



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 26, 2004**

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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, July 26, 2004, at 9:35 a.m., there were present:

- Vice-Chairman Sharon Bulova, Braddock District, presiding
- Supervisor Joan M. DuBois, Dranesville 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 T. Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

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.

Chairman Gerald E. Connolly was absent from the entire meeting.

BOARD MATTERS1. **ABSENCE OF CHAIRMAN GERALD E. CONNOLLY** (9:35 a.m.)

Vice-Chairman Bulova announced that she would be Chairing the meeting because Chairman Connolly was serving as a national delegate at the Democratic Convention in Boston.

2. **MOMENT OF SILENCE** (9:37 a.m.)

Vice-Chairman Bulova asked everyone to keep in thoughts the family of Marine Sergeant Krisna Nachampassak, who was killed in Iraq. Sergeant Nachampassak graduated from Lake Braddock Secondary School.

AGENDA ITEMS3. **RESOLUTION OF RECOGNITION PRESENTED TO MR. TOM FARLEY** (9:39 a.m.)

Supervisor Kauffman moved approval of the Resolution of Recognition presented to Mr. Tom Farley for his work as the Virginia Department of Transportation District Administrator for the Northern Virginia District. The motion, which was multiply seconded, carried by a vote of nine, Chairman Connolly being absent.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO CLYDE'S RESTAURANT GROUP AND THE ORGANIZERS OF THE CLYDE'S STRAWBERRY FESTIVAL** (9:58 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to representatives from Clyde's Restaurant Group and the organizers of the Clyde's Strawberry Festival for their work to benefit the construction of Nature House at the Walker Nature Education Center. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Chairman Connolly being absent.

ADDITIONAL BOARD MATTER5. **INTRODUCTION OF NEW INTERNS** (10:02 a.m.)

Supervisor Kauffman introduced Mr. Taurin Barrera and Ms. Jungin Han, new summer interns in his office. Supervisor Kauffman and the Board warmly welcomed them to the Board Auditorium.

AGENDA ITEMS6. **ADMINISTRATIVE ITEMS** (10:02 a.m.)

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

Supervisor Hudgins called the Board's attention to Admin 12 – Supplemental Appropriation Resolution AS 05015 for the Health Department’s Women's, Infants, and Children Grant. Discussion ensued with input from Evy Duff, Maternal Child Health Coordinator, Health Department, regarding the additional funds, which she said are awarded when localities exceed the assigned target participation level. Ms. Duff said the program is reviewed quarterly.

Vice-Chairman Bulova called the Board's attention to its red folders and noted that there was a revised Admin 15 – Supplemental Appropriation Resolution AS 05018 for the Department of Family Services to Accept Grant Funds from the Virginia Department of Social Services to Continue Funding for Two Temporary Assistance for Needy Families Hard-To-Serve Projects. Discussion ensued with input from Anthony H. Griffin, County Executive, who clarified that the revision addressed grant positions.

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

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (MOUNT VERNON DISTRICT)

Approved the extension of review period for Public Facility (2322) Review Application FS-V04-47 to November 15, 2004.

ADMIN 2 – INSTALLATION OF MULTI-WAY STOPS AT GLADE DRIVE AND MARGINELLA DRIVE, AND AT GLADE DRIVE AND ROSEDOWN DRIVE (HUNTER MILL DISTRICT)

- Endorsed the installation of multi-way stops as part of the Department of Transportation’s Residential Traffic Administration Program at the following locations:
 - Glade Drive and Marginella Drive
 - Glade Drive and Rosedown Drive
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE DISTRICT)**

(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>
Great Falls Woods, Section 1	Dranesville	Preserve Drive Preserve Court Seneca Hill Court Seneca Road Route 602 Additional ROW Only Georgetown Pike Route 193 Additional ROW Only Leesburg Pike Route 7 Additional ROW Only
Great Falls Woods, Section 2	Dranesville	Preserve Court Seneca Woods Court Seneca Road Route 602 Additional ROW Only

**ADMIN 4 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR
PAUL SPRING ROAD AND ELBA ROAD AS PART OF THE
DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL
TRAFFIC ADMINISTRATION PROGRAM (MOUNT VERNON
DISTRICT)**

- Endorsed the traffic-calming plan for Paul Spring Road and Elba Road as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One raised crosswalk adjacent to 1801 Paul Spring Road
 - One raised crosswalk adjacent to 1909 Paul Spring Road
 - One speed table adjacent to 2111 and 2113 Paul Spring Road

- One speed table adjacent to 7507, 7519, and 7520 Elba Road and 2401 Elba Court
- One speed table adjacent to 7606 and 7608 Elba Road and 2410 Nemeth Court
- One speed table adjacent to 7713, 7714, 7715, and 7716 Elba Road
- Directed staff to request VDOT to install these signs at the earliest possible date.

ADMIN 5 – INSTALLATION OF "NO PARKING" SIGNS ON THE SOUTH SIDE OF INVERNESS DRIVE FROM DANBURY ROAD TO FLANDERS STREET (LEE DISTRICT)

- (R)
- Adopted the Resolution restricting parking on the south side of Inverness Drive from Danbury Road to Flanders Street.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 6 – 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:
 - Greg R. Davis (129)
- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Michael Bruen (170)
 - William Fulton (174)
 - Regina Gerner (211)
 - Charles Huntley (196)
 - Eric Jackson (198)
 - Al Kurz (175)
 - John Marshall (58)
 - Jim Patterson (138)

- Eric Schrader (238)
- Jeffrey Stuchel (145)
- Gary Yowell (106) Retired

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT TO APPLY TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR COMPREHENSIVE COMMUNITY CORRECTIONS ACTION AND PRETRIAL SERVICES ACT GRANT FUNDING

Authorized the General District Court to submit a grant application in the amount of \$31,875 to DCJS for continued post-trial supervision of offenders in the community during Fiscal Year 2005. No local cash match is required.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05017 FOR THE OFFICE OF THE SHERIFF TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE CRIMINAL JUSTICE RECORD SYSTEM IMPROVEMENT PROGRAM

- (SAR) Approved SAR AS 05017 in the amount of \$14,865 for the Office of the Sheriff to purchase live scan equipment. Of this total, \$11,149 is available from DCJS, and the remaining \$3,716 is the required local cash match.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05020 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE OFFICE OF THE SHERIFF TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) UNDER THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT

- (SAR) Approved SAR AS 05020 for the FCPD and the Office of the Sheriff to accept \$1,125,568 from DCJS under the Law Enforcement Terrorism Prevention Program grant. No local cash match is required.

ADMIN 10 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE BUREAU OF JUSTICE ASSISTANCE FOR GANG RESISTANCE EDUCATION AND TRAINING GRANT FUNDING

Approved FCPD's application to the Bureau of Justice for a Gang Resistance Education and Training grant in the amount of \$33,488. No local cash match is required.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE DEPARTMENT OF JUSTICE (DOJ), BUREAU OF JUSTICE ASSISTANCE, FOR A GRANT UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

Authorized FCPD to apply for LLEBG funding from DOJ, in the amount of \$28,759. Of this total, \$25,883 is from DOJ, and the remaining \$2,876 is the required local cash match.

ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05015 FOR THE HEALTH DEPARTMENT’S WOMEN’S, INFANTS, AND CHILDREN (WIC) GRANT

(SAR) (NOTE: Earlier in the meeting, there was discussion of this item. See page 3.)

Approved SAR AS 05015 in the amount of \$31,912 for the Health Department to expand services under the WIC grant from the US Department of Agriculture, through the Virginia Department of Health. No local cash match is required.

ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05021 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) GRANT FUNDING TO CONTINUE THE VICTIM WITNESS ASSISTANCE PROGRAM

(SAR) Approved SAR AS 05021 for the FCPD to accept a DCJS grant in the amount of \$174,961 to support the continuation of the Victim Witness Assistance Program for Fiscal Year 2005. No local cash match is required.

ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05019 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE OFFICE OF THE SHERIFF TO ACCEPT BUREAU OF JUSTICE ASSISTANCE (BJA) GRANT FUNDING FOR THE PURCHASE OF BULLETPROOF VESTS

(SAR) Approved SAR AS 05019 for the FCPD and the Office of the Sheriff to accept a Federal Fiscal Year 2004 grant in the amount of \$18,715 for the purchase of 38 ballistic vests under the Bulletproof Vest Partnership Grant Act of 2000. Of this total, \$9,357 is available from the BJA, while the remaining \$9,358 is the required local cash match.

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05018 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) TO CONTINUE FUNDING FOR TWO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) HARD-TO-SERVE PROJECTS

(SAR) (NOTE: Earlier in the meeting there was discussion of this item. See page 3.)

Approved SAR AS 05018 in the amount of \$150,900 from VDSS to continue administrative support, purchase of service, and medical expenditures associated with assisting families moving from welfare to work for six additional months through November 2004. Of this total, \$104,000 is for the TANF Hard-to-Serve Bridges grant, and the remaining \$46,900 is for the TANF Job Retention and Wage Advancement grant. No local cash match is required.

7. **A-1 – APPROVAL OF THE FISCAL YEAR (FY) 2005 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES** (10:06 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the FY 2005 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services, and the associated acceptance of funds. Supervisor DuBois seconded the motion.

Discussion ensued with input from Cathy Pumphrey, Director of Planning and Information Management, CSB, regarding any application of this contract to contracts that the CSB does with other groups. She said that while the funds help to plan services, it is not stipulated whether services are direct run or contracted; however, data is reported in the same fashion.

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

8. **I-1 – AUTHORIZATION OF THE SUPPLEMENTAL AGREEMENT NUMBER TWO WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF THE CHAIN BRIDGE ROAD STREETScape AND TRAFFIC CALMING PROJECT (DRANESVILLE DISTRICT)** (10:08 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2004, requesting authorization for staff to execute Supplemental Agreement Number Two with VDOT for the Chain Bridge Road Streetscape and Traffic Calming project.

The staff was directed administratively to proceed as proposed.

9. **I-2 – CONTRACT AMENDMENT FOR ARCHITECTURAL/ENGINEERING DESIGN AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE PUBLIC SAFETY OPERATIONS CENTER AND FORENSICS FACILITY (SPRINGFIELD DISTRICT)** (10:09 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2004, requesting authorization for staff to award a contract amendment to Hellmuth, Obata, and Kassabaum, PC in the amount of \$5,777,079 for architectural/engineering design and construction administrative services for Project 009211, Public Safety Operations Center, in Fund 312, and Project 009438, Forensics Facility, in Fund 303.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the time frame for the completion of the design for the Public Safety Operations Center and Forensics Facility.

The staff was directed administratively to proceed as proposed.

10. **I-3 – ADVANCED DECAL SALES PROGRAM** (10:10 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2004, reporting on the successful implementation of the Advanced Decal Sales Program, and updating the Board on the Virginia Beach process.

11. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-B04-6, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC (T-MOBILE) AND APC REALTY AND EQUIPMENT COMPANY, LLC (SPRINT PCS) (BRADDOCK DISTRICT)** (10:10 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-B04-6, Omnipoint Communications Cap Operations LLC (T-Mobile) and APC Realty and Equipment Company, LLC (Sprint PCS).

12. **I-5 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-V04-8, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC (T-MOBILE) (MOUNT VERNON DISTRICT)** (10:10 a.m.)

The Board next considered an item contained in the Board Agenda dated July 26, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-V04-8, Omnipoint Communications Cap Operations LLC (T-Mobile).

ADDITIONAL BOARD MATTERS

NV:nv

13. **CONGRATULATIONS TO MS. BRITTANY NIEMIEC (BRADDOCK DISTRICT)** (10:11 a.m.)

Vice-Chairman Bulova stated that Ms. Brittany Niemiec, a Braddock District resident, graduated in June from Robinson Secondary School. Ms. Niemiec finished the school year on the A-B Honor Roll, and she was inducted into the Business Honor Society and Teacher Business Leaders of America. The chief distinction about her high school experience, however, was that she was the only *female* on the boy's ice hockey team. She will be attending Radford University this fall.

Accordingly, Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved that the Board direct staff to invite Ms. Niemiec to appear before the Board on August 2 to be congratulated on her noteworthy achievement and to be wished well as she embarks on her college career. Supervisor McConnell seconded the motion, which carried by a vote of nine, Chairman Connolly being absent.

14. **SMART GROWTH BEGINS AT THE LOCAL LEVEL** (10:12 a.m.)

As one of the Board's appointees to the Metropolitan Washington Council of Governments' (COG) Metropolitan Development Policy Committee (MDPC), Supervisor Bulova provided the Board with copies of the recently approved CD entitled "Smart Growth Begins at the Local Level."

Supervisor Bulova said that in conjunction with an MDPC approved initiative for a regional/local "Planning Dialogue Series," work began in 2000 to consider ways to encourage information sharing among area local officials and to provide a better understanding of the regional context and impact of local planning policies and actions. The CD that she distributed was approved by COG in April and she acknowledged that several Board Members voted to approve its distribution and circulation. It is an important component of the COG Board's recently-approved three-year policy focus on growth-related issues in metropolitan Washington. The CD provides examples of "Smart Growth" (walkable communities, mixed use, transit-oriented development, et cetera) throughout the region, including several in the County. Noting that smart growth means something different to all people, she said that the CD illustrates graphically and effectively some common principles that make for good land use planning.

Accordingly, Supervisor Bulova moved that the Board direct staff to provide the CD "Smart Growth Begins at the Local Level" to County officials who staff the comprehensive planning review process, and who support the district

Comprehensive Plan task forces, along with the suggestion that the CD be used as one of the tools to help educate citizens about sound land use planning. She further moved that the Board direct the staff of the Office of Public Affairs to publicize the existence of the CD, and how to attain it, which can be used as a resource and learning tool, to organizations such as the following:

- Neighborhood associations and civic groups.
- Environmental organizations.
- Staffs from local academic institutions such as George Mason University and the University of Virginia.
- Others who would find the CD helpful.

