



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 1, 2001**

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DS:ds

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

Supervisor McConnell arrived at 9:05 a.m.

Supervisor Gross and Supervisor Hyland arrived at 9:10 a.m.

Supervisor Kauffman arrived at 9:15 a.m.

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

BOARD MATTERS

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

Chairman Hanley reiterated her statement made at the September 24, 2001, Board meeting in regards to the terrorist attacks of September 11, and asked everyone to keep in thoughts those who have been the victims of economic dislocation and have been affected in ways that could not have be predicted or imagined.

Supervisor Bulova asked everyone to keep in thoughts and prayers the family of Reverend Lloyd Addington, of the Good Shepherd Episcopal Church, who died last week. She said his funeral service was held yesterday.

Supervisor Hudgins asked everyone to keep in thoughts and prayers the family of Ron Stanton, a citizen of the Dranesville District (which was formerly part of the Hunter Mill District) who died on Friday. She said Mr. Stanton was very active in working on the Hunter Mill Road project, which has been a big focus in the community.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MCLEAN LITTLE LEAGUE MAJOR ALL-STAR GIRLS' SOFTBALL TEAM**
(Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the McLean Little League Major All-Star Girls' Softball Team for winning the Virginia State tournament. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hyland, and Supervisor Kauffman being out of the room.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE FAIRFAX STARS 11-YEAR-OLD AND 13-YEAR-OLD GIRLS' BASKETBALL TEAMS** (Tape 1)

Supervisor Frey moved approval of the Certificates of Recognition presented to the 11-year-old and 13-year-old Girls' Basketball Teams for their accomplishments. Supervisor Connolly and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Kauffman being out of the room.

ADDITIONAL BOARD MATTER

4. **HAPPY BIRTHDAY TO DAVID P. BOBZIEN, COUNTY ATTORNEY**
(Tape 1)

Chairman Hanley said that today was David Bobzien's birthday and she wished him a happy birthday on behalf of the Board.

AGENDA ITEMS

5. **CERTIFICATE OF RECOGNITION PRESENTED TO ROBINSON HIGH SCHOOL DISTRIBUTIVE EDUCATION CLUBS OF AMERICA (DECA)/MARKETING GROUP** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Robinson High School DECA/Marketing Group for raising \$5,000 to purchase an Automated External Defibrillator for the school. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Gross being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE OPERATION TOOLS FOR SUCCESS PARTNERSHIP** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the participants of the Operation Tools for Success Partnership for their efforts. Supervisor Connolly and Vice-Chairman Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION DESIGNATING OCTOBER 7 - 13, 2001, AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation designating October 7 - 13, 2001, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING OCTOBER 14 - 20, 2001 AS "TURN OFF THE VIOLENCE WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation designating October 14 - 20, 2001, as "*Turn Off the Violence Week*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

9. **PROCLAMATION DESIGNATING OCTOBER 7 - 13, 2001 AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Hyland moved approval of the Proclamation designating October 7 - 13, 2001, as "*Fire Prevention Week*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

10. **RECOGNITION OF PROVIDENCE DISTRICT SUPERVISOR CONNOLLY'S PARENTS** (Tape 1)

Chairman Hanley recognized the presence of Mr. and Mrs. Connolly, Supervisor Connolly's parents, and wished them a good morning.

AGENDA ITEMS

11. **RESOLUTION OF COMMENDATION PRESENTED TO THE OFFICE FOR CHILDREN** (Tapes 1-2)

Chairman Hanley said that she was cleaning out her bookcase and she found minutes from the Child Care Advisory Council (when she served as a member) from Spring 1982 to Spring 1984, and she submitted the minutes for the record.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Resolution commending the Office for Children for 25 years of service to the citizens of Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

12. **PRESENTATION OF THE 2001 ENVIRONMENTAL EXCELLENCE AWARDS** (Tape 2)

Sheila Roit, Environmental Quality Advisory Council, presented the following 2001 Environmental Excellence Awards:

- *Organization Award:* Bailey's Beautification Alliance
- *County Residence Award:* Chris Koerner

13. **10 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Supervisor Hudgins moved the appointment of Mr. Ben C. Gaither III as the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #6 Representative to the Alcohol Safety Action Program Local Policy Board.

ATHLETIC COUNCIL

The Board deferred the appointment of the At-Large (Diverse Population) Representative to the Athletic Council.

BOARD OF BUILDING CODE APPEALS

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to research the expiration dates of the members of the Board of Building Code Appeals. Following input from Nancy Vehrs, Clerk to the Board, without objection, the request was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The Board deferred the appointments of the Engineer Alternate Representative and the Citizen Alternate Representative to the Board of Building Code Appeals.

CHARACTER COUNTS! TASK FORCE

The Board deferred the appointment of the Sully District Representative to the Character Counts! Task Force.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative to the Child Care Advisory Council.

COMMISSION FOR WOMEN

Supervisor Frey moved the re-appointment of Ms. Kathy Goggin as the Sully District Representative to the Commission for Women. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative to the Commission for Women.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) and Springfield District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointments of the Dranesville and Mason District Representatives to the Community Action Advisory Board.

COMMUNITY IMPROVEMENT COMMITTEE

The Board deferred the appointments of the Braddock, Dranesville, Mason (Fairdale Community), Providence, Springfield, and Sully District Representatives to the Community Improvement Committee.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the Mason and Springfield District Representatives to the Criminal Justice Advisory Board.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Dranesville, Mount Vernon, and Springfield District Representatives to the Fairfax Area Disability Services Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen/Minority #2 Representative to the History Commission.

(NOTE: Later in the meeting, the Board took action regarding the History Commission. See below.)

HUMAN RIGHTS COMMISSION

Chairman Hanley moved the appointment of Ms. Saima Makhdoom as the At-Large #4 Representative to the Human Rights Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HISTORY COMMISSION REQUEST

(NOTE: Earlier in the meeting the Board deferred the appointment of the Citizen/Minority #2 Representative to the History Commission. See above.)

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide the history of the Citizen/Minority Representative to the History Commission. Without objection, it was so ordered.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Braddock District #2 Representative to the Human Services Council.

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Hudgins moved the appointment of Ms. Mertis Horton as the At-Large #3 Representative to the Industrial Development Authority. Chairman Hanley seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the re-appointment of Ms. Diane Stoddard as the At-Large #4 Representative to the Industrial Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #5 Representative to the Industrial Development Authority.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Mendelsohn moved the re-appointment of Mr. Edward H. Bersoff as the Dranesville District Representative to the Information Technology Policy Advisory Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Springfield and Sully District Representatives to the Information Technology Policy Advisory Committee.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Juvenile and Domestic Relations District Court Citizens Advisory Council.

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZEN ADVISORY COMMITTEE

The Board deferred the appointment of the At-Large Representative to the Northern Virginia Transportation Coordinating Council Citizen Advisory Committee.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Supervisor Connolly moved the re-appointment of Mr. Paul Gilbert as the Fairfax County Representative #2 to the Northern Virginia Regional Park Authority. Supervisor Gross and Supervisor Hudgins jointly seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large #5 Representative to the Oversight Committee on Drinking and Driving.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Supervisor Hudgins moved the appointment of Mr. James T. Deuel as the Resident/Owner Route 28 District #3 Representative to the Route 28 Highway Transportation District Advisory Board. Supervisor Frey seconded the motion.

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

TENANT LANDLORD COMMISSION

Supervisor Gross moved the appointment of Mr. Ivan Patino as the Landlord Member #3 Representative to the Tenant Landlord Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Tenant Member #1 Representative to the Tenant Landlord Commission.

TREE COMMISSION

The Board deferred the appointments of the Springfield and Sully District Representatives to the Tree Commission.

WATER AUTHORITY

The Board deferred the appointment of the Dranesville District Representative to the Water Authority.

ADHOC COMMITTEES**HEALTH AND MEDICAL CARE DELIVERY TASK FORCE**

The Board deferred the appointments of the Braddock, Mason, Springfield, and Sully District Representatives to the Health and Medical Care Delivery Task Force.

TELECOMMUNICATIONS (“MONOPOLES”) LAND USE TASK FORCE

The Board deferred the appointment of the Hunter Mill District Representative to the Telecommunications (“Monopoles”) Land Use Task Force.

ADDITIONAL APPOINTMENT**TREE PRESERVATION TASK FORCE****CONFIRMATION:**

Supervisor Mendelsohn moved the confirmation of Ms. Karen Knopes to fill the unexpired term of Ms. Sally Tongren as the League of Women Voters of the Fairfax Area Representative to the Tree Preservation Task Force. Chairman Hanley seconded the motion, which carried by unanimous vote.

DMB:dmb

14. ADMINISTRATIVE ITEMS (Tape 4)

Supervisor Connolly moved approval of the Administrative Items with the exception of Admin 5 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), Article 2, Relating to the Establishment of an Oral Rabies Vaccine Distribution Program, which he asked to be considered separately. Supervisor Kauffman seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

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

(R) Approved the request that the streets listed below be accepted into the Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Monroe Chase	Hunter Mill	Sycamore Lakes Cove Williams Meadow Court Thacker Hill Court Fox Mill Road Route 665 Additional ROW Only Monroe Street Route 666 Additional ROW Only
South Van Dorn Street Phase II	Lee	South Van Dorn Street Route 613
Hunter's Manor	Mount Vernon	Noral Place Fort Hunt Road Route 629 Additional ROW Only
Hatcher Property	Sully	Cedar Knolls Drive Route 7452 Stone Road Route 662 Additional ROW Only

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE, LEE, AND MASON DISTRICTS)

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

- Application 2232-L01-22 to December 3, 2001
- Application 2232-M01-16 to December 13, 2001
- Application 2232-D01-17 to December 14, 2001
- Application 2232-D01-18 to December 20, 2001

ADMIN 3 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individual, identified with his registration number, as a Plans Examiner:

- Anthony T. Owens (212)

ADMIN 4 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE CONTINUATION OF V-STOP GRANT FUNDING

Authorized the FCPD to apply for grant funding from the Department of Criminal Justice Services in the amount of \$45,364 for the continuation of the V-STOP Someplace Safe Program. The grant includes \$34,023 from DCJS, and a local cash match of \$11,341.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL), ARTICLE 2, RELATING TO THE ESTABLISHMENT OF AN ORAL RABIES VACCINE DISTRIBUTION PROGRAM

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#15).

ADMIN 6 – BOARD AUTHORIZATION OF THE DISTRIBUTION OF INFORMATION ON THE NOVEMBER REFERENDUM ON THE ISSUANCE OF COUNTY BONDS FOR IMPROVEMENTS TO THE FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS)

Authorized staff to print and distribute the explanatory statement on the November referendum on the issuance of County bonds for improvements to FCPS.

15. **ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL), ARTICLE 2, RELATING TO THE ESTABLISHMENT OF AN ORAL RABIES VACCINE DISTRIBUTION PROGRAM**

- (A) Discussion ensued with input from Dennis Hill, Director, Environmental Health Administration, Health Department.

Supervisor Connolly asked unanimous consent that the Board direct staff to report with information regarding the number of human and animal exposures to rabid raccoons that occurred in the year 2000. Without objection, it was so ordered.

Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on **October 22, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), Article 2, relating to the establishment of an oral rabies vaccine distribution program. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

16. **ORDERS OF THE DAY** (Tape 4)

Chairman Hanley announced that there would be a change in the Orders of the Day and that the Board would proceed with Consideration Item 1.

17. **A-1 – ASSISTANCE FOR EMPLOYEES ON ACTIVE DUTY WITH NATIONAL GUARD OR MILITARY RESERVES** (No Tape)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#20).

18. **A-2 – SUPPLEMENTAL COMMUTER PARKING FOR METRORAIL AND VRE STATIONS** (No Tape)

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

19. **C-1 – CONSIDERATION OF AN AMENDMENT TO THE AGREEMENT WITH THE BURKE VOLUNTEER FIRE AND RESCUE DEPARTMENT (FRD) CONCERNING THE CONSTRUCTION AND OPERATION OF A NEW FIRE STATION AT 9501 OLD BURKE LAKE ROAD (SPRINGFIELD DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated October 1, 2001, requesting Board approval of an amendment to the agreement with the Burke Volunteer FRD concerning the construction and operation of a new fire station at 9501 Old Burke Lake Road.

Supervisor McConnell moved that the Board:

- Approve the amendment to the agreement with the Burke Volunteer FRD concerning the construction and operation of a new fire station at 9501 Old Burke Lake Road.
- Authorize the County Executive to enter into the agreement on behalf of the Board, and take steps necessary to implement the amendment to the agreement.

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

20. **A-1 – ASSISTANCE FOR EMPLOYEES ON ACTIVE DUTY WITH NATIONAL GUARD OR MILITARY RESERVES** (Tape 4)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the County Executive to provide the following assistance, in addition to the existing leave transfer program, to assist County employees activated in the National Guard/Military Reserves, if needed:

- Continue the employer contribution to life and health insurance if employee is on leave without pay.
- Provide a pay differential if the employee's military salary is less than his/her County salary and employee is on leave without pay.

Supervisor Connolly seconded the motion. Discussion ensued with input from Anthony H. Griffin, County Executive.

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

21. **A-2 – SUPPLEMENTAL COMMUTER PARKING FOR METRORAIL AND VRE STATIONS** (Tape 4)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and:

- Authorize the Director of Transportation to execute, on behalf of the Board, parking agreements that are in substantial conformance with the proposed standard agreement, subject to review and approval as to form by the County Attorney.
- Authorize the Director of Transportation to provide additional bus service, such as enhancements to existing routes and new shuttle service, to connect the satellite parking facilities with the appropriate Metrorail and/or VRE stations. This authorization to increase bus service is limited to an additional expense of \$500,000 for Fiscal Year 2002.
- Direct and authorize County staff to take whatever actions are necessary to implement these parking agreements and bus services in a timely manner.

Chairman Hanley called the Board's attention to a handout that staff provided regarding a list of providers in the area who have responded to a request from the Department of Defense to assist in the movement of people especially in the I-95 corridor as a result of the aftermath of the September 11 terrorist attack. On behalf of the Board, Chairman Hanley thanked all of the individuals who worked for transportation providers, government agencies, and private companies for the quick response and dedicated effort that they provided during the crisis.

Supervisor Connolly seconded the motion. Discussion ensued with input from Andy Szakos, Chief, Transit Services Division, Department of Transportation.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

22. **C-1 – CONSIDERATION OF AN AMENDMENT TO THE AGREEMENT WITH THE BURKE VOLUNTEER FIRE AND RESCUE DEPARTMENT (FRD) CONCERNING THE CONSTRUCTION AND OPERATION OF A NEW FIRE STATION AT 9501 OLD BURKE LAKE ROAD (SPRINGFIELD DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting the Board took action on this item. See Clerk's Summary Item CL#19).

23. **I-1 – CONTRACT AWARD – SULLY DISTRICT POLICE STATION (SULLY DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated October 1, 2001, requesting authorization for staff to:

- Award a contract to HRGM Corporation in the amount of \$5,013,521 for the construction of Project 009208, Sully District Police Station, in Fund 312, Public Safety Construction. This project consists of the construction of a new 34,000 square foot building and related site improvements.
- Reallocate funds in the amount of \$1,032,795 to Project 009203, Public Safety Contingency, to fund possible shortfalls in other projects within this fund.

The staff was directed administratively to proceed as proposed.

24. **I-2 – COMPLETION OF DRAFT STATE FARM SAFETY STUDY OF HIGH-ACCIDENT INTERSECTIONS** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated October 1, 2001, presenting the draft State Farm Safety Study of high-accident intersections.

25. **I-3 – SUBMISSION OF APPLICATIONS FOR PROPOSED ROADWAY SAFETY IMPROVEMENTS UNDER THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) HAZARD ELIMINATION SAFETY PROGRAM, FISCAL YEAR (FY) 2003** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated October 1, 2001, announcing the submission of applications for proposed roadway safety improvements under the VDOT Hazard Elimination Safety Program for FY 2003.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to assure that in the submission of applications for proposed roadway safety improvements, the County's Hazard Elimination Fund list is separate from the road construction list. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

26. **I-4 – CITIZEN'S GUIDE FOR THE 2002 SOUTH COUNTY CYCLE AREA PLANS REVIEW (APR)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated October 1, 2001, announcing the Planning Commission's approval of the draft of the Citizen's Guide for the 2002 South County Cycle APR, and requesting authorization to:

- Publish the Citizen's Guide for the 2002 South County Cycle APR.
- Implement the 2002 South County Cycle APR process in accordance with the schedule approved by the Planning Commission.

Discussion ensued with input from Fred R. Seldon, Director, Planning Division, Department of Planning and Zoning.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

27. **"GEORGE MASON WEEK" IN FAIRFAX COUNTY** (Tape 5)

Chairman Hanley stated that the George Mason Chapter of the Sons of the American Revolution (SAR) called to her attention two important historical events in December. George Mason's birthday is December 11 and December 15 marks the adoption of the Bill of Rights.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the George Mason Chapter and the Fairfax Resolves Chapter of the SAR and the local chapters of the Daughters of the American Revolution to appear before the Board on December 3, 2001, to receive a proclamation declaring the week of December 11-15, 2001, as "*George Mason Week*" in Fairfax County. Supervisor Connolly seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to invite the person who portrays George Mason in reenactments to also appear in costume. Without objection, it was so ordered.

Vice-Chairman Hyland also suggested the inclusion of the person who portrays George Mason at Gunston Hall.

