



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 23, 2004**

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04-04

DMB:dmb

The meeting was called to order at 9:41 a.m., with all Members being present, and with Chairman Connolly presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Corbett, Administrative Assistant; 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** (9:42 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of John Shacochis, former Dranesville Supervisor and Metro Board member, who died on February 21, 2004, in Boston, Massachusetts.

Chairman Connolly asked everyone to keep in thoughts the family of Emeka Rowland Nwosu, who was killed this morning on the Fairfax County Parkway. Mr. Nwosu was an engineer with the Department of Public Works and Environmental Services.

Supervisor Gross asked everyone to keep in thoughts the family of Police Officer Frederick (Rick) Von Meister, assigned to the Mason District Police Station, who collapsed and died while jogging on the Marshall High School track on Saturday, February 21, 2004. He is survived by his wife, Becky, and his two-month old son, Max.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WESTFIELD HIGH SCHOOL FOOTBALL TEAM** (9:44 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to members of Westfield High School's football team for their accomplishments. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ORGANIZERS OF THE VIRGINIA RUN TURKEY TROT** (9:50 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to the organizers of the Virginia Run Turkey Trot for their dedication. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JACK KELSO** (9:56 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Jack Kelso for his years of service to the citizens of Lee District and the County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action to recognize Sharon Kelso, wife of Mr. Kelso. See Clerk's Summary Item CL#40.)

5. **PROCLAMATION DESIGNATING MARCH AS "PURCHASING MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March as "*Purchasing Month*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **CERTIFICATE OF RECOGNITION FOR THE DEVELOPMENT OF A BROCHURE** (10:15 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition recognizing the development of a brochure to inform County residents in regard to what constitutes a bias incident and what rises to the level of a bias crime. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

7. **PROCLAMATION DESIGNATING FEBRUARY 22 – 28, 2004, AS “NATIONAL ENGINEERS WEEK” IN FAIRFAX COUNTY** (10:23 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate February 22 – 28, 2004, as “*National Engineers Week*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **10 A.M. – PRESENTATION OF THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ANNUAL REPORT** (10:27 a.m.)

(BACS) Jessica Burmester, Chair, Mental Retardation Committee, CSB, presented the CSB Annual Report.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide additional clarification regarding the status of Medicaid waivers with respect to the placement of mentally retarded graduates. Without objection, it was so ordered.

Following additional discussion, with input from James A. Thur, Executive Director, CSB, Supervisor Hudgins said that regarding funding, it is her understanding from legislation that there has been a request for additional support for drug courts. Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide the status of the request. Without objection, it was so ordered.

9. **10:15 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:52 a.m.)

Chairman Connolly, Chair, Board's Legislative Committee, reported on General Assembly activities.

With regards to House bills to rename Virginia highways and bridges, Chairman Connolly said that he was asked by the Legislative Committee to send letters to Delegate Robert D. Hull and Delegate Timothy D. Hugo regarding support of the designation and renaming of transportation facilities.

Accordingly, he asked unanimous consent to send those letters on behalf of the Board. Without objection, it was so ordered.

Chairman Connolly moved approval of the Legislative Report dated February 23, 2004. Supervisor Smyth seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

NV:nv

10. **10:30 A.M. – PRESENTATION BY THE COUNTY EXECUTIVE ON THE RECOMMENDED FISCAL YEAR (FY) 2005 BUDGET** