTER MILL DISTRICT)** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to sign a letter of support for Wesley Housing at Coppermine Place I – Disability and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

18. **I-6 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON TYSONS LANDING APARTMENTS (PROVIDENCE DISTRICT)** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to sign a letter of support for the Tysons Landing Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

19. **I-7 – CONTRACT AWARD – PHASE II SITE IMPROVEMENTS AT TOWERS PARK (PROVIDENCE DISTRICT)** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to award a contract to Alter B. Stanley and Sons, Incorporated, in the amount of \$189,840 for the construction of Phase II Site Improvements at Towers Park.

The staff was directed administratively to proceed as proposed.

20. **I-8 – CONTRACT AWARD – DENTIST FOR THE ADULT DETENTION CENTER** (11:39 a.m.)

The Board next considered an item contained in the Board Agenda dated March 8, 2004, requesting authorization for staff to award a contract to Dentrust Dental International in the amount of \$452,751.50 for a total of five years, beginning April 2004, to continue providing dental services at the Fairfax County Adult Detention Center.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

21. **NOTE FROM MS. HELEN SHACOCHIS** (11:39 a.m.)

Chairman Connolly mentioned that he had received a note from Helen Shacochis, widow of the late John Shacochis, former Dranesville District Supervisor. Chairman Connolly expressed appreciation to Supervisor DuBois for representing the Board at Mr. Shacochis' funeral.

22. **LETTER FROM GOVERNOR MARK R. WARNER** (11:40 a.m.)

Chairman Connolly distributed copies of a letter he had received from Governor Mark R. Warner commending the Board's efforts regarding the Dulles Rail project.

23. **CRISIS SUICIDE PREVENTION HOTLINE** (11:40 a.m.)

Chairman Connolly said that for more than 30 years, CrisisLink has existed as a non-profit organization to provide support for individuals facing life crises, distress, and suicide. CrisisLink is a confidential suicide prevention, crisis

intervention information, and referral service. Chairman Connolly provided additional background on CrisisLink.

Chairman Connolly stated that because of recent funding shortfalls, CrisisLink is facing nearly a 40 percent reduction in funding starting in July. Due to technical issues concerning its recent application for participation in the County's Community Funding Pool, this source of funding is not available.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to review this situation and identify possible alternative funding sources to continue this important service to the community. Without objection, it was so ordered.

24. **MASTER WATERSHED STEWARD PROGRAM** (11:42 a.m.)

Chairman Connolly announced the start of the Master Watershed Steward Program, hosted by the Potomac River Greenways Coalition, the Northern Virginia Soil and Water Conservation District, the Audubon Naturalist Society, the Potomac Conservancy, and the Department of Public Works and Environmental Services. The program is for residents who are interested in learning about the watersheds in the County and how to protect them. This is a free program, by which citizens can become certified Master Watershed Stewards after attending six sessions and performing 24 hours of community service. The kickoff session is tonight, March 8, 2004, at 7 p.m. at the Mason District Governmental Center, and thereafter the sessions will be held at the Fairfax County Government Center on every second and fourth Monday from now until the end of June. He commended these groups for offering this program to the public and raising further awareness of this issue to equip citizens with the knowledge to be a part of the solution.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize this information, summarized in the flyer attached to his written Board Matter, as distributed to the Board. Without objection, it was so ordered.

25. **FAIR HOUSING MONTH** (11:43 a.m.)

Chairman Connolly said that April 11, 2004, will mark the thirty-sixth anniversary of the enactment of the Federal Fair Housing Act which prohibited discrimination for housing on the grounds of race, origin, religion, sex, familial status, or handicap. This April the County will also celebrate the thirtieth anniversary of the adoption of the Fairfax County Human Rights Ordinance, which provided equal housing for all residents of Fairfax County.

Therefore, Chairman Connolly moved that the Board proclaim April 2004 as "*Fair Housing Month*" in Fairfax County and direct staff to invite representatives from the Human Rights Commission to appear before the Board to receive the

proclamation at its March 29, 2004, meeting. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

26. **DONATE LIFE MONTH** (11:43 a.m.)

