



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 4, 2003**

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18-03

SBE:sbe

The meeting was called to order at 9:30 a.m., with all Members being present, and with Chairman Hanley presiding.

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. **CONGRATULATIONS TO DAVID P. BOBZIEN, COUNTY ATTORNEY, AS THE PRESIDENT ELECT OF THE VIRGINIA STATE BAR** (Tape 1)

Chairman Hanley expressed her and the Board's congratulations to David P. Bobzien, County Attorney, for being President-Elect of the Virginia State Bar. Chairman Hanley stated that Mr. Bobzien was the first public service attorney to receive this honor.

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

Supervisor Hudgins asked everyone to keep in thoughts and prayers the family of the late Senator Omer L. Hirst, who served as representative of the Fairfax-Falls Church area in the Virginia House of Delegates and State Senate. Senator Hirst died this past week. He had been a resident of Reston for a long time.

Supervisor Hudgins also asked everyone to keep in thoughts and prayers the family of former US Senator Vance Hartke, who also died recently. Senator Hartke, who had once been mayor of Evansville, Indiana, was a three-term senator, who had remained in the Washington area to practice law.

Supervisor Hyland asked everyone to keep in thoughts and prayers the family of Attorney John F. "Jack" Knowles, who died recently. Mr. Knowles worked for education and good schools in the County.

Supervisor Gross asked everyone to keep in thoughts and prayers the family of Mr. Stuart Finley who died recently. Mr. Finley was the heart and soul behind the Lake Barcroft Watershed Improvement District and he also had a professional career as a staff announcer at WRC for a long time.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO GARFIELD ELEMENTARY SCHOOL** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Garfield Elementary School on the occasion of its fiftieth anniversary. Supervisor Connolly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION FOR THE POLICE DEPARTMENT, HUMAN RIGHTS COMMISSION, AND VARIOUS COMMUNITY ORGANIZATIONS** (No Tape)

(NOTE: This presentation was rescheduled.)

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ROBERT BREADS** (Tape 1)

Supervisor Hyland moved approval of the Resolution of Recognition presented to Mr. Robert Breads for his years of service to Fairfax County upon his retirement from the Department of Tax Administration. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

6. **INTRODUCTION AND WELCOME TO PAVEL CHAN, A LOCAL ELECTED OFFICIAL FROM THE CZECH REPUBLIC** (Tape 1)

Supervisor Hyland introduced Mr. Pavel Chan, a local elected official of the Council from Zdikov, in the Czech Republic (also known as Southern Bohemia), and very close to the borders with Germany and Austria. Supervisor Hyland warmly welcomed him to the Board Auditorium. Mr. Chan came to the US as an intern student for Christian Relief Services, which is located in the Mount Vernon District.

7. **WELCOME TO JILL SAGER, A NEW INTERN IN SUPERVISOR HUDGINS' OFFICE (HUNTER MILL DISTRICT)** (Tape 1)

Supervisor Hudgins introduced a new intern in her office for the summer, Ms. Jill Sager. Ms. Sager is from Reston, a graduate of South Lakes High School, and will be returning to Northwestern University to begin her second year there in September. Supervisor Hudgins warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

8. **10 A.M. – PRESENTATION ON VIRGINIA'S ENVIRONMENTAL ENTERPRISE PROGRAM AND FAIRFAX COUNTY'S DESIGNATION AS AN ENVIRONMENTAL ENTERPRISE** (Tape 1)

Sharon Baxter, Director, Department of Environmental Quality (DEQ), Office of Pollution Prevention, and Jeff Steers, Director, DEQ Northern Virginia Office, gave the presentation regarding the State's Environmental Enterprise Program.

PW:pw

9. **10:15 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 2)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Providence District Representative to the Advisory Social Services Board.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Hanley moved the reappointment of Mr. Jerry M. Schottler as the At-Large #4 to the Alcohol Safety Action Program Local Policy Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Athletic Council:

- Mr. Paul Jansen as the Fairfax County Public School Board Liaison Alternate Representative

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

The Board deferred the appointment of the Lee District Alternate Representative and the Women's Sports Association Alternate Representative to the Athletic Council.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY POLICY AND MANAGEMENT TEAM FOR SERVICES TO AT-RISK YOUTH AND FAMILIES

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Community Policy and Management Team for Services to At-Risk Youth and Families:

- Ms. Karen J. Eisenhart as the Parent #1 Representative

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

CONSUMER PROTECTION COMMISSION

Supervisor Mendelsohn moved the reappointment of Mr. James J. Mrowka as the Fairfax County Resident #6 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Fairfax County Resident #7 and #12 Representatives to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Bulova moved the appointment of Mr. Rashad Khan to fill the unexpired term of Mr. Paul J. Liberty as the Braddock District Representative to the Criminal Justice Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Joy Marlene Bryan as the Lee District Representative to the Criminal Justice Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large, Hunter Mill, Mason, Providence, and Springfield District Representatives to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Mr. Doug Palatt as the Heavy Construction Contractors Association Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Following discussion with input from David P. Bobzien, County Attorney, Chairman Hanley announced the nomination of Captain Paul R. Camarca as the Office of the Sheriff Representative to the Fairfax-Falls Church Community Services Board.

HEALTH CARE ADVISORY BOARD

Supervisor Hudgins moved the reappointment of Pamela Herbert, M.D. as the Hunter Mill District Representative to the Health Care Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative to the Health Care Advisory Board.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #1 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

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

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Supervisor Hyland announced the nomination of Mr. Gregory A. Schuckman as the Fairfax County #1 Representative to the Northern Virginia Community College Board, but stated that he would formally move this appointment later in the meeting.

(NOTE: Later in the meeting, the Board made this appointment. See Clerk's Summary Item CL#90.)

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the At-Large Chairman's Representative and the Hunter Mill District Representative to the Oversight Committee on Drinking and Driving.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #2 Representative to the Police Officers Retirement System Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Condominium Owner and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Sully District Representative to the Transportation Advisory Commission.

10. ADMINISTRATIVE ITEMS (Tapes 2-3)

Supervisor Connolly moved approval of the Administrative Items. The second to this motion was inaudible.

Supervisor Bulova asked to amend the motion to consider Admin 1 separately, and this was accepted.

Supervisor Connolly called the Board's attention to Admin 7 – Supplemental Appropriation Resolution AS 04026 Authorizing the Department of Community and Recreation Services to Accept Funding from the US Department of Agriculture to Continue Grant Funding of the Summer Food Service Program for Children and a brief discussion ensued.

Chairman Hanley pointed out that incorrect Supervisor Districts were listed for some of the centers. She suggested that staff use the Precinct Locator for the correct districts.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to indicate on next year's list why Kingsley Commons, Knox Presbyterian Church, and Kingsley Commons CLCP all appear on the list even though they are in the same neighborhood. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly called the Board's attention to Admin 8 – Supplemental Appropriation Resolution AS 04023 for the Fairfax County Police Department (FCPD) to Accept Department of Criminal Justice Services Grant Funding to Continue the Victim Witness Assistance Program and a brief discussion ensued with input from Captain David Sommers, Commander, Investigative Support Division, FCPD.

Supervisor Hyland called the Board's attention to Admin 10 – Additional Time to Commence Construction for Special Exception Application SE 91-V-039, Fairfax Industrial Park Associates and moved to amend the motion to change 30 months of additional time to 12 months of additional time to commence construction for Special Exception Application SE 91-V-039, to March 22, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance. Supervisor Kauffman seconded the amendment to motion and it carried by unanimous vote.

Chairman Hanley called the Board's attention to Admin 15 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Article 5B, Regarding Prohibition Against Parking Watercraft, Boat Trailers, Motor Homes, and Camping Trailers in Certain Areas as well as related items Admin 16, Admin 17,

and Admin 18. Discussion ensued with input from Pamela K. Pelto, Assistant County Attorney.

Supervisor Connolly asked unanimous consent that the Board direct staff to provide further information as to whether a restricted parking district is the only way to ban vehicles that transport hazardous materials from parking in neighborhoods. Without objection, it was so ordered.

Supervisor Connolly called the Board's attention to Admin 20 – Authorization to Advertise a Public Hearing to Amend the Appropriation Level in the Fiscal Year (FY) 2004 Revised Budget Plan and discussion ensued with input from Susan W. Datta, Director, Department of Management and Budget.

- (A) Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on September 15, 2003, to consider a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 14-2 regarding Eligibility for Exemptions to increase the net combined financial worth eligibility requirement for the County's Tax Relief Program for the elderly and disabled from \$160,000 to \$240,000. Supervisor McConnell seconded the motion.

Discussion ensued, with input from Ms. Datta and Michael H. Long, Senior Assistant County Attorney.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide with this item projections about likely future revenue streams necessary to continue this program. Without objection, it was so ordered.

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

Following discussion, with input from Ms. Datta, Supervisor Gross moved to amend the motion to add a Consideration Item in the amount of \$170,000 to restore Hidden Oaks Nature Center and Riverbend Park to the hours of operation prior to the FY 2004 cut. This would assume an October 1, 2003, implementation date which is required to staff the operations to the former level, 4.5 FTEs. She acknowledged that this leaves Hidden Oaks and Riverbend at risk for next year because these are recurring funds, but it will give time for the Park Authority and the Friends Groups to work on long term solutions for both nature centers. Supervisor Mendelsohn seconded the motion.

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

Extensive discussion ensued with input from Edward L. Long, Jr., Chief Financial Officer.

Supervisor Frey asked unanimous consent that the Board direct staff to provide, prior to the public hearing, details on the Outstanding Encumbrances listed on the FY 2003 End of Year Summary. Following input from Mr. E. Long, without objection, it was so ordered.

Further discussion ensued with input from Mr. E. Long, Ms. Datta, and Anthony H. Griffin, County Executive.

Supervisor Mendelsohn moved to amend the motion to add a Consideration Item in the amount of \$140,000 for lights for the baseball field due to a shortfall in the public private partnership to improve Nike Park in Great Falls. Supervisor Hyland and Chairman Hanley jointly seconded the amendment to the motion and it carried by unanimous vote.

Discussion ensued regarding the Pay-for-Performance System, with input from Mr. Griffin.

Following discussion, with input from Mr. Griffin, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide to the Board, before the public hearing, additional information on the take home vehicles for the Office of the Sheriff, including position/rank of the employee with the vehicle. Without objection, it was so ordered.

Noting that the County Executive is proposing the use of carryover funds to convert diesel engines to use ultra-low sulfur diesel, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information on actions by other local jurisdictions to reduce emissions. Following input from Mr. Griffin, without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to contact the Metropolitan Washington Council of Governments to determine the effect the conversion to ultra-low sulfur diesel will have on air quality credits. Without objection, it was so ordered.

Following discussion, with input from Ms. Datta, Supervisor Frey asked unanimous consent that the Board direct staff to provide additional information on the widening and intersection improvements at Stone Road as listed in the Primary and Secondary Road Bond Construction Spot Improvements. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information on the number of schools with and without full day kindergarten programs and the projected impact to the budget if the School Division continues in the trend of expanding full day kindergarten programs to all schools. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to amend the motion to add a Consideration Item to allocate a portion of the carryover funds to the School Division. Vice-Chairman Hyland seconded this motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, with input from Mr. Griffin and Ms. Datta, Supervisor McConnell asked unanimous consent that the Board direct staff to provide the Board with timelines on the construction of the Public Safety Operations Center (PSOC). Without objection, it was so ordered.

Following discussion, with input from Mr. E. Long, Supervisor Kauffman moved to amend the motion to add a Consideration Item to increase the Revenue Stabilization Fund by up to \$23.7 million. Supervisor Hyland seconded the amendment to the motion.

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

Following discussion, with input from Mr. Griffin, Supervisor Kauffman asked unanimous consent that the Board direct staff to report with information as to whether grant funding is available for any of the requested expenditures. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide to the Board additional information regarding the requested increase in the allocation to the PSOC and whether it could be spent in a timely fashion. Without objection, it was so ordered.

Supervisor Kauffman moved to amend the motion to add a Consideration Item for funds sufficient to remove the backlog on streetlights. Chairman Hanley seconded the amendment to the motion and it carried by unanimous vote.

Supervisor Hudgins asked unanimous consent that the Board direct staff to outline the cuts to the Fairfax-Falls Church Community Services Board and the affected programs. Without objection, it was so ordered.

The question was called on the main motion, as amended, and with the exception of Admin 1, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

(NOTE: Later in the meeting the Board took additional action regarding Carryover. See Clerk's Summary Item CL#89.)

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, AND SULLY DISTRICTS)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#11.)

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Owen B. Yumang (236)
- Kevin A. Seward (237)
- Eric E. Shrader (238)
- Garry S. Pape (239)
- Joshua C. Marshall (240)
- Anwar M. Mustafa-Othman (241)
- Reza Amirhakimi (242)

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

- Stephen Reynolds (49)

ADMIN 3 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, FOR A FISCAL YEAR (FY) 2003 NOVA PROSECUTION REIMBURSEMENT PROGRAM GRANT

Authorized the FCPD to apply to the US DOJ for a FY 2003 NOVA Prosecution Reimbursement Program grant. This program will provide \$200,000 to support the on-going investigation, prosecution, and trial of the sniper case. No local cash match is required.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CIVIL PENALTIES FOR ZONING VIOLATIONS

- (A)(R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 17, 2003, and before the Board on **November 17, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding civil penalties for zoning violations.

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

- Application 2232-S03-10 to October 19, 2003
- Application FS-P03-18 to November 8, 2003
- Application 2232-P02-25 to February 29, 2004
- Application 2232-Y02-28 to February 29, 2004

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO APPLY TO THE US DEPARTMENT OF AGRICULTURE (USDA), NATURAL RESOURCES CONSERVATION SERVICE (NRCS), FOR FEDERAL ASSISTANCE FOR “REHABILITATION OF AGING DAMS” PROGRAM FUNDS (BRADDOCK AND SPRINGFIELD DISTRICTS)

Authorized DPWES to apply to the USDA for “Rehabilitation of Aging Dams” funding and assistance with the NRCS. An amount of \$30,000 is required to be allocated, primarily for County staff time, into each project (\$120,000 total) to begin the planning and study for these projects to determine the scope of work for rehabilitation of each facility. Funding in the amount of \$380,000 is available in Fund 316, Pro Rata Share Drainage Construction Project PC0104, Dam Site Number 4, to begin this effort.

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04026 AUTHORIZING THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES TO ACCEPT FUNDING FROM THE US DEPARTMENT OF AGRICULTURE (USDA) TO CONTINUE GRANT FUNDING OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

(SAR) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 7.)

Approved SAR AS 04026 in the amount of \$81,228 for the Fiscal Year 2004 USDA Summer Food Service Program for Children. This funding includes \$75,213 in USDA funds and \$6,015 in local cash match.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04023 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) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 7.)

Approved SAR AS 04023 for the FCPD to accept a DCJS grant in the amount of \$171,386 for Fiscal Year 2004. The grant will support the continuation of the Victim Witness Assistance Program from July 1, 2003, through June 30, 2004, through the extension of 5/5.0 SYE grant positions. No local cash match is required.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-Y-016, SOUTHWESTERN YOUTH ASSOCIATION (SULLY DISTRICT)

(AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 99-Y-016, to July 24, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 91-V-039, FAIRFAX INDUSTRIAL PARK ASSOCIATES (MOUNT VERNON DISTRICT)

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

Approved 12 months of additional time to commence construction for Special Exception Application SE 91-V-039, to March 22, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 11 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 93-H-060, MOBILE OIL CORPORATION (CURRENT OWNER CONOCO PHILLIPS) (HUNTER MILL DISTRICT)

(AT) Approved 30 months of additional time to commence construction for Special Exception Application SE 93-H-060, to January 22, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 12 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (DCRS) TO APPLY TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) – ADMINISTRATION ON AGING FOR GRANT FUNDS FOR THE EVIDENCE-BASED PREVENTION PROGRAM FOR THE ELDERLY

Authorized DCRS to apply for Evidence-Based Prevention Program for the Elderly funds from the US DHHS in the amount of \$359,678. This funding will allow DCRS to implement a research-based nutrition program in its senior centers with the purpose of determining the program's effectiveness with an ethnically diverse population of senior program participants.

ADMIN 13 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR BRAEBURN DRIVE AND ASHMEADE DRIVE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC CALMING PROGRAM (BRADDOCK DISTRICT)

- Endorsed the traffic calming plan for Braeburn Drive and Ashmeade Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - Raised crosswalk at the intersection of Ashmeade Drive and Dowell Place (west side).
 - Speed table adjacent to 9202, 9203, 9204, and 9205 Ashmeade Drive.
 - Multi-way stop at the intersection of Ashmeade Drive and Argonne Drive.
 - Speed table adjacent to 4317, 4318, 4319, and 4320 Braeburn Drive.

- Speed table adjacent to 4217, 4218, 4219, and 4220 Braeburn Drive.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 14 – INSTALLATION OF A MULTI-WAY STOP AT CIMARRON STREET AND PIONEER DRIVE (LEE DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at Cimarron Street and Pioneer Drive (Lee District).
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5B, REGARDING PROHIBITION AGAINST PARKING WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, AND CAMPING TRAILERS IN CERTAIN AREAS

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5B, regarding prohibition against parking watercraft, boat trailers, motor homes, and camping trailers in certain areas.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, REGARDING THE PROPOSED ESTABLISHMENT OF THE SOUTHRUN RESTRICTED PARKING DISTRICT (RPD) (MOUNT VERNON DISTRICT)

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, regarding the establishment of the Southrun RPD.

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, REGARDING THE PROPOSED ESTABLISHMENT OF THE RIVERVIEW RESTRICTED PARKING DISTRICT (RPD) (MOUNT VERNON DISTRICT)

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, regarding the establishment of the Riverview RPD.

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, REGARDING THE PROPOSED ESTABLISHMENT OF THE LACKAWANNA RESTRICTED PARKING DISTRICT (RPD) (LEE DISTRICT)

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 7–8.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, regarding the establishment of the Lackawanna RPD.

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04029 FOR THE DEPARTMENT OF ADMINISTRATION FOR HUMAN SERVICES (DAHS) TO ACCEPT GRANT FUNDS FOR FISCAL YEAR (FY) 2004 FOR PRE-RELEASE AND POST INCARCERATION SERVICES

- (SAR) Approved SAR AS 04029 in the amount of \$45,000 for DAHS to accept grant funds from the Department of Criminal Justice Services for the Edward Byrne/Community Oriented Justice Program for localities. No local cash match is required.