Supervisor Gross seconded the motion.

Following discussion regarding an upcoming COG exercise, smart growth on Richmond Highway, the definition of smart growth, and the CD as a tool for the County's land use committees, the question was called on the motion, which carried by a vote of nine, Chairman Connolly being absent.

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

15. **TAX PAYMENT SERVICE CHARGES** (10:18 a.m.)

(NOTE: Earlier in the meeting, the Board considered an Information Item regarding personal property taxes. See Clerk's Summary Item CL#10.)

Supervisor Hudgins stated that her office received telephone inquiries regarding the cost of a service charge associated with paying real estate taxes using the website. Upon further inspection by her staff, she learned that the Department of Tax Administration (DTA) had also received inquiries regarding the service charge.

Supervisor Hudgins said that residents are viewing the associated web pages and responding to the advantages of paying taxes without visiting the Government Center. She said that they are not given enough information on the web regarding service charges. She cited the language on the web which notes that there is a convenience fee, for each real estate tax bill, that is charged to a credit card. However, it is not until the end of the process that the taxpayer learns the exact fee. Taxpayers have indicated that they would like to know the fee before they start the process.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct DTA staff to:

- Investigate whether the County can lower or cap the service fee to reduce the cost.
- Edit the County web page to reflect the cost one should expect to pay and indicate this at the beginning of the process.

Without objection, it was so ordered.

16. **MEALS ON WHEELS (MOW) NEEDS VOLUNTEERS** (10:20 a.m.)

As listed in her written Board Matter, Supervisor Hudgins described the mission of the Fairfax Area Agency on Aging and the benefits of its programs, including the MOW program. She said that MOW currently has a critical need for volunteers.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to post an appeal to all the appropriate County dissemination outlets so that senior adults may continue to receive this service and that staff can recruit new volunteers through the hotline (703-324-5406). Without objection, it was so ordered.

17. **LIFE INSURANCE AWARENESS MONTH** (10:22 a.m.)

Supervisor Hudgins announced that September is celebrated nationally as Life Insurance Awareness Month. To promote greater community awareness for the need to consider personal financial planning, the Northern Virginia Association of Insurance and Financial Professionals contacted her office to request that the County recognize that national observance.

Accordingly, Supervisor Hudgins moved that the Board direct staff to prepare and send a resolution declaring September as "*Life Insurance Awareness Month*" in Fairfax County. Supervisor Hyland seconded the motion, which carried by a vote of nine, Chairman Connolly being absent.

18. **RECOGNITION OF CHIEF DONALD BURNS OF THE VIENNA VOLUNTEER FIRE DEPARTMENT** (10:23 a.m.)

Supervisor Hudgins said that Chief Donald Burns of the Vienna Volunteer Fire Department accepted a new position of employment with the federal government and is moving to Colorado. She noted his leadership and the accomplishments of the Vienna Volunteers.

To recognize Chief Burns' more than ten years of service to the Vienna community, Supervisor Hudgins moved that the Board direct staff to invite him to

appear before the Board on August 2 to receive a resolution to honor his dedicated service. Supervisor McConnell seconded the motion, which carried by a vote of nine, Chairman Connolly being absent.

19. **TREE CLEARING ALONG THE WASHINGTON AND OLD DOMINION (W&OD) TRAIL (HUNTER MILL AND PROVIDENCE DISTRICTS)**
(10:24 a.m.)

Supervisor Smyth stated that this Board Matter was presented jointly with Supervisor Hudgins and Chairman Connolly. Supervisor Smyth said that on Friday, July 23, she emailed Board Members a letter and resolution pertaining to the W&OD Trail, copies of which she also distributed around the dais. The letter is to be signed by Chairman Connolly pending approval of this motion and is addressed to the State Corporation Commission (SCC).

Specifically, the letter requests that the SCC direct Dominion Virginia Power to suspend all non-emergency clearance activities along the W&OD Trail pending the resolution of issues that are outlined in the letter. Delegates Jim Scott and Steve Shannon convened a meeting on June 28, 2004, to discuss the issue of clear-cutting along the trail. At the Board's June 21 meeting, it expressed concern over the impacts of the line clearance. Subsequently, the Tree Commission passed a resolution dealing with this matter, and Supervisor Smith distributed copies of it. She also provided copies of the report of the task force that was initiated at the June 28 meeting with Delegates Scott and Shannon.

Therefore, on behalf of Chairman Connolly, Supervisor Hudgins, and herself, Supervisor Smyth moved that the Board:

- Approve and send the letter to Chairman Theodore V. Morrison, Jr. of the SCC.
- Endorse the Tree Commission resolution of June 23, 2004.

Supervisor Hudgins seconded the motion and asked to amend the motion to communicate with the distribution side of the organization in addition to the transmission side by circulating this action to increase awareness. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Chairman Connolly being absent.

20. **RECOGNITION OF MS. JEANETTE STEWART (PROVIDENCE DISTRICT)** (10:27 a.m.)

Supervisor Smyth referred to the outstanding work that has been initiated by Jeanette Stewart of Falls Church. Recently Ms. Stewart was named *EcoSteward of the Year* by the EcoStewards Alliance.

Supervisor Smyth moved that the Board direct the Office of Public Affairs to:

- Prepare a Certificate of Recognition for Ms. Stewart on behalf of the Board for her environmental stewardship and leadership in environmentally-oriented projects and initiatives.
- Invite Ms. Stewart to appear before the Board at a future meeting to receive this recognition.

Supervisor DuBois seconded the motion, which carried by a vote of nine, Chairman Connolly being absent.

21. **RECOGNITION OF MS. DIVYA NETTIMI (PROVIDENCE DISTRICT)**
(10:28 a.m.)

Supervisor Smyth announced that one of her constituents, Ms. Divya Nettimi of Oakton, was one of 40 finalists in the nationwide 2004 Intel Science Talent Search. She also was one of 20 students chosen by *USA Today* for its 2004 High School Academic Team and received a Micron Science and Technology Scholarship. Ms. Nettimi recently graduated from Thomas Jefferson High School for Science and Technology and will be attending Stanford University in the fall. Supervisor Smyth outlined some of Ms. Nettimi's many accomplishments.

Accordingly, Supervisor Smyth moved that the Board direct staff of the Office of Public Affairs to:

- Prepare a certificate of recognition for Ms. Nettimi to recognize her outstanding commitment to the citizens of the County and to the field of science.
- Invite Ms. Nettimi and Providence District School Board Member Phillip A. Niedzielski-Eichner to appear before the Board at the September 13 meeting to receive this recognition.

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

DET:det

22. **AUTHORIZATION FOR STORMWATER ADVISORY COMMITTEE**
(10:30 a.m.)

(BACs) Supervisor Gross stated that this Board Matter comes forward from discussion concerning long-term funding solutions for County stormwater management programs at the July 19, 2004, joint meeting of the Board's Environmental and Development Process Committees. In particular, that discussion included a

presentation on the implementation of a stormwater utility fee as a possible financing option.

Therefore, Supervisor Gross moved, per the recommendation of staff and the Committee, that the Board:

- Authorize the appointment of a stakeholder-based Stormwater Advisory Committee to provide community feedback and dialogue.
- Review the list of relevant interest groups and organizations suggested for seats on the committee and respond to either Supervisor DuBois or herself so that recommended appointees could be considered at the August 2, 2004, meeting of the Board.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

23. **DISPOSITION OF TREES AND OTHER NON-NORMAL HOUSEHOLD REFUSE** (10:33 a.m.)

Supervisor Gross raised the issue of the disposition of trees taken down by homeowners and left curbside, assuming that they would be picked up. Supervisor Gross pointed out that trees are not normal household refuse. The County will pick up some items for households which are in a sanitary service district, but it is made very clear in the booklet that is sent out to residents of the sanitary districts that the County is responsible for the disposal of normal household waste only, not for any debris generated by contractors working on their property including tree removal, lot clearing, remodeling, or construction debris. Supervisor Gross further stated that since Hurricane Isabel last year, damaged trees are now being taken down and the dumping of this debris along streets and roadways is becoming a serious problem .

General discussion ensued with the consensus being that this was a Countywide problem that was not limited to brush and trees, but extended to household appliances and other non-normal household items which poses an increasingly difficult problem.

Supervisor Gross moved that the Board direct the County Executive to work with the Office of Public Affairs and the industry to develop some criteria, primarily information people need to know, to determine what is not normal household trash and how to dispose of that trash properly. Supervisor Smyth seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

24. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)**
(10:38 a.m.)

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

PMH:pmh

25. **CROSSING GUARDS** (10:38 p.m.)

Supervisor McConnell encouraged citizens to pursue becoming crossing guards for schools. For further information, contact the County Executive's office.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to publicize this information. Without objection, it was so ordered.

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

26. **CERTIFICATE OF RECOGNITION FOR MS. ALICE STARR**
(DRANESVILLE DISTRICT) (10:40 a.m.)

Supervisor DuBois stated that on July 20, 2004, over 400 friends gathered at Claude Moore Colonial Farm at Turkey Run, representing over 36 community and professional organizations which Ms. Alice Starr has impacted with her leadership, to wish her and her husband good fortune as they will be moving to California, although they will continue to maintain their home in McLean.

Supervisor DuBois referred to her written Board Matter and outlined Ms. Starr's accomplishments.

Therefore, Supervisor DuBois moved that the Board direct staff to invite Ms. Starr to appear before the Board on August 2, 2004, to acknowledge and thank her for her many years of dedicated service to the citizens of the County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

27. **CERTIFICATE OF RECOGNITION FOR MR. JACK WILBERN**
(DRANESVILLE DISTRICT) (10:42 a.m.)

Supervisor DuBois announced that Mr. Jack Wilbern, a longtime member of the Revitalization Policy Committee, a past president of the McLean Planning Committee and the current president of the McLean Revitalization Corporation, is returning to private life.

Supervisor DuBois referred to her written Board Matter and outlined Mr. Wilbern's accomplishments.

Therefore, Supervisor DuBois moved that the Board direct staff to invite Mr. Wilbern to appear before the Board to receive its thanks and best wishes for his years of volunteer service to McLean and to the County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

28. **"ADEQUATE OUTFALL" ISSUES** (10:45 a.m.)

Supervisor DuBois noted that site plans in many of the supervisor districts are being delayed or denied due to "adequate outfall" issues. This problem stems from a legal challenge to a County site plan where the County did not prevail. She expressed concern that an equitable resolution to the problem be brought quickly to the Board.

Supervisor DuBois said that in the Dranesville District, for example, the developer of a small commercial development at the edge of an existing eight acre shopping center is being required by the County to remediate a long-standing inadequate outfall problem at the center. The County owns no easements at the outfall and the applicant has been required to get "letters of permission" to construct a \$30,000 drainage improvement. This proposed project, which totals only 9,500 square feet and drains only five percent of the site, is configured to actually reduce the amount of impervious surface currently draining to the existing outfall. Current rules require that any project in excess of one percent of a site be required to bring an outfall up to code.

Supervisor DuBois said that despite an obvious reluctance to absorb the financial burden of constructing this improvement, the owner formally contacted the three affected landowners to secure construction access. Two of the three owners agreed, but the third refuses to give permission and, in a written response, describes the required "rip rap" as a "hazard to his children" and an "attractive nuisance." The Office of Site Development Services, Department of Public Works and Environmental Services (DPWES) has advised that this project cannot go forward.

Supervisor DuBois said that it is her understanding that a DPWES task force has been assembled to work out a Countywide approach for projects which are impacted by this new policy.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct the staff to provide the Board with a full briefing in September on the specific nature of the problem and proposed policy solutions that are under consideration. Without objection, it was so ordered.

29. **TAXES** (10:45 a.m.)

Supervisor DuBois said that a Dranesville constituent recently provided her with a *Wall Street Journal* article analyzing voter reaction to the surge in local property

taxes nationwide.

Since it does not appear that residential real estate sales in the County show any signs of softening, Supervisor DuBois suggested that Board Members may want to read the article as the Board begins planning for the Fiscal Year 2006 budget cycle. Just as in Virginia, many localities in other states appear to be taking on a larger share of costs related to education, infrastructure improvements, public safety, health care, pensions and roads.

30. **BREAST CANCER SCREENING** (10:46 a.m.)

Supervisor DuBois announced that she has been diagnosed with breast cancer in its early stages. She added that a full recovery is expected.

Supervisor DuBois urged women to schedule their mammogram screenings.

31. **VIRGINIA NATIONAL MARINA DAY** (10:49 a.m.)

Supervisor Hyland noted that August 14 is National Marina Day and Mr. George Stevens of the Belle Haven Marina asked that the Board adopt a proclamation regarding Virginia Marina Day.

Therefore, Supervisor Hyland moved that the Board adopt the resolution proclaiming August 14, 2004, as "*Virginia National Marina Day*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

32. **RESOLUTION ON MOPEDS AND SMALL MOTORIZED VEHICLES FROM THE MOUNT VERNON COUNCIL OF CITIZENS' ASSOCIATIONS, INCORPORATED** (10:50 a.m.)

Supervisor Hyland said that the Chairman of the Public Safety Committee for the Mount Vernon Council of Citizens Associations followed the discussion on mopeds and small motorized vehicles during the July 12 Board meeting.

Therefore, Supervisor Hyland moved that the Board:

- Consider the resolution contained in his written Board Matter.
- Direct staff to report with a recommendation on whether to include it in the Legislative Program for the next session of the General Assembly.

Supervisor Hudgins seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

33. **CERTIFICATE OF RECOGNITION FOR MR. FRED C. MORIN (LEE DISTRICT)** (10:51 a.m.)

(BACs) Supervisor Kauffman announced that Mr. Fred C Morin has tendered his resignation from the board of directors of Fairfax Water (formerly the Fairfax County Water Authority). Since 1961, Mr. Morin has overseen the quality of the water supply, serving the Water Authority as the Lee District representative, as chairman (1969 to 2002) and as chairman emeritus (2002 to July 2004). Mr. Morin was the longest serving appointee to any of the scores of boards, authorities, and commissions.

Therefore, Supervisor Kauffman moved that the Board direct the Office of Public Affairs to invite Mr. Morin to appear before the Board at a future meeting for formal recognition and that a resolution be prepared to honor Mr. Morin. Supervisor McConnell seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

34. **ROBERT J. "BOB" HEITTMAN MEMORIAL BRIDGE (LEE DISTRICT)** (10:53 a.m.)

Supervisor Kauffman announced that the Commonwealth Transportation Board named the B-106 bridge the Robert J. "Bob" Heittman Memorial Bridge. He said that there will be a ceremony in the fall to mark the naming of the bridge.

35. **BEST WISHES FOR MR. ALAN WEBB (HUNTER MILL DISTRICT) AND OTHERS PARTICIPATING IN THE OLYMPICS** (10:54 a.m.)

Supervisor Hudgins said that since 1999, when he broke the national high school record for the mile set by Mr. Jim Ryun 36 years earlier, all of Reston has been watching track star Alan Webb. Since July 18, 2004, when he won the 1,500-meter race at the US Olympic trials, the nation is watching him.

Therefore, Supervisor Hudgins extended best wishes and support to Mr. Webb on his way to participate in the Olympic Games in Athens.

Supervisor Kauffman extended best wishes to any other County Olympians.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to invite appropriate Olympians to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

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

36. **APPOINTMENT TO FAIRFAX WATER (HUNTER MILL DISTRICT)**
(10:55 a.m.)

(APPT) Supervisor Hudgins moved the appointment of Ms. Linda A. Singer to fill the unexpired term of Ms. Martha Pennino as the Hunter Mill District Representative to Fairfax Water. Supervisor Hyland seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

37. **RECESS/CLOSED SESSION** (10:56 a.m.)

At 10:56 a.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. Application of XO Virginia, L.L.C., Case No. PST-2003-00071 (Virginia State Corporation Commission) (Countywide)
 - 2. *Terrence Antonio Holt v. Fairfax County Sheriff's Department*, Record No. 0513-04-4 (Va. Ct. App.)
 - 3. *Fairfax County Department of Health v. Trammell Crow*, Appeal No. 04-2 (State Building Technical Review Board)
 - 4. *Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, West Lewinsville Heights Citizens Association, Stephen L.*

- Sulzer, Leonard N. Berman, Daniel J. Wolkensdorfer, Donald N. Huff, and Robert F. Rosenbaum, At Law No. 218175 (Fx. Co. Cir. Ct.) (Dranesville District)*
5. *Courtyard Management Corporation, et al. v. Board of Supervisors of Fairfax County, et al., In Chancery No. 185405 (Fx. Co. Cir. Ct.) (Providence District)*
 6. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)*
 7. *William E. Shoup, Fairfax County Zoning Administrator v. Emma C. Whitney, Duane Whitney, Edward Whitney, and Leslie Whitney, In Chancery No. 152580 (Fx. Co. Cir. Ct.) (Providence District)*
 8. *William E. Shoup, Fairfax County Zoning Administrator v. Doris Heath Douglass, Trustee, et al., In Chancery No. 188183 (Fx. Co. Cir. Ct.) (Springfield District)*
 9. *William E. Shoup, Fairfax County Zoning Administrator v. Intekhab Ahmed Khan and Shamim Fatima Khan, In Chancery No. 191021 (Fx. Co. Cir. Ct.) (Lee District)*
 10. *William E. Shoup, Fairfax County Zoning Administrator v. Lake Braddock Community Association, Inc., In Chancery No. 190724 (Fx. Co. Cir. Ct.) (Braddock District)*

Supervisor DuBois seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

DS:ds

At 3:04 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Chairman Connolly, and with Vice-Chairman Bulova presiding.

ADDITIONAL BOARD MATTER38. **ABSENCE OF CHAIRMAN CONNOLLY** (3:04 p.m.)

(NOTE: Earlier in the meeting, this announcement was made. See Clerk's Summary Item CL#1.)

Vice-Chairman Bulova said that she would make the same announcement that she made for the morning session that Chairman Connolly was absent from today's meeting because he is attending the Democratic Convention in Boston this week.

ACTIONS FROM CLOSED SESSION39. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:04 p.m.)

Supervisor Kauffman 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 DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being absent.

ADDITIONAL BOARD MATTERS40. **DAVID P. BOBZIEN, COUNTY ATTORNEY, MAKES FRONT COVER OF VIRGINIA LAWYER MAGAZINE** (3:05 p.m.)

Supervisor Gross announced that the *Virginia Lawyer* magazine has a picture of David P. Bobzien, County Attorney, on the front cover. Mr. Bobzien is this year's president of the Virginia State Bar. The photograph was taken in the Board Auditorium with the County Seal in the background of the photo. She noted that this is the first time that a government attorney has been selected as president of the Virginia State Bar.

A brief discussion ensued, with input from Mr. Bobzien, regarding the photograph.

41. **ROSE HILL COMMUNITY CELEBRATES ITS FIFTIETH ANNIVERSARY** (3:07 p.m.)

Supervisor Kauffman said that the Rose Hill Community is celebrating its fiftieth anniversary this year. The community of Rose Hill was created in 1954 on land

that was part of an eighteenth century plantation known as Rose Hill, and established by Daniel French, the builder of the historic Pohick Church.

On September 18, Rose Hill will celebrate 50 years of community with a birthday celebration at Lee District Park. The event will feature music and entertainment from the 1950s, as well as '50s dress and autos, vintage police and fire equipment, and '50s refreshments at '50s prices.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to invite Carl Sell, president of the Rose Hill Civic Association, and other members of the community to appear before the Board at a future meeting for formal recognition. Without objection, it was so ordered.

42. **TRANSPORTATION ADVISORY COMMISSION (TAC) PROPOSALS**
(3:07 p.m.)

(BACs) Supervisor McConnell moved that the Board:

- Endorse a summit on transportation needs for fall 2004 and direct TAC to work with the Transportation Committee Chairman to develop the summit.
- Adopt the proposed Fiscal Year 2005 Spot Improvement Program.
- Authorize TAC to begin development of a new list of Spot Improvement Program projects.
- Direct TAC to provide the Board with an annual report on the status of transportation.
- Direct TAC to provide the Board with periodic reports on progress in implementation of the Four Year Transportation Plan.

Supervisor Gross seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

43. **FORT BELVOIR COMMITTEE MEETING** (3:08 p.m.)

(BACs) Supervisor Kauffman announced that the Board's Fort Belvoir Committee met last week and an item regarding the bypass road will be brought before the Board at the next meeting scheduled for August 2, 2004.

AGENDA ITEMS

44. **3 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4800 OLD MILL ROAD (MOUNT VERNON DISTRICT)** (3:09 p.m.)

Supervisor Hyland said that this property is due to be sold and settled on July 31, 2004, and the new owner has assured staff that he will move quickly to pursue building permits for demolition and plans to build a new single family dwelling on the property.

If the property does not settle on July 31, Supervisor Hyland moved that the Board bring this item back for a public hearing on **September 13, 2004, at 4 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

45. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)** (3:10 p.m.)

Vice-Chairman Bulova announced that the public hearing on this item would be held later in the meeting.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#51.)

46. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-Y-038-03 (ROBERT M. ROSENTHAL) (SULLY DISTRICT)** (3:11 p.m.)

(NOTE: At its July 12, 2004, meeting the Board deferred the public hearing on this item until July 26, 2004.)

The application property is located at 4120 Auto Park Circle, Tax Map 33-2 ((5)) B.

Mr. James L. McCormack reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Burgess and Niple, Incorporated of Virginia

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

Following the public hearing, Kristen (Shields) Crookshanks, 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 94-Y-038-03, subject to the development conditions dated June 7, 2004. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Chairman Connolly being absent.

47. **BOARD RECESS** (3:19 p.m.)

At 3:19 p.m., the Board recessed briefly, and, at 3:32 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland and Chairman Connolly, and with Vice-Chairman Bulova presiding.

48. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-LE-006 (WACHOVIA CORPORATION, NATIONAL ASSOCIATION) (LEE DISTRICT)** (3:32 p.m.)

The application property is located at 6300 Richmond Highway, Tax Map 83-3 ((5)) (1) 1.

Mr. Charles Wakefield reaffirmed the validity of the affidavit for the record.

Mr. Wakefield 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, Catherine Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 2004-LE-006, subject to the development conditions dated July 12, 2004.
- Modification of the minimum front yard setback requirement to permit the existing building to remain 19.4 feet from the property line along South Kings Highway, as shown on the SE Plat.
- Modification of the streetscape requirements along Richmond Highway and South Kings Street set forth in the Comprehensive Plan to that shown on the SE Plat.

- Modification of the interior and peripheral parking lot landscaping requirements in favor of that shown on the SE Plat.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the northwestern property line (South Kings Highway frontage) in favor of that shown on the SE Plat.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-033 (LORTON ARTS FOUNDATION, INCORPORATED) (MOUNT VERNON DISTRICT)** (3:38 p.m.)

- (O) The application property is located on the east side of Ox Road south of its intersection with Lorton Road, Tax Map 106-4 ((1)) 54 pt.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Albert B. Akers

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

- In excess of \$200 from Ms. Tina M. Leone
- In excess of \$200 from Mr. John H. Ariail, Jr.

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

- In excess of \$200 from Mr. E. David Foreman

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued with input from Mr. Braham; James P. Zook, Director, DPZ; and Linda Blank, Historic Preservation Planner, DPZ, regarding demolition of the buildings.

Mr. Riegle 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.

The public hearing was held and included testimony by two speakers. Following the testimony of Mr. Neal McBride, Representative, South Run Coalition (Speaker Number One), a brief discussion ensued regarding his birthplace.

Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Hudgins and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-033, from the R-C District to the PDC District, and approval of the Conceptual Development Plan, subject to the proffers dated July 14, 2004.
- Modification of the transitional screening yard requirement along the northern boundary and waiver of the barrier requirement along the northern boundary, and modification of the transitional screening requirement and waiver of the barrier requirement between the artist residences and the work house, in favor of that shown on the combined Conceptual/Final Development Plan, as referenced in the proffers.
- Approval of the demolition of the following five buildings as recommended by the Architectural Review Board:
 - W-21, Control Building Historical Hospital
 - W-21A, Administrative Building Historic Hospital Wing
 - W-40, OFACM Shops Heating Plant
 - H-42, Medical Services Historic Residence
 - H-43, Psychology Historic Residence
- To defer decision on approval of the demolition of the smokestack at Building W-29 until **September 13, 2004, at 3 p.m.**

Supervisor Kauffman seconded the motion.

Following discussion regarding the proposed Lorton Arts Foundation, the question was called on the motion and it carried by a vote of nine, Supervisor

DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being absent.

On July 14, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-MV-033, subject to the development conditions contained in Appendix 2 of the staff report.

Anthony H. Griffin, County Executive, stated that the next installment will be presented to the Board in the Carryover Budget later this week. Mr. Griffin noted that he will be making a recommendation in excess of \$5 million for the next installment in terms of stabilizing the buildings that are at the Lorton complex.

Vice-Chairman Bulova announced that Carryover will be presented to the Board at the next meeting scheduled for August 2, 2004.

Further discussion ensued, with input from Mr. Zook, regarding the smokestack.

Tina Leone, Executive Director, Lorton Arts Foundation, presented the Board with a framed art photograph of the Workhouse by Luca DiCecco.

50. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SULLY HISTORY OVERLAY DISTRICT** (4:17 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 July 8 and July 15, 2004.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), revising the Historic Overlay District, as set forth in the staff report dated May 24, 2004. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being absent.

51. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)**
(4:29 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-059 until **August 2, 2004, at 3 p.m.** Supervisor Kauffman and Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Chairman Connolly being absent.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-V-003 (SUNTRUST BANKS, INCORPORATED) (MOUNT VERNON DISTRICT)** (4:30 p.m.)

The application property is located at 5922 Richmond Highway, Tax Map 83-3 ((1)) 67A and 69 pt.

Mr. Charles R. Johnson reaffirmed the validity of the affidavit for the record.

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Mr. Johnson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and 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 McConnell seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, and Supervisor Kauffman being out of the room, Chairman Connolly being absent.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 82-V-003, subject to the development conditions dated July 8, 2004.
- Waiver of the minimum lot size and minimum lot width in the Commercial Revitalization District.
- Waiver of the barrier requirement and modification of the transitional screening requirement along a portion of the northern boundary opposite the R-30 District.
- Modification of the peripheral parking lot landscaping requirements in favor of that shown on the SE plat.

- Direction to the Director of the Department of Public Works and Environmental Services to waive the requirements of Paragraph 8 of Section 4-805 to require that a curb cut be a minimum of 20 feet from the side lot line, and waiver of the loading space requirement pursuant to the provisions of Paragraph 3 of Section 11-202.

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

53. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS), RENEWAL APPLICATION AR 95-S-001 (JOHN T. KINCHELOE) (SPRINGFIELD DISTRICT)** (4:37 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 July 8 and July 15, 2004.

Mr. John Kincheloe reaffirmed the validity of the affidavit for the record.

Mr. Kincheloe 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, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Agricultural Renewal Application AR 95-S-001.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), renewing the Kincheloe Local Agricultural and Forestal District, subject to the Ordinance provisions dated June 23, 2004.

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

A brief discussion ensued regarding the Kincheloe property.

PW:pw

54. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-048 (GAYFIELDS ROAD ASSOCIATES, LLC)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA C-448-30 AND PCA 79-L-109-02 (GAYFIELDS ROAD ASSOCIATES, LLC) (LEE DISTRICT) (4:42 p.m.)

- (O) (NOTE: At its July 12, 2004, meeting the Board deferred the public hearing on this item until July 26, 2004.)

The Rezoning Application RZ 2003-LE-048 property is located on the east side of Beulah Street and on the north and south sides of Gayfields Road, Tax Map 91-3 ((1)) 31, 32, 33, 34, 35, 37, 38, 39, 40A, 45, 46, and 47.

The Proffered Condition Amendment Application PCA C-448-30 property is located on the east side of Beulah Road and the south side of Gayfields Road near its terminus, Tax Map 91-3 ((1)) 31 pt.

The Proffered Condition Amendment Application PCA 79-L-109-02 property is located on the east side of Bulfinch Court, Tax Map 91-3 ((1)) 40A pt.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Mr. William Moran of Craftmark Homes, Incorporated
- In excess of \$200 from Mr. David Flannagan of Craftmark Homes, Incorporated
- In excess of \$200 from Mr. Kenneth Malm of Craftmark Homes, Incorporated
- In excess of \$200 from Mr. Jeff Rice of Craftmark Homes, Incorporated

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

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

Supervisor Kauffman moved:

- Approval of the Proffered Condition Amendment Applications PCA C-448-30 and PCA 79-L-109-02.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-048, from the R-1, R-4, and PDH-4 Districts to the PDH-3 District, subject to the proffers dated June 3, 2004.
- Waiver of the radius requirement for the cul-de-sac on reconstructed Gayfields Road and modification of the pavement width requirements for a private street regarding the extension of Gayfields Road in front of lots 20 and 21 and parcel D, as shown on the proffered conceptual development plan and final development plan.

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

On May 27, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-LE-048, subject to the development conditions dated May 26, 2004.

55. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)**
(4:54 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 July 8 and July 15, 2004.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), as set forth in the staff report. The amendments shall become effective on July 27, 2004, at 12:01 a.m. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell,

Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland being out of the room, Chairman Connolly being absent.

56. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-058 (LANDMARK PROPERTY DEVELOPMENT, LLC) (DRANESVILLE DISTRICT)** (4:56 p.m.)

- (O) The application property is located north of the terminus of Winterwood Place and south of the terminus of Fantasia Drive, Tax Map 10-4 ((1)) 1, 2A, and 2B.

Mr. John Thillmann reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Mr. Scott Herrick
- In excess of \$200 from Mr. John Thillmann

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

- In excess of \$200 from Mr. Scott Herrick
- In excess of \$200 from Mr. John Thillmann

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Scott Herrick

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

- In excess of \$200 from Mr. Scott Herrick

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

- In excess of \$200 from Mr. Scott Herrick

Vice-Chairman Bulova disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Scott Herrick through Cherokee Management

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

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

Discussion ensued with input from Mr. Mayland and Kirk Holley, Branch Manager, Park Planning Branch, Park Authority, and Mr. Bill Mercier regarding the pedestrian bridge and trail.

Supervisor DuBois submitted items for the record.

Supervisor DuBois moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-DR-058, from the R-1 District to the PDH-2 District, subject to the proffers dated July 15, 2004.
- Waiver of the maximum 600-foot private street length requirement.
- Modification of the trail requirements to delete the construction of the stream valley trail south of Young Avenue in accordance with the Conceptual Development Plan/Final Development Plan (CDP/FDP).

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

Supervisor DuBois said that the applicant requested an exception to the criteria and requirements of the Chesapeake Bay Preservation Ordinance under Section 118-6-9, General Resource Protection Area Encroachment Exception, to permit encroachment into the Resource Protection Area for the development of storm water management facility, maintenance access road, storm sewer outfalls, trails, and associated clearing, grading, and restoration. The Board made the finding that the requested exception is the minimum necessary to afford relief. Granting the exception with conditions will not confer upon the applicant any special privileges that are denied to other property owners who a similarly situated. The exception as conditioned is in harmony with the purpose and intent of the Chesapeake Bay Preservation Ordinance and is not a substantial detriment

to water quality. The exception is not based on conditions or circumstances that are self-created or self-imposed. Reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing a degradation of water quality and water quality benefits resulting from the proposed improvement exceeds the associated water quality detriments.

Supervisor DuBois moved approval of Chesapeake Bay Exception Number 026338, to permit encroachment into the Resource Protection Area as depicted on the CDP/FDP, subject to the development conditions dated June 29, 2004, and as outlined in Attachment A of Appendix 15 of the staff report. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Supervisor McConnell being out of the room, Chairman Connolly being absent.

On July 15, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-DR-058, subject to the FDP conditions dated July 14, 2004.

57. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (5:18 p.m.)

Vice-Chairman Bulova announced that there would be a change in the Orders of the Day and that this public hearing would be held later in the meeting.

(NOTE: Later in the meeting, this public hearing was deferred. See Clerk's Summary Item CL#70.)

58. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-11 (BATMAN/MCNAIR ASSOCIATES, LP) (HUNTER MILL DISTRICT)** (5:18 p.m.)

(NOTE: At its July 12, 2004, meeting the Board deferred the public hearing on this item until July 26, 2004.)

The application property is located on the north and south sides of Coppermine Road approximately 600 feet east of McNair Farms Drive, Tax Map 16-3 ((1)) 35H pt, 35J pt. and 37A pt., 16-3 ((9)) (6) B1 pt., 25-1 ((1)) 3J pt., 25-1 ((20)) (2) C pt., and 25-1 ((20)) (6) A pt.

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

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

- In excess of \$200 from Mr. Bahman Batmanghelidj of Batman/McNair Associates, LP

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

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

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 87-C-060-11, subject to the proffers dated June 8, 2004. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Hyland and Supervisor McConnell being out of the room, Chairman Connolly being absent.

On June 24, 2004, the Planning Commission approved Final Development Plan Amendment Application FDPA 87-C-060-17-2, subject to the conditions dated June 9, 2004.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)** (5:23 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 July 8 and July 15, 2004.

Following the public hearing, which included testimony by one speaker, Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Langley RPPD, District 20. The district expansion includes Baymeadow Court (Route 6094) from Ridge Drive (Route 6090) to the end. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Supervisor Hyland and Supervisor McConnell being out of the room, Chairman Connolly being absent.

60. **ORDERS OF THE DAY** (5:26 p.m.)

Vice-Chairman Bulova announced that there would be a change in the Orders of the Day and that the Board would proceed with a Dranesville District case.

61. **4 P.M. – PH ON A PROPOSAL TO ABANDON MONACAN ROAD AND A CONVEYANCE OF FEE OWNERSHIP (MOUNT VERNON DISTRICT)**
(no time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#66.)

62. **4:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF CANAL DRIVE (DRANESVILLE DISTRICT)** (5:26 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 July 8 and July 15, 2004.

Following the public hearing, Supervisor DuBois moved adoption of the:

- Ordinance vacating a portion of Canal Drive (Route 3631).
- Order abandoning a portion of Canal Drive (Route 3631).

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

63. **ORDERS OF THE DAY** (5:29 p.m.)

Vice-Chairman Bulova announced that there would be a change in the Orders of the Day and that the public hearings for Mount Vernon District applications would be held later in the meeting.

64. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-V-005 (WILLIAM A. KINDER) (MOUNT VERNON DISTRICT)** (no time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#71.)

65. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-043 (VAN METRE LAND LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)**
(5:29 p.m.)

- (O) (NOTE: At its June 21, 2004, meeting the Board deferred the public hearing on this item until July 12, 2003. At its July 12, 2004, meeting the Board deferred the public hearing on this item until July 26, 2004.)

The application property is located north of Electric Avenue approximately 700 feet east of its intersection with Woodford Road, Tax Map 39-1 ((1)) 13, 14, 14A, and 15A; 39-3 ((1)) 50, 51, 53, 54, 55, 56, 59, 60, and 61 and portions of Suncrest Lane public rights-of-way to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Suncrest Lane to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.]

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

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Van Metre Communities, LLC
- Supervisor McConnell stated that Land Design Consultants has a business relationship with her; however, the business relationship is not related to any party to this applicant.

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Thomas Greeson of Reed Smith, LLP

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, which included testimony by one speaker, Catherine Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

A brief discussion ensued with input from Mr. Lawrence addressing the concerns of the speaker regarding whether a seven-foot high fence being put around the property will include his property; if Unit 5 would be the smaller of two styles of houses planned, and placement of the homes on the property in relation to Frank Street.

Supervisor Smyth submitted items for the record.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-043, from the R-1 District to the PDH-3 District, subject to the proffers

dated July 7, 2004, and the development conditions dated July 26, 2004.

- Waiver of the 600-foot maximum length requirement for private streets.

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

On May 20, 2004, the Planning Commission approved Final Development Plan Application FDP-2003-PR-043.

66. **4 P.M. – PH ON A PROPOSAL TO ABANDON MONACAN ROAD AND A CONVEYANCE OF FEE OWNERSHIP (MOUNT VERNON DISTRICT)**
(5:42 p.m.)

- (O) (R) 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 July 8 and July 15, 2004.

Following the public hearing, on behalf of Supervisor Hyland, Supervisor Kauffman moved adoption of the:

- Ordinance abandoning Monacan Road.
- Resolution to convey fee ownership of the right-of-way to the Park Authority.

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

67. **ORDERS OF THE DAY** (5:46 p.m.)

Vice-Chairman Bulova announced that there would be a change in the Orders of the Day and that Board would proceed with a public hearing for a Lee District case.

68. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE BURGOYNE FOREST COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (no time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#72.)

69. **4:30 P.M. – PH ON A PROPOSAL TO VACATE RAVEN PLACE AND PORTIONS OF SPLIT ROCK ROAD AND WAYSIDE PLACE (LEE DISTRICT)** (5:46 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 July 8 and July 15, 2004.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of the Ordinance vacating Raven Place and portions of Split Rock Road and Wayside Place pursuant to the adoption of an ordinance consistent with the terms and conditions set forth in Attachment III of the Board Agenda Item. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being absent.

70. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (5:48 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-036 until **August 2, 2004, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of nine, Chairman Connolly being absent.

71. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-V-005 (WILLIAM A. KINDER) (MOUNT VERNON DISTRICT)** (5:50 p.m.)

The application property is located at 7905, 7907, and 7909 Candlewood Drive, Tax Map 102-1 ((21)) 1 – 3.

Mr. James Downey reaffirmed the validity of the affidavit for the record.

Supervisor Smyth asked unanimous consent that the Board direct staff to review the watershed study involving this area and to report back to the Board with its findings. Without objection, it was so ordered.

Mr. Downey 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 Gross asked unanimous consent that the Board direct staff to determine how this application would affect the recommendations of the watershed study involving this area and to report with its findings. Without objection, it was so ordered.

Extensive discussion ensued with input from Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, John Foster, Attorney, Office of the County Attorney, and Jerry Stonefield, Staff, Land Development Services, Department of Public Works and Environmental Services.

Following the public hearing, Ms. Johnson presented the staff and Planning Commission recommendations.

Supervisor Hyland submitted items for the record.

Supervisor Hyland moved approval of Special Exception Application SE 01-V-005, subject to the development conditions dated July 15, 2004, and moved to adopt the reasons stated by Commissioner Byers in the record recommending the approval of this application. He further noted that one of the recommendations requires that the applicant obtain easements on Board property. It was further noted that the applicant is required by Virginia Code Annotated 15.2-1800 that he will need to obtain approval from the Board for those easements once his lawyer engineers the formally drafted easements.

Supervisor McConnell seconded the motion.

Following a brief discussion, Supervisor McConnell asked unanimous consent that the Board direct staff to determine the County's responsibility for repairing damage caused by erosion and to report back with its findings. Without objection, it was so ordered.

The question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Gross, Supervisor Hudgins, and Supervisor Smyth voting "NAY," Chairman Connolly being absent.

Supervisor Hyland moved approval of Chesapeake Bay Exception Number 026328 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) permitting encroachments into the Resource Protection Area (RPA) Protection Area depicted on the revised Special Exception Plat, subject to the revised proposed development conditions dated July 19, 2004. He said that this approval shall be valid for as long as Special Exception Application SE 01-V-005 remains valid. Additional amendments to the approved final development plans

may be approved as long as the amendment does not aggravate conflicts with the provisions of the Ordinance.

Supervisor McConnell seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Gross, Supervisor Hudgins, and Supervisor Smyth voting "NAY," Chairman Connolly being absent.

Regarding the Chesapeake Bay Exception Number 026328, Supervisor Hyland provided the following for the record:

WHEREAS, the application has been properly filed and notice given in accordance with the requirements of all applicable State and County codes; and

WHEREAS, the Board has made the findings that:

- The requested exception, as conditioned, is the minimum necessary to afford relief.
- Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are similarly situated.
- The exception, as conditioned, is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality.
- The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
- Reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing a degradation of water quality.
- The water quality benefits resulting from the proposed improvements, as conditioned, exceed the associated water quality detriments.

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE BURGOYNE FOREST COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (6:46 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 July 8 and July 15, 2004.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Burgoyne Forest CPD, in accordance with the existing CPD restrictions, encompassing the following streets:

- Groveland Drive from Newington Forest Drive to the east of Groveland Heights Court (boundary of parcels 98-1 ((7)) H and 98-1 ((7)).
- Newington Forest Drive from Pohick Road to the cul-de-sac inclusive.

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

73. **BOARD ADJOURNMENT** (6:49 p.m.)

At 6:49 p.m., the Board adjourned.

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