(BACs) Chairman Connolly noted that the need for organ and tissue donation is critical. Every 13 minutes another name is added to the national organ transplant waiting list, while every hour and 16 minutes another person on the waiting list dies. One organ donor can save as many as nine lives and tissue donation can greatly improve up to 100 more.

Therefore, Chairman Connolly moved that the Board proclaim April 2004 as "*Donate Life Month*" in Fairfax County to coincide with the national observance of this important cause and direct staff to invite members of the Fairfax County Commission on Organ and Tissue Donation and Transplantation to receive the proclamation at the March 29, 2004, Board meeting.

Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

27. **PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER** (11:43 a.m.)

Chairman Connolly said the Prudential Spirit of Community Award is a recognition given to outstanding young Americans who represent the best of America's youth and are role models to their peers and their communities. Upon receipt of this honor, honorees are then considered for a national award. Fairfax's own Alexis Kuiper was selected out of 20,000 young people to receive this extraordinary award. In May she will travel to Washington, DC to represent Virginia in a series of national events.

Therefore, Chairman Connolly moved that the Board direct staff to invite Ms. Kuiper to appear before the Board at its March 15, 2004, meeting and receive a certificate of recognition for her work as a young community leader. Supervisor McConnell seconded the motion.

Supervisor Hudgins noted that there are two awardees from the County and that both were mentioned in a joint Board Matter presented on February 9, 2003, to be scheduled for a future Board presentation. A brief discussion ensued with input from Merni Fitzgerald, Director, Office of Public Affairs.

28. **NATIONAL INFANT IMMUNIZATION MONTH** (11:46 a.m.)

Chairman Connolly said infant immunization continues to be a critical public health issue and public awareness and education is very important. Approximately 15 percent of two year olds in the County are inadequately immunized against potentially fatal childhood diseases.

Therefore, Chairman Connolly moved that the Board proclaim April 2004 as "*National Infant Immunization Month*" in Fairfax County and direct staff to invite representatives to be recognized with the proclamation at its March 29, 2004, meeting. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to promote immunizations and provide immunization information to parents. Without objection, it was so ordered.

29. **WORLD TUBERCULOSIS (TB) DAY** (11:47 a.m.)

Chairman Connolly said that on March 24, 2004, health providers around the world will celebrate the anniversary of the discovery of the organism that causes TB, a serious disease that can damage a person's lungs or other parts of the body and cause serious illness. Each year more than 25,000 Americans are diagnosed with TB.

Therefore, Chairman Connolly moved that the Board proclaim March 24, 2004, "*World TB Day*" in Fairfax County and direct staff to invite representatives from the Fairfax County Health Care Advisory Board to be recognized with the proclamation at the March 15, 2004, Board meeting. Supervisor Gross seconded the motion and it carried by unanimous vote.

30. **NATIONAL PUBLIC HEALTH WEEK** (11:48 a.m.)

Chairman Connolly said that many citizens cannot afford the health care that they need. The County must strive to achieve optimal health for all of its citizens by providing appropriate and adequate health care. The Fairfax County Health Department works diligently to provide services to all in need.

Therefore, Chairman Connolly moved that the Board proclaim April 5-11, 2004, "*National Public Health Week*" in Fairfax County and direct staff to invite representatives from the Health Department to receive the proclamation at the March 29, 2004, Board meeting. Supervisor McConnell seconded the motion, which carried by unanimous vote.

31. **TAPESTRY FOR TOMORROW** (11:48 a.m.)

Chairman Connolly said that the County Teen Services is preparing to kick off the annual Tapestry for Tomorrow. This wonderful opportunity is a chance for young artists to share their artistic talents and maybe even win a prize for their work. On April 13, 2004, the Youth Council of the Northern Virginia Workforce Investment Board will sponsor an awards ceremony in the South Atrium of the Government Center and all are welcome to attend.