ADMIN 20 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2004 REVISED BUDGET PLAN

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 8–10.)

Authorized the advertisement of a public hearing to be held before the Board on **September 15, 2003, at 10 a.m.** to consider amending the appropriation level in the FY 2004 revised budget plan.

ADMIN 21 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF REFUGEE RESETTLEMENT FOR THE REFUGEE EMPLOYMENT SUBSIDY PROGRAM

Authorized DFS to apply to DHHS for grant funding in the amount of \$561,805 to fund a program that will deliver services to enable refugees to have a successful work experience that will culminate in permanent employment with benefits and will assist refugees to become self-sufficient. No local cash match is required.

11. **ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, AND SULLY DISTRICTS)** (Tape 3)

(R) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#10.)

Supervisor Bulova moved to defer action on the Braddock District portion of this item until **September 29, 2003**. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Supervisor Bulova moved that the Board approve the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Kingstream, Section 4B	Dranesville	Kingstream Circle Route 6963 Kings Valley Court Meadow Chase Drive Route 7803 Kingstream Drive Route 6701
Wolftrap Estates	Dranesville	Vernon Drive Route 3278 Wolf Trap Creek Court Myra Drive Route 6194
Fox Vale Glen	Sully	Fox Vale Glen Court Hunt Road

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
		Route 671 Additional ROW Only
Shepherd Gate Church	Sully	Pleasant Valley Road Route 609 Additional ROW Only

Supervisor Connolly 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."

12.

A-1 – DEFEASANCE AND REDEMPTION OF THE SERIES 1993 SEWER REVENUE REFUNDING BONDS (Tape 3)

(BONDS)

(R)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the Authorization Resolution and Escrow Deposit Agreement which authorizes the following actions:

- Defeases all the remaining \$58.66 million Series 1993 revenue refunding bonds in conjunction with this action.
- Delegates staff authority to determine certain details of the transactions.
- Authorizes the execution and delivery of an Escrow Deposit Agreement Defeasance Notices, and Redemption Notices.
- Authorizes any necessary action with regard to the Escrow Fund pertaining to the proceeds of the defeased bonds.

Supervisor Hudgins and Supervisor Hyland jointly seconded the motion, which 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."

Supervisor Frey asked unanimous consent that the Board direct staff to provide a detailed list of the remaining balances and outstanding encumbrances in the sewer fund. Without objection, it was so ordered.

13. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD AND THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION (SFDC) (LEE AND MOUNT VERNON DISTRICTS)** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved a MOU between the Board and the SFDC.
- Authorized the Chairman to sign the MOU on behalf of the Board.

14. **A-3 – ENDORSEMENT OF DESIGN PLANS TO WIDEN ROUTE 7 FROM 4 LANES TO 6 LANES FROM ROLLING HOLLY DRIVE TO 0.24 MILES EAST OF RESTON PARKWAY (ROUTE 662) (DRANESVILLE AND HUNTER MILL DISTRICTS)** (Tape 3)

Supervisor Mendelsohn moved that the Board concur in the recommendation of staff and endorse the design plans to widen Route 7 from 4 lanes to 6 lanes, from Rolling Holly Drive to 0.24 miles east of Reston Parkway (Route 662), including roadway, trail, signing, striping and signalization, stormwater management, and drainage improvements, as presented at the June 11, 2003, public hearing, with the following modifications:

- Request that the Virginia Department of Transportation (VDOT) further investigate the most appropriate location of the proposed traffic signal at Redberry Court.
- Request that VDOT investigate the possibility of accelerating construction of improvements to the Georgetown Pike/Seneca Road intersection.

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

A brief discussion ensued.

15. **A-4 – FISCAL YEAR (FY) 2003 YEAR-END PROCESSING** (Tape 3)

(SAR) On motion of Supervisor Bulova, seconded by Supervisor Connolly, and 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," the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2003 for the interim period from

July 1 until the Board approves the *FY 2003 Carryover Review*, which is scheduled for action on September 15, 2003.

- Approved Supplemental Appropriation Resolution AS 03100 for the agency and other fund requiring additional appropriations for FY 2003.

16. **A-5 – APPROVAL OF THE LETTER OF INTENT AND OPERATIONS FUNDING AGREEMENT FOR THE REGIONAL SMARTRIP PROGRAM** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved, in substantial form, the Letter of Intent and the Operations Funding Agreement for the use of SmarTrip fare media on bus and rail transportation in the County.

17. **A-6 – ENDORSEMENT OF AN AMENDMENT TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) MASTER AGREEMENT FOR GOVERNOR'S CONGESTION RELIEF FUNDING AND OTHER ACTIONS NECESSARY FOR IMPLEMENTATION OF THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) SHUTTLE** (Tape 3)

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

- Endorse an amendment to the County's master agreement with VDRPT to allow the use of \$800,000 in Congestion Relief funds to operate the Burke Center VRE shuttle service.
- Authorize staff to amend the County's contract with Yellow Bus Service, Incorporated, to permit the procurement of buses and operation of service.
- Authorize staff to increase the FAIRFAX CONNECTOR fleet from 163 to 166 units for the period of time in which a VRE shuttle operates.

Supervisor McConnell seconded the motion.

Following discussion, with input from Thomas Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include the role of the Northern Virginia Transportation Authority in future items. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

18. **A-7 – AUTHORIZATION FOR THE COUNTY TO ENTER INTO AN AGREEMENT WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO PARTNER IN UPDATING THE FEDERAL FLOOD INSURANCE RATE MAPS** (Tape 3)

On motion of Supervisor Hyland, jointly seconded by Supervisor Bulova and Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the request from staff for the County Executive to sign the Cooperating Technical Partners agreement on behalf of the County, thereby allowing the additional applications and agreements to be forwarded to the County from FEMA for the release of the designated funds.

19. **A-8 – AUTHORIZATION FOR ACQUISITION OF A CONSERVATION EASEMENT IN CONJUNCTION WITH DEVELOPMENT OF THE EINER R. AND STEFANIA S. NIELSON PROPERTY (DRANESVILLE DISTRICT)** (Tape 3)

- (R) Following a brief statement, Supervisor Mendelsohn moved that the Board concur in the recommendation of staff and adopt the revised Resolution authorizing acquisition of a conservation easement across the Einer R. and Stefania S. Nielson property, Tax Map 040-4 ((1)) parcel 44A. Supervisor Connolly 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."

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to refer to the Legislative Committee for review THE legislation that mandates five years and whether it can be changed to three years to show stability for an organization. Without objection, it was so ordered.

20. **A-9 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO PARTICIPATE IN THE REGIONAL OCCOQUAN RIVER DREDGING PROJECT** (Tape 3)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the appropriation of \$175,000 as the County's share in the cost of the Occoquan River Dredging Project. Supervisor Bulova seconded the motion.

Discussion ensued with input from Donald Demetrius, Chief, Flood Plains and Special Projects Branch, Stormwater Planning Division, DPWES.

Supervisor Connolly asked unanimous consent that the Board direct staff to provide additional information on the causes contributing to the need for the dredging. Without objection, it was so ordered.

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

21. **A-10 – APPROVAL OF A LETTER AND COMMENTS ON THE FORT BELVOIR RESIDENTIAL COMMUNITIES INITIATIVE (RCI)** (Tape 3)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and endorse the letter and comments prepared by staff based on their review of the Environmental Assessment for the RCI. Supervisor Hyland seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to clarify the letter to indicate that it is on behalf of the *Board* and is not *staff* comments, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

22. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD'S RECESS** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, requesting authorization for the County Executive, the appropriate Deputy County Executive, or the Chief Financial Officer to continue to approve street acceptance items and award contracts while the Board is in recess. Whenever a contract exceeds the estimate by ten percent it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

The staff was directed administratively to proceed as proposed.

23. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-D03-7, MONTGOMERY COUNTY PUBLIC SAFETY DEPARTMENT (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, announcing the Planning Commission's approval of Public Facilities Review Application 2232-D03-7, Montgomery County Public Safety Department.

24. **I-3 – CONTRACT AWARD – LITTLE HUNTING CREEK PHASE 2 WATERSHED MANAGEMENT PLAN (MOUNT VERNON AND LEE DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, requesting authorization for staff to award a contract to Woolpert LLP in the amount of \$503,508 to provide consulting engineering services for the Little Hunting Creek Phase 2 Watershed Management Plan. Funding for this contract will come from Fund 308, Public Works Construction and Fund 316, Pro Rata Share Construction.

The staff was directed administratively to proceed as proposed.

25. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-H03-4, FAIRFAX COUNTY PARK AUTHORITY (HUNTER MILL DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, announcing the Planning Commission's approval of Public Facilities Review Application 2232-H03-4.

26. **I-5 – CONTRACT AWARD FOR ADVERTISING ON FAIRFAX CONNECTOR BUSES** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, requesting authorization for staff to award a contract to Viacom Outdoor Advertising for advertising on FAIRFAX CONNECTOR buses.

Discussion ensued with input from Denis Paddeu, Transportation Planner, Transit Services Division, Department of Transportation.

The staff was directed administratively to proceed as proposed.

27. **I-6 – IMPLEMENTATION OF A PILOT “COUNTY EMPLOYEES AS VOLUNTEER POLLWORKERS” PROGRAM** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, requesting authorization for staff to implement the pilot “County Employees as Volunteer Pollworkers” program for the November 2003 election.

Supervisor Mendelsohn moved to **NOT** implement this program, which would grant administrative leave to regular employees serving as pollworkers. Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion, and it **FAILED** by a recorded vote of three, Supervisor Bulova, Supervisor Kauffman, and Supervisor

Mendelsohn voting "AYE," Supervisor Frey and Supervisor McConnell being out of the room.

The staff was directed administratively to proceed as proposed.

28. **I-7 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2004 FEE SCHEDULE** (Tape 3)

The Board next considered an item contained in the Board Agenda dated August 4, 2003, presenting the CSB's FY 2004 Revised Fee Schedule.

ADDITIONAL BOARD MATTERS

NV:nv

29. **NATIONAL PAYROLL WEEK** (Tape 4)

Chairman Hanley stated that in conjunction with Labor Day celebrations, the American Payroll Association promotes National Payroll Week as an educational campaign to provide American workers with a greater understanding of payroll deductions. Therefore, as part of the national observances, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send a proclamation declaring September 1-5, 2003, as "*National Payroll Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

30. **FOOD SAFETY EDUCATION MONTH** (Tape 4)

Chairman Hanley said that in conjunction with national observances to promote food safety education within the restaurant and food service industry, the Health Department requests that the County observe September as Food Service Education Month. Accordingly, she moved that the Board declare September as "*Food Safety Education Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

31. **HISPANIC HERITAGE MONTH** (Tape 4)

Chairman Hanley stated that September 15 through October 15 is traditionally celebrated as Hispanic Heritage Month to recognize the history, contributions, concerns, and achievements of Hispanic Americans. In conjunction with national observances, the Office of Equity Programs requests that the County observe Hispanic Heritage Month. Accordingly, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board on September 15, 2003, to receive a proclamation declaring September 15 through October 15, 2003, as "*Hispanic Heritage Month*" in Fairfax County.

Following a query to Debra Bianchi, Deputy Director, Office of Public Affairs, Supervisor Connolly seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

32. **MENTAL ILLNESS AWARENESS WEEK** (Tape 4)

Chairman Hanley said that to increase community understanding of serious and persistent mental illness, the Fairfax-Falls Church Community Services Board (CSB) requested a proclamation to recognize Mental Health Awareness Week. Accordingly, she moved that the Board direct staff to invite representatives from the CSB to appear before the Board on September 29, 2003, to receive a proclamation declaring October 5-11, 2003, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

33. **DULLES CORRIDOR RAIL ASSOCIATION (DCRA) GRANT APPLICATION** (Tape 4)

Chairman Hanley called the Board's attention to a draft letter to Ms. Elissa Dodge regarding Board support for DCRA's application for a grant from the American Public Transit Association (APTA) under its local transit coalition grant programs. Accordingly, in conjunction with the County's involvement with Metro, Chairman Hanley moved that the Board direct staff to send the letter to APTA endorsing DCRA's grant application through its local transit coalition grant programs. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

34. **TELECOMMUNICATIONS LEGISLATION** (Tape 4)

Chairman Hanley reminded the Board that on July 7, 2003, she had asked staff to prepare an Information Item regarding the telecommunications industry proposal and its effect on the County. However, the commission had not yet finished its work. She noted that she had some information from the Virginia Association of Counties report. Now that more information is available, she asked unanimous consent that the Board direct staff to provide a not-in package ("NIP") item or schedule this item for discussion with an analysis of the effect of this legislation, including the fiscal effect.

Following a brief discussion, without objection, it was so ordered.

35. **BUS SHELTERS** (Tape 4)

Chairman Hanley noted that Board Members received the bus shelter list.

36. **POLICY REGARDING LETTERS TO CONGRESSIONAL DELEGATION**
(Tape 4)

(P) Chairman Hanley stated that recently she has received copies of letters that were sent by staff to the County's Congressional delegation on behalf of the County. She questioned whether the County has a Policy requiring endorsement by the Board prior to such action. Accordingly, she asked unanimous consent that if such a Policy exists that the Board direct the County Executive to circulate it to County Agencies, and if no such Policy exists, to add this item to a Legislative Committee agenda. Without objection, it was so ordered.

37. **WUSA 9 NEWS "LIGHTEN UP WASHINGTON" TEAMS** (Tape 4)

Chairman Hanley stated that WUSA 9 News has created teams entitled "Lighten Up Washington" and asks Fairfax County to participate. Each team must have a leader and a name and the "chance to lose weight and keep it off forever." Vice-Chairman Hyland volunteered to be the team leader and Supervisor Kauffman also volunteered for the team.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

38. **LEGISLATIVE COMMITTEE SCHEDULE** (Tape 4)

(BACs) Supervisor Connolly shared the Board's Legislative Committee Schedule as follows:

Friday, September 26	4 p.m.	Committee Meeting
Friday, October 17	4 p.m.	Committee Meeting
Friday, November 7	4 p.m.	Committee Meeting
Wednesday, November 12	No Meeting	Draft Legislative Program available to the public by 12 noon
Monday, November 17	To Be Announced (TBA)	Public Hearing on Legislative Program (part of regular Board Meeting)
Monday, December 1 (tentative)	4 p.m.	Committee Meeting

Monday, December 8	TBA	Board Adoption of 2004 General Assembly Legislative Program
TBA (Tentatively Tuesday, December 9)	TBA	Legislative Breakfast with Fairfax County Delegation

39. **WEST NILE VIRUS SUMMIT** (Tape 4)

Supervisor Connolly stated that Montgomery County, Maryland recently held a successful public information meeting on the West Nile virus. Noting that he consulted with staff from the Health Department and that they support the idea, he moved that the Board direct:

- The County Executive, the Office of Public Affairs, the Health Department, and any other appropriate agencies to prepare a plan to conduct a similar West Nile virus summit/public information meeting for September.
- Staff to air the meeting on Cable Channel 16.
- The County Executive to report to the Board at its first meeting in September on the date and program for the summit.

Supervisor Gross seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Chairman Hanley suggested that the meeting be held in the Board Auditorium and that it take call-ins from residents.

Discussion continued briefly.

40. **REQUEST TO RESEARCH THE VIABILITY OF THE USE OF POROUS ASPHALT** (Tape 4)

(BACs) Supervisor Connolly said that dealing with stormwater is a fundamental environmental priority throughout the County. He said that many land use applications often have difficult stormwater issues that must be addressed. He said that he was intrigued with an article on porous asphalt from the July 2003 issue of *Public Works Magazine*.

Accordingly, Supervisor Connolly asked unanimous consent that the Board refer to the Engineering Review Board the article entitled *Managing Stormwater with Porous Asphalt* and direct that Board to evaluate the suitability of porous asphalt in the County and report with its findings at its earliest convenience.

Following discussion regarding a previous request to staff to review the use of porous asphalt, without objection, the request was so ordered.

41. **REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-PR-009 FOR THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly stated that Uniwest Group, LC filed Rezoning/Final Development Plan Application RZ/FDP 2003-PR-009, the first phase in the proposed Merrifield Town Center. Pursuant to the rezoning application and Comprehensive Plan language, Uniwest anticipates the need to relocate Strawberry Lane to better align it with Porter Lane. Although ownership has not been categorically determined, research so far indicates that the County owns the right-of-way of Strawberry Lane. If the County owns the right-of-way for Strawberry Lane, the County must become a party to the application for it to proceed.

Accordingly, Supervisor Connolly moved that the Board:

- Direct the Department of Transportation to determine the ownership of the right-of-way of Strawberry Lane.
- Authorize the County Executive to execute an owner's consent and proffers on behalf of the Board for Rezoning/Final Development Plan Application RZ/FDP 2003-PR-009, should the right-of-way ownership be identified as the County.

Supervisor Connolly stipulated that this motion does not prejudice the consideration of the rezoning application in any way.

Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

42. **STAFFING OF THE FIRE INSPECTIONS BRANCH** (Tape 4)

Supervisor Connolly stated that it had been called to his attention that the Fire Inspections Branch of the Fire and Rescue Department (FRD) is down by nearly seven staff and more staff will retire soon. He noted that this has placed an undue burden on remaining staff and a huge backlog of inspections. Waiting lists for some inspections are two months or more.

Accordingly, Supervisor Connolly moved that the Board direct the County Executive and the Chief of FRD to report at the first meeting in September with recommendations and actions regarding the following:

- A determination of what can be done to immediately fill the existing unfilled positions in the Fire Inspections Branch of FRD.

- Measures to retain staff in these positions and policies and procedures that can be modified in the interim to reduce the backlog of inspections.

Supervisor McConnell seconded the motion and discussion ensued.

Supervisor Kauffman asked unanimous consent that the Board direct FRD to use staff promoted from fire inspection positions to assist to fill the gaps and that FRD determine whether contractual services could be used until the positions are filled. Without objection, it was so ordered.

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

43. **APPROPRIATE DISSEMINATION OF COLLECTED TAX FUNDS**
(Tape 4)

Supervisor Connolly stated that a constituent called to his attention concerns with his recent cellular telephone billing statement. Cingular Wireless noted the following: "Effective for bills issued on or after August 1, 2003, the City of Fairfax, Virginia is imposing a utilities user's tax on telecommunications services . . ." Supervisor Connolly noted that this constituent lives in the County, not the City of Fairfax.

Noting that County revenues could be lost as a result of such errors, Supervisor Connolly moved that the Board direct appropriate staff to review immediately the constituent's concerns to determine how widespread this problem may be for the County and to report with its findings. Chairman Hanley seconded the motion.

Following a brief discussion regarding the inappropriate use of zip codes to allocate tax revenues, the question was called on the motion, which carried by unanimous vote.

44. **RECOGNITION OF MRS. ADELE LEBOWITZ (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn reminded the Board that Mrs. Adele Lebowitz donated her 18-acre McLean estate, located at Georgetown Pike and Dolley Madison Boulevard, to the Park Authority to be preserved for public use in perpetuity. One of the conditions of the gift was that the park include a playground where children with and without disabilities could play together. It will be the only park of its type in the County. Since this was an unanticipated gift, the Park Authority has no funds to develop the property as a playground. The Park Foundation is helping to raise those funds, with a goal to raise \$500,000 by December 31.

Supervisor Mendelsohn moved that the Board direct staff to invite Mrs. Lebowitz to appear before the Board on September 29, 2003, to express its appreciation for

her generous gift. He further moved that the Board direct staff to also invite members of the Park Foundation and the Friends of Clemyjontri Park to that same meeting to thank them for their efforts to raise funds to build this playground.

Supervisor Mendelsohn noted that for those interesting in supporting this special playground, donations are accepted online on the Park Foundation website, www.FairfaxCountyParkFoundation.com by clicking on the Clemyjontri tab. He urged everyone to try this easy online donation process.

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

45. **SUCCESSFUL McLEAN TEAMS (DRANESVILLE DISTRICT)** (Tape 4)

Supervisor Mendelsohn announced that McLean youth teams were especially successful recently. Besides State championships for many teams, Chesterbrook and Kent Gardens won the Northern Virginia Swimming League division crowns, the McLean/Great Falls 13-year-old Babe Ruth All-Stars placed second in the State Baseball Tournament, and the McLean Americans 9/10 All-Stars tied for fifth in its state Little League Tournament.

Accordingly, Supervisor Mendelsohn moved that the Board direct the staff to invite the members of the following State championship teams and their coaches to appear before the Board at a date to be determined to congratulate and recognize them for their significant accomplishments:

- McLean/Great Falls 14-year-old Babe Ruth All-Star Team (State baseball title)
- McLean Majors Little League All-Star Girls' Fastpitch Softball
- 9/10 Girls' All-Star Team (State softball title)

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

46. **METRORAIL EXTENSION (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (Tape 4)

Supervisor Mendelsohn called the Board's attention to an announcement from the State regarding the new proposal for rail in the Dulles Corridor. He asked unanimous consent that the Board direct staff to provide the Board with details of the proposal. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to circulate to the Board the State's submission to the Federal government. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide an update regarding the submission of a petition to the Board this fall. Without objection, it was so ordered.

Supervisor Hudgins noted that much information is available on the website of the Virginia Department of Rail and Public Transportation.

47. **EXPANSION OF UNIFORMED RETIREMENT BOARD** (Tape 4)

(BACs) Supervisor Gross stated that on two of the three County retirement boards, a retiree is elected to hold one of the retirement board seats. However, that is not the case with the Uniformed Retirement Board, and the retired firefighters asked her to determine if that could be rectified.

Accordingly, Supervisor Gross moved that the Board direct:

- The County Executive and County Attorney to prepare an amendment to the Code of the County of Fairfax that would allow a retiree to sit on the Uniformed Retirement Board. The amendment should allow for election by retirees and would require that an additional seat be added.
- Staff to include a projected public hearing date in the response.

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

48. **SHOWMOBILE FOR MASON DISTRICT PARK FESTIVAL (MASON DISTRICT)** (Tape 4)

Supervisor Gross announced that the twenty-fourth annual Mason District Park Festival will be held Saturday, September 27, 2003. Live entertainment will be on tap for this popular event. She moved that the Board waive the fee for the showmobile for the event. Supervisor Connolly seconded the motion.

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

49. **DEFERRAL OF PUBLIC HEARINGS** (Tape 4)

Supervisor Gross announced her intent to defer the following later in the meeting at the appropriate time:

- Public hearing on Special Exception Amendment Application SEA 94-M-047.

- Board decision on Special Exception Application SE 2002-MA-034.

(NOTE: Later in the meeting, the Board formally deferred these items. See Clerk's Summary Items CL#71 and CL#77.)

50. **SCHEDULING OF LAND USE APPLICATIONS** (Tape 4)

Chairman Hanley urged Board Members to review upcoming land use applications in their districts to be heard by the Planning Commission in September and to consider requesting scheduling of items for the September meetings. This would ensure that public hearings for land use applications are held prior to the moratorium on them in November and December and alleviate an expected backlog for the October meetings.

SBE:sbe

51. **PUBLIC HEARING DATE FOR REZONING APPLICATION RZ 2003-SP-021 (SPRINGFIELD DISTRICT)** (Tape 5)

Supervisor McConnell stated that the applicant in Rezoning Application RZ 2003-SP-021 is requesting that a public hearing be scheduled before the Board. She explained that this is appropriate, given the applicant has been working closely with the neighboring citizens' association during both the plan amendment and rezoning process.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board regarding Rezoning Application RZ 2003-SP-021 on October 20, 2003. This motion should not be construed as a favorable recommendation on this application, nor does this motion relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or standards. Supervisor Bulova seconded the motion and it carried by unanimous vote.

52. **PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT FILED BY MCNAIR ASSOCIATES LP (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that McNair Associates, LP recently filed a partial proffered condition amendment/final development plan amendment with the Department of Planning and Zoning. These applications propose a revision to previously approved proffers associated with stormwater detention. The applicant proposes to comply with current stormwater management regulations in a manner that will result in the preservation of existing mature vegetation. The applicant requested the ability to concurrently process a site plan in order for fully designated ponds to be presented to the Department of Public Works and Environmental Services (DPWES) for analysis. This review process will allow

for a more complete understanding of this issue when it is presented to the Board for decision.

Therefore, Supervisor Hudgins moved that the Board direct the Director of DPWES to accept for simultaneous and concurrent review and expedited processing any and all site plans and other engineering drawings filed on behalf of McNair Associates, LP. Supervisor Hudgins stated that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

53. **SPECIAL EXCEPTION APPLICATION FILED BY BANK OF AMERICA TO PERMIT A DRIVE-THROUGH BANK ON BARON CAMERON AVENUE AND BRACKNELL DRIVE (HUNTER MILL DISTRICT)**
(Tape 5)

Supervisor Hudgins stated that Bank of America is pursuing a special exception application to permit a drive-through bank in the northwest quadrant of the intersection of Baron Cameron Avenue and Bracknell Drive. The bank proposes to develop the property with a 5,900 square foot bank branch with a drive-through. This application is currently scheduled for a public hearing before the Planning Commission on Wednesday, October 2, 2003, and the applicant is eager to submit site plans for the proposed bank.

Supervisor Hudgins moved that the Board direct staff to:

- Process the site plan and other associated plans concurrently with Special Exception Amendment Application SEA 98-H-021.
- Schedule the public hearing to be held before the Board on October 20, 2003, for Special Exception Application SEA 98-H-021.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards. Supervisor Bulova seconded the motion, and it carried by unanimous vote.

54. **RECOGNITION OF JUDITH MUELLER, PRESIDENT OF THE WOMEN'S CENTER IN VIENNA (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that Judith Mueller, President of the Women's Center in Vienna, will be stepping down from her position to pursue an opportunity to start a consulting organization. Ms. Mueller headed the center for 20 years.

Supervisor Hudgins stated that the Women's Center provided services to women and families for 28 years. During this time, Ms. Mueller was with the Center through its beginnings and can be credited for much of the success of the Center. The Center's Annual Conference is a noted conference featuring distinguished women, attracting hundreds of interested women locally and throughout the country.

Supervisor Hudgins moved that the Board direct staff to invite Ms. Mueller to appear before the Board to be recognized for her work and accomplishments with the Women's Center. Supervisor Bulova and Chairman Hanley jointly seconded the motion which carried by unanimous vote.

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

Supervisor Hudgins stated that the Vienna-Tysons Regional Chamber of Commerce has requested a waiver of the fees for the use of the Showmobile for the Annual Vienna Halloween Parade scheduled for Wednesday, October 29, 2003.

Therefore, Supervisor Hudgins moved that the Board waive the fees for use of the Showmobile for the Annual Vienna Halloween Parade. Chairman Hanley seconded the motion, which carried by a unanimous vote.

Supervisor Frey asked unanimous consent that the Board direct staff to provide the Board with the actual cost of the Showmobile. Without objection, it was so ordered.

Discussion ensued with input from Anthony H. Griffin, County Executive.

56. **WASHINGTON AREA HOUSING TRUST FUND** (Tape 5)

Supervisor Hudgins stated that the Washington Area Housing Trust Fund requested an additional appropriation for Fiscal Year 2004 of \$1 million to the Regional Housing Trust Fund.

Supervisor Hudgins moved that the Board approve a letter to the County's Congressional Delegation urging support for the \$1 million request. She stated that she would submit the letter requesting the Delegation's support. Chairman Hanley seconded the motion, which carried by unanimous vote.

PMH:pmh

57. **REQUEST FOR CONCURRENT PROCESSING OF BRETT ESTATES - REZONING APPLICATION RZ 2003-BR-029 (BRADDOCK DISTRICT)**
(Tape 6)

Supervisor Bulova said that a rezoning application has recently been accepted to rezone approximately 1.66 acres to the R-3 District to permit three single family detached houses. It is located within the triangle of land created by the boundaries of the old Ox Road alignment and the new alignment of Route 123 just north of the Fairfax County Parkway. Because this application is a relatively simple subdivision, Supervisor Bulova agreed to the applicant's request for concurrent processing of the subdivision plan.

Therefore, Supervisor Bulova moved that the Board direct staff to accept for concurrent and simultaneous processing the subdivision plans, architectural drawings and any other necessary plats and plans in conjunction with the review of Rezoning Application RZ 2003-BR-029. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards nor does it prejudice the consideration of this application in any way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

58. **REQUEST FOR FEES TO BE WAIVED FOR THE SHOWMOBILE (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland said that on Saturday, September 20, 2003, the Sacramento Neighborhood Center (SNC) and the Sacramento community will be celebrating its third annual Fall Event 2003.

Supervisor Hyland moved that the Board waive the fees for the Showmobile that is scheduled for the Sacramento Neighborhood Center on Saturday, September 20, 2003, and that the Office of Public Affairs publicize this event. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

59. **JOINT BOARD MATTER REGARDING INOVA MOUNT VERNON HOSPITAL REQUEST FOR INFORMATION (LEE AND MOUNT VERNON DISTRICTS)** (Tape 6)

Jointly with Supervisor Kauffman, Supervisor Hyland said that the future of the Inova Mount Vernon Hospital (IMVH) continues to be of major concern to the citizens of not only the Mount Vernon - Lee District communities but all of Fairfax County. Rumors about the closing of Mount Vernon Hospital have been stimulated by news of layoffs and the hospital's reported impacts to the bottom line of their balance sheets have caused an uproar in the community. Citizens have rallied to the aid of this valuable community resource as demonstrated by the

more than 3,500 names collected to date on petitions opposing the closure of IMVH along with the many letters to the editors of the local newspapers, *The Mount Vernon Gazette* and *The Mount Vernon Voice*. The Mount Vernon Council has also decisively weighed in on this subject.

Supervisor Hyland reminded the Board that the hospital is on County-owned land which Inova leases for \$10 a year for a 75-year term. Over the past ten years, two significant facilities have been added to the hospital site - the Anderson Orthopedic Center and Sunrise Assisted Living. Both were intended to generate profits to IMVH's balance sheet in order that the hospital could continue to adequately serve the community.

IMVH now faces a challenge as to its financial health and stability. In its effort to help restore viability to the hospital and to find alternatives to achieve this, Inova formed a Citizens Task Force chaired by former Mount Vernon Supervisor Warren Cikins and former Mount Vernon Supervisor and Congressman Herb Harris, a member of the Task Force, offered a motion which would serve as a "mission statement" for the group. It was accepted by the Task Force majority and read as follows:

- The purpose of the committee (task force) is to come up with recommendations which would keep Mount Vernon Hospital in its present location and enhance the services offered.

The Task Force received presentations from Inova staff, George Barker of the Health Systems Agency Board, and an initial presentation by the Lewin Group, a consultant employed by Inova. However, most important, the providers of medical services had not been asked for their input on this highly significant issue.

Accordingly, Supervisor Hyland asked the IMVH physicians who are intimately acquainted with the policies and practices of Inova to provide their thoughts and opinions about what they believed needed to be done to achieve the Task Force's stated mission. He added that Board Members should have received an analysis by this representative doctors group which challenges Inova to change its policies and practices regarding IMVH to solve its financial challenges.

At the Federal level, Congressman Moran recently inserted \$1 million into the Defense Appropriations Bill which proposes utilization of the facilities and expertise of the Anderson Orthopedic Center at IMVH in the field of joint replacement to benefit retired military veterans and their families. Congressman Moran had the money included in the bill as a starting point to not only benefit the many military veterans and retirees throughout the region, but also to serve as a training center for both Navy and Army physicians from Walter Reed and Bethesda Naval Hospitals. He said that Senator Warner is preparing to introduce similar language on the Senate side.

Also, discussions are occurring with the Department of the Army to explore combining the Dewitt Military Hospital at Fort Belvoir with IMVH to capitalize on the synergy of two hospitals located so closely together which could complement each others needs.

Additionally, in a recent meeting with the Chairman of the Health Care Advisory Board (HCAB) Supervisor Hyland learned that the HCAB had not received any information concerning the financial problems at IMVH nor had it been advised by Inova about any plans involving changes to IMVH's service delivery patterns. Further, the HCAB was not briefed about any plans to build a new hospital replacing Mount Vernon in the Lorton area.

Because of the importance of IMVH to the citizens of the County, there is an urgent need to have Inova provide the facts to the Board so that it may better understand the basis for its decisions as is required in its lease with the Board.

Accordingly, Supervisor Kauffman and Supervisor Hyland moved that:

- Inova Health System (and IMVH) review the letter submitted by the physicians dated July 19, 2003, and respond to each of the points made in the letter.
- Pursuant to Paragraph ten of the lease (Attachment B of Supervisor Hyland's Board Matter), that Inova review and respond to the questions raised, as well as provide the requested documents referenced in this attachment.
- As requested by the Chairman of the HCAB, that any and all information forthcoming from Inova be shared with the HCAB inasmuch as it serves as the direct liaison between Inova and the Board of Supervisors.
- Because of the urgency of this matter, that Inova be requested to provide this information no later than September 4, 2003.
- Finally, and with specific reference to Paragraph ten of the lease which requires that the Fairfax Hospital System [(FHS) now Inova] agrees upon request of the Board of Supervisors to submit regular reports on the status of operations, programs and plans, including those which alter service delivery patterns of FHS. These reports will include the nature and amount of indigent care and other community services which FHS provides, the amount of indigent care provided through specialty and referral programs and may include an integration of programmatic, financial, and health

care trend information. The Fairfax County Board of Supervisors requests such reports on a monthly basis or more frequently as requested by the Board, with such reports being simultaneously provided to the HCAB.

Supervisor Connolly seconded the motion.

Following discussion, Supervisor Gross asked to amend the motion to change the due date of the requested information from September 4, 2003, to September 10, 2003, and this was accepted.

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

60. **POHICK CHURCH (MOUNT VERNON DISTRICT)** (Tape 6)

Supervisor Hyland referred to his written Board Matter regarding the Pohick Church and asked unanimous consent that the Board refer the request to staff for information to determine what, if anything, can be done to assuage the impact of fees, bonding requirements, and any other cost to the Pohick Church in connection with its running a sewer line from the church to the sewage treatment plant. Without objection, it was so ordered.

61. **BASKETBALL TEAMS** (Tape 6)

Supervisor Frey said that Fairfax County is the proud home of two girls' basketball teams that recently won first place in the Amateur Athletic Union's National Championships. The 13-and-under and 15-and-under girls' basketball teams beat out teams from across the country. The 13-and-under team was seeded 13th, and competed in a pool of 96 teams - the largest number of teams to ever compete in this championship. It's championship was won in Dayton, Ohio, while the 15-and-under team traveled to Virginia Beach to claim its prize.

Supervisor Frey moved that the Board direct staff to invite these teams to appear before the Board to congratulate them and encourage them in their future athletic pursuits. Without objection, it was so ordered.

62. **FAIRFAX COUNTY PARKWAY** (Tape 6)

Supervisor Kauffman said at the July 28, 2003, Fort Belvoir Committee meeting, the Virginia Department of Transportation (VDOT) presented the latest schedule for the Engineer Proving Ground segment of the Fairfax County Parkway project. This segment is the only remaining unbuilt segment of the Fairfax County Parkway. At the urging of the Board, VDOT has reduced the project construction advertisement date from August 2007 to December 2006. Even with the advancement of the project timetable, the overall schedule is still not acceptable considering that the funds have been available since 1999. In addition, just

recently the County worked with VDOT to cover the \$29 million increase in project estimate. This project is a rare instance where funding is not driving the project schedule.

Supervisor Kauffman said that there is still an excellent opportunity to advance the project further especially in right-of-way acquisition and in utility relocation phases. VDOT and County staff agree that these two areas provide the best opportunity to accelerate the project.

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

- Write to the VDOT Commissioner to appoint a project manager or a "Czar" to manage this project and spearhead the effort to accelerate the project schedule.
- Work with VDOT to determine all the utilities that need to be relocated as part of the project and prepare a letter for the Chairman's signature to the appropriate head of each utility company urging full and complete cooperation in relocating their utility line as quickly as possible.

Chairman Hanley seconded the motion.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked to amend the motion to direct staff to request that the project manager be someone in Northern Virginia and not Richmond, and this was accepted.

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

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

63. **IRREGULARLY SHAPED LOTS** (Tape 6)

Supervisor Kauffman said that he recently reviewed a by-right single family detached subdivision in Lee District that contained several irregularly shaped lots. However, because of narrow strips along the public right of way, these lots are not deemed pipe stems. He added that such lots do not represent orderly development, and were deliberately designed to skirt the requirements of the Zoning Ordinance. He noted that the subdivision in question does not represent an isolated case, but that there is a long-standing history of subdivision approvals that include such irregularly-shaped lots Countywide.

To meet the zoning and subdivision requirements, these lots were created with sharply acute angles, elongated appendages, extreme width to depth ratios and unusual configurations. However, staff indicated that if a proposed subdivision

meets the minimum zoning and subdivision requirements, staff is compelled to approve the subdivision even if it results in lots that are bizarrely shaped.

Supervisor Kauffman said that such lots create problems with yard maintenance, boundary delineations, orientation, and functional relationships between properties and are not in keeping with the spirit and intent of the zoning and subdivision regulations or the character of the area. Records indicate that concern over irregularly-shaped lots has been an issue in the County for over 20 years. Staff has also experienced frustration on this issue and on several occasions they have attempted to develop regulations that would prohibit irregularly shaped lots. Staff, however, was never successful in developing regulations that could be administered in a fair and consistent manner.

Supervisor Kauffman said that the creation of odd-shaped lots does not serve the best interests of the County, nor is their creation in keeping with the purpose and intent of the Zoning Ordinance. Given the importance and long standing nature of this problem, he moved that the Board direct staff to re-evaluate this issue and report with recommendations of how the future creation of irregular lots can be prevented or suitably modified. Supervisor Gross seconded the motion.

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

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

At 12:50 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. *Smith Property Holdings Skyline Mall, L.L.C., Charles E. Smith Residential Realty*

L.P., and Smith Property Holdings Three, L.P. v. Board of Supervisors of Fairfax County, At Law No. 210569 (Fx. Co. Cir. Ct.) (Mason District)

2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker, In Chancery No. 182748; Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Supervisors and Fairfax County, At Law No. 204529; and Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Zoning Appeals, At Law No. 210396 (Fx. Co. Cir. Ct.) (Lee District)*
3. *Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al., At Law No. 210533 (Fx. Co. Cir. Ct.) (Providence District)*
4. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Sharif Shafik, Gladis Ondina Diaz, a/k/a Gladis Hondina, and Ramiro Arevalo, In Chancery No. 177760 (Fx. Co. Cir. Ct.) (Lee District)*

And in addition:

- The public ingress/egress easement encumbering the property that is the subject of Special Permit Amendment Application SPA 80-S-043-2.
- Easements required for the development of 11284 Waples Mill Road, project plan number 0322-SD-01.
- Williamsburg Commons; plan number 7758-SD-02.

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

DMB:dmb

At 3:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

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

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

66. **AUTHORIZATION FOR OF THE COUNTY ATTORNEY TO APPEAL TO THE SUPREME COURT OF VIRGINIA THE CIRCUIT COURT'S DECISION AFFIRMING THE FAIRFAX COUNTY BOARD OF ZONING APPEALS APPROVAL OF VARIANCE APPLICATION VC 2000-PR-075 (PROVIDENCE DISTRICT)** (Tape 7)

Supervisor Connolly moved that the Board authorize the County Attorney to appeal to the Supreme Court of Virginia the Circuit Court's decision affirming the Fairfax County Board of Zoning Appeals approval of Variance Application VC 002-PR-075 according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

67. **SUPERVISOR CONNOLLY'S ANNOUNCEMENT OF AN ADDITIONAL MOTION FROM CLOSED SESSION LATER IN THE MEETING** (Tape 7)

Supervisor Connolly announced that he would have another motion from closed session to present later in the meeting.

(NOTE: Later in the meeting, Supervisor Connolly presented this item. See Clerk's Summary Item CL#80.)

68. **AUTHORIZATION OF SETTLEMENT IN SMITH PROPERTY HOLDINGS SKYLINE MALL, LLC, CHARLES E. SMITH RESIDENTIAL REALTY LP, AND SMITH PROPERTY HOLDINGS THREE, LP VERSUS BOARD OF SUPERVISORS** (Tape 7)

Supervisor Gross moved that the Board authorize settlement in Smith Property Holdings Skyline Mall, LLC, Charles E. Smith Residential Realty LP, and Smith Property Holdings Three, L.P. versus Board of Supervisors of Fairfax County, At Law Number 210569, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

69. **APPOINTMENT OF DR. GLORIA ADDO-AYENSU AS HEALTH DIRECTOR** (Tape 7)

Supervisor Gross moved the appointment of Dr. Gloria Addo-Ayensu as Health Director, from Acting Health Director, at a salary of \$146,700, effective August 9, 2003. Supervisor Connolly seconded the motion and it carried by unanimous vote.

70. **AUTHORIZATION OF THE COUNTY ATTORNEY TO APPEAL THE SUPREME COURT OF VIRGINIA THE CIRCUIT COURT'S DECISION IN JANE W. GWINN, FAIRFAX ZONING ADMINISTRATOR VERSUS JIMMIE K. WALKER AND MARGIE L. WALKER, IN CHANCERY NUMBER 182748; JIMMIE K. WALKER AND MARGIE L. WALKER, VERSUS FAIRFAX COUNTY BOARD OF SUPERVISORS AND FAIRFAX COUNTY, AT LAW NUMBER 204529; AND JIMMIE K. WALKER AND MARGIE L. WALKER VERSUS FAIRFAX COUNTY BOARD OF ZONING APPEALS, AT LAW NUMBER 210396** (Tape 7)

Supervisor Kauffman moved that the Board authorize the County Attorney to appeal the Supreme Court of Virginia the Circuit Court's decision in *Jane W. Gwinn, Fairfax Zoning Administrator versus Jimmie K. Walker and Margie L. Walker*, In Chancery Number 182748; *Jimmie K. Walker and Margie L. Walker, versus Fairfax County Board of Supervisors and Fairfax County*, At Law Number 204529; and *Jimmie K. Walker and Margie L. Walker versus Fairfax County Board of Zoning Appeals*, At Law Number 210396, if a motion for reconsideration is not granted, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

71. **3 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-034 (TEO CHEW ASSOCIATION OF GREATER WASHINGTON, INCORPORATED) (MASON DISTRICT)** (Tape 7)

Supervisor Gross moved to defer decision on Special Exception SE 2002-MA-034 until **September 15, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

72. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2002-HM-041 (RIDGE ROAD DEVELOPMENT LLC) (HUNTER MILL DISTRICT)** (Tape 7)

Supervisor Hudgins moved to defer decision on Rezoning Application RZ 2002-HM-041 until **September 15, 2003 at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Connolly and Supervisor Hyland being out of the room.

73. **BOARD RECESS** (Tape7)

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

74. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (No Tape)

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#77.)

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-SP-007 (JEAN PHILLIPSON, ED DYER II, JOEL AND IRENE LUTKENHOUSE) (SPRINGFIELD DISTRICT)** (Tape 7)

The application property is located on the west side of Colchester Road, south of the Southern Railroad, Tax Map 76-3 ((1)) 10A and 76-3 ((11)) 10A1.

Ms. Jean Phillipson reaffirmed the validity of the affidavit for the record.

Ms. Phillipson 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 McConnell moved approval of Special Exception Application SE 2003-SP-007, subject to the development conditions dated July 23, 2003, with exception of condition number 11. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

76.

3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-S-038 (MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE/CHURCH OF THE NATIVITY SCHOOL) (SPRINGFIELD DISTRICT) (Tape 7)

The application property is located at 6400 Nativity Lane, Tax Map 88-1 ((1)) 10.

Ms. Maria E. Kelly reaffirmed the validity of the affidavit for the record.

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

Supervisor McConnell moved:

- Approval of Special Exception Amendment Application SEA 95-S-038, subject to the development conditions dated July 22, 2003.
- Reaffirmation of the modifications of the transitional screening requirements along the southern and a portion of the western lot lines, as conditioned.
- Reaffirmation of the waiver of barrier requirements along the southern, western, and northern lot lines, as conditioned.

Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

77. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 7)

Supervisor Gross moved to defer the public hearing on Special Exception Application SEA 94-M-047 until **September 24, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

78. **3:30 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF SERVICE DRIVE ALONG COLUMBIA PIKE (MASON DISTRICT)** (Tape 7)

- (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 17 and July 24, 2003.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the Order abandoning a segment of service drive along Columbia Pike. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Kauffman, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

79. **3:30 P.M. – PH ON A PROPOSAL TO VACATE PINE STREET AND A 12-FOOT WIDE ALLEY (MASON DISTRICT)** (Tape 7)

- (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 17 and July 24, 2003.

Following the public hearing, Supervisor Gross moved adoption of the Ordinance vacating Pine Street and a 12-foot wide alley. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

80. **AUTHORIZATION TO NEGOTIATE THE ACQUISITION OF CERTAIN SIGHT DISTANCE AND RELATED EASEMENTS REQUIRED ACROSS THE PROPERTY LOCATED AT 11284 WAPLES MILL ROAD (PROVIDENCE DISTRICT)** (Tape 7)

Supervisor Connolly, with regard to the issue of vehicular access to the Waples Mill Subdivision, moved that the Board direct and authorize staff to negotiate the acquisition of certain sight distance and related easements required across the property located at 11284 Waples Mill Road and identified as Tax Map Number 046-4-01-0012. He said that this will be needed in order to provide safe vehicular access into the Waples Mill Manor Subdivision from northbound traffic on Waples Mill Road at its intersection with Walnut Creek Court. This action will be undertaken on behalf of Porten Homes/Waples Mill Manor, L.L.C., the developer of the project known as Waples Mill Manor, Plan Number 0322-SD-01, Tax Map Number 046-4-((14)), consisting of approximately 41.48 acres, and zoned to the R-1 Zoning District. Such sight distance and related easements should encumber the minimum area reasonably necessary to provide adequate and safe sight distance along Waples Mill Road and staff is directed to take all reasonable precautions to minimize the adverse effects of such easements on the property of the owner of the parcel over which these easements are needed. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#91.)

81. **BOARD RECESS** (Tape7)

At 3:55 p.m., the Board recessed briefly, and, at 4 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

AGENDA ITEMS

82. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 3 AND 7, REGARDING THE ADOPTION OF A DEFERRED RETIREMENT OPTION PROGRAM (DROP) IN THE POLICE OFFICERS AND UNIFORMED RETIREMENT SYSTEMS** (Tape 7)

- (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 22 and July 29, 2003.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 3 and 7, to add a Deferred Retirement Option Program to Police Officers and Uniformed Retirement Systems.

Following discussion, with input from Larry A. Swartz, Executive Director, Retirement Administration Agency, Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

83. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL), REGARDING REVISIONS TO THE VIRGINIA EROSION AND SEDIMENT CONTROL LAW (§10.1-560 ET SEQ. OF THE CODE OF VIRGINIA)** (Tape 7)

- (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 17 and July 24, 2003.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 104 (Erosion and Sedimentation Control), as set forth in the staff report dated July 7, 2003, as revised August 4, 2003.

Follow discussion, with input from John Friedman, Engineer IV, Site Development Services, Code Analysis Division, Department of Public Works and Environmental Services, Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins and Supervisor McConnell being out of the room.

DS:ds

84. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-037 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 8)

The application property is located on the west side of Pohick Road, approximately 200 feet north of Waldren Drive, Tax Map 107-2 ((1)) 11; 108-1 ((1)) 43 and 45A.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. John Milliken, Venable LLP

Mr. Stearns 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.

Chairman Hanley noted that copies of an addendum to the original proposal had been distributed to the Board.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Mr. Stearns.

Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following further discussion, Supervisor Hyland moved to defer decision on Rezoning Application RZ 2002-MV-037 until **September 15, 2003, at 4:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

85. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-034 AND SPECIAL EXCEPTION APPLICATION SE 2002-SU-039 (DENNIS O. AND KAREN M. HOGGE) (SULLY DISTRICT)** (Tape 8)

- (O) Both applications are located in the northwest quadrant of the intersection of Old Centreville Road and West View Drive, Tax Map 54-4 ((1) 65– 68.

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.

Following the public hearing, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SU-034, from the R-1, C-1, HC, WS, and SC Districts to the C-6, HC, WS, and SC Districts, subject to the proffers dated July 9, 2003. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Bulova,

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

Supervisor Frey moved:

- Approval of Special Exception Application SE 2002-SU-039, subject to the development conditions dated July 9, 2003, with the following revision:
 - Condition 9: Delete the phrase that reads "...except that no building mounted signage shall be permitted on the western facade of the proposed fast food restaurant..."
- Modification of the transitional screening and barrier requirements to the east in favor of the treatment depicted on the generalized develop plat/special exception plat.

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

86. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-D-050 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-D-098-3 (MCLEAN BIBLE CHURCH TRUSTEES) (DRANESVILLE DISTRICT)** (Tapes 8–10)

The Proffered Condition Amendment Application PCA 83-D-050 property is located on the south side of Leesburg Pike, west of its intersection with Lewinsville Road, Tax Map 28-2 ((1) 9).

The Special Exception Amendment Application SEA 78-D-098-3 property is located at 9011 Leesburg Pike, Tax Map 28-2 ((1)) 9, 10 pt. and 11 pt.

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

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

Following the public hearing, which included testimony by 29 speakers, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Proffered Condition Amendment Application PCA 83-D-050, subject to the proffers dated July 31, 2003.
- Approval of Special Exception Amendment Application SEA 78-D-098-3, subject to the Planning Commission recommended development conditions dated July 31, 2003.
- Modification of the transitional screening and waiver of the barrier requirements along the north and west in favor of the existing vegetation and proposed landscaping.
- Modification of Paragraph 5 of Section 9-308 of the Zoning Ordinance, to permit the medical care facility to be located less than 100 feet from parcel 10 which is zoned R-1, which is the church.
- To waive construction of the service drive along Route 7.

Supervisor Hyland and Supervisor McConnell jointly seconded the motion.

Supervisor McConnell asked to amend the motion to revise Development Condition Number 20, regarding transportation, to reduce the number of participants being transported on the weekends from 90 percent to a maximum of 75 percent.

Following discussion, with input from Ms. Baker and Barbara A. Byron, Director, ZED, DPZ, Supervisor McConnell asked to amend the motion to revise Development Condition number 20 to read as follows: "**When schools are in session**, a minimum of 90 percent of the participants, including siblings, shall be transported to and from the special needs center by van **or bus**, which will pick up and drop off children at schools." This was accepted.

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

87. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-HM-004 (DULLES CENTER, LLC) (HUNTER MILL DISTRICT)** (Tape 10)

- (O) The application property is located in the northwest quadrant of the intersection of Centreville Road and Coppermine Road, Tax Map 16-3 ((1)) 6 and 36 and portions of Old Centreville Road to be vacated and/or abandoned.

Ms. Lynne J. Strobel 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. Bahman Batmanghelidj

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

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-HM-004, from the R-1 and I-4 Districts to the PDC District, subject to the proffers dated June 19, 2003.
- Modification of the transitional screening and waiver of the barrier requirements in accordance with the landscaping depicted on the conceptual development plan.

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

88. **4:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V2 FOR FAIRLEE (PROVIDENCE DISTRICT)** (No Tape)

(NOTE: This public hearing was deferred indefinitely.)

89. **4:30 PM. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-026 [WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)] (DRANESVILLE DISTRICT)** (Tapes 10–11)

The application property is located at 7040 Haycock Road, Tax Map 40-3 ((1)) 84.

Mr. Jack F. Donahue, Jr. reaffirmed the validity of the affidavit for the record.

Chairman Hanley disclosed that she serves as an Alternate Director of WMATA.

Supervisor Kauffman disclosed that he serves a Director of WMATA.

Mr. Donahue 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, Supervisor Connolly noted for the record that several of his constituents on Chestnut Street had concerns regarding the following:

- Adequate buffering between the proposed parking lot and the adjacent homes.
- Adequate stormwater management.
- That the proposed lot could possibly create through traffic from the proposed lot through the residential Chestnut Street neighborhood to Shreve Road.
- A request that overflow parking from the proposed parking lot not go into their neighborhood.
- Safety ingress/egress of the proposed lot by Route 7.

Supervisor Connolly added that he would follow up on these issues with staff from the Department of Public Works and Environmental Services and WMATA.

Chairman Hanley said that the Board had received revised development conditions and noted that one of the parking lots is located in the Providence District.

Following discussion, with input from Mr. Donahue, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Todd Wigglesworth, Senior Transportation Planner, Coordination and Funding Section, Department of Transportation, and K.P. "Dutch" Heinemeyer, representative of WMATA.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report on bus frequency at the next Board meeting scheduled for September 15, 2003.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to return with the report as a consideration item for Carryover. Without objection, the request as amended, was so ordered.

Following further discussion, with input from Mr. Wigglesworth, Supervisor Mendelsohn moved approval of Special Exception Application SE 2002-DR-026, subject to the development conditions dated August 4, 2003, with the following modification:

- Condition Number 15: Add at the end of the second sentence "...and the Providence District..."

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion with the following modification:

- Condition Number 9: Add at the beginning of the sentence "Unless administratively approved otherwise by the Board of Supervisors,..."

This was accepted.

Vice Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn further moved:

- Modification of the transitional screening requirements along the southern property line to the existing and proposed vegetation as shown on the special exception plat.
- Waiver of the barrier requirement along the southern property line.

Chairman Hanley seconded the motion.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to work with Adrienne Whyte, Chairperson, Planning and Zoning, McLean Citizens Association, on the other two sites to see if they can make them work. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report with their findings at the next Board meeting for Carryover. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Further discussion ensued with input from Ms. Lewis and Anthony H. Griffin, County Executive.

(NOTE: Earlier in the meeting the Board took additional action regarding Carryover. See Clerk's Summary Item CL#10.)

ADDITIONAL APPOINTMENT

90. **NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD** (Tape 11)

(APPT) (NOTE: Earlier in the meeting the Board deferred appointment to this Board. See page 6.)

Supervisor Hyland moved the appointment of Mr. Gregory A. Schuckman as the Fairfax County #1 Representative to the Northern Virginia Community College Board. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

AGENDA ITEMS

91. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 11)

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 17 and July 24, 2003.

The public hearing was held and included testimony by the following individual:

- Mr. Dale Garbett, regarding appropriate condemnation.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to work with the Virginia Department of Transportation (VDOT) and provide Mr. Garbett with the following:

- What are the alternatives, if any?
- Proposals to condemnation?

Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly stated that staff would provide Mr. Garbett with a copy of the motion made as a result of action from closed session.

Discussion ensued with input from Anthony H. Griffin, County Executive.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include Mr. Garbett in the discussions between staff and VDOT. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Further discussion ensued.

(NOTE: Earlier in the meeting the Board took action regarding this issue. See Clerk's Summary Item #80.)

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

At 7:30 p.m., the Board adjourned.

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