



CLERK'S BOARD SUMMARY  
REPORT OF ACTIONS OF THE  
FAIRFAX COUNTY BOARD OF SUPERVISORS  
**MONDAY**  
**May 9, 2005**

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DET:det

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, May 9, 2005, at 9:05 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
  
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:14 a.m.

Supervisor Dana Kauffman, Lee District, arrived at 9:17 a.m.

Supervisor Elaine McConnell, Springfield District, was absent from the entire meeting.

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

1. **ORDERS OF THE DAY** (9:05 a.m.)

Chairman Connolly announced that Board would break at noon to join members of the Police Department to honor its fallen officers at a ceremony at the Massey Building. Transportation would be available from the front of the Government Center at noon and the Board could expect to return to the Government Center by 1 p.m.

**AGENDA ITEMS**

2. **PROCLAMATION DESIGNATING MAY 16–22, 2005, AS “EMERGENCY MEDICAL SERVICES WEEK” IN FAIRFAX COUNTY** (9:07 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 16–22, 2005, as “*Emergency Medical Services Week*” in Fairfax County. Supervisor Gross and Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO ROBINSON SECONDARY SCHOOL SYMPHONIC BAND** (9:12 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Robinson Secondary School Symphonic Band for demonstrating significantly high standards of musical excellence and providing balanced programs of musical activities over a period of several years that include concerts, solo, ensemble and marching expertise that resulted in the award of the Sudler Flag of Honor, the premier recognition for high school bands, establishing Robinson Secondary School as one of only four high schools in the country to win this award twice. Supervisor Frey and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

4. **PROCLAMATION DESIGNATING MAY 2005 AS "EARLY INTERVENTION MONTH" IN FAIRFAX COUNTY** (9:21 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2005 as "*Early Intervention Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

5. **RESOLUTION CONGRATULATING THE LATE MR. DONALD SENESE** (9:26 a.m.)

(BACs) Supervisor Hyland moved approval of the Resolution to posthumously recognize Mr. Donald Senese, who served on the History Commission for nearly 20 years, for his service and commitment to the residents of the County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. SEAN DOUGLASS** (9:32 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Sean Douglass for his achievement and service to the community by coordinating 50 teens to rake leaves, garnering more than \$8,000 over three years for Fairfax FISH (For Immediate and Sympathetic Help), and being named a state honoree to receive a Prudential Spirit of Community Award. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

7. **RESOLUTION THANKING THE KINGSTOWNE FAITH 5K RUN/WALK ORGANIZING COMMITTEE** (9:36 a.m.)

Supervisor Kauffman moved adoption of the Resolution to thank the Kingstowne Faith 5K Run/Walk Organizing Committee for its innovation, effectiveness and compassionate community spirit in raising \$13,275 for the work of the Koinonia Foundation, Incorporated, which provides needy individuals and families in the County with compassionate and caring emergency assistance for housing, medical needs, clothing, food, and helping with agency referrals. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor McConnell being absent.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WASTEWATER MANAGEMENT PROGRAM AND THE DEPARTMENT OF FINANCE** (9:40 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the Wastewater Management Program and the Department of Finance for their diligent effort and outstanding work in producing the first Comprehensive Annual Financial Report for the Integrated Sewer System, resulting in a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada, the highest form of recognition in the area of government accounting and financial reporting. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice Chairman Bulova returned the gavel to Chairman Connolly.

9. **PROCLAMATION DESIGNATING MAY 14, 2005, AS "GIRL POWER! DAY" IN FAIRFAX COUNTY** (9:44 a.m.)

Jointly with Supervisor Kauffman, Supervisor Hyland moved approval of the Proclamation to designate May 14, 2005, as "*Girl Power! Day*" in Fairfax County and urged all residents to recognize the lifetime benefit this program conferred upon young women and the contribution this endeavor made to the overall wellbeing of the County. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

10. **PROCLAMATION DESIGNATING MAY 20, 2005, AS "BIKE TO WORK DAY" IN FAIRFAX COUNTY** (9:53 a.m.)

Jointly with Supervisor Smyth, Supervisor Hudgins moved approval of the Proclamation to designate May 20, 2005, as "*Bike to Work Day*" in Fairfax County and encouraged all residents to participate in this worthy event. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

11. **PROCLAMATION DESIGNATING MAY 2005 AS "AMERICAN WETLANDS MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2005 as "*American Wetlands Month*" in Fairfax County and urged all residents to learn more about wetlands and take an active role in protecting and restoring them for future generations. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

12. **PROCLAMATION DESIGNATING MAY 8-14, 2005, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY, AND RECOGNITION OF STAFF FROM LAND DEVELOPMENT SERVICES, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)**

**AND**

**I-2 – INTERNATIONAL BUILDING SAFETY WEEK** (10:05 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 8-14, 2005, as “*Building Safety Week*” in Fairfax County and to recognize this year’s recipient of the Building Safety Community Partnership Award and staff from Land Development Services, DPWES, for their efforts this past year in regard to building safety and urged all residents to recognize the importance of modern construction safety codes and the vital contributions rendered by the dedicated individuals promoting building and construction safety. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Discussion ensued concerning the cooperation that has developed between the industry and hard-working staff who see to it that construction is done properly and that safety is addressed.

Following passage of the resolution, Ray Pylant, Director, Commercial Inspection Division, Department of Public Works and Environmental Services, presented the Building Safety Community Partnership Award to Lynn S. Green, Government Affairs Manager, Northern Virginia Building Industry Association.

Chairman Connolly called the Board’s attention to Information Item I-2 –International Building Safety Week announcing that, in observance of International Building Safety Week, May 8–14, 2005, DPWES is conducting a campaign to promote awareness of building safety in the County.

13. **PROCLAMATION DESIGNATING MAY 15–21, 2005, AS “PUBLIC WORKS WEEK” IN FAIRFAX COUNTY** (10:16 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate May 15-21, 2005, as “*Public Works Week*” in Fairfax County and urged all residents to recognize the commitment to the community that Public Works and Environmental Services employees make to preserve the environment to protect the health, safety, and welfare of County residents. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

PW:pw

**BOARD MATTER**

14. **NANCY VEHR, CLERK TO THE BOARD OF SUPERVISORS, SWORN IN AS PRESIDENT OF THE VIRGINIA MUNICIPAL CLERKS ASSOCIATION (VMCA)** (10:23 a.m.)

Supervisor Gross congratulated Nancy Vehrs, Clerk to the Board of Supervisors, as she begins her term as president of the VMCA. Supervisor Hyland said that he had the privilege of attending and conducting the swearing in ceremony in Chesterfield County.

Discussion ensued regarding other County employees serving in leadership positions for various professional organizations throughout the State.

**AGENDA ITEMS**

15. **10 A.M. – PRESENTATION BY DR. ROBERT TEMPLIN, PRESIDENT, NORTHERN VIRGINIA COMMUNITY COLLEGE (NVCC)** (10:27 a.m.)