Therefore, Chairman Connolly moved that the Board direct the Office of Public Affairs to publicize the Tapestry for Tomorrow art show program and provide information for interested artists to submit their work and prepare a media release announcing the April 13, 2004, awards ceremony and artwork display. Supervisor McConnell seconded the motion and it carried by unanimous vote.

32. **PRESENTATION TO JOINT MEETING OF HOUSE APPROPRIATIONS AND HOUSE FINANCE COMMITTEES** (11:50 a.m.)

Chairman Connolly distributed to Board Members copies of the "Presentation to Joint Meeting of House Appropriations and House Finance Committees, Commonwealth of Virginia" dated February 11, 2004, which he had received from Delegate Hull. The information was presented by the Commonwealth's financial advisors on the status of the Commonwealth's AAA bond rating.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

33. **TELEPHONE CALL FROM FORMER BOARD CHAIRMAN KATHERINE K. HANLEY** (11:50 a.m.)

(NOTE: Earlier in the meeting, the Board named the new West County Family Shelter in honor of former Chairman Katherine K. Hanley. See Clerk's Summary Item CL#14.)

Supervisor Frey announced that his telephone at the dais had rung and that it was former Chairman Katherine K. Hanley, who was trying to reach Supervisor Hudgins.

Supervisor Hudgins relayed the message that Ms. Hanley expressed appreciation to each Board Member.

34. **RESTON COMMUNITY CENTER'S THANKSGIVING FOOD DRIVE WINS AWARD (HUNTER MILL DISTRICT)** (11:51 a.m.)

Supervisor Hudgins said that Reston Community Center's Thanksgiving Food Drive has been selected as a winner in the 2004 Acts of Caring Awards Program. The program recognizes top county volunteer programs from across the United States. Programs are evaluated by the Points of Light Foundation, the American Red Cross, the American Library Association, America's Promise - the Alliance for Youth, and National Association of Volunteer Programs in Local Government.

In recognition of this prestigious award, Supervisor Hudgins moved that the Board direct staff to invite representatives from the Reston Community Center to appear before the Board to receive a certificate of recognition at an appropriate time. Supervisor Bulova seconded the motion and it carried by unanimous vote.

35. **REQUEST FOR CERTIFICATE OF APPRECIATION FOR MS. BETH HIGH (HUNTER MILL DISTRICT)** (11:51 a.m.)

Supervisor Hudgins said that Ms. Elizabeth (Beth) High has been a lifetime active volunteer for numerous organizations. She was a co-founder of Our Daily Bread, a central Fairfax food bank. In 1992, Ms. High was appointed to the first Homeless Oversight Committee established in Fairfax, and continues to serve on it today.

Supervisor Hudgins said that in addition to Ms. High's work with homeless programs and services, she volunteered at The Shepherd's Center of Oakton-Vienna, a non-profit which provides services and learning opportunities for older adults. From 1994 to 2003, she chaired the Central Fairfax Forum. She was instrumental in coordinating and improving work relations among food distributors in central Fairfax between the Capital Area Food Bank and the food distributors, both large and small, in the area.

Supervisor Hudgins noted that Ms. High and her equally supportive committed spouse, George, are now taking their retirement life outside of the County. Therefore, Supervisor Hudgins moved that the Board direct staff to invite Ms. High to appear before the Board on March 15, 2004, to receive a certificate of recognition for her commitment to the community. Supervisor McConnell seconded the motion.

Following a brief query to Merni Fitzgerald, Director, Office of Public Affairs, the question was called on the motion and it carried by unanimous vote.

36. **COMMITTEE FOR HELPING OTHERS (CHO) (HUNTER MILL DISTRICT)** (11:53 a.m.)

Supervisor Hudgins said that the CHO, a Vienna non-profit, recently sent an e-mail to her office requesting that the organization be granted an exemption from all fees associated with waste disposal. She added that CHO collects used furniture for families in need. Occasionally, however, some of the used furniture items are unwanted and require disposal. The seemingly small costs of \$70 in 2002 and \$35 in 2003 are meaningful to an organization as small and efficient as CHO.

Therefore, Supervisor Hudgins moved that the Board direct staff to find an appropriate method for holding CHO exempt from disposal fees at the County waste facilities. Supervisor Kauffman seconded the motion.

David P. Bobzien, County Attorney, noted that this exemption is appropriate under Section 15.2-952 of the Virginia Code.

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

37. **PRESENTATION ON WOMEN** (11:55 a.m.)

(NOTE: Earlier in the meeting, the Board declared "*Women's History Month*" and discussed statistical information. See Clerk's Summary Item CL#6.)

With reference to a presentation earlier in the morning, Supervisor Hudgins expressed appreciation to staff for the presentation and looked forward to receiving the statistical report on women.

38. **MARCH AS ALTERNATIVE DISPUTE RESOLUTION MONTH** (11:55 a.m.)

Supervisor Bulova said that County employees serve as volunteers in the community, as well as for their fellow employees, to bring mutually beneficial resolutions to conflicts as an alternative to the adversarial process. The County does a number of things through the Fairfax County Employees Alternative Dispute Resolution program to assist in resolving issues in the workplace and in interpersonal relationships such as promoting negotiation, problem solving, consensus building, mediation, and conflict resolution. To enhance awareness of dispute resolution, County Government and Schools and various private schools will join to sponsor the Northern Virginia Regional Mediation Conference on March 8 and 9 to promote peer mediation in the schools.

Supervisor Bulova noted that on a number of occasions, her office has used the services of a community resource that is sometimes able to work miracles. Northern Virginia Mediation Service (NVMS), an affiliate of the Institute for Conflict Analysis and Resolution at George Mason University, is a non-profit organization, managed by a volunteer board of directors and its staff of six. Mediation and training services are provided by more than 100 professionals who work with NVMS as mediators, trainers, facilitators, program designers, and project coordinators. NVMS has mediated more than 4500 cases and worked with many courts and Federal agencies in the region to assist in the development, design, and/or operation of mediation programs.

Supervisor Bulova noted that March is officially Alternative Dispute Resolution Month in the State of Virginia, and will be recognized as such by the governor.

Therefore, Supervisor Bulova moved that the Board direct staff to invite the County Alternative Dispute Resolution Program staff and their partner NVMS to appear before the Board on March 15 to receive a proclamation that recognizes March as Alternative Dispute Resolution Month in Fairfax County.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, Supervisor Kauffman seconded the motion and it carried by unanimous vote.

39. **FAIRFAX COUNTY TELEWORK PROGRAM** (11:58 a.m.)

Supervisor Smyth noted that she and Chairman Connolly recently attended a telework forum. The Fairfax County Telework Program is increasing its use among County employees. Almost nine years ago, the County's decision to embark on this important initiative was well-received by the Metropolitan Washington area.

Supervisor Smyth said that in recognizing the importance of telework in the County, she believes that providing the infrastructure in new buildings to support T1 or equivalent secure communication lines and also to support broadband connections in individual residential units is vital if the program is to continue growing.

Therefore, Supervisor Smyth moved that the Board direct the County Executive to examine what measures should be taken with the Department of Planning and Zoning to ensure that such telework infrastructure measures are included in new building plans by developers in the area - including proffered commitments or development conditions. She noted that one of the major obstacles to teleworking is the connection. Supervisor Kauffman seconded the motion.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide copies of sample proffer language to achieve the goal. Without objection, it was so ordered.

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

40. **PAPER REDUCTION MEASURES** (12:01 p.m.)

Supervisor Smyth said that under Chapter 35 of Title 44, United States Code, and through the Paperwork Reduction Act of 1995, the Federal Government addresses paperwork reduction measures to "ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared, and disseminated by or for the Federal Government."

Supervisor Smyth said that while the County has adopted a variety of measures to recycle paper waste, she was not aware of any Countywide standard procedure that addresses this issue. She said that she has noticed that many forms of communication arrive in her office by facsimile, courier/postal mail, and electronic mail. While some forms of correspondence are required, by law and Code, to arrive in paper form and with the understanding that facsimile and electronic forms of communication are often employed for time-sensitive communiqués, she said that it does not seem consistent with environmental and paperwork reduction movements to have three forms of the same document or correspondence arrive in one Board Member's office.

Accordingly, Supervisor Smyth moved that the Board direct the County Executive to examine the issues related to paper reduction measures for County government and that he report with his findings.

Supervisor McConnell seconded the motion.

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

41. **REQUEST FOR COPY OF LEGAL RULING ON VIRGINIA FREEDOM OF INFORMATION ACT (VFOIA) REGARDING THE CITY OF FREDERICKSBURG** (12:03 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Attorney to include in the agenda for closed session at the next Board meeting a brief description of the legal ruling on the City of Fredericksburg case regarding email.

Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

PW:pw

42. **PROCLAMATION TO DECLARE MAY AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (12:03 p.m.)

Supervisor Gross stated that "Aging Well, Living Well" is the theme selected for this year's Older Americans Month in May. This theme has been selected to celebrate and recognize older Americans who are living longer, healthier, and more productive lives.

Therefore, in recognition of Fairfax County's increasing population of older residents, Supervisor Gross asked unanimous consent that the Board direct staff to declare May as "*Older Americans Month*" in Fairfax County, and that the appropriate proclamation be prepared for presentation on April 26, 2004. Without objection, it was so ordered.

43. **MASON DISTRICT SPRING TOWN MEETING** (12:04 p.m.)

Supervisor Gross announced that she will host the Mason District Spring Town Meeting on Tuesday, March 16, 2004, at 7:30 p.m. at Weyanoke Elementary School. Anthony H. Griffin, County Executive, and Edward Long, Chief Financial Officer, will be in attendance to discuss the proposed Fiscal Year 2005 Budget.

44. **APRIL IS WOMEN AND GIRLS' WELLNESS MONTH** (12:05 a.m.)

Supervisor Gross stated that April is Women and Girls' Wellness Month. The website, www.womenshealthvirginia.org, provides information regarding health screenings for women and girls. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to publicize this information. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

45. **NO BOARD MATTERS FOR SUPERVISOR DUBOIS (DRANESVILLE DISTRICT)** (12:05 p.m.)

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

PMH:pmh

46. **RECOGNITION OF ASTRONAUT PATRICK G. FORRESTER (SPRINGFIELD DISTRICT)** (12:06 p.m.)

Supervisor McConnell asked unanimous consent that the Board direct staff to invite Astronaut Patrick G. Forrester to appear before the Board to be recognized for his accomplishments. Without objection, it was so ordered.

47. **UNFUNDED MANDATES** (12:07 p.m.)

Supervisor McConnell asked unanimous consent that the Board direct the County Attorney to report with what are the ramifications if a legal governing body were to declare itself in defiance of an unfunded mandate even though it is a statutory mandate. Without objection, it was so ordered.

48. **ARMY MUSEUM** (12:08 p.m.)

Supervisor McConnell said that the Board should consider the Army Museum if the County receives the transient occupancy tax. She noted that there is currently no funding for the museum.

A brief discussion ensued.

49. **TOWN MEETINGS (SPRINGFIELD DISTRICT)** (12:08 p.m.)

Supervisor McConnell announced town meetings on the following dates:

- Thursday, March 11, 2004, at the Government Center in rooms 4 and 5 at 7 p.m.
- Wednesday, March 24, 2004, at the West Springfield Community Center at 7 p.m.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to publicize the town meetings. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

50. **ROUTE 1 LOCATION STUDY - WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) LIGHT RAIL PROPOSAL (LEE AND MOUNT VERNON DISTRICTS)** (12:09 p.m.)

Supervisor Hyland referred to a resolution that he received from the Mount Vernon Council of Citizens Associations regarding the Route 1 Location Study - WMATA Light Rail proposal.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this resolution to appropriate staff for review and recommendations. Without objection, it was so ordered.

51. **REPORT OF THE SOUTHEAST HEALTH PLANNING TASK FORCE TO THE COMMUNITY AND THE TRUSTEES OF THE INOVA HEALTH SYSTEM (LEE AND MOUNT VERNON DISTRICTS)** (12:09 p.m.)

Supervisor Hyland said that for over a year, a task force of physicians, community leaders, public officials, and representatives of the Inova System have been working together at the request of Inova Chief Executive Knox Singleton to develop a set of recommendations to guide Inova in its mission to provide health care for the citizens of Southeast Fairfax County.

The task force met frequently to gather information, question assumptions, take reports of experts, and discuss various aspects of this very complicated and highly controversial subject. He referred to his written Board Matter and briefly outlined the task force recommendations.

Supervisor Hyland moved that the Board commend the task force for its hard work and for its assistance to Inova in helping with the decisions affecting the future of Mount Vernon Hospital and the delivery of health care in the Mount Vernon and Lee Districts. Supervisor Kauffman seconded the motion.

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

52. **TAX RELIEF FOR CERTAIN ELDERLY AND DISABLED PERSONS**
(12:12 p.m.)

(NOTE: Earlier in the meeting the Board took action to advertise a public hearing regarding qualifications for the elderly and disabled real estate tax relief program. See Admin 11, page 7.)

Supervisor Hyland said that several of his constituents have approached him recently and asked whether they would still be eligible for tax relief if they placed their assets into a revocable trust. This request appeared reasonable on its face since placing assets into a trust does not alter the tax status of the individual.

Supervisor Hyland said that an opinion recently delivered to him from the County Attorney's office states in part, "If the residence itself were to be placed in a trust, then the trust and not the individual person living in that residence would be the legal owner of the residence, and, in that situation, the applicant would not qualify for tax relief because the person living in the residence would not be the owner of the property for which the exemption is sought."

Supervisor Hyland said that he goes on to say that for that reason, a trust cannot be an eligible applicant for County tax relief. Since the County requirement for personal ownership stems from constitutional and statutory provisions of the Commonwealth, any remedy for this situation must address the applicable Virginia statutes.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this request to the County Attorney to determine if the State law needs to be changed, provide such language to accomplish this goal, and refer it to the Legislative Committee. Without objection, it was so ordered.

Following discussion, David P. Bobzien, County Attorney, announced that enabling legislation is not necessary.

53. **FAIRFAX COMMUNITY TREE FORUM** (12:14 p.m.)

Supervisor Hyland said that a Tree Forum will be held on Wednesday, March 31, 2004, at 7 p.m. in the Walt Whitman Middle School, Jack Knowles Lecture Hall. For information, please call 703-324-5369.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

Chairman Connolly noted that he would make every effort to attend town meetings and other events when given enough advance notice.

54. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR FREY**
(12:14 p.m.)

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

55. **OUT-OF-TURN PLAN AMENDMENT REGARDING HAYFIELD ANIMAL HOSPITAL (LEE DISTRICT)** (12:14 p.m.)

Supervisor Kauffman said that at the last meeting the Board authorized an Out-of-Turn Plan Amendment to provide for the possible expansion of the Hayfield Animal Hospital.

Supervisor Kauffman moved that as part of this proposed Plan amendment a residential density of 2-3 dwelling units per acre should be considered for the portion of the property [Tax Map 100-1 ((9)) Parcel 3] located along Old Telegraph Road. Supervisor Bulova seconded the motion and it carried by unanimous vote.

56. **METRO PUBLIC HEARINGS** (12:15 p.m.)

Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to publicize the following Metro public hearings:

- March 17, 2004, at 7 p.m. at the South County Government Center located on Richmond Highway
- March 18, 2004, at 7 p.m. at Westgate Elementary School located at 7500 Magarity Road in Falls Church

Without objection, it was so ordered.

A brief discussion ensued.

57. **RECESS/CLOSED SESSION** (12:17 p.m.)

At 12:17.m., Supervisor Gross 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. Application of Verizon Virginia, Inc., Case No. PST-2003-00072 (Virginia State Corporation Commission) (Braddock District)
 2. *Trinity Centre One, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*; At Law No. 219651 (Fx. Co. Cir. Ct.) (Sully District)
 3. *Fairfax County Park Authority v. The Milton Company, et al.*, At Law No. 220985 (Fx. Co. Cir. Ct.) (Mason and Springfield Districts)

And in addition:

- Arkansas Chronicle, a Division of Sienna Broadcasting Corp., et al v. R. Mark Easley, et al, C.A. No. 04-11 a-A (Eastern District of Virginia)

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

DMB:dmb

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

58. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:55 p. m.)

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 Gross seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room,

AGENDA ITEMS

59. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PERMITTED REDUCTION IN LOT SIZE FOR CERTAIN LOTS (BUILDABLE LOTS)** (3:55 p.m.)

- (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 February 19 and February 26, 2004.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from John Friedman, Engineer IV, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

Following additional discussion, Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding permitted reduction in lot size for certain lots (buildable lots) as set forth in Attachment II of the Board Agenda item dated March 8, 2004. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

60. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION OF CERTAIN LOTS BY METES AND BOUNDS OR AN UNAPPROVED PLAT** (3:59 p.m.)

- (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 February 19 and February 26, 2004.

Following the public hearing, discussion ensued with input from John Friedman, Engineer IV, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services, and J. Patrick Taves, Deputy County Attorney.

Following additional discussion, Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), regarding validation of certain lots not legally created but satisfied the Zoning Ordinance in effect at the time of recordation or sometime thereafter or meet the provision of Section 2-405 of the Zoning Ordinance. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor

Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

61. **WELCOME TO THE BOY SCOUT TROOP 1131** (3:58 p.m.)

Chairman Connolly recognized the presence of members of Boy Scout Troop 1131 from Saint Stephen Methodist Church, who are working on their "Citizenship in the Community" merit badges, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

62. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE BROYHILL PARK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 28 (MASON DISTRICT)** (4:03 p.m.)

- (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 February 19 and February 26, 2004.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Hamid Majdi, Transportation Planner, Traffic Operations Section, Department of Transportation.

Following discussion, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Broyhill Park RPPD, District 28. The proposed expansion includes the following street blocks:

- Holly Hill Drive (Route 2860) from Parkwood Terrace (Route 2495) to Camp Alger Avenue (Route 2436).
- Kenney Drive (Route 2445) from Carol Lane (Route 2439) to Holly Hill Drive.

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

63. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS)** (4:13 p.m.)

- (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 February 25 and March 3, 2004.

Following the public hearing, discussion ensued with input from Margaret K. Luca, Secretary, Electoral Board, and Michael H. Long, Senior Assistant County Attorney.

Following additional discussion, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections) to:

- Relocate the polling place for Shouse precinct.
- Relocate the polling place for Pohick Run precinct and rename the precinct.
- Relocate the polling place for Pohick Church precinct and rename the precinct.
- Relocate the polling place for Trinity precinct and rename the precinct.
- Adjust the boundary between Herndon Number One and Herndon Number Two precincts.
- Divide Beulah precinct to create a new precinct.
- Establish an absentee voting satellite in Sully District.
- Establish the hours of operation for absentee voting satellites for the presidential election.

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

64. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-039 AND SPECIAL EXCEPTION APPLICATION SE 2003-LE-024 (TELEGRAPH VILLAGE LIMITED PARTNERSHIP) (LEE DISTRICT)** (4:18 p.m.)

- (O) The application property is located south of Telegraph Road, north of South Kings Highway, approximately 280 feet northeast of their intersection, Tax Map 92-1 ((1)) 15.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg 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, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-039, from the C-5 District to the C-8 District, subject to the proffers dated March 8, 2004.
- Approval of Special Exception Application SE 2003-LE-024, subject to the development conditions dated March 8, 2004.
- Waiver of the trail requirement along South Kings Highway in favor of the existing sidewalk.

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

ADDITIONAL BOARD MATTER

65. **DISCLOSURE BY CHAIRMAN CONNOLLY OF PERSONAL INTEREST IN A TRANSACTION, REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (PROVIDENCE DISTRICT)** (4:24 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and said that the next two applications on the agenda involve property owned by Campus Point Realty Corporation II, a closely related business affiliate of his employer, Science

Applications International Corporation. He said that because consideration of the applications will constitute a transaction having application solely to a property or business in which he has a personal interest, he will disqualify himself and shall not vote or in any manner act on behalf of the Board in this transaction, including participation in these hearings.

AGENDA ITEMS

66. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (LINCOLN PROPERTY COMPANY SOUTHWEST, INCORPORATED) (PROVIDENCE DISTRICT)** (4:24 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2003-PR-008 and Proffered Condition Amendment Application PCA 75-7-004-2 until **March 15, 2004, at 4:30 p.m.**

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

67. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-MA-031, AND SPECIAL EXCEPTIOIN AMENDMENT APPLICATIONS SEA 93-M-049-2 AND SEA 00-M-048 (SHIRLEY HIGHWAY DISTRIBUTION CENTER PARTNERSHIP) (MASON DISTRICT)** (4:26 p.m.)

The application property is located on the north side of General Washington Drive, approximately 900 feet west of its intersection with Bren Mar Drive at 5650 General Washington Drive, Tax Map 81-1 ((9)) 7 pt.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of:

- Proffered Condition Amendment Application PCA 2000-MA-031, subject to the proffers dated February 25, 2004.

- Special Exception Amendment Application SEA 00-M-048, subject to the development conditions dated February 25, 2004.
- Special Exception Amendment Application SEA 93-M-049-2, subject to the development conditions dated February 25, 2004.
- Waiver of the transitional screening and barrier requirements along the southern boundary of the C-6 portion of the property.

Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

68. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MA-030 (JEFFERSON AT EDSALL ROAD, LP) (MASON DISTRICT)** (4:34 p.m.)

- (O) The application property is located in the southwest quadrant of Bren Mar Drive and Bloomfield Drive, Tax Map 81-1 ((1)) 7A and 7D pt.

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 McConnell disclosed the following campaign contributions which she had received:

- In excess of \$200 from Bowman Consulting Group, Limited
- In excess of \$200 from Mr. John M. Toups, NVR, Incorporated
- In excess of \$200 from Mr. Dwight C. Shar, NVR, Incorporated

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

- In excess of \$200 from Mr. John M. Toups, NVR, Incorporated

Supervisor DuBois disclosed the following campaign contributions which she had received:

- In excess of \$200 from Mr. William A. Moran, NVR, Incorporated
- In excess of \$200 from Mr. Dwight C. Shar, NVR, Incorporated

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MA-030, from C-6 District to the PRM District, subject to the proffers dated March 5, 2004.
- Waiver of the 600-foot maximum private street length requirement and to allow private streets in a single family attached development.
- Modification of the loading space requirement for the multifamily residential building in Land Bay 1.
- Approval of a waiver to allow underground detention and water quality in a multifamily residential development.

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

ADDITIONAL BOARD MATTER

69. **MEETING WITH SCHOOL CONSULTANTS** (4:45 p.m.)

Chairman Connolly announced that the Board will meet briefly with School consultants at 5 p.m. (regarding the selection process for the School Superintendent).

70. **BOARD ADJOURNMENT** (4:45 p.m.)

At 4:45 p.m., the Board adjourned.