



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
June 16, 2003**

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15-03

DS:ds

The meeting was called to order at 9:45 a.m., with all Members being present, with the exception of Supervisor Mendelsohn, and with Chairman Hanley presiding.

Supervisor Mendelsohn arrived for closed session.

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 MATTER

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

Chairman Hanley asked everyone to continue to keep in thoughts those who defend the country at home and around the world as first responders to disasters, and the families that support them.

AGENDA ITEMS

2. **CERTIFICATES OF RECOGNITION PRESENTED TO SPONSORS OF EARTH DAY/ARBOR DAY** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Northern Virginia Community College for graciously hosting and providing logistical support for the 2003 Earth Day/Arbor Day celebration in the County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Bulova moved approval of the Certificates of Recognition presented to the following sponsors of Earth Day/Arbor Day:

- Northern Virginia Community College - Annandale Campus, Barbara Saperstone, Acting Provost
- Target Stores, Rosemary Felton
- Fairfax County Division of Solid Waste Collections and Recycling, Jerry A. Hubbard, Director

Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Bulova moved approval of the Certificates of Recognition presented to the following members the Planning Committee of Earth Day/Arbor Day:

- Ms. Julia Brown
- Ms. Rosemary Byrne
- Dr. Robin Gorham
- Ms. Donna Jackson
- Ms. Katherine Parker Martin
- Mr. Brian Murphy
- Ms. Rose Purple
- Ms. Cheryl Robinette
- Mr. Charles Sakowitz
- Ms. Joanne Swick
- Mr. Rod Young

Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

3. **PROCLAMATION DESIGNATING JUNE 21, 2003, AS "HEPATITIS AWARENESS DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate June 21, 2003, as "*Hepatitis Awareness*

Day" in Fairfax County. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

Following discussion, Supervisor Hudgins referred to recently proposed legislation regarding hepatitis and asked unanimous consent that the Board direct staff from Alcohol and Drug Services to provide a copy of its announcement to the Legislative Committee for review. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize press releases on the various forms of hepatitis, and the risks involved. Without objection, it was so ordered.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO RETIRING FAIRFAX COUNTY SCHOOL PRINCIPALS** (Tape 1)

Chairman Hanley moved approval of the Certificates of Recognition presented to the following Fairfax County school principals who are retiring this year:

- Ms. Sheila Bertrand, Clearview Elementary School
- Ms. Christine Brogan, Sunrise Valley Elementary School
- Ms. Nancy Coughlan, Waynewood Elementary School
- Mr. David Chubb, Camelot Elementary School
- Mr. Donald Clausen, Annandale High School
- Mr. Luke Fennell, Edison High School
- Ms. Leslie Kent, Frost Middle School
- Ms. Donna Lewis, Newington Forest Elementary School
- Mr. Gregory Lock, Oak View Elementary School
- Ms. Ann Monday, Robinson Secondary School
- Ms. Bonnie Miller, Stenwood Elementary School
- Ms. Janis Paushter, Fairhill Elementary School
- Mr. Harold Price, Key Middle School
- Ms. Gina Ross, Aldrin Elementary School

- Ms. Juanita Trapp, Bucknell Elementary School
- Ms. Gail Womble, Carson Middle School

Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Acting-Chairman Hyland returned the gavel to Chairman Hanley.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LINA JEE HYAN KANG** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Ms. Lina Jee Hyan Kang of Fairhill Elementary School for being selected as Safety Patrol of the Year in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRHILL ELEMENTARY SCHOOL MEAN, LEAN, GREEN, AWESOMELY SUPREME RECYCLING TEAM** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to the Fairhill Elementary School Mean, Lean, Green, Awesomely Supreme Recycling Team for its work and accomplishment. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

7. **PROCLAMATION DESIGNATING JUNE 15 – 21, 2003, AS "RESPONSIBLE FATHERHOOD WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate June 15 – 21, 2003, as "*Responsible Fatherhood Week*" in Fairfax County. Supervisor Connolly and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

SBE:sbe

8. **10 A.M. – PRESENTATION OF THE 2002 A. HEATH ONTHANK AWARDS** (Tape 2)

Chairman Hanley expressed appreciation to Isis M. Castro, Chairman of the School Board; Catherine A. Belter, Springfield District School Board Member;

and Ernestine C. Heastie, Providence District School Board Member, for being present for the award presentation.

Robert Greaux, Chairman, Civil Service Commission, introduced the new Executive Director to the Civil Service Commission, Karen Woodward. Mr. Greaux, and Jeffery Sachs, Chairman, A. Heath Onthank Award Committee, gave brief remarks.

Peter J. Schroth, Director, Department of Human Resources, announced the 2002 A. Heath Onthank Award Recipients:

- Joan Beckner, Accountant II, Department of Housing and Community Development.
- Tawny L. Hammond, Manager, Lake Accotink Park and Marina, Park Authority.
- Jack A. Heenan, Police Citizen Aide, McLean District Station, Police Department.
- Kathy D. Johnson, Food Service Manager, Glasgow Middle School.
- Joan K. Ledebur, Coordinator, Fairfax County Public Schools Interagency Schools, Alternative Schools Program.
- Gary L. Lupton, Mental Health Manager/Program Coordinator, Mount Vernon Center Adult Day Treatment Program, Fairfax-Falls Church Community Services Board.
- Wanda L. Peters, Assistant Building Supervisor, Union Mill Elementary School.
- Richard D. Riley, Firefighter, Fire and Rescue Department.
- Stephanie D. Wilson, Educational Administrative Assistant, Westgate Elementary School.

9. **10:15 A.M. – PRESENTATION ON AFTER SCHOOL PROGRAMS FOR MIDDLE SCHOOL YOUTH** (Tape 2)

Chairman Hanley announced that the Presentation on After School Programs for Middle School Youth was deferred because Mark Emery, After-School Task Force Chair, Fairfax Partnership for Youth, could not be present.

ADDITIONAL BOARD MATTER10. **LATE ARRIVAL OF DRANESVILLE DISTRICT SUPERVISOR MENDELSON** (Tape 2)

Chairman Hanley announced that Supervisor Mendelsohn was in Richmond, Virginia at a meeting and he would be arriving later in the afternoon.

AGENDA ITEMS

PW:pw

11. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)(APPTS)
(BACs)**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

The Board deferred the appointment of the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board.

ATHLETIC COUNCIL

Supervisor Bulova moved the reappointment of Mr. Joseph E. Jozefczyk as the Braddock District Principal Representative to the Athletic Council. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Bulova moved the reappointment of Mr. Augustus Chidester as the Braddock District Alternate Representative to the Athletic Council. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Gross moved the following reappointments to the Athletic Council:

- Ms. Barbara R. Lowrey as the Mason District Principal Representative
- Mr. J. Michael Slocum as the Mason District Alternate Representative

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

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

AUDIT COMMITTEE

The Board deferred the appointment of the At-Large #1 Representative to the Audit Committee.

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

Chairman Hanley moved the appointment of Mr. L. Lawrence Graham as the At-Large Chairman's Representative to the Community Action Advisory Board. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

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

COMMUNITY CRIMINAL JUSTICE BOARD**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Community Criminal Justice Board:

- Ms. Vanessa Antoun as the Office of the Public Defender Representative

Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

CONSUMER PROTECTION COMMISSION

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

CRIMINAL JUSTICE ADVISORY BOARD

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

ECONOMIC DEVELOPMENT AUTHORITY

The Board deferred the appointments of the At-Large #2 and #7 Citizen Representatives to the Economic Development Authority.

(NOTE: Later in the meeting the Board made appointments to this authority. See Clerk's Summary Item CL#59.)

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATIONS:**

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

- Mr. James R. Davis as the Federation of Citizens Association Representative
- Mr. Theodore D. Britt as the Northern Virginia Regional Council of Professional Engineers Representative

Supervisor Bulova and Supervisor Connolly jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Ms. Marcia A. Johns as the Hunter Mill District Representative to the Environmental Quality Advisory Council. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Kauffman, on behalf of Supervisor Mendelsohn, moved the appointment of Mr. Daniel Mendelson as the Student Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

FAIRFAX AREA DISABILITY SERVICES BOARD

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

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following appointment to the Fairfax Community Long Term Care Coordinating Council:

- Robin M. Goldenberg, M.D. as a Business Representative

Supervisor Bulova and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

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 COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the At-Large #2 Representative to the Fairfax County Employees' Retirement System Board of Trustees.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley noted that nominations to the Fairfax-Falls Church Community Services Board must be announced in advance of the actual appointment.

Supervisor Bulova announced her intent to nominate Ms. Jessica S. Burmester as the Braddock District Representative for reappointment to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for July 7, 2003.

Supervisor Hudgins announced her intent to nominate Ms. Anngienetta Johnson as the Hunter Mill District Representative for reappointment to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for July 7, 2003.