Dr. Robert Templin, President, NVCC, presented an update on the college. Discussion ensued regarding how the County and NVCC could collaborate on future endeavors.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to arrange a meeting between the Board and Dr. Templin and the NVCC Board. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

16. **10:15 A.M. – PRESENTATION OF THE ANNUAL TRANSPORTATION ADVISORY COMMISSION (TAC) AWARD** (10:50 a.m.)

(BACs) George Barker, Chairperson, TAC, presented its annual award to Ellen Posner, Assistant County Attorney, for her outstanding work as the County’s lead counsel for the Department of Transportation and her contributions in transportation.

DMB:dmb

17. **ADMINISTRATIVE ITEMS** (10:58 a.m.)

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

Chairman Connolly announced that the County Executive had withdrawn Admin 5.

Supervisor Smyth asked unanimous consent that the Board defer action on Admin 9 until after closed session. Without objection, it was so ordered.

Supervisor Kauffman called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Containment Structures Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts and Golf Courses, and thanked staff for the speed with which they had moved on this item.

Chairman Connolly called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8301 Cooper Street (Mount Vernon District), and discussion ensued regarding the need for an updated report.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide a more comprehensive updated report on where the County is regarding spot blight abatement. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hyland called the Board's attention to Admin 7 – Designation of Plans Examiner Status Under the Expedited Land Development Review Program, and discussion ensued with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, regarding inactive Plans Examiners.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to review the reasons and provide a report regarding why so many Plans Examiners no longer want to participate. Without objection, it was so ordered.

The question was called on the motion, with the exception of Admin 5 and Admin 9, and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT THE INTERSECTION OF THE FAIRFAX COUNTY PARKWAY AND BARON CAMERON AVENUE TO OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC (DOING BUSINESS AS “T-MOBILE”) (HUNTER MILL DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 6, 2005, at 4 p.m.** regarding the proposed leasing of a portion of County-owned property at the intersection of the Fairfax County Parkway and Baron Cameron Avenue, Reston, Virginia (Tax Map 17-1 unimproved Right-of-Way) to Omnipoint Communications Cap Operations, LLC (“T-Mobile”) for the purpose of installing a telecommunications base station.

**ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (HUNTER MILL, MASON, PROVIDENCE, AND SULLY DISTRICTS)**

Approved an extension of the review period for the following Public Facility (2322) Review Applications:

- FSA-69-2 to June 14, 2005
- FSA-P98-25-1 to June 14, 2005
  
- FSA-M01-39-1 to July 15, 2005
- FSA-Y97-50-3 to July 16, 2005
- FSA-H96-22-2 to July 21, 2005
- 2232-Y05-7 to September 26, 2005

**ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CONTAINMENT STRUCTURES ASSOCIATED WITH OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELDS/COURTS AND GOLF COURSES**

(A) (R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 15, 2005, and before the Board on **July 11, 2005, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to consider an increase in fence height and/or modification to the corresponding location regarding regulations for containment structures associated with outdoor recreation/sports facilities playing fields/courts and golf courses when such structures are designed to preclude the flight of a ball or other sports equipment onto adjacent property.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 8301 COOPER STREET (MOUNT VERNON DISTRICT)**

(A) (NOTE: Earlier in the meeting, there was discussion of this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **June 6, 2005, at 3:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 8301 Cooper Street, Alexandria, Virginia 22309 [Tax Map Number 101-3-((02))-0005].

**ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05097 FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM SUPPLEMENTAL AWARD FROM THE DISTRICT OF COLUMBIA (DC) OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

This item was withdrawn by staff.

**ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, MASON, SPRINGFIELD, 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>
	Hunter Mill	Frying Pan Road
Avalon at Foxmill		Route 608
		Additional ROW Only
		Greg-Roy Lane
		Route 2520
		Additional ROW Only
	Mason	Roundtree Estates Court
Annandale Road Property		

Lewis Park, Section 1	Springfield	Easter Lane Route 10621
Fair Oaks Glen	Sully	Valley Oaks Drive Valley Oaks Court
Compton Village Section 13	Sully	La Petite Place Route 8858 Coble Lasky Court Darkwood Drive
Wharton Park	Sully	Wharton Park Court Wharton Lane Route 1166 Additional ROW Only

**ADMIN 7 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

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(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 7.)

Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:

- Bo Baik (151)
- Dennis G. Casbeer (178)
- Otis Deal (120)
- David Jensen (12)
- Kenneth L. Kidder (173)
- Lance K. Kilby (190)
- Jeffrey B. Kozero (209)
- Matthew Kroll (206)
- Standish P. Kugler (96)
- Harbans Matharoo (retired) (84)
- Anthony C. Morse (26)
- George O'Quinn (107)
- Anthony T. Owens (212)

- Bhoopendra Prakash (133)
- Robert J. Simpson (59)
- Edward B. Snider (61)
- John Storms (130)
- Justin R. Troidl (230)

**ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO SUBMIT GRANT APPLICATIONS TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY COORDINATOR, THE PUBLIC HOUSING NEIGHBORHOOD NETWORKS, THE RESIDENT OPPORTUNITIES SELF-SUFFICIENCY (ROSS) RESIDENT SERVICES DELIVERY MODEL – ELDERLY AND PERSONS WITH DISABILITIES, THE PUBLIC HOUSING SELF-SUFFICIENCY COORDINATOR, AND THE ROSS HOMEOWNERSHIP SUPPORTIVE SERVICES PROGRAMS**

Authorized FCRHA to submit grant applications to HUD for the following:

- Housing Choice Voucher Family Self-Sufficiency Coordinator in the amount of \$65,000.
- The Public Housing Neighborhood Networks in the amount of \$400,000.
- The ROSS Resident Services Delivery Model – Elderly and Persons with Disabilities in the amount of \$350,000.
- The Public Housing Self-Sufficiency Coordinator in the amount of \$65,000.
- ROSS Homeownership Supportive Services Programs in the amount of \$350,000.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS – RESOURCE PROTECTION AREA BOUNDARIES**

(NOTE: Action on this item was deferred until later in the meeting. See Clerk's Summary Item CL#61.)

18. **A-1 – PARKING REDUCTION FOR THE PROPOSED DOUBLE LEE PARK BUILDING IN THE BAILEY'S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (11:02 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved a parking reduction of 13.5 percent for the proposed building located on parcel 51-3 ((5)) 3A and 4 pursuant to Paragraph 3(A), Section A7-209 of the Zoning Ordinance on the conditions outlined in the Board Agenda Item dated May 9, 2005.

19. **A-2 – APPROVAL OF A GRANT IN INVESTING IN COMMUNITIES PROGRAM (ICP) FUNDING TO RESTON COMMUNITY REINVESTMENT CORPORATION (RCRC) FOR LAKE ANNE COMMERCIAL AREA REVITALIZATION STUDY: PHASE II CHARRETTE (HUNTER MILL DISTRICT)** (11:03 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the award of up to \$30,000 in Community Development Block Grant funds under the ICP to the RCRC for the Lake Anne Commercial Area Revitalization Study: Phase II Charrette.

(NOTE: Later in the meeting, the Board took further action on the Lake Anne revitalization project. See Clerk's Summary Item CL#39.)

20.

**A-3 – APPROVAL OF FUNDING FOR A VIENNA/FAIRFAX-GMU METRORAIL STATION PARKING STUDY, AND ADDITIONAL FUNDING FOR THE HUNTINGTON METRORAIL STATION PARKING GARAGE ADDITION** (11:04 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve:

- \$1 million from the Parking Surcharge Revenue Account for a parking study at the Vienna/Fairfax-GMU Metrorail Station.
- \$6 million (\$1.5 million from the Parking Surcharge Revenue Account, \$1.5 million in Parking Surcharge funds originally approved for the West Falls Church Metrorail parking garage project, and \$3 million from the Transportation Infrastructure Investment Fund at the Washington Metropolitan Area Transit Authority) for the Huntington Metrorail Station Parking Garage Addition.

Supervisor Kauffman seconded the motion.

Discussion ensued with input from Todd Wigglesworth, Senior Transportation Planner, Coordination and Funding Section, Department of Transportation (DOT), regarding the cost of the parking study at the station.

Following further discussion, with input from Thomas Biesiadny, Chief, Coordination and Funding Section, DOT, regarding the study, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide a comprehensive report with a more detailed cost analysis and scope of the project. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

21.

**C-1 – BOARD DECISION ONLY ON AN APPEAL BY BATAL CORBIN, LLC OF A PROFFER INTERPRETATION FOR REZONING APPLICATION RZ 1999-PR-035 (PROVIDENCE DISTRICT)** (11:13 a.m.)

(NOTE: On April 25, 2005, the Board considered this item and deferred decision until May 9, 2005.)

The Board next considered an item contained in the Board Agenda dated May 9, 2005, regarding an appeal by Batal Corbin, LLC of a proffer interpretation that development activities that have occurred on the Appellant's property are not in substantial conformance with the proffers accepted pursuant to Rezoning Application RZ 1999-PR-035.

Supervisor Smyth reported that Batal Corbin, LLC, the appellant in the Initial Appeal Application IA 1999-PR-035, which is an appeal of the January 24, 2005, proffer interpretation of the proffers accepted with the approval of Rezoning Application RZ 1999-PR-035, has entered into discussions with the County regarding the possibility that it may pursue a proffered condition amendment to attempt to resolve this matter.

Therefore, Supervisor Smyth moved that the Board defer its decision in the Batal Corbin appeal until June 6, 2005. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

22.

**I-1 – CONTRACT AWARD – STREAM AND BANK STABILIZATION AT DIFFICULT RUN STREAM VALLEY PARK (DRANESVILLE DISTRICT)** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated May 9, 2005, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$442,700 for the construction of stream and bank stabilization improvements at Difficult Run Stream Valley Park.



The staff was directed administratively to proceed as proposed.

23. **I-2 – INTERNATIONAL BUILDING SAFETY WEEK** (11:14 a.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Summary Item CL#12.)

24. **I-3 – CONTRACT AWARDS FOR GENERAL CIVIL ENGINEERING DESIGN SERVICES TO DEWBERRY AND DAVIS LLC AND BOWMAN CONSULTING GROUP, LIMITED** (11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated May 9, 2005, requesting authorization for staff to award contracts to the following firms in the amount of \$1,650,000 per firm to perform general civil engineering design services for engineering design projects when authorized by the County:

- Dewberry and Davis LLC
  
- Bowman Consulting Group, Ltd.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

25. **COLONEL WILLIAMS DAY** (11:15 a.m.)

Chairman Connolly announced that this Board Matter was presently jointly with Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell. He noted that Supervisor McConnell was not present at the meeting because she is recovering from a fall where she fractured her leg. On behalf of the Board, he wished her well.

Chairman Connolly announced that Colonel Thomas W. (“T.W.”)Williams, who took command of Fort Belvoir on July 11, 2002, is being promoted and will be managing 28 installations in the Army’s Northeast Region. Accordingly, on behalf of Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Proclaim June 14, 2005, as “*Colonel Williams Day*” in Fairfax County in conjunction with the US Army Birthday.
  
- Direct staff to invite him to be recognized with the proclamation at the June 6, 2005, Board meeting.

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

(NOTE: Later in the meeting, the Board declared US Army Week. See Clerk’s Summary Item CL#26.)

26. **ARMY WEEK** (11:16 a.m.)

With reference to the previous Board Matter, Chairman Connolly moved that the Board proclaim June 6-13, 2005, as “*US Army Week*” in Fairfax County and invite the US Army Fife and Drum Corps to be recognized with the proclamation following its performance at the June 6, 2005, Board meeting. Supervisor Hyland and Supervisor Kauffman jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

27. **LEGISLATIVE COMMITTEE AND FEDERAL CONCERNS** (11:17 a.m.)

(BACs) Chairman Connolly asserted his belief that the County needs to improve on its coordination of federal legislative needs and concerns. He noted that annually he meets with all five members of the County’s Congressional delegation, but said that more should be done to prioritize County needs, especially non-transportation priorities. The Board’s Legislative Committee has historically been the avenue through which the Board initiates requests for legislation in the General Assembly, as well as reviewing the effects, and following the processes of various proposed state legislation. The Board does not currently have a similar, coordinated process for reviewing, requesting, and following pertinent federal legislation.

To better coordinate the County’s federal legislative needs and concerns, Chairman Connolly moved that the Board approve a new process to expand the Legislative Committee’s purview to include federal legislative issues. As outlined in his written Board Matter on the subject, copies of which were distributed to the Board, the Legislative Committee staff should elicit recommendations from the various County agencies for requested federal legislation to be discussed at the first committee meeting focusing on federal legislation. The Legislative Committee staff should also be prepared to receive federal legislation requests and questions from Board Members through memorandums and Board Matters, as is the current practice for State legislation. The process will begin with Legislative Committee meetings in September. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the current process, the procedure for issues that need immediate attention, and the earmarking of funds.

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

(NOTE: Later in the meeting, the Board discussed a response from Senator Warner regarding federal legislation. See Clerk’s Summary Item CL#31.)

28. **AGREEMENT PROTECTING THE W&OD TRAIL** (11:26 a.m.)

Chairman Connolly reminded the Board that it formed the W&OD Trail Citizens’ Task Force to facilitate an agreement with Dominion Virginia Power to mitigate some of the tree-clearing problems on the trail. His written Board Matter, distributed to the Board, provided background information on the issue.

Chairman Connolly said that with the new agreement he, Supervisor Hudgins, and Supervisor Smyth had the opportunity to celebrate with the task force and the community a success story. Accordingly, jointly with Supervisor Hudgins and Supervisor Smyth, Chairman Connolly moved that the Board direct staff to invite members of the W&OD Trail Task Force and representatives of the Northern Virginia Regional Park Authority and Dominion Virginia Power to appear before the Board to be recognized for their efforts in successfully negotiating this agreement to preserve the W&OD Trail. Supervisor Hyland and Supervisor Smyth jointly seconded the motion, which carried by a vote of six, Supervisor DuBois, Supervisor Frey, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

29. **WETLANDS MITIGATION** (11:27 a.m.)

(BACs) Chairman Connolly said at its April 26, 2004, meeting, the Board directed staff to review and recommend steps for implementing a tidal wetlands mitigation and compensation policy, and furthermore to transmit its findings to the Wetlands Board for consideration. He distributed copies of the Tidal Wetlands Mitigation and Compensation Policy as adopted by the Wetlands Board on March 30, 2005, along with a transmittal memorandum from the Department of Planning and Zoning.

Accordingly, Chairman Connolly asked unanimous consent that the Board refer the draft Policy to the next meeting of the Board's Environmental Committee for consideration. Without objection, it was so ordered.

30. **RESPONSIBLE FATHERHOOD WEEK** (11:27 a.m.)

Chairman Connolly said June 13–20, 2005, is Responsible Fatherhood Week with an important message to inculcate in the community that fathers are an important and essential influence in everyone's lives and the lives of children.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim June 13-20, 2005, as "*Responsible Fatherhood Week*" in Fairfax County and direct staff to invite representatives from the Fairfax Fatherhood Collaborative; Opportunities, Alternatives, and Resources ("OAR"); and the Office of the Sheriff to receive the proclamation at the June 20, 2005, Board meeting. Without objection, it was so ordered.

31. **RESPONSE FROM SENATOR JOHN WARNER TO LETTER REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM** (11:28 a.m.)

(NOTE: Earlier in the meeting, the Board discussed its response to federal legislation. See Clerk's Summary Item CL#27.)

Chairman Connolly shared with the Board the response he had received from Senator John Warner to the letter the Board sent regarding funding for the CDBG program.

32. **ENGINEER PROVING GROUNDS AND THE COMPLETION OF THE FAIRFAX COUNTY PARKWAY** (11:28 a.m.)

Chairman Connolly said that he, Supervisor Hyland, and Supervisor Kauffman were stunned to learn that the Virginia Department of Transportation recently decided to wait until the Environmental Protection Agency has *formally* provided a certificate under the resource recovery act process before accepting the EPG land for the completion of the Fairfax County Parkway. He noted that this requirement had not been articulated until now and that this will delay the goal for completion of the parkway by 2007.

Following discussion, Chairman Connolly asked unanimous consent that the Board direct the County Executive to arrange an appropriate meeting to resolve this issue. Following input from Anthony H. Griffin, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

33. **ESCROW AGREEMENT FOR THE FAIRLEE/METROWEST TRANSPORTATION DEMAND MANAGEMENT (TDM) (PROVIDENCE DISTRICT)** (11:32 a.m.)

Supervisor Smyth reminded the Board that during its review of the Comprehensive Plan Amendment for the properties included in the Fairlee/Metro West development, one of the primary concerns regarding the development was its ability to achieve the significant peak hour trip reductions established in the Comprehensive Plan (47 percent for the residential portion of the development and 25 percent for the office during the peak hours). To verify whether the site will be able to attain these reductions, the applicant agreed to pay for a study that would identify best practices in the area of TDM, measure and analyze the current level of trip making for nearby and comparable developments, and prepare a recommended TDM program for the Fairlee/Metro West site to achieve the reductions called for in the Comprehensive Plan.

Supervisor Smyth said that a scope of work for this study has been completed, and a consultant has been selected to perform the work. While the applicant has agreed to pay for the study, project technical oversight and management for the study will be provided by the Department of Transportation (DOT) in coordination with a technical review committee that has been established. Because it is extremely important for public confidence in the study that the consultant report to the County and not to the applicant, funding for the study is to be placed in an escrow account funded by the applicant, but managed by the County. Payments will be made from the escrow account to the consultant only at the direction of the Director of DOT.

Therefore, Supervisor Smyth moved that the Board authorize the County Executive to execute an escrow agreement on behalf of the Board that will govern payments to the consultant for the TDM study at such time as the County Attorney is satisfied that such agreement is acceptable as to content and form. Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

34. **PINE SPRING ELEMENTARY SCHOOL'S FIFTIETH ANNIVERSARY (PROVIDENCE DISTRICT)** (11:34 a.m.)

Supervisor Smyth noted that this past weekend she helped to celebrate Timber Lane Elementary School's fiftieth anniversary and now it is time for the fiftieth anniversary celebration of Pine Spring Elementary School. The school is located between Routes 50 and 29. She noted that the school boasts richness in its student body diversity and has won many awards.

Accordingly, Supervisor Smyth asked unanimous consent that the Board proclaim Saturday, June 8, 2005, as "*Pine Spring Elementary School Day*" in Fairfax County and direct staff to prepare the proclamation that will be read at the celebration events that day. Without objection, it was so ordered.

35. **LAND USE SEMINAR (PROVIDENCE DISTRICT)** (11:34 a.m.)

Supervisor Smyth reported that she held her first land use seminar meeting last week, and it was very successful. She announced that the second seminar will be held the evening of Monday, May 16 at Fair Hill Elementary School. The Comprehensive Plan, rezonings, special exceptions, and the 2232 public facilities process will be on the agenda. She invited those interested to attend.

36. **RECOGNITION OF THE GREATER RESTON CHAMBER OF COMMERCE INCUBATOR PROGRAM (HUNTER MILL DISTRICT)** (11:35 a.m.)

Supervisor Hudgins said that in five short years the Greater Reston Chamber of Commerce Incubator Program supported 32 entrepreneurs and celebrated the success of 21 graduates. Job creation and increased regional prosperity are the program's primary goals. The firms, many of them women and minority-owned, received more than \$7 million in investments, added more than 80 jobs to the regions, and occupy more than 23,000 square feet of office space. All of this was accomplished primarily through volunteers.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Greater Reston Chamber of Commerce to appear before the Board on June 20 to be recognized and commended for the outstanding successes of the Incubator Program for over five years of entrepreneur support. Without objection, it was so ordered.

A brief discussion ensued regarding the number of presentations scheduled for upcoming meetings, with input from Merni Fitzgerald, Director, Office of Public Affairs.

37. **PUBLICITY FOR KIDS SERVE TOO PROGRAMS** (11:36 a.m.)

Supervisor Hudgins said that Kids Serve Too, a non-profit organization formed by military spouses, is eager to obtain support from the County to publicize its programs for the children of active duty reservists. The group, with its non-profit organizational headquarters in Reston, supports two informational websites.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to widely publicize and disseminate information for the Kids Serve Too programs which were recognized in April by Congress' establishment of the "Month of the Military Child." Without

objection, it was so ordered.

38. **REQUEST FOR CONCURRENT PROCESSING (HUNTER MILL DISTRICT)** (11:37 a.m.)

Supervisor Hudgins said that L. Farnum Johnson, Jr. and Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Launders Marital Trust; David I. Meiselman and Winifred C. Meiselman, Trustees; and the Meiselman Family LLC filed proffered condition amendment, rezoning/final development plan, and special exception applications affecting Tax Map 16-3((1))4, 4B, 4C, 5, 5A, and 39, all currently scheduled for a public hearing to be held before the Planning Commission on June 29, 2005. The applicants requested concurrent processing of the stormwater management plans and zoning applications to expedite the construction process.

Accordingly, Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the stormwater management/infrastructure plans for the property identified as Tax Map 16-3((1))4, 4B, 4C, 5, 5A, and 39 concurrently with the staff's review of pending Proffered Condition Amendment Application PCA 79-C-037-5, Rezoning/Final Development Plan Application RZ/FDP 2002-HM-043, Special Exception Application SE 02-HM-046 filed by L. Farnum Johnson, Jr. and Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Launders Marital Trust; David I. Meiselman and Winifred C. Meiselman, Trustees; and the Meiselman Family LLC. She noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of the applications in any way. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Smyth being out of the room, Supervisor McConnell being absent.

39. **LAKE ANNE REVITALIZATION FOCUSES ON VALUES (HUNTER MILL DISTRICT)** (11:39 a.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the Lake Anne Commercial Area Revitalization Study. See Clerk's Summary Item CL#19.)

Supervisor Hudgins noted that earlier in the morning when the Board approved funding for the Reston Community Reinvestment Corporation, it was moving into the second phase of the revitalization project. She stated that during the first phase, four public hearings were conducted, and she provided details. The next phase will engage the Lake Anne residents and other stakeholders in seven focus groups to shape the direction of future growth and development in the Village Center.

Supervisor Hudgins said that the seven focus groups will be held May 17 through 23, with the larger public meeting scheduled for May 24. A three-day charrette will follow in June.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize the press release she circulated with her written Board Matters.

Chairman Connolly clarified that this item should be publicized on Comcast in Reston.

Without objection, it was so ordered.

Chairman Connolly noted his intention to join in the process as appropriate.

PW:pw

40. **ANNANDALE CHAMBER OF COMMERCE ANNUAL BANQUET AND RECOGNITION OF MS. HELEN WINTER AND MR. IRV DENTON (MASON DISTRICT)** (11:40 a.m.)

Supervisor Gross said that the Annandale Chamber of Commerce will host its annual banquet on Thursday, May 26, 2005. In addition to awards for the Annandale Citizen of the Year, and the Annandale Business of the Year, two special recognitions will be presented to Ms. Helen Winter and Mr. Irv Denton for their extraordinary long-time service to the community. The Chamber has asked if they could also receive certificates of recognition from the County.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare for presentation at the annual banquet certificates of recognition signed by the Chairman, the Vice-Chairman, and the Mason District Supervisor. Without objection, it was so ordered.

41. **THE FOUNDATION CENTER'S COOPERATING COLLECTION WEBSITE** (11:41 a.m.)

Supervisor Gross said that she had recently attended a Statewide meeting of Virginia watershed roundtables at the Virginia Military Institute in Lexington, Virginia and learned of an exciting new opportunity that could be of great assistance to the County's constituents and the non-profit community. A website called the Cooperating Collections, administered by The Foundation Center, provides online access to more than 77,000 philanthropic organizations. The information available includes annual reports, websites, funding statistics, and even how to apply for tax returns. After speaking with Edwin S. ("Sam") Clay, Director of the Libraries, she learned that the County's libraries could subscribe to the service for a fairly small membership fee.

Supervisor Gross moved that the Board direct the County Executive to work with the Libraries to ensure that The Foundation Center's Cooperating Collection website becomes available as soon as possible. Without objection, it was so ordered.

42. **STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE** (11:43 a.m.)

Supervisor Gross referenced a document entitled Statement of Support for the Guard and Reserve that her office received. This document is an agreement with an employer pledging support for employees who serve in the Guard or Reserve.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the County's current policies regarding employees serving in the Guard or Reserve.

Supervisor Gross moved that the Board direct staff to review, and if appropriate, support the pledge by signing the statement. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

43. **AMBULANCE FEE CO-PAYMENTS AS THEY APPLY TO COUNTY EMPLOYEES WHO ARE NOT COUNTY RESIDENTS** (11:46 a.m.)

Supervisor Bulova stated that the new fee for EMS transport services will be billed to a person's insurance company and that the co-payment will be waived for County residents. Supervisor Bulova asked unanimous consent that the Board direct staff to review and report with information on what provisions have been made regarding the waiver of co-payments for County employees who may require ambulance transport while working or visiting the County and who do not reside in the County. Without objection, it was so ordered.

PMH:pmh

44. **NINETIETH ANNUAL MCLEAN DAY FESTIVAL (DRANESVILLE DISTRICT)** (11:47 a.m.)

Supervisor DuBois announced that the McLean community is celebrating its ninetieth annual McLean Day Festival to be held on Saturday, May 21 at Lewinsville Park from 11 a.m. until 5 p.m. This annual day of fun for all ages includes carnival rides, games, craft

booths, and exhibits.

Supervisor DuBois noted that the first McLean Day was held in 1915 at the Civic League Lot which was later donated to the Franklin Sherman Elementary School. For more information, call 703-790-0123.

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

45. **ABATEMENT OF AIRPLANE NOISE OVER THE MCLEAN/LANGLEY AREA (DRANESVILLE DISTRICT)** (11:48 a.m.)

Supervisor DuBois said that on April 27, 2005, the McLean Citizens Association adopted a resolution regarding the abatement of airplane noise over the McLean/Langley area. The resolution addressed concerns about aircraft that are not following noise abatement procedures north of Ronald Reagan Washington National Airport. These procedures call for aircraft to follow a flight path directly over the Potomac River for a distance of ten miles upstream of Ronald Reagan Washington National Airport. Specifically, the resolution endorsed the recommendations of the FAR Part 150 Noise Compatibility Program Update for the Airport and called for Congressman Wolf to request the Federal Aviation Administration to provide fast-track approval of a recommended noise abatement measure within this document that would set the stage for the implementation of more advanced navigational procedures at the Airport, thereby increasing the precision of flight tracks along the Potomac River corridor.

Supervisor DuBois pointed out that in October the Board endorsed comments supporting the Part 150 Update document. The Metropolitan Washington Airports Authority (MWAA) has since transmitted its recommended Part 150 Update to Federal Aviation Association (FAA) for approval. MWAA cannot begin to implement the recommended noise abatement measures until receiving FAA's approval; at this time, it is anticipated that such approval will be forthcoming by the end of this year. Expedited approval of the recommended noise abatement measure addressing improved navigational procedures would allow efforts to develop such procedures to begin sooner, and she circulated a draft letter to the FAA, for the Chairman's signature on behalf of the Board, that would support such an action.

Therefore, Supervisor DuBois moved that the Board authorize the transmittal of the letter from the Chairman to the FAA. Supervisor Hyland seconded the motion.

Following discussion regarding improved navigational procedures, the question was called on the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Hyland, and Supervisor Smyth being out of the room, Supervisor McConnell being out of the room.

46. **BOY SCOUT TROOP NUMBER 893 ANNUAL FLEA MARKET (SULLY DISTRICT)** (11:50 a.m.)

Supervisor Frey announced that Boy Scout Troop Number 893 is holding its annual Flea Market on May 14, 2005, at the Dulles Expo Center. This annual fundraiser is a much anticipated event that the entire Centreville/Chantilly community looks forward to each year.

Supervisor Frey noted that in the past the Board has waived trash fees at the I-66 Transfer Station for clean-up after the event.

Therefore, Supervisor Frey asked unanimous consent that the Board waive all trash fees associated with the clean-up of the flea market. Without objection, it was so ordered.

47. **MS. TARA ADISESHAN WINS ESSAY CONTEST (SULLY DISTRICT)** (11:51 a.m.)

Supervisor Frey announced that Ms. Tara Adishesan of Fairfax was selected as the Virginia winner of the Mutual of Omaha's essay contest about endangered animals in North America.

Supervisor Frey asked unanimous consent that the Board direct staff to invite Ms. Adishesan and a representative from Mutual of Omaha to appear before the Board on June 20, 2005, for recognition of this outstanding achievement. Without objection, it was so ordered.

48. **FIRST “DOG RUNS” IN SULLY DISTRICT** (11:53 a.m.)

Supervisor Frey noted that Dr. Susan M. Hall, a veterinarian from Centreville served many years on the Animal Services Advisory Commission and the Animal Shelter Advisory Commission. He noted that she died in 1999 and this past year the County opened at the shelter the first “dog runs” which was something that Dr. Hall supported for many years.

Supervisor Frey moved that the Board:

- Name the “dog runs” in memory of Dr. Hall and her commitment to animals.
- Use the proposed language on the plaque as distributed to the Board.

Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

49. **RECOGNITION OF THE TWENTIETH ANNIVERSARY OF CHRISTIAN RELIEF SERVICES CHARITIES (MOUNT VERNON DISTRICT)** (11:55 a.m.)

Supervisor Hyland said that 20 years ago, Eugene L. Krizek founded Christian Relief Services Charities, an international charitable organization dedicated to help those in need both in the United States and around the world.

Therefore, Supervisor Hyland asked unanimous consent that Christian Relief Services Charities Founder and President, Eugene Krizek, appear before the Board to be recognized for its twentieth anniversary on June 20, 2005. Without objection, it was so ordered.

50. **SOUTH COUNTY HIGH SCHOOL REQUEST FOR EXPEDITIOUS PROCESSING FOR SIGNAL LIGHT AND SIDEWALK ALONG SILVERBROOK ROAD (MOUNT VERNON DISTRICT)** (11:50 a.m.)

Supervisor Hyland said that the new South County High School will be opening for the first time on September 6, 2005. The high school, located on Silverbrook Road at the northern intersection of Laurel Crest Drive in Lorton is a principal arterial roadway that is being upgraded to a four-lane divided road this summer and students from the adjacent Laurel Hill subdivision (and other area neighborhoods) will be required to cross Silverbrook Road on foot to reach the school.

Therefore, Supervisor Hyland moved that the Board direct staff to expedite the review process for the signal light and the sidewalks. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

51. **CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MV-028 – 8021 A EAST BOULEVARD DRIVE (MOUNT VERNON DISTRICT)** (11:56 a.m.)

Supervisor Hyland referred to his written Board Matter outlining the need for a special exception amendment for Special Exception Application SE 2002-MV-028.



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

- Expediently process Special Exception Amendment Application SEA 2002-MV-028 to be filed by Scott A. and Phyllis P. Crabtree. Concurrent hearings before the Planning Commission and Board shall be scheduled prior to the August recess, if possible.
- Accept for expedited and concurrent processing plans, architectural drawings, and any other drawings as may be necessary for ongoing construction, in conjunction with Special Exception Amendment Application SEA 2002-MV-028.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

52. **AMERICAN LEGION POST 176 CELEBRATES ITS FIFTIETH ANNIVERSARY (LEE AND SPRINGFIELD DISTRICTS)** (11:58 a.m.)

Jointly with Supervisor McConnell, Supervisor Kauffman said that the American Legion Post 176 is marking its fiftieth anniversary this year. He referred to his written Board Matter and reviewed the services that the Post has provided over the years.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Jim Kampanos, commander of the American Legion Post 176 and other members of the Post to appear before the Board at a future meeting for formal recognition. Without objection, it was so ordered.

53. **LANDMARK PROPERTY DEVELOPMENT, LLC (LEE DISTRICT)** (11:59 a.m.)

Supervisor Kauffman said that Landmark Property Development, LLC, has filed a zoning application on the Rolling Hills subdivision. This subdivision includes an internal public street, Rolling Hills Avenue. Under the proposed site layout, Rolling Hills Avenue would be vacated/abandoned and new internal streets would be created to serve the proposed development.

Supervisor Kauffman noted that County requirements specify that applications on property owned by a party other than the applicant require the endorsement of the property owner before such an application can be heard. Because the County owns the underlying portion of Rolling Hills Avenue, the applicant is requesting Board concurrence in the filing of the application.

Therefore, Supervisor Kauffman moved that the Board indicate its concurrence of the inclusion of Rolling Hills Avenue in Rezoning/Final Development Plan Applications RZ/FDP 2004-LE-021. 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 any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

54. **SOUTH VAN DORN III (LEE DISTRICT)** (Noon)

Supervisor Kauffman announced that at 11 a.m. on Tuesday, April 26, the South Van Dorn III was finally opened to traffic, completing a project that began back in the mid 1970s. This half mile, four-lane divided roadway runs from King Centre Drive/Greendale Village Drive to Telegraph Road and links the Telegraph Road area to the south with Kingstowne, Franconia Road, the Beltway, and the Van Dorn Metro station to the north. Extending Van Dorn Street south of Franconia Road to Telegraph Road has been part of the County's Comprehensive Plan since 1974. Building the road became a condition of the Kingstowne development plan in the mid 1980s and the Kingstowne developer proffered (committed to build) South Van Dorn Street.

Supervisor Kauffman distributed an article that he wrote for Lee District civic and homeowner association newsletters. It details the longest half mile road in the Commonwealth and its myriad detours—from wetlands discovery to mitigation; passing by road reengineering, standing water, and the whimsical effects of Mother Nature on the best planned schedules of the best transportation engineers.

Supervisor Kauffman announced that on June 16 between 6:30 and 8 p.m. there will be a gathering at the Snyder Center in Kingstowne to recognize this event.

55. **ANNUAL STORY SWAP (LEE DISTRICT)** (12:01 p.m.)

Supervisor Kauffman announced that the Franconia Museum will present a Story Swap on Saturday, May 14 from 1 p.m. until 3 p.m. at the Kingstowne Library. He said that the second volume of *Franconia Remembers* will be unveiled.

56. **HOSTAGE SITUATION (LEE DISTRICT)** (12:03 p.m.)

Supervisor Kauffman noted the excellent police work this past Saturday during the hostage situation in the Richmond Highway Corridor. He said that the quick actions of the police resulted in the hostage situation ending without bloodshed.

57. **MACHETE LEGISLATION** (12:05 p.m.)

(BACs) Supervisor Kauffman said that an incident occurred at Lee High School involving an individual displaying a machete as a form of intimidation.

Therefore, Supervisor Kauffman asked unanimous consent that the Board refer to the Legislative Committee the issue of amending the *Code of Virginia*, a section dealing with the use of a machete as an instrument of intimidation. Without objection, it was so ordered.

58. **RECESS/CLOSED SESSION** (12:05 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 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. Board of Supervisors' Authorization to Sue Gardiner and Gardiner, Incorporated, Sagimore Mechanical Construction Company, Incorporated, and the United States Fidelity and Guaranty Company for Costs of Corrective Work at Stevenson Place (Springfield District)
- 2. *Fairfax County Board of Supervisors versus Mark McChrystal* (Record Number not yet assigned) (Va. Sup. Ct.)
- 3. *Louise Redditt versus Fairfax County Department of Family Services*, Record Numbers 0770-04-4, 0771-04-4, 0772-04-4, 0773-04-4 (Va. Sup. Ct.)
- 4. *Board of Supervisors versus Batman/McNair Associates, L.P., et al.*, At Law Number CL-2004-0217365 (Fx. Co. Cir. Ct.) (Hunter Mill District)

5. *William E. Shoup, Fairfax County Zoning Administrator versus Joseph F. Heath and Robert P. Mollenberg*, In Chancery Number CH-2004-0189861 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *William E. Shoup, Fairfax County Zoning Administrator versus Eugene G. Hopson*, In Chancery Number CH-2004-0189092 (Fx. Co. Cir. Ct.) (Braddock District)
7. *William E. Shoup, Fairfax County Zoning Administrator versus Duane Whitney, et al.*, In Chancery Number CH-1997-0152580 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator versus Kenneth Cline and Maria Cline*, In Chancery Number CH-2004-0192559 (Fx. Co. Cir. Ct.) (Sully District)
9. *William E. Shoup, Fairfax County Zoning Administrator versus William K. Wilson and N. Bray Wilson*, In Chancery Number CH-2005-0001441 (Fx. Co. Cir. Ct.) (Sully District)
10. *Board of Supervisors versus Laurelwood, L.C., et al.*, At Law Number CL-2005-0002476 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Board of Supervisors versus McDonald's Corporation, et al.*, At Law Number CL-2005-0002343 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Health Department Employees Who Are Grandfathered Members of the Virginia Retirement System
- Fairfax County Code Section 3-1-9
- Fairfax County Code Section 118-8-1 (a)
- Zoning Ordinance Amendments to Provide for Special Permits for Homeowner Improvement Projects and Waiver of Lot Width Requirements.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Smyth being out of the room, Supervisor McConnell being absent.

**DET:det**

At 3:53 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

#### **ACTIONS FROM CLOSED SESSION**

59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:54 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 Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

60. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO SUE GARDINER AND GARDINER, INCORPORATED, SAGIMORE MECHANICAL CONSTRUCTION COMPANY, INCORPORATED, AND THE UNITED STATES FIDELITY AND GUARANTY COMPANY** (3:55 p.m.)

Supervisor Frey moved that the Board authorize the County Attorney to sue Gardiner and Gardiner, Incorporated, Sagimore Mechanical Construction Company, Incorporated, and the United States Fidelity and Guaranty Company as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

**AGENDA ITEMS**

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61. **ADMIN 9 – AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE MAP OF CHESAPEAKE BAY PRESERVATION AREAS, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, REGARDING RESOURCE PROTECTION AREA BOUNDARIES** (3:55 p.m.)

(A) (Note: Earlier in the meeting, action was deferred regarding this item. See Clerk’s Summary Item CL#17.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on June 2, 2005, and before the Board on **June 20, 2005, at 4 p.m.** to consider proposed amendments to the map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding resource protection area boundaries.

**DS:ds**

62. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-067 (AMERICAN LEGION POST 1976) (MASON DISTRICT)** (3:55 p.m.)

(NOTE: On April 25, 2005, the Board deferred the public hearing on this item until May 9, 2005.)

The application property is located at 4206 Daniels Avenue, Tax Map 71-1 ((4)) H1 and X.

Mr. John W. Farrell reaffirmed the validity of the affidavit for the record.

Mr. Farrell 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 Crookshanks, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 94-M-067, subject to the development conditions dated April 13, 2005.
- Modification of the minor paved trail requirement to allow a 7-foot wide brick paver sidewalk in lieu of a 4 to 7-foot wide paved trail.

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

63.

**3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-Y-011-2 (OGELTHORPE LIMITED PARTNERSHIP) (SULLY DISTRICT)** (4 p.m.)

(NOTE: On April 25, 2005, the Board deferred the public hearing on this item until May 9, 2005.)

The application property is located at 15001 Northridge Drive, Tax Map 43-2 ((2)) 17A pt. and 29D pt.

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

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

- In excess of \$100 from Burgess and Niple, Incorporated of Virginia

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

- In excess of \$100 from Burgess and Niple, Incorporated of Virginia

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

Following the public hearing, Aaron Shriber, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 96-Y-011-2, subject to the development conditions dated May 9, 2005. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

Supervisor Frey moved:

- Modification of the barrier requirement along the northern and eastern property boundaries.
- Modification of the Comprehensive Plan trail requirement.

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

64.

**3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MA-038 (MOON SIK PARK) (MASON DISTRICT)** (4:04 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2004-MA-038 until **July 25, 2005, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

65.

**3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-007 (BLAKE HILLS COMMUNITY ASSOCIATION) (PROVIDENCE DISTRICT) (4:05 p.m.)**

The application property is located in the northeast quadrant of Blake Lane and Edgelea Road, Tax Map 48-1 ((41)) A.

Martha B. Gwatney reaffirmed the validity of the affidavit for the record.

Ms. Gwatney 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, Kul Sandhu, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 75-7-007, subject to the proffers dated March 30, 2005. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

**ADDITIONAL BOARD MATTER**

66. **AFFIDAVIT DISCLOSURES** (4:09 p.m.)

Discussion ensued, with input from David P. Bobzien, County Attorney, regarding the affidavit form.

Because an old form had been used for one of the public hearings located in his district, Supervisor Hyland raised the issue of whether the form was accurate and if it met the requirement.

Following a brief discussion, Mr. Bobzien said that he would report, later in the meeting, after he reviewed the statute.

Mr. Bobzien stated that the Board could proceed with the public hearings while awaiting his response.

(NOTE: Later in the meeting, Mr. Bobzien reported regarding the affidavit forms. See Clerk's Summary Item CL#69.)

**AGENDA ITEMS**

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-037 [THOMAS V. OKEEFE, JR. (POTOMAC CUSTOM HOMES, LLC)] (MOUNT VERNON DISTRICT) (4:12 p.m.)**

(O) The application property is located in the southwest quadrant of the intersection of Virginia Drive and Rolling Road, Tax Map 98-2 ((4)) 1 and 2 and Lenore Drive and portions of Virginia Drive public rights-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of the public rights-of-way for Lenore Drive and portions of Virginia Drive to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.)

Mr. Thomas V. O’Keefe, Jr. reaffirmed the validity of the affidavit for the record.

Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a brief description of the site location and application.

Mr. O’Keefe 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-037, from the R-1 District to the R-3 District, subject to the proffers dated April 19, 2005. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey, Supervisor Hudgins, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

68. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2, REGARDING THE ADOPTION OF A DEFERRED RETIREMENT OPTION PROGRAM (DROP) IN THE EMPLOYEES’ RETIREMENT SYSTEM** (4:16 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 April 26 and May 3, 2005.

Laurnz A. Swartz, Executive Director, Retirement Administration Agency, presented the staff report.

Discussion ensued, with input from Mr. Swartz, regarding:

- The inclusion of school employees in the program.
- Entry into the program.
- Whether there will be a cost to taxpayers.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 2, to include provisions for a DROP in the Employees’ Retirement System. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion regarding the program, the question was called on the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

**ADDITIONAL BOARD MATTER**

69. **ADDITIONAL DISCUSSION REGARDING AFFIDAVIT DISCLOSURES** (4:21 p.m.)

(Earlier in the meeting, a question was raised regarding affidavit disclosures. See Clerk's Summary Item CL#66.)

David P. Bobzien, County Attorney, stated that the provisions for affidavit disclosures does not apply to any application for a special exception, variance, or amendment of the Zoning Ordinance filed prior to January 1, 2005. It depends on when the application was filed and accepted by the Department of Planning and Zoning, not when the affidavit was signed.

A brief discussion ensued regarding the Board's decision to disclose versus the requirement of the applicant to disclose.

**AGENDA ITEMS**

70. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-MV-025 (MINNIELAND PRIVATE DAY SCHOOL, INCORPORATED)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-V-020 (MINNIELAND PRIVATE DAY SCHOOL, INCORPORATED) (MOUNT VERNON DISTRICT)** (4:23 p.m.)

The application property is located in the southeast quadrant of the intersection of Lorton Market Street and Lorton Road, Tax Map 107-4 ((23)) E4 and E5.

Ms. Kara M. Whisler reaffirmed the validity of the affidavit for the record.

Regina Murray, Branch Chief, Rezoning/Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented a brief description of the site location and application.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 1999-MV-025, subject to the proffers dated April 1, 2005.
- Modification of the transitional screening requirements, as previously approved, along the northern, eastern, and southern boundaries and waiver of the barrier requirements, as previously approved, along all boundaries.

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



Following a brief discussion, with input from Ms. Murray regarding the motion, Supervisor Hyland moved approval of Special Exception Amendment Application SEA 99-V-020, subject to the development conditions dated March 17, 2005. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

71. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-038 (KELLY AND KIM CAMPBELL) (MOUNT VERNON DISTRICT)** (4:28 p.m.)

The application property is located at 11727 River Drive, Tax Map 122-2 ((2)) 7.

Mr. Edward L. Goodwin, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Goodwin 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, Regina Murray, Branch Chief, Rezoning/Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Special Exception Application SE 2004-MV-038, subject to the development conditions contained in Appendix One of the staff report. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

72. **4 P.M. – PH ON PUBLIC STREET FRONTAGE WAIVERS FOR EAST BOULEVARD PROPERTY: VAN METRE DEVELOPMENT INCORPORATED (MOUNT VERNON DISTRICT)** (4:31 p.m.)

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 April 26 and May 3, 2005.

Chairman Connolly recognized the presence of Bruce Nassimbeni, Director, Site Review East, Environmental and Site Review Division, Department of Public Works and Environmental Services (DPWES), and warmly welcomed him to the Board Auditorium.

Greg McLaughlin, Engineer II, Site Review East, Environmental and Site Review Division, DPWES, presented the staff report.

Sherry Hoy, agent for the applicant, gave a presentation regarding the waiver applications.

Following the public hearing, Supervisor Hyland moved approval of Public Street Frontage Waivers 4711-WPSF-001-1 and 4711-WPSF-002-1, subject to the development conditions dated April 13, 2005. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

73. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING SIGNAGE FOR ACCESSIBLE PARKING SPACES, CASH DEPOSITS, AND NATURAL DRAINAGE DIVIDES** (4:43 p.m.)

(O) (NOTE: On March 21, 2005, the Board deferred the public hearing on this item until April 4, 2005. On April 4, 2005, the Board deferred the public hearing on this item until May 9, 2005.)

Supervisor Frey said that the Planning Commission held a public hearing last week and after a lengthy discussion recommended that the Board defer the public hearing on proposed amendments to the PFM concerning natural drainage divides **only**, and re-advertise with additional language. Supervisor Frey recommended that the Board discuss the Planning Commission's recommendation at the Development Process Committee meeting scheduled for May 16, 2005.

Therefore, Supervisor Frey moved to bifurcate the public hearing and defer the proposed amendments to the PFM concerning natural drainage divides indefinitely. Supervisor Kauffman seconded the motion.

Chairman Connolly noted that testimony received from individuals today would not be precluded, but that a separate public hearing would be held at a later time regarding natural drainage divides.

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

Jan Leavitt, Engineer III, Code Analysis Division, DPWES, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved:

- Adoption of the proposed amendments to the PFM regarding posting signage for accessible parking spaces and cash deposits as advertised and set forth in the staff report dated October 18, 2004.
- That the proposed amendments become effective at 12:01 a.m. on May 10, 2005.

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

74. **BOARD ADJOURNMENT** (4:54 p.m.)

The Board adjourned.