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

28. **INOVA TRANSPLANT CENTER** (Tape 5)

Chairman Hanley said that on November 8, 2001, the Inova Transplant Center will celebrate the fifteenth anniversary of its first heart transplant and the tenth anniversary of its first lung transplant. Therefore, she moved that the Board direct staff to invite members of the Inova Transplant Center and Commission on Organ and Tissue Donation and Transplantation to appear before the Board on October 22, 2001, to receive a proclamation recognizing those two medical landmarks. Supervisor Connolly seconded the motion and it carried by unanimous vote.

29. **DEVELOPMENT PROCESS COMMITTEE** (Tape 5)

(BACs) Following discussion, with brief input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Hanley announced that the Board will hold an 8 a.m. meeting of the Development Process Committee on October 22, 2001. She noted that the regular Board meeting may start at 9 a.m. that day because of the number of presentations scheduled.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

PMH:pmh

30. **DEFERRAL OF THE PUBLIC HEARING ON REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2000-MV-051** (Tape 6)

Supervisor Hyland said that Rezoning/Final Development Plan Application RZ/FDP 2000-MV-051 is currently scheduled for a Board public hearing on October 22, 2001.

At the request of the applicant, Supervisor Hyland moved that the Board defer the public hearing on Rezoning/Final Development Plan Application RZ/FDP 2000-MV-051 until February 2002. Supervisor Connolly seconded the motion and it carried by unanimous vote.

31. **LORTON COMMUNITY ACTION CENTER REQUESTS CONSTRUCTION PERMIT FEES TO BE WAIVED** (Tape 6)

Supervisor Hyland referred to his written Board Matter indicating that the Lorton Community Action Center, also known as LCAC, is a valuable nonprofit organization, which partners with Fairfax County government and other agencies. LCAC is tasked with bringing additional community based services to the greater Lorton community.

Supervisor Hyland asked unanimous consent that the Board waive renovation and construction fees associated with the Lorton Community Action's storefront renovations. Without objection, it was so ordered.

32. **AT&T WIRELESS SPECIAL EXCEPTION APPLICATION** (Tape 6)

Supervisor Gross said that AT&T Wireless has filed a special exception application located at 7212 Early Street. To facilitate the process, the applicant requested that the site plan be reviewed concurrently.

Therefore, Supervisor Gross moved that the Board direct staff to process the site plan associated with this application concurrently. This motion should not be construed as a favorable recommendation on the Special Exception application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

33. **MASON DISTRICT TOWN MEETING** (Tape 6)

Supervisor Gross announced that the Mason District Town meeting is scheduled for October 2, 2001, at 7 p.m. at George Mason Regional Library in Annandale.

34. **MASON DISTRICT PARK FESTIVAL** (Tape 6)

Supervisor Gross said that at the Mason District Festival she copied Supervisor Hudgins' "map of the world" showing where residents came from prior to moving to the County.

35. **FALL FOR FAIRFAX** (Tape 6)

Chairman Hanley announced that Fall for Fairfax was held on September 29, 2001. She expressed her appreciation to Celebrate Fairfax for its activities.

36. **NO BOARD MATTERS FOR SUPERVISOR BULOVA** (Tape 6)

Supervisor Bulova announced that she had no Board Matters to present.

37. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-7**
(Tape 6)

Supervisor Mendelsohn said that the Madeira School, located at 8328 Georgetown Pike in McLean, is the applicant for Special Exception Amendment Application SEA 83-D-030-7 which would allow the school to reconfigure its site to construct additional staff housing and other amenities. This application does not request an increase in enrollment.

Supervisor Mendelsohn said that the Madeira School continues to work with all interested neighbors and the County to resolve any concerns about this application. However, the school wishes to begin working on its site plan to provide detailed engineering drawings at the time of the Planning Commission hearing. This would also allow the school to proceed with construction during the summer months in the event that its application is approved by the Board.

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

- Proceed with concurrent processing of this application.
- Schedule a public hearing to be held before the Board on January 28, 2002, the next available Board date after the Planning Commission hearing.

This motion does not relieve the applicant from compliance with the provision of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the Special Exception application. Supervisor Connolly seconded the motion and it carried by unanimous vote.

38. **REZONING/FINAL DEVELOPMENT PLAN APPLICATION**
RZ/FDP 2001-DR-014 (Tape 6)

Supervisor Mendelsohn said that Property Professionals, Incorporated is the applicant for a Rezoning/Final Development Plan Application RZ/FDP 2001-DR-014. This application requests that the property be rezoned from the R-1 District to the PDH-2 District.

Supervisor Mendelsohn noted that the developer continues to work diligently with the County and the owners of adjacent properties on issues of stormwater management, tree save, and density. The Planning Commission hearing of this case has been delayed multiple times to allow the applicant to continue to work to resolve these issues. Currently, this application is scheduled for a public hearing at the Planning Commission on November 14, 2001.

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

- Proceed with concurrent processing of this application.
- Schedule this application for a public hearing to be held before the Board on December 3, 2001.

This motion does not relieve the applicant from compliance with the provision of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the Special Exception application. Supervisor Connolly seconded the motion and it carried by unanimous vote.

39. **ATHLETIC FIELDS** (Tape 6)

Supervisor Mendelsohn said that McLean Youth Incorporated (MYI) is the umbrella group for many of the youth sports groups in the Greater McLean area. He noted that there has long been a shortage of youth playing fields throughout

the County. MYI has continued to work with his office in a proactive way to obtain new playing fields and to see that those fields are maintained.

With the Board approval in 1997 of Rezoning Application RZ 1997-DR-021, the developer, Holladay Corporation, proffered two athletic fields to be deeded to the Board, graded and seeded appropriately, for use by McLean's youth sports organizations. Currently, the deed for this property is being reviewed by the County Attorney's office and should be turned over to the Board shortly.

Because of its standing as an umbrella group for much of the organized youth sports in the McLean community, MYI has offered to make substantial improvements to this field in return for a lease agreement with the County for MYI's use of the property.

Therefore, Supervisor Mendelsohn moved that the Board direct staff from the Facilities Management Division and the Office of the County Attorney to negotiate a lease agreement with MYI for the use of these new fields and return to the Board as soon as possible. Supervisor Connolly seconded the motion.

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

40. **PHOTOGRAPHS OF STORMWATER DAMAGE** (Tape 6)

With reference to a discussion about stormwater problems at a previous meeting of the Board, Supervisor Mendelsohn distributed to Board Members photographs provided by a constituent of stormwater damage.

41. **MERRIFIELD ALARM PAGE** (Tape 6)

Supervisor Connolly circulated to Board Members the first edition of the Merrifield Station newsletter prepared by Fire Station 30. The *Merrifield Alarm Page* provides useful information as well as helpful hints.

Supervisor Connolly commended Fire Chief Stinnette and the members of the department for another fine example of community outreach.

42. **LEGISLATIVE COMMITTEE MEETING** (Tape 6)

(BACs) Supervisor Connolly announced that the Board held a Legislative Committee meeting on Friday, September 28, 2001. He said that one issue concerned H.R. 1256, The Clean Smokestacks Act of 2001. The legislation was reviewed by the Board's Legislative Committee on September 28, 2001, and the Committee recommended Board support.

Supervisor Connolly noted that the legislation would reduce air pollution in Virginia by closing a legislative loophole that permits older, coal-fired power

plants to continue to emit dangerous levels of pollutants that contribute to acid rain, haze, and smog.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the Chairman to sign the proposed letter of support for H.R. 1256 to the members of the Virginia Congressional delegation and request them to co-sponsor and support the legislation. Without objection, it was so ordered.

A brief discussion ensued.

NV:nv

43. **CONCURRENT AND SIMULTANEOUS PROCESSING FOR STONEMARK CORPORATION** (Tape 7)

Supervisor Hudgins stated that Stonemark Corporation received approval of Variance Application VC 01-H-091 from the Board of Zoning Appeals for property located on Clark's Crossing Road. The variance allows for the subdivision of one lot into two and the vacation of the publicly dedicated cul-de-sac to be replaced by a private ingress-egress easement. This results in the preservation of additional existing vegetation. Stonemark Corporation is requesting that the preliminary plan be processed concurrent with the subdivision plat.

Accordingly, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous review the preliminary plan and subdivision plat for Tax Map 28-3((1))6. 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 this application in any way. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being away from the dais.

44. **COMMUNITY MEETING IN THE HUNTER MILL DISTRICT** (Tape 7)

Supervisor Hudgins commented on the community meeting held on Saturday, September 29, 2001, and expressed appreciation to both Chairman Hanley and Anthony H. Griffin, County Executive, for attending.

45. **CONCURRENT AND SIMULTANEOUS PROCESSING FOR TRW INCORPORATED** (Tape 7)

Supervisor McConnell stated that TRW Incorporated filed proffered condition amendment/conceptual and final development plan amendment applications for a portion of its campus located in Fair Lakes, Tax Map Parcel 55-1 ((1))-33. The applications propose to permit the conversion of approximately 338,900 square feet of undeveloped office space to residential space and to allow the construction

of 146 market rate single family attached units and 19 affordable dwelling units on 38.1791 acres.

Accordingly, Supervisor McConnell moved that the Board:

- Direct staff of the Department of Planning and Zoning to expeditiously accept and process the referenced applications.
- Direct staff to schedule the public hearings for the proffered condition amendment and conceptual development plan amendment applications to be held before the Board no later than January 28, 2002.
- Request the Planning Commission to set its public hearings on the applications for a date prior to the Board's public hearing that will facilitate holding the public hearings before the Board as scheduled.
- Direct staff to determine whether it is possible to schedule the public hearing before the Board on December 3, 2001.
- Direct staff of the Department of Public Works and Environmental Services to accept the associated site and subdivision plans for processing concurrently with the zoning applications.

Supervisor McConnell noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards and does not predetermine or prejudice the consideration of the applications or engineering plans in any way. Supervisor Bulova seconded the motion, which carried by unanimous vote.

46. **REQUEST FOR SURPLUS VEHICLE** (Tape 7)

Supervisor Frey reminded the Board that several years ago it had directed staff to search the surplus vehicle list for a van for the Chantilly Mews mentoring program of the Black Women United for Action. He announced that the Chantilly Computer Learning Center is now open in conjunction with the Ox Hill Baptist Church. Because the center is not on site for the neighborhood for which it is intended and he has received another request for a vehicle, Supervisor Frey asked unanimous consent that the Board direct staff to review the surplus vehicles to determine whether an appropriate surplus vehicle such as a station wagon would be available for this purpose. Without objection, it was so ordered.

47. **TRIP TO SWITZERLAND** (Tape 7)

Supervisor Frey stated that he visited a chocolate factory when he was in Switzerland last week and he provided chocolates to all Board Members. He noted that the Camille Bloch Chocolate Company is looking to expand its US operations. He said that his trip to Switzerland was part of a delegation sponsored by the Swiss Embassy.

48. **LETTER TO CONGRESSIONAL DELEGATION REGARDING WAYS TO ALLEVIATE TRAFFIC** (Tape 7)

Supervisor Kauffman reminded the Board that at its last meeting, it had discussed transportation pressures relating to the aftermath of the terrorist attacks of September 11, 2001. To follow up on the issue, Supervisor Kauffman moved that the Board communicate with the Congressional Delegation the need for improved telecommuting, flex time, and staggered scheduling. Supervisor Connolly seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct the Office of Public Affairs to advertise the Washington Area Conference on Teleworking that will be held on Tuesday, October 23, 2001 at the Loews L'Enfant Plaza Hotel. Without objection, it was so ordered.

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

RECESS/CLOSED SESSION (Tape 7)

Chairman Hanley announced that the Board would proceed directly into closed session.

At 11:15 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.1-344(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 § 2.1-344(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 § 2.1-344(A)(7).

1. *Board of Supervisors v. Mohammed Aliabadi, et al.*, At Law No. 195386 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Board of Supervisors v. Batman/McNair Associates, L.P., et al., At Law Number 198027

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

DS:ds

At 3:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Chairman Hanley, and with Vice-Chairman Hyland presiding.

ACTIONS FROM CLOSED SESSION

49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 8)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Chairman Hanley being out of the room.

SBE:sbe

AGENDA ITEMS

50. **3 P.M. – PH ON REZONING APPLICATION RZ 2000-MD-062 (TAVARES CONCRETE COMPANY, INCORPORATED) (MOUNT VERNON AND LEE DISTRICTS)** (Tape 9)

- (O) The application property is located on the west side of Cinder Bed Road, approximately 2,600 feet north of its intersection with Newington Road, Tax Map 99-2 ((1)) 10.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Sidney O. Dewberry, Dewberry and Davis, LLC

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 Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-MD-062, from the I-4 District to the I-5 District, subject to the proffers dated September 7, 2001.
- Waiver of the transitional screening and barrier requirements along the western property line and those portions of the northern and southern property lines abutting residentially zoned property.

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

51. **BOARD RECESS** (Tape 9)

At 3:15 p.m., the Board recessed briefly, and at 3:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Chairman Hanley, and with Vice-Chairman Hyland presiding.

ADDITIONAL BOARD MATTER52. **INTENT TO DEFER THE PUBLIC HEARING ON A PROPOSAL TO VACATE A PORTION OF LENCLAIR STREET** (Tape 9)

Supervisor Kauffman announced his intent to defer indefinitely, at the appropriate time in the meeting, the public hearing on a proposal to vacate a portion of Lenclair Street.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#58.)

AGENDA ITEMS53. **3 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LEEHIGH VILLAGE PHASE II SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (SPRINGFIELD DISTRICT)** (Tape 9)

(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 13 and September 20, 2001.

Following the public hearing, which included testimony by two speakers, Supervisor McConnell moved adoption of the Resolution authorizing the acquisition of the necessary property interests. Supervisor Frey and Vice-Chairman Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Kauffman and Chairman Hanley being out of the room.

54. **3:30 P.M. – PH TO EXECUTE AN AGREEMENT AMENDMENT WITH THE TOWN OF HERNDON TO SHARE EXPENSES FOR A NEIGHBORHOOD RESOURCE CENTER (DRANESVILLE DISTRICT)** (Tape 9)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 13 and September 20, 2001.

Following the public hearing, Supervisor Mendelsohn moved that the Board enter into an Agreement Amendment with the Town of Herndon. Supervisor Gross seconded the motion and it carried by a vote of eight, *Supervisor Connolly and Chairman Hanley being out of the room.

*Upon his immediate return to the dais, Supervisor Connolly asked unanimous consent to be recorded as voting "AYE" on this item. Without objection, it was so ordered.

55. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 13 and September 20, 2001.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Annandale RPPD, District 14. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Chairman Hanley being out of the room.

56. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 13 and September 20, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Langley RPPD, District 20. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Chairman Hanley being out of the room.

57. **BOARD RECESS** (Tape 9)

At 3:45 p.m., the Board recessed briefly, and at 4 p.m., the Board reconvened in the Board Auditorium with all members being present, with the exception of Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

58. **4 P.M. – PH ON A PROPOSAL TO VACATE A PORTION OF LENCLAIR STREET (LEE DISTRICT)** (Tape 9)

Supervisor Kauffman moved to defer the public hearing on a proposal to vacate a portion of Lenclair Street indefinitely. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL) AND CHAPTER 112 (ZONING ORDINANCE) REGARDING COMMONLY ACCEPTED PETS** (Tape 9)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 13 and September 20, 2001.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning; Captain Michael P. Venacak, Animal Control Division, Police Department; and David P. Bobzien, County Attorney.

Supervisor Frey moved that the Board:

- Defer action on the proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), and Chapter 112 (Zoning Ordinance), regarding commonly accepted pets.
- Refer these proposed amendments to the Animal Care and Control Committee for a recommendation.
- Direct staff to assemble a list of practices in other jurisdictions.

Supervisor Connolly seconded the motion.

Supervisor McConnell asked unanimous consent, provided the motion carried, that the Board direct staff to provide information as to the legality of selling these animals as pets even if it may be illegal for the buyers to keep them in their

homes. Following input from Mr. Bobzien, without objection, the request was so ordered.

Following further discussion, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Kauffman and Supervisor Hyland voting "NAY," Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANT NURSERIES** (Tape 9)

Supervisor Frey moved that the Board defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding plant nurseries until **October 22, 2001, at 5 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

61. **4 P.M. – PH ON REZONING APPLICATION RZ 1999-PR-034 (COURTYARD MANAGEMENT CORPORATION (PROVIDENCE DISTRICT))** (Tapes 9-11)

(O) The application property is located in the southwest quadrant of the intersection of Gallows Road and Prosperity Avenue, Tax Map 49-2 ((1)) 15 pt., 16 pt., 17, and 17A.

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

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

Supervisor Kauffman disclosed that both he and Chairman Hanley were members of the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors.

Discussion ensued, with input from Ray Pylant, Director, Commercial Inspections Division, Office of Building Code Services, Department of Public Works and Environmental Services; Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning; Mr. Martin; and Angela Kadar Rodeheaver, Staff, Department of Transportation.

Following the public hearing, which included testimony by 11 speakers, Ms. Swagler, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 1999-PR-034, from the R-1, I-4, and I-5 Districts to the PRM District, subject to the proffers dated September 27, 2001, and a CDP condition as follows:
 - At the time of site plan review, the applicants shall provide architectural schematics, ground views, elevations and exterior materials specifications for both buildings, sufficient to depict the design and quality of the site and structures, to the Providence District Supervisor for review and approval. This information will be of sufficient detail to ensure that the intent of the Merrifield Suburban Center Plan to achieve a built environment of buildings with a distinctive architectural character and street presence is obtained.
- Modification of the transitional screening requirement and waiver of the barrier requirement on the eastern property boundary in favor of that shown on the Conceptual Development Plan/Final Development Plan.
- Waiver to permit underground detention and water quality within the multifamily residential area.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

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

At 6:05 p.m., the Board adjourned.

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