Supervisor Kauffman announced his intent to nominate Mr. Benjamin F. Pepper as the Lee District Representative for reappointment to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for July 7, 2003.

The Board deferred the appointment of the At-Large #1 Chairman's Representative to the Fairfax-Falls Church Community Services Board.

HEALTH CARE ADVISORY BOARD

Supervisor Connolly moved the reappointment of Ms. Marlene Blum as the Providence District Representative to the Health Care Advisory Board. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

The Board deferred the appointments of the At-Large Representative, Hunter Mill and Sully District Representatives to the Health Care Advisory Board.

(NOTE: Later in the meeting, the Board made an appointment to this board. See Clerk's Summary Item CL#59.)

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #1, #3, #5, and Provider #1 and #3 Representatives to the Health Systems Agency Board.

(NOTE: Later in the meeting, the Board made appointments to this board. See Clerk's Summary Item CL#59.)

HISTORY COMMISSION

The Board deferred the appointments of the At-Large #1 and Citizen/Minority Representatives to the History Commission.

(NOTE: Later in the meeting, the Board made an appointment to this Commission. See Clerk's Summary Item CL#59.)

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 Representative to the Human Rights Commission.

HUMAN SERVICES COUNCIL

Supervisor Gross moved the appointment of Mr. Michael Kwon as the Mason District #2 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

The Board deferred the appointment of the Fairfax County #1 Representative to the Northern Virginia Community College Board.

NORTHERN VIRGINIA REGIONAL COMMISSION

The Board deferred the appointments of the Fairfax County #1, #2, #3, #4, #5, #6, and #7 Representatives to the Northern Virginia Regional Commission.

(NOTE: Later in the meeting, the Board made appointments to this Commission. See Clerk's Summary Item CL#59.)

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Bulova moved the reappointment of Ms. Susan P. Schmidt as the Braddock District Representative to the Oversight Committee on Drinking and Driving. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

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

(NOTE: Later in the meeting, the Board made an appointment to this committee. See Clerk's Summary Item CL#59.)

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 #1 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.

VOLUNTEER FIRE COMMISSION**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following appointments to the Volunteer Fire Commission:

- Mr. Donald Melick as the At-Large Representative
- Mr. Mark Servello as the Volunteer Fire and Rescue Association Representative
- Mr. John F. Powers as the Zone III Representative
- Mr. Michael Masciola as the Zone IV Representative

Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

WATER AUTHORITY

Chairman Hanley moved the reappointment of Mr. Richard Terwilliger as the At-Large Chairman's Representative to the Water Authority. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Bulova moved the reappointment of Mr. Paul J. Andino as the Braddock District Representative to the Water Authority. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Kauffman moved the reappointment of Mr. Fred C. Morin as the Lee District Representative to the Water Authority. Chairman Hanley and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

AD HOC COMMITTEES**LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

Supervisor Hudgins moved the appointment of Ms. Beverly Cosham as the Hunter Mill District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

(NOTE: Later in the meeting,, the Board made additional appointments. See Clerk's Summary Item CL#59.)

DS:ds

12. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Connolly moved approval of the Administrative Items with the exception of Admin 2 and Admin 4. Supervisor Kauffman seconded the motion, and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn not yet having arrived.

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND SPRINGFIELD DISTRICTS)

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

| <u>Subdivision</u> | <u>District</u> | <u>Street</u> |
|--------------------------|-----------------|---|
| Squirrel Hill, Section 1 | Hunter Mill | Old Centreville Road Route 657 Additional ROW Only |
| Berkshire Woods | Springfield | Berkshire Woods Drive Annamohr Drive Owens Glen Drive Elsa Court Westbrook Drive Route 1258 Additional ROW Only |

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING CHANGING THE NAMES OF THE POLLING PLACES FOR THE WALNUT HILL #1 AND WALNUT HILL #2 PRECINCTS (MASON AND PROVIDENCE DISTRICTS)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#13.)

**ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04004 FOR THE HEALTH DEPARTMENT'S WOMEN'S, INFANTS
AND CHILDREN (WIC) GRANT**

(SAR) Approved SAR AS 04004 in the amount of \$305,043 for the WIC grant from the US Department of Agriculture through the Virginia Department of Health to support 10 existing grant positions, as well as add 1 grant Nutrition Program Supervisor, for a total of 20 grant positions. No local cash match is required.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC),
ARTICLE 5A, RESIDENTIAL PERMIT PARKING DISTRICTS**

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#14.)

**ADMIN 5 – INSTALLATION OF MULTI-WAY STOPS (MOUNT
VERNON, SPRINGFIELD, SULLY, AND LEE DISTRICTS)**

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation Residential Traffic Administration Program at the following locations:
 - Potomac Avenue and H Street (Mount Vernon District)
 - Donegal Lane and Ballyshannon Court (Mount Vernon District)
 - Union Village Circle and Union Springs Lane (Springfield District)
 - Hidden Canyon Road and Martins Hundred Drive (Sully District)
 - Bush Hill Drive and Ninian Avenue (Lee District)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

**ADMIN 6 – RESOLUTION TO INSTALL A "WATCH FOR CHILDREN"
SIGN ON LOCH LOMOND DRIVE (HUNTER MILL DISTRICT)**

(R) Adopted the Resolution endorsing the installation of a "Watch for Children" sign on Loch Lomond Drive (Hunter Mill District).

**ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04003 FOR THE HEALTH DEPARTMENT'S CARDIOVASCULAR
DISEASE PROJECT UNDER PREVENTIVE HEALTH AND HEALTH
SERVICES BLOCK GRANT FROM THE VIRGINIA DEPARTMENT OF
HEALTH (VDH)**

(SAR) Approved SAR AS 04003 in the amount of \$24,766 from VDH for the Health Department to continue the implementation of a preventive and early intervention health promotion program for people at risk of heart disease. No local cash match is required.

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04008 FOR THE HEALTH DEPARTMENT'S TITLE V PERINATAL
SERVICES GRANT AND THE IMMUNIZATION ACTION PLAN
GRANT**

(SAR) Approved SAR AS 04008 in the amount of \$285,623 for Fiscal Year 2003 Grant funds from the Virginia Department of Health for the Health Department to continue to provide outreach and counseling for at risk, low-income pregnant women, fund diagnostic testing for the Health Department maternity clients, and provide community education and outreach regarding childhood immunizations. No local cash match is required.

**ADMIN 9 – INSTALLATION OF "NO PARKING COMMERCIAL
VEHICLES OVER 12,000 LBS" SIGNS ON KINGSBRIDGE DRIVE
FROM KINGS CROWN COURT TO WELBY COURT (PROVIDENCE
DISTRICT)**

(R) Adopted the Resolution:

- Endorsing the installation of "No Parking Commercial Vehicles Over 12,000 lbs" signs on Kingsbridge Drive from Kings Crown Court to Welby Court.
- Enforcing the existing code restriction against commercial vehicles over 12,000 pounds parking on the south side of Kingsbridge Drive which is zoned for a use other than residential.
- Reinforcing the existing code restriction against vehicles over 12,000 pounds parking on the north side which is zoned for residential use.

**ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04009 FOR THE DEPARTMENT OF TRANSPORTATION'S (DOT)
RIDESOURCES MARKETING AND RIDESHARING PROGRAM**

- (SAR)
- Approved SAR AS 04009 in the amount of \$350,000, which includes \$280,000 in State funds from the Virginia Department of Rail and Public Transportation and \$70,000 in local cash match for the RIDESOURCES Marketing and Ridesharing Program.
 - Authorized the Director of DOT to sign the necessary grant documents to execute this grant.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04010 FOR THE DEPARTMENT OF TRANSPORTATION'S (DOT)
EMPLOYER SERVICES PROGRAM**

- (SAR)
- Approved SAR AS 04010 in the amount of \$170,000 for the Fiscal Year (FY) 2003 Employer Services Program. Regional Congestion Mitigation Air Quality funds will be provided in this amount to support this program. No local cash match is required.
 - Authorized the Director of DOT to:
 - Sign the necessary grant documents to execute this grant.
 - Take the necessary actions to continue the County's working relationship with the Dulles Area Transportation Association and to utilize up to \$25,000 of these FY 2004 funds for this effort.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO CHAPTER 4 (TAXATION AND
FINANCE), RELATING TO FEES CHARGED TO PERSONS
CONVICTED OF CERTAIN CRIMES**

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **July 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), amending Sections 4-22-2, 4-22-3, 4-22-4, and adding a new Section 4-22-5, relating to certain fees charged to persons who are convicted of violations of statutes and ordinances.

13. **ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), REGARDING CHANGING THE NAMES OF THE POLLING PLACES FOR THE WALNUT HILL #1 AND WALNUT HILL #2 PRECINCTS (MASON AND PROVIDENCE DISTRICTS)** (Tape 4)

- (A) Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on **July 7, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to consider changing the names of the polling places for the Walnut Hill #1 and Walnut Hill #2 precincts from the Walnut Hill Center to the Alan Leis Instructional Center. Supervisor Kauffman seconded the motion.

Supervisor Connolly noted that the School Board was holding a dedication of the name change today. He expressed a desire for future ceremonies to be scheduled to allow Board Members the opportunity to attend.

Supervisor Gross said that although the School Board already made the name change, it did not include a geographical location.

Therefore, Supervisor Gross asked to amend the motion that the Board:

- Direct staff to request the School Board to change the name to the Alan Leis Instructional Center "**at Walnut Hill.**"
- In regards to the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), change the name of the polling place to the Alan Leis Instructional Center "**at Walnut Hill.**"

This was accepted.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

14. **ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 5A, RESIDENTIAL PERMIT PARKING DISTRICTS (RPPD)** (Tape 4)

- (A) Discussion ensued with input from Bruce W. Taylor, Senior Transportation Planner, Capital Projects and Operations Division, Department of Transportation (DOT) and Katharine D. Ichter, Chief, Highway Operations Division, DOT.

Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on **July 7, 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 5A, RPPD. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

(NOTE: Later in the meeting, the Board took additional action regarding RPPDs. See Clerk's Summary Item CL#15.)

ADDITIONAL BOARD MATTER

15. **ELIMINATION OF RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) FEE** (Tape 4)

- (O) Supervisor Connolly said that numerous concerns have been raised about the implementation and cost of the new administrative processing fee for the County's RPPD decals, which is expected to generate approximately \$220,000 in Fiscal Year (FY) 2004.

Therefore, Supervisor Connolly, jointly with Supervisor Bulova, moved that the Board:

- Approve the elimination of the new administrative processing fee for RPPD decals with the offsetting revenue reduction to be covered by funds from recurring revenue, such as but not limited to, unclassified administrative expenses, identified at the FY 2003 Carryover Review.
- Adopt an Emergency Ordinance amendment to eliminate the RPPD decal fee.

Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn not yet having arrived.

AGENDA ITEMS

16. **A-1 – ENDORSEMENT OF PROJECTS FOR THE FISCAL YEAR 2004 VIRGINIA DEPARTMENT OF TRANSPORTATION ENHANCEMENT PROGRAM** (Tape 4)

(R) Supervisor Kauffman moved that the Board concur in the recommendation of staff and:

- Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match.
- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor Connolly seconded the motion.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding the local match for each project. Without objection, it was so ordered.

Supervisor Bulova said that it is her understanding that George Mason University is willing to dedicate right-of-way for the trail at Roberts Road. Therefore, she asked unanimous consent that the Board direct staff to provide information regarding the trail at Roberts Road and the local match. Without objection, it was so ordered.

Following discussion, with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn not yet having arrived.

17. **A-2 – APPROVAL OF A LETTER SUPPORTING PROPOSED VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AMENDMENTS OF CONSUMER PRODUCTS AND REMOTE SENSING REGULATIONS (ON-ROAD TESTING OF EMISSIONS FROM MOTOR VEHICLES)** (Tape 4)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and approve the letter indicating the County's support of the intended regulatory action for proposed regulation revisions G02 and MJ, concerning regulation for Consumer Products and Remote Sensing. Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

18. **A-3 – AUTHORIZATION FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT THE GIFT OF A TRAINING STRUCTURE FOR USE BY THE URBAN SEARCH AND RESCUE TEAM** (Tape 4)

On motion of Supervisor McConnell, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Mendelsohn not yet having arrived, the Board concurred in the recommendation of staff and:

- Authorized FRD to accept the gift of a training structure from Associated Builders and Contractors, Incorporated of Virginia (ABC) for use by the Urban Search and Rescue Team, subject to the conditions of acceptance, as outlined in the Board Agenda Item dated June 16, 2003 and agreed upon in writing by ABC.
- Authorized the County Executive to execute the written agreement with ABC, on behalf of the Board.

19. **C-1– NATIONAL ASSOCIATION OF COUNTIES' (NACO) ANNUAL CONFERENCE** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, regarding Board designation of a voting and alternate delegate to represent the County at the NACo Annual Conference.

Supervisor Connolly moved that the Board designate Supervisor Hyland as the voting delegate for the NACo Annual Conference. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

20. **I-1 – CONTRACT AWARD – CHAIN BRIDGE SEWER AND WATER MAIN REPLACEMENT** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, requesting authorization for staff to award a contract to Norair Engineering Corporation in the amount of \$4,217,290 for the construction of the Chain Bridge Sewer and Water Main Replacement, Project G00901, DC Treatment Blue Plains, in Fund 402, Sewer Construction Improvements.

A brief discussion ensued with input from Ifty Khan, Director, Wastewater Collection Division, Department of Public Works and Environmental Services.

The staff was directed administratively to proceed as proposed.

21. **I-2 – PROVISION OF INFORMATION ON CURRENT COUNTY GOVERNMENT ACTIONS TO NON-INCUMBENT BOARD CANDIDATES** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, announcing that beginning July 7, 2003, and continuing until the November election, non-incumbent Board candidates may pick up recurring information detailing County government actions from the Office of the Clerk to the Board, 12000 Government Center Parkway, Suite 533, Fairfax.

22. **I-3 – VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AUDIBLE PEDESTRIAN SIGNALS PILOT PROGRAM** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, announcing VDOT's implementation of a pilot program to install audible pedestrian signals at selected locations in Northern Virginia.

Discussion ensued with input from Katharine D. Ichter, Chief, Highway Operations Division, Department of Transportation.

23. **I-4 – PEDESTRIAN TASK FORCE** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, requesting authorization for staff to initiate the Pedestrian Task Force.

The staff was directed administratively to proceed as proposed.

24. **I-5 – CONTRACT AWARD – CAMERON RUN WATERSHED MANAGEMENT PLAN (DRANESVILLE, PROVIDENCE, MASON, BRADDOCK, LEE, AND MOUNT VERNON DISTRICTS)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, requesting authorization for staff to award a contract to Versar, Incorporated, in the amount of \$947,469 for consulting engineering services for development of the Cameron Run Watershed Management Plan.

The staff was directed administratively to proceed as proposed.

25. **I-6 – RETIREMENT SYSTEMS COST-OF-LIVING INCREASES FOR 2003** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, regarding the Retirement Systems cost-of-living increase for 2003.

The staff was directed administratively to proceed as proposed.

26. **I-7 – CONSOLIDATED PLAN CERTIFICATION FOR COMMUNITY LIVING ALTERNATIVES, INCORPORATED** (Tape 4)

The Board next considered an item contained in the Board Agenda dated June 16, 2003, requesting authorization for the County Executive to:

- Sign the Consolidated Plan certification.
- Provide the certification to the nonprofit organization known as Community Living Alternatives, Incorporated for inclusion with its application to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

27. **REPORT OF THE FINANCIAL AND PROGRAMS AUDITOR TO THE BOARD** (Tape 5)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board accept the status report from both April 2 and June 10, 2003, of the Office of the Financial and Programs Auditor (aka "Inspector General") and briefly outlined some actions. She reminded Board Members that they have lists and letters relating to funds owed to homeowners associations. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

28. **POSTING OF CAMPAIGN FILING REPORTS** (Tape 5)

Chairman Hanley stated that she had received a request from a constituent relating to the posting of campaign filing reports. She noted that State candidates file their campaign finance reports electronically. She said that Loudoun County, Arlington County, and the City of Alexandria post on their websites the reports from candidates for Boards of Supervisors, School Boards, and local races. The reports are scanned and posted.

Accordingly, Chairman Hanley moved that the Board direct the Office of the Secretary of the Electoral Board to scan and post the campaign filing reports for everyone in this election cycle, offices on the ballot in November 2003. This would include all those candidates who participated in the recent primary elections. Supervisor Connolly seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to provide any cost/revenue implications. Without objection, it was so ordered.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman McConnell and asked to amend the motion to direct the County Executive to provide information regarding the following:

- Why the State does not allow Members of the Board of Supervisors to file their reports electronically.
- If the law or regulations do not presently allow for it, to refer the issue to the Legislative Committee.

This was accepted.

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

Chairman Hanley restated the motion, as amended, as directing the Electoral Board to post all of the filings on the website for the November 2003 election cycle and directing the County Executive, working with the Electoral Board, to provide the Board with any legal, financial, or other impediments for the Board of Supervisors to file reports electronically.

The question was called on the motion, as amended, which carried by a vote of seven, Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

29. **NOMAN M. COLE POLLUTION CONTROL PLANT WINS AWARD**
(Tape 5)

Chairman Hanley announced that the Fairfax County Integrated Sewer System Wastewater Treatment Division's Noman M. Cole Pollution Control Plant was recognized by the Association of Metropolitan Sewerage Agencies for its contribution in the field of environmental protection and wastewater treatment. It earned the platinum peak performance award. On behalf of the Board, she congratulated the division staff for its outstanding performance.

30. **DEATH OF MR. ALBERT BIDERMAN** (Tape 5)

Chairman Hanley announced the death of Mr. Albert Biderman this morning.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

31. **AMENDMENT TO BOARD ACTION REGARDING ALZHEIMER'S FAMILY DAY CENTER LEASE FUNDING** (Tape 5)

Supervisor Connolly reminded the Board that in Fiscal Year (FY) 2003, it approved funding for lease costs for the Family Respite Center (now called the Alzheimer's Family Day Center) in the amount of \$48,000 for FY 2003 and future

years. The funding was to provide for partial rental assistance toward lease expenses and renovation expenses for 3500 square feet on a lease basis with Psychiatric Rehabilitation Services, Incorporated, a non-profit operating in the Falls Church area. This organization must relocate because of growing space needs for both the non-profit and the church congregation.

Since the proposed lease with Psychiatric Rehabilitation Services, Incorporated did not materialize, and the funds are needed for alternative lease space for the Alzheimer's Family Day Center, Supervisor Connolly moved that the Board allow the approved funding of \$48,000 in FY 2003 and in future years to be used for other leased space in the Falls Church area or in the immediate areas surrounding Falls Church for the Alzheimer's Family Day Center. Supervisor Gross seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

(NOTE: As clarified later in the meeting, this action was presented on behalf of both Supervisor Mendelsohn and Supervisor Connolly. See Clerk's Summary Item CL#60.)

32. **REQUEST FOR OUT-OF-TURN PLAN AMENDMENT, HAMPTON INN – RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (Tape 5)

With reference to his written Board Matters, Supervisor Hyland stated that Alexandria Hotel Associates, LC recently filed a special exception application to allow an increase in the maximum permitted floor area ratio in accordance with Section 9-618 of the Fairfax County Zoning Ordinance. The applicant proposes to construct 60 new hotel rooms as an addition to the existing Hampton Inn located on Richmond Highway in proximity to the Capital Beltway.

Supervisor Hyland said that the Comprehensive Plan identifies the current development on the subject property, and the proposed addition will necessitate an amendment to the Plan. Because the proposed improvements are consistent with the objectives of the Richmond Highway Revitalization Area, he indicated that a Comprehensive Plan amendment is appropriate on an out-of-turn basis.

Accordingly, Supervisor Hyland moved that the Board direct the Department of Planning and Zoning to process an amendment to the Comprehensive Plan on an out-of-turn basis concurrent with the submitted special exception. The applicant understands that the motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards and it does not prejudice the consideration of the special exception application in any way. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

33. **RECOGNITION CERTIFICATE REQUESTED FOR MR. ROBERT J. ("BOB") KELLEY** (Tape 5)

(BACs)

Supervisor Hyland stated that he recently learned that Robert J. Kelley, a 15+ year member of the Board of Zoning Appeals (BZA) and a resident of the Mount Vernon community for more than 33 years, will be retiring and moving to Florida. He said that Mr. Kelley contributed significantly not only to the work of the BZA, but to the many committees and boards on which he served over his years in Fairfax County.

Noting that Mr. Kelley's farewell luncheon is scheduled for tomorrow, Supervisor Hyland moved that the Board endorse the resolution for the Chairman's signature, copies of which were distributed with his Board Matters. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

34. **OPPORTUNITY TO HELP THE LORTON COMMUNITY ACTION CENTER (MOUNT VERNON DISTRICT)** (Tape 5)

Supervisor Hyland distributed to the Board copies of an invitation to attend the House and Garden Tour on Mason Neck on June 19 from 11:30 a.m. to 4:30 p.m. Tickets for the lunch and tour sell for \$45, with \$20 directly benefiting the Lorton Community Action Center.

Accordingly, Supervisor Hyland moved that the Board direct the Office of Public Affairs to publicize this event. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

35. **IDLING BUSES CAUSE FUMES - FROM RESIDENTS** (Tape 5)

Supervisor Hyland stated that the Mount Vernon Estate receives a significant number of tour buses during tourist season. Each year, his office receives letters of concern from residents about these buses because they idle their engines for long periods of time, sometimes for hours. The fumes from the bus engines cause concern for a number of reasons, not the least of which are the pollutants emitted from diesel fuel.

Supervisor Hyland said that his office staff spoke with the Executive Director of the Mount Vernon Estate and Gardens who assured them that all tour bus operators are asked to avoid idling their bus engines for extended periods of time, but his staff is not in a position to enforce this request.

Supervisor Hyland noted that the Washington metropolitan area is considered a non-attainment area in terms of air quality. Engines idling from any vehicles be they buses, trucks, or automobiles exacerbate the problem. Summer is particularly vulnerable to these air assaults.

Supervisor Hyland said that the Commander of the Mount Vernon District Police Station informed his office that although enforcement of idling buses is not a police issue, a reference to this subject is made in Section 103 of the County Air Ordinances. The last paragraph (d) of the ordinance prohibits the running of engines for more than three minutes in a business or residential area.

Supervisor Hyland asserted that the entire subject of idling engines for long periods of time (more than three minutes as described in the Code) requires review. Enforcement of such an ordinance also needs to be revisited and should apply to all large vehicles, not only tour buses. A good place to begin might be County and State vehicles, as it is incumbent upon the County and State to set the standard, especially since they have a vested interest in being compliant with air quality standards.

Accordingly, Supervisor Hyland moved that the Board refer this matter to the Chief of Police and other relevant staff to review the Code and return to the Board with their recommendation for enforcement procedures. Supervisor Hudgins and Supervisor Kauffman jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

36. **NATIONAL ASSOCIATION OF COUNTIES (NACo)** (Tape 5)

Supervisor Hyland stated that the 2007 NACo Conference will be held in the Richmond area. The Virginia Association of Counties (VACo) is requesting a minimum contribution of \$1000 each from Virginia counties to support planning and preparation for this conference. There is a current balance of \$5408 for Fiscal Year 2003 VACo membership due to a lower than anticipated dues increase.

Accordingly, Supervisor Hyland moved Board approval to forward \$1000 in the current balance of funds available in Fund 119, Contributory Fund, to NACo to support this annual conference. No adjustment in the appropriation is necessary as actual VACo membership dues in FY 2003 were lower than anticipated. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

37. **DEATH OF MS. ANN BAILEY** (Tape 5)

Supervisor Hyland announced the death of Ms. Ann Bailey who attained the age of 106.

38. **SALE OF MERCHANDISE FROM VEHICLES ON ROAD RIGHTS OF WAY AS WELL AS PARKING THE WRONG WAY ON A STREET** (Tape 5)

Supervisor Hudgins stated that a constituent shared with her a parking ticket she had received for parking her vehicle on a public street with a "For Sale" sign in the window. Supervisor Hudgins expressed concern that this prohibition,

Section 82-1-30 of the Code of the County of Fairfax, is not widely known. Accordingly, she asked unanimous consent that the Board direct the Office of Public Affairs to share Section 82-1-30, Sale of Merchandise from Vehicles on Road Rights of Way, of the County Code with the public.

Supervisor Gross noted that many people also do not understand that it is illegal to park on the wrong side of a street. Accordingly, she asked to amend the request to direct the Office of Public Affairs to also publicize the fact that parking on the wrong side of a street is a violation of the County Code. Without objection, the request, as amended, was so ordered.

39. **HERITAGE FLAG OF THE VIETNAMESE-AMERICAN COMMUNITY**
(Tape 5)

Supervisor Hudgins said that recently the Vietnamese community approached her regarding a resolution to recognize the flag of the former Republic of Vietnam as the Heritage Flag of the Vietnamese-American community in the County. This community is a large and growing population, and the Commonwealth of Virginia has the largest population of Vietnamese-Americans in the Eastern United States. The community does not condone the current Vietnamese regime nor recognize its flag. The Vietnamese community, however, has asked for its Heritage Flag to be recognized by the County. Several jurisdictions, including the City of Falls Church, have passed resolution recognizing the Heritage Flag.

Accordingly, Supervisor Hudgins moved that the Board direct staff to provide a Resolution for Board adoption that would recognize the flag of the former Republic of Vietnam as the Heritage Flag of the Vietnamese-American community in the County.

Chairman Hanley noted that she had such a Resolution and that she would bring it to the next meeting rather than making a request of staff.

40. **RETIREMENT OF MS. TRUDY BRISENDINE** (Tape 5)

Supervisor Hudgins announced the retirement of Ms. Trudy Brisendine from the Department of Family Services on June 27. Ms. Brisendine had also served on the Legislative Team, representing the County on human service issues.

Accordingly, Supervisor Hudgins moved that the Board direct staff to invite Ms. Brisendine to appear before the Board to receive congratulations and to be bid farewell. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

41. **RESTON EXHIBIT (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that the County Libraries and the *Times Community News* prepared an exhibit on the life and times of Reston, chronicling the history

by indexing news items. She also shared copies of the publication *The Life and Times of Reston, Virginia* and urged everyone to visit the exhibit. It will move to the Reston Historic Museum at the end of the month.

42. **PUBLIC BRIEFING ON THE STATUS OF DULLES RAIL (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Connolly congratulated Supervisor Hudgins on the successful public briefing she presented for her district regarding Dulles Rail and news in the Dulles Corridor.

SBE:sbe

43. **COMPREHENSIVE PLAN CHANGE THAT REMOVED AS AN OPTION THE CONSTRUCTION OF A BASEBALL STADIUM ON THE ENGINEERING PROVING GROUNDS IN SPRINGFIELD** (Tape 6)

Supervisor Kauffman, jointly with Supervisor Connolly and Supervisor Hyland, stated that on July 23, 2001, the Board voted unanimously on a Comprehensive Plan change that removed as an option the construction of a baseball stadium on the Engineering Proving Grounds in Springfield. The Plan was drafted by a citizen task force composed of representatives from the Mount Vernon, Springfield, and Lee Districts. The task force made a number of points clear in its proposal.

Supervisor Kauffman stated that:

- Should private development occur on the Army's land, it must be time phased with developer commitments in hand for school and transportation improvements before construction can proceed.
- The majority of the site is to be preserved for active and passive open space for community use and enjoyment.
- The option for a professional sports facility has been removed.

Supervisor Kauffman said that, despite this clear action by the Board representing the will of the community, the Virginia Baseball Stadium Authority continues to pursue this site as an option.

Supervisor Kauffman continued by saying, not content with dishonoring local land use decisions, the Stadium Authority and Major League Baseball also want taxpayers to pay them to choose Fairfax County as their home. They want taxpayers to fund two thirds of the cost of their facility and pay for transportation improvements to solve the traffic gridlock they would create.

Accordingly, Supervisor Kauffman moved that the Board go on record, yet again, in opposing a major league baseball stadium on the Engineer Proving Grounds and also go on record in opposing the use of public funds to support a baseball stadium in Northern Virginia. Supervisor Kauffman further moved, that should this action be approved, that the Board direct staff to forward this decision to the Virginia Baseball Stadium Authority, the County's congressional and state delegations, and Governor Warner. Supervisor Hyland seconded the motion.

A brief discussion ensued.

The question was called on the motion, which **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor Mendelsohn not yet having arrived.

44. **PEN DAW VOLUNTEER FIRE DEPARTMENT CELEBRATES ITS SIXTIETH ANNIVERSARY OF SERVICE TO FAIRFAX COUNTY (LEE AND MOUNT VERNON DISTRICTS)** (Tape 6)

Supervisor Kauffman stated that at the end of this month, the Pen Daw Volunteer Fire Department will celebrate its sixtieth anniversary of service to the County.

Therefore, Supervisor Kauffman moved that the Board direct staff to invite representatives of the Pen Daw Volunteer Fire Department to appear before the Board to be recognized and commended. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

45. **THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FILED FOR APPROVAL OF A PARKING GARAGE AT WEST FALLS CHURCH METRO STATION (DRANESVILLE DISTRICT)** (Tape 6)

Supervisor Kauffman, on behalf of Supervisor Mendelsohn, stated that WMATA filed Special Exception Application SE-2002-DR-026 for approval to build a parking garage to accommodate approximately 1,000 cars on a portion of the existing surface parking lot at the West Falls Church Metro Station. Supervisor Kauffman stated there is a strong demand for increased parking facilities at the station, and the surrounding neighbors and businesses are supportive of the concept of the new garage. WMATA is continuing its exhaustive efforts to locate alternative parking to accommodate the cars that will be displaced during construction of the new parking structure. Although the issue of replacement parking has not yet been resolved, WMATA requests approval of modified processing to avoid delaying the implementation of the new parking structure. The project is under the \$25 million minimum for modified processing. However, for the Franconia-Springfield parking garage, which was also under \$25 million, the Board approved modified processing.

Supervisor Kauffman moved that the Board direct the Director of the Department of Public Works and Environmental Services and the Director of the Department of Planning and Zoning to proceed with modified processing for Special Exception Application SE-2002-DR-026 so that the project may continue toward construction while the other issues are resolved. The motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and it does not prejudice the consideration of the application in any way. Supervisor Connolly and Chairman Hanley jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

PMH:pmh

46. **NATIONAL NIGHT OUT IN MIDDLE RIDGE AND WAIVER OF FEES FOR THE SHOWMOBILE (BRADDOCK DISTRICT)** (Tape 7)

Supervisor Bulova said that on August 5, 2003, the Middleridge Community Association will be hosting its second National Night Out in the Middleridge Park. The event will be a picnic featuring entertainment for children and adults, and representation from the Police Department, Fire and Rescue Department, and the Office of the Sheriff.

Supervisor Bulova noted that the community reserved the Showmobile for the event. Because this event helps to foster safe communities in the County and because of the limited funds of the civic association, Supervisor Bulova moved to waive the fees for the Middleridge Community Association's use of the Showmobile. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

47. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2001-BR-028 (BRADDOCK DISTRICT)** (Tape 7)

Supervisor Bulova said that last year the Board approved Rezoning Application RZ 2001-BR-028 to permit the development of approximately nine acres with 20 houses (including three existing houses) on the south side of Zion Drive. The developer, Stanley Martin, proffered frontage improvements along Zion Drive that included dedication, pavement improvements, and a trail from Goins Manor to the Pinn Community Center.

Supervisor Bulova noted that earlier this year, the Board approved Rezoning Application RZ 2003-BR-017 to develop approximately 17 acres with 41 houses on the north side of Zion Drive. Stanley Martin, the developer, proffered a number of improvements to Zion Drive including dedication, construction of a third (turning) lane, and a trail. He also proffered major safety improvements to Zion Drive by agreeing to remove the hill and steep grade. To accomplish this,

adjustments must be made on the south side of Zion Drive. Even though the subdivision plan is well into the review process, Stanley Martin agreed to pull the plan and revise it to match the grade improvements on the north side. In addition to revising the subdivision plan, the developer also has to amend the rezoning.

Therefore, Supervisor Bulova moved that the Board direct staff to expedite Proffered Condition Amendment Application PCA 2001-BR-028 and concurrently review the site plan associated with it. She added that staff scheduled both the Planning Commission and Board public hearings in October. However, she requested that staff review September dates, if possible, subject to staffing constraints. 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 McConnell seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

48. **COMMUNITY DIALOG ON TRANSPORTATION AND LAND USE (BRADDOCK DISTRICT)** (Tape 7)

Supervisor Bulova said that on January 22, 2003, following last November's defeat of the referendum to increase the sales tax regionally by one-half cent to raise funding for transportation, Supervisor Bulova convened an eight-part discussion and strategy series called "*A Community Dialog on Transportation and Land Use.*"

Supervisor Bulova distributed to Board Members the report by the Community Dialog and moved that the recommendations be considered as the County formulates its legislative agenda for the year 2004, and that staff respond and react to recommendations that would not need action by the General Assembly. The second to this motion was inaudible.

Supervisor Bulova asked unanimous consent that the Board direct staff to invite participants in the Community Dialog, including panelists, to appear before the Board to be recognized for their outstanding efforts. Without objection, it was so ordered.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to respond with the information on many of the recommendations that have come forth in other bodies that would be useful for the Board to see in its response. Supervisor Connolly seconded the motion.

Chairman Hanley asked to amend the motion to direct staff to respond and that the Board's Transportation Committee have the opportunity to respond as well as the Transportation Advisory Committee, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following discussion, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

(NOTE: The community dialog process resulted in recommendations that will be subject of the Braddock District Town meeting at 7:30 p.m. on June 25, 2003, at the community room of the Kings Park Library. It will be taped and rebroadcasts are scheduled for the evenings of Friday, June 27 and Sunday, June 29.)

49. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (MASON DISTRICT)** (Tape 7)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 94-M-047 until July 7, 2003, at 4 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#68.)

50. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-069 AND REZONING APPLICATION RZ 2002-MA-045 (MASON DISTRICT)** (Tape 7)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 84-M-069 and Rezoning Application RZ 2002-MA-045 until July 7, 2003, at 4:30 p.m.

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

51. **RELOCATION OF THE SPRINGFIELD DISTRICT OFFICE** (Tape 7)

Supervisor McConnell announced the relocation of the Springfield District office on Tuesday, June 17, 2003.

52. **DEATH OF MR. THOMAS R. KNAUSS (SPRINGFIELD DISTRICT)** (Tape 7)

Supervisor McConnell announced the death of Mr. Thomas R. Knauss of the Springfield District.

53. **FORMAL DEDICATION AND OPENING OF SULLY DISTRICT POLICE STATION** (Tape 7)

Chairman Hanley announced the dedication and formal opening of the new police station in the Sully District, the first new station in more than 20 years.

54. **EXPEDITIOUS PROCESSING AND WAIVER OF FEES REGARDING THE WESTERN FAIRFAX CHRISTIAN MINISTRIES (WFCM) (SULLY DISTRICT)** (Tape 7)

Supervisor Frey said that the WFCM operates from a small space within Sully Plaza Shopping Center and is in need of expansion. Space has become available in the adjacent Sully Place Shopping Center and WFCM is preparing to relocate. However, basic tenant improvements will need to be made to the new space to accommodate the use. WFCM is a nonprofit charitable organization, and has asked the Board's assistance in its relocation by expediting the building plan review and waiving the permit fees, as permitted.

Accordingly, Supervisor Frey moved that the Board direct staff to expeditiously review the plans associated with the build out at Sully Place Shopping Center and that the associated building plan and permit fees be waived. The applicant understands that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the request in any way. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

55. **FAIRFAX COUNTY'S 261ST BIRTHDAY** (Tape 7)

Supervisor Gross announced that the County will be celebrating its 261st birthday on June 19, 2003.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare appropriate press releases. Without objection, it was so ordered.

56. **RECESS/CLOSED SESSION** (Tape 7)

At 12:40 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. *Deborah Crone v. Blaine Underwood*, At Law No. 209909 (Fx. Co. Cir. Ct.)
 2. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.); Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
 3. *William E. Shoup, Fairfax County Zoning Administrator v. Wal-Mart Stores East, Inc.*, In Chancery No. 181112 (Fx. Co. Cir. Ct.) (Lee District)
 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. John J. Coalson, Jr.*, In Chancery No. 183235 (Fx. Co. Cir. Ct.) (Providence District)
 5. *William E. Shoup, Fairfax County Zoning Administrator v. Mary Ann Miller*, In Chancery No. 184365 (Fx. Co. Cir. Ct.) (Braddock District)
 6. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Clyde W. Proffitt*, In Chancery No. 183471, and *Clyde W. Proffitt v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. 209708 (Fx. Co. Cir. Ct.) (Lee District)
 7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Dale Sykes*, In Chancery No. 184111 (Fx. Co. Cir. Ct.) (Providence District)

8. *Board of Supervisors v. RILA, Inc.*, At Law No. 214707 (Fx. Co. Cir. Ct.) (Providence District)
9. *Board of Supervisors v. Little Rocky Run No. 1, L.C., and Frontier Insurance Company*, Case No. 03-10516 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

DS:ds

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

ACTIONS FROM CLOSED SESSION

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

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

AGENDA ITEMS

PW:pw

58. **3 P.M. – BOARD DECISION ON THE CREATION OF A SMALL SANITARY DISTRICT FOR REFUSE COLLECTION SERVICE (DRANESVILLE DISTRICT)** (Tape 9)

(NOTE: At its April 28, 2003, meeting the Board held a public hearing on this item and deferred decision until May 5, 2003. At its May 5, 2003, meeting the Board deferred decision until June 16, 2003.)

Supervisor Mendelsohn moved to defer decision on the Creation of a Small Sanitary District for Refuse Collection Service until **September 15, 2003, at**

3 p.m. Supervisor Connolly seconded the motion and it carried by unanimous vote.

59. **ADDITIONAL APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 9)

(APPTS)

(BACs)

(NOTE: Earlier in the meeting, the Board deferred At-Large and Dranesville District appointments because a full Board was not present. See Clerk's Summary Item CL#11.)

(APPTS)

(BACs)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

The Board deferred the appointment of the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board.

AUDIT COMMITTEE

The Board deferred the appointment of the At-Large #1 Representative to the Audit Committee.

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.

CONSUMER PROTECTION COMMISSION

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

ECONOMIC DEVELOPMENT AUTHORITY

(NOTE: Earlier in the meeting, the Board deferred these appointments. See Clerk's Summary Item CL#11.)

Chairman Hanley moved the reappointment of Mr. Harry N. Doyle, Jr. as the At-Large #2 Citizen Representative to the Economic Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Mr. William Soza as the At-Large #7 Citizen Representative to the Economic Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the At-Large #2 Representative to the Fairfax County Employees' Retirement System Board of Trustees.

HEALTH CARE ADVISORY BOARD

(NOTE: Earlier in the meeting, the Board deferred this appointment. See Clerk's Summary Item CL#11.)

Chairman Hanley moved the reappointment of Mr. Timothy Yarboro, M.D. as the At-Large Representative to the Health Care Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous.

HEALTH SYSTEMS AGENCY BOARD

(NOTE: Earlier in the meeting, the Board deferred these appointments. See Clerk's Summary Item CL#11.)

Supervisor Kauffman moved the reappointment of Ms. Sharon Kelso as the Provider #3 Representative to the Health Systems Agency Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Nancy S. Kader as the Consumer #5 Representative to the Health Systems Agency Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Consumer #1, Consumer #3, and Provider #1 Representatives to the Health Systems Agency Board.

HISTORY COMMISSION

(NOTE: Earlier in the meeting, the Board deferred this appointment. See Clerk's Summary Item CL#11.)

Supervisor Mendelsohn moved the reappointment of Mr. Milburn P. Sanders as the At-Large #1 Representative to the History Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #7 Representative to the Human Rights Commission.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

The Board deferred the appointment of the Fairfax County #1 Representative to the Northern Virginia Community College Board.

NORTHERN VIRGINIA REGIONAL COMMISSION

(NOTE: Earlier in the meeting, the Board deferred these appointments. See Clerk's Summary Item CL#11.)

Chairman Hanley moved the following reappointments to the Northern Virginia Regional Commission:

- The Honorable James C. Chesley as the Fairfax County Resident #1 Representative to the Northern Virginia Regional Commission
- Ms. Sally B. Ormsby as the Fairfax County Resident #3 Representative
- Ms. Lilla D. Richards as the Fairfax County Resident #6 Representative

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

Supervisor Bulova moved the reappointment of Ms. Brenda Z. Greene as the Fairfax County Resident #2 Representative to the Northern Virginia Regional Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Ms. Anna Fay Dixon as the Fairfax County Resident #4 Representative to the Northern Virginia Regional Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Johnine P. Barnes as the Fairfax County Resident #7 Representative to the Northern Virginia Regional Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Fairfax County #5 Representative to the Northern Virginia Regional Commission.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

(NOTE: Earlier in the meeting, the Board deferred these appointments. See Clerk's Summary Item CL#11.)

Supervisor Mendelsohn moved the reappointment of Mr. David M. Hunt as the Dranesville District Representative to the Oversight Committee on Drinking and Driving. This motion, the second to which was inaudible, carried by a unanimous vote.

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 #1 and Tenant Member #3 Representatives to the Tenant Landlord Commission.

ADDITIONAL BOARD MATTER**60. AMENDMENT TO BOARD ACTION REGARDING ALZHEIMER'S FAMILY DAY CENTER LEASE FUNDING (Tape 9)**

(NOTE: Earlier in the meeting, the Board took action regarding the Alzheimer's Family Day Center. See Clerk's Summary Item CL#31.)

Supervisor Connolly asked unanimous consent that Supervisor Mendelsohn be listed as a co-sponsor to the action he presented regarding the Alzheimer's Family Day Center. Without objection, it was so ordered.

PW:pw/DS:ds

ADDITIONAL ACTIONS FROM CLOSED SESSION**61. AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY KNOWN AS LAND BAY A TO THE PETERSON COMPANIES, LC OR ITS DESIGNEE (Tape 9)**

- (A) Supervisor McConnell moved that the Board authorize the advertisement of a public hearing to be held before the Board on **July 7, 2003, at 5 p.m.** regarding the proposed conveyance of County-owned property located at Fair Lakes Parkway and West Ox Road in central Fairfax known as Land Bay A, Tax Map

Number 55-2 ((1)) 15, Springfield District, to the Peterson Companies, LC, or its designee, on terms substantially in conformance with a proposed Real Estate Sales Agreement presented to the Board in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

62. **LIMITED REVOCABLE AGENCY AGREEMENT FOR LAND BAY A**
(Tape 9)

Supervisor McConnell moved that the Board:

- Authorize the County Executive to execute, on behalf of the Board, in its proprietary capacity only, and not in its governmental or regulatory capacity, the Limited Revocable Agency Agreement granting to The Peterson Companies, LC the limited revocable right to act as the agent of the Board for the sole purpose of filing a rezoning application and a site plan application with regard to land owned by the Board designated as County Tax Map Number 55-2 ((1)) 15 ("Land Bay A").
- Appoint The Peterson Companies, LC, as its agent for the rezoning of Land Bay A in accordance with the Agreement.
- Authorize the County Executive to execute a notarized statement on behalf of the Board indicating endorsement of the filing of any application for rezoning or site plan approval that may be filed by The Peterson Companies, LC, as the Board's agent in accordance with the agreement.

This motion, the second to which was inaudible, carried by unanimous vote.

PW:pw

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

At 3:20 p.m. the Board recessed briefly, and at 3:30 p.m. reconvened with all Members being present, with the exception of Supervisor Connolly and Supervisor McConnell, and with Chairman Hanley presiding.

AGENDA ITEMS

64. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING NEW VEHICLE STORAGE** (Tape 9)

- (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 May 29 and June 5, 2003.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Jayne M. Collins, Assistant to the Zoning Administrator, Department of Planning and Zoning.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding new vehicle storage, as recommended by the Planning Commission, with an effective date of June 17, 2003, at 12:01 a.m. Supervisor Hudgins 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.

65. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING OUTDOOR LIGHTING STANDARDS** (Tapes 9-10)

- (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 May 29 and June 5, 2003.

Following the public hearing, which included testimony by eight speakers, extensive discussion ensued with input from Jack Reale, Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ); Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division, DPZ; Jan Brodie, Senior Assistant County Attorney; and Barbara A. Byron, Director, Zoning Evaluation Division, DPZ.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding outdoor lighting standards as recommended by the Planning Commission. Supervisor Hudgins seconded the motion.

Following discussion, with input from Ms. Brodie and Mr. Reale, Supervisor Mendelsohn asked to amend the motion to direct staff to revise Section 14-903, paragraphs 1 and 2 of the Zoning Ordinance to read: "However, a higher or lower maintained lighting level, **not to exceed 50 footcandles**, may be specified by the Board in . . ." This was accepted.

Following further discussion, with input from Ms. Kirst and Ms. Byron, Supervisor Kauffman asked to amend the motion to revise the Planning Commission's recommendation as found in the memorandum dated June 13, 2003, from William E. Shoup, Zoning Administrator, DPZ, page 2:

- Second bulleted item – Delete "...with an effective date of 90 days..."

- After second bulleted item, Paragraph 1 – Replace "approved" with **"accepted."**

This was accepted.

Following further discussion, with input from Ms. Kirst and Mr. Reale, Chairman Hanley clarified the main motion, as amended, as follows:

Board adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding outdoor lighting standards as recommended by the Planning Commission, inclusive of the language "not to exceed 50 footcandles" in Section 14-903, paragraphs one and two, with an effective date of **12:01 a.m. on June 17, 2003**, and that the following be grandfathered from the amendment:

- Special permits, special exceptions, proffered rezonings, or development plans **accepted** prior to the effective date of this amendment that contain specific conditions that conflict with the provisions of this amendment.
- Building and site plans submitted on or before the effective date of this amendment, provided such plans are:
 - Approved within 12 months of the return of the initial submission to the applicant or agent.
 - The plan remains valid.
 - A building permit(s) for the structure(s) shown on the approved plan is issued.
 - The structures and uses are constructed in accordance with such building permit.

The question was called on the main motion, as amended, and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

Following discussion, with input from David P. Bobzien, County Attorney; Ms. Kirst; and Mr. Reale, Supervisor Connolly moved that the Board reconsider the previous motion. Supervisor Hyland seconded the motion, and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Connolly moved to amend the main motion to include the definition of a "building under construction," as found in Thomas D. Fleury's (Speaker Five) testimony, in the appropriate "definitions" section of the ordinance as follows:

Building Under Construction: A building under construction as it relates to outdoor lighting and requires the use of frosted bulbs on the exterior ten feet of the perimeter, shall cease when exterior walls and windows are installed and permanent lighting replaces temporary lighting as the prime source of light for the building, for example when there is no longer a practical way to use frosted, incandescent bulbs on the outermost ten-foot perimeter.

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

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding outdoor lighting standards as recommended by the Planning Commission, inclusive of the:

- Language "not to exceed 50 footcandles" in Section 14-903, paragraphs one and two.
- Definition of a "building under construction," in the appropriate "definitions" section of the ordinance.

with an effective date of **12:01 a.m. on June 17, 2003**, and that the following be grandfathered from the amendment:

- Special permits, special exceptions, proffered rezonings, or development plans **accepted** prior to the effective date of this amendment that contain specific conditions that conflict with the provisions of this amendment.
- Building and site plans submitted on or before the effective date of this amendment, provided such plans are
 - Approved within 12 months of the return of the initial submission to the applicant or agent.
 - The plan remains valid.
 - A building permit(s) for the structure(s) shown on the approved plan is issued.
 - The structures and uses are constructed in accordance with such building permit.

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

Supervisor Hudgins asked unanimous consent that the Board direct staff to refer the "sunsetting" issue to the Legislative Committee. Without objection, it was so ordered.

Supervisor Mendelsohn moved that the Board direct staff to follow up on the suggestion of Mr. Ulfelder (Speaker Three) to examine the possibility of using the Great Falls Library parking lot as a pilot to consider its lighting. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, the Board clarified its action on this ordinance. See Clerk's Summary Item CL#84.)

66. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL)**
(Tape 10)

- (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 June 4 and June 11, 2003.

Following the public hearing, which included testimony by one speaker, Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl). Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Vice-Chairman Hyland voting "AYE," Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

67. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-002 (CROSSPOINTE (E&A) LLC) (MOUNT VERNON DISTRICT)** (Tapes 10-11)

(NOTE: At its June 2, 2003, meeting the Board deferred the public hearing on this item until June 16, 2003.)

The application property is located at 9005 Ox Road, Tax Map 106-2 ((1)) 9 pt. and 106-2 ((7)) 4 pt. and 5 pt.

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

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

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

Supervisor Hyland moved approval of Special Exception Application SE 2003-MV-002, subject to the development conditions dated May 21, 2003. Supervisor Frey and Supervisor McConnell jointly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

68. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 11)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 94-M-047 until **July 7, 2003, at 4 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

69. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-007 (6245 LEESBURG PIKE, LLC) (MASON DISTRICT)** (Tape 11)

(NOTE: At its June 2, 2003, meeting the Board deferred the public hearing on this item until June 16, 2003.)

The application property is located on the south side of Leesburg Pike, Tax Map 51-3 ((1)) 30, 31; 51-3 ((13)) 5, 10, and 11.

Mr. John J. Bellaschi reaffirmed the validity of the affidavit for the record.

Supervisor Frey said that although Atlantic Realty Associates, Incorporated, is not a party to this application, members of Atlantic Realty Associates, Incorporated, are, and he disclosed the following campaign contribution which he had received:

- In excess of \$200 from Atlantic Realty Associates, Incorporated.

Mr. Bellaschi 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, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Proffered Condition Amendment Application PCA 76-M-007, subject to the proffers dated May 16, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Chairman Hanley, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

Following discussion with input from Ms. Swagler, Supervisor Gross moved that the Board reconsider the previous vote. Supervisor Kauffman seconded the motion, and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Chairman Hanley being out of the room.

Supervisor Gross moved approval of Proffered Condition Amendment Application PCA 76-M-007, subject to the proffers dated May 16, 2003. Supervisor Bulova seconded the motion.

Supervisor Gross moved to withdraw her motion to reconsider. Supervisor Bulova seconded the motion, and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Chairman Hanley being out of the room.

70. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)** (Tape 11)

- (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 May 29 and June 5, 2003.

Discussion ensued with input from Edward E. Rose, Office of the County Attorney.

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

71. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX I, CONCERNING THE CONTROL OF INFESTATIONS OF GYPSY MOTHS, CANKERWORMS, AND CERTAIN IDENTIFIED PESTS** (Tape 11)

- (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 May 29 and June 5, 2003.

Discussion ensued with input from Dennis Hill, Director, Division of Environmental Health, Health Department and Marilyn L. McHugh, Assistant County Attorney.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix I, concerning the control of infestations of gypsy moths, cankerworms, and certain identified pests. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

DMB:dmb

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX M, ESTABLISHING THE CABELL'S MILL RESTRICTED PARKING DISTRICT (RPD), DISTRICT 7 (SULLY DISTRICT)** (Tape 12)

- (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 May 29 and June 5, 2003.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix M, establishing the Cabell's Mill RPD, District 7, as part of the Residential Traffic Administration Program. The parking prohibition for watercraft, boat trailers, motor homes, and camping trailers is proposed to be in effect seven days per week, 24 hours per day on the streets identified below:

- Northbourne Drive, from Cabell's Mill Drive to the eastern property line of address numbers 13700 and 13701

- The entire lengths of the following roads:
 - Ashcomb Court
 - Baywood Court
 - Broad Brook Court
 - Cabell's Mill Drive
 - Choptank Court
 - Darrington Way
 - Eastcliff Circle
 - Edgecomb Court
 - Ellicott Court
 - Ellicott Drive
 - Frankford Circle
 - Indian Rock Road
 - Jarrett Court
 - Nanticoke Court
 - Rushbrook Drive

Following discussion with input from William H. Parman, Transportation Planner, Department of Transportation, Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

73. **4:30 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2004 THROUGH 2009 AND CONSTRUCTION BUDGET FOR FY 2004**
(Tape 12)

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 May 29 and June 5, 2003.

Following the public hearing, Supervisor Kauffman moved approval of the:

- Secondary System Construction Program for FY 2004 through 2009
- Secondary System Construction Budget for FY 2004

Following discussion, with input from Young Ho Chang, Director, Department of Transportation, and Michael Estes, Fairfax Preliminary Engineering Manager, VDOT, Supervisor Connolly seconded the motion and it carried by unanimous vote.

74. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-042 (FEDERAL REALTY INVESTMENT TRUST) (PROVIDENCE DISTRICT)** (Tape 12)

The application property is located in the southeast quadrant of the intersection of Lee Highway and Nutley Street (9121 Lee Highway), Tax Map 48-4 ((1)) 12F.

Ms. Catharine Puskar reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Connolly moved approval of Special Exception Application SE 2002-PR-042, subject to the development conditions dated April 24, 2003. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

75. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-034 (TEO CHEW ASSOCIATION OF GREATER WASHINGTON, INCORPORATED) (MASON DISTRICT)** (Tape 12)

The application property is located at 3236 Annandale Road, Tax Map 60-2 ((8)) 17.

Mr. Patrick M. Via reaffirmed the validity of the affidavit for the record.

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

Following discussion, Supervisor Gross moved to defer decision on Special Exception Application SE 2002-MA-034 until **July 21, 2003, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Frey being out of the room.

76. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-SP-048 (11725 LEE HIGHWAY, LLC) (SPRINGFIELD DISTRICT)** (Tape 12)

The application property is located at 11725 Lee Highway, Tax Map 56-2 ((1)) 67 pt.

Ms. Erika L. Byrd reaffirmed the validity of the affidavit for the record.

Ms. Byrd 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 2002-SP-048, subject to the development conditions dated June 16, 2003.
- Modification of the transitional screening and barrier requirements to that depicted on the Special Exception Plat.

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

77. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-MA-045 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-069 (OAK STREET BUILDERS, LLC) (MASON DISTRICT)** (Tape 12)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2002-MA-045 and Special Exception Amendment Application SEA 84-M-069 until **July 7, 2003, at 4:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

78. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-HM-041 (GREATER ATLANTIC BANK) (HUNTER MILL DISTRICT)** (Tapes 12-13)

The application property is located at 10700 Parkridge Boulevard, Tax Map 18-3 ((1)) 7D and 27-1 ((1)) 10E and 13.

Mr. Thomas F. Kylo reaffirmed the validity of the affidavit for the record.

Mr. Kylo 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, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2002-HM-041, subject to the development conditions dated June 3, 2003.
- Modification of the transitional screening and waiver of the barrier to the south and east in favor of the existing vegetation, as shown on the SE plat.

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

79. 5 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-039 (OMR, LLC) (SULLY DISTRICT) (Tape 13)

- (O) The application property is located on the north side of Mount Olive Road, approximately 800 feet west of its intersection with Old Mill Road, Tax Map 65-1 ((1)) 22, 27, 27A, 28 and 32.

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

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.

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

- In excess of \$200 from Mr. William H. Gordon

Following the public hearing, Fran Burnszynski, Staff Coordinator, 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-039, from the R-1 and WS Districts to the PDH-3 and WS Districts, subject to the proffers dated May 6, 2003. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

Supervisor Frey moved:

- Approval of the waiver of the open space requirement in favor of that shown on the plan.
- That the school contribution referenced in Proffer 11. e., which states that the "Applicant shall contribute the sum of \$10,000 to the Fairfax County Board of Supervisors for improvements to the schools in the Sully District, specifically in the vicinity of the Application Property shall be payable at time of subdivision plan approval for the Application Property" shall be given directly to the Bull Run Elementary School for its use.

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

80. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-SP-025 (FAIR OAKS CHILD DEVELOPMENT CENTER, LLC) (SPRINGFIELD DISTRICT)** (Tape 13)

The application property is located at 12001 Lee Highway, Tax Map 56-1 ((7)) 7 and 56-3 ((2)) 61.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

Supervisor McConnell moved:

- Approval of Special Exception Application SE 2002-SP-025, subject to the development conditions dated June 16, 2003.
- That transitional screening requirements be modified and the barrier requirement be waived in favor of the treatment shown on the Special Exception Plat.
- Waiver of the request for a service drive, modification of the Public Facilities Manual requirements to permit the existing asphalt trail to remain in lieu of the concrete sidewalk, and waiver of the frontage improvements along Lee Highway.

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

81. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-033 (MOUNT VERNON COUNTRY CLUB) (MOUNT VERNON DISTRICT)** (Tape 13)

(NOTE: At its June 2, 2003, meeting the Board deferred the public hearing on this item until June 16, 2003.)

The application property is located at 5111 Old Mill Road, Tax Map 110-1 ((1)) 3, 4, 13, and 13A.

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

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

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

- In excess of \$200 from Mr. William H. Gordon

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

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 97-V-033, subject to the development conditions dated June 11, 2003.
- Waiver of the trail requirement along Old Mill Road.
- Modification of the transitional requirements on all boundaries in favor of the existing vegetation shown on the Special Exception Amendment Plat.
- Modification of the barrier requirements along all boundaries in favor of that shown on Attachment 1 and described in Attachment 2 of the development conditions.

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

82. **5:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 84-D-049-5/FDPA 84-D-049-6 (TYSONS II LAND COMPANY, LLC) (PROVIDENCE DISTRICT)** (Tapes 13-14)

(NOTE: At its October 28, 2002, meeting the Board deferred the public hearing on this item until January 27, 2003. The public hearing was rescheduled for March 20, 2003. The public hearing was rescheduled for April 28, 2003. At its April 28, 2003, meeting the Board deferred the public hearing until May 5, 2003. At its May 5, 2003, meeting the Board deferred the public hearing until June 2, 2003. At its June 2, 2003, meeting the Board deferred the public hearing until June 16, 2003.)

The application property is located north of Chain Bridge Road and east of International Drive, Tax Map 29-4 ((10)) B, 2A1, 2A2, 2C, 2D, 3A, 3B, 3C, 3D, 4A, 4B, 5A, 5B, 5C, and 6.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Mr. Tompkins 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 five speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Braham, Barbara A. Byron, Director, ZED, DPZ, and Young Ho Chang, Director, Department of Transportation.

Supervisor Connolly moved that further reading of staff and Planning Commission recommendations be waived. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

Following additional discussion, Supervisor Connolly moved:

- Approval of Proffered Condition Amendment Application PCA 84-D-049-5 subject to the proffers dated June 11, 2003.
- Approval of the associated Conceptual Development Plan Amendment (CDPA) subject to the development conditions dated June 16, 2003.
- Approval of Final Development Plan Amendment Application FDPA 84-D-049-6.
- Approval of a modification of the transitional screening requirement to that shown on the CDPA.
- Approval of a waiver of the barrier requirement along the northwest property boundary.

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

Additional discussion ensued.

83. **6:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (No Tape)

The public hearing was not held because no one signed up in advance to testify.

84. **CLARIFICATION OF PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING OUTDOOR LIGHTING STANDARDS** (Tape 14)

(NOTE: Earlier in the meeting the Board took action on this item. See Summary Item CL#65.)

Chairman Hanley provided clarification of the language of the motion regarding the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding outdoor lighting standards as adoption an amendment with an effective date of **12:01 a.m., June 17, 2003**, that the following be grandfathered from the provisions of this amendment:

- Special permits, special exceptions, proffered rezonings, or development plans accepted prior to the effective date of this amendment that contain specific conditions that conflict with the provisions of this amendment.
- Building and site plans submitted on or before the effective date of this amendment, provided such plans are:
 - Approved within 12 months of the return of the initial submission to the applicant or agent.
 - The plan remains valid.
 - A building permit(s) for the structure(s) shown on the approved plan is issued.
 - The structures and uses are constructed in accordance with such building permit.

85. **BOARD ADJOURNMENT** (Tape 14)

At 8:25 p.m., the Board adjourned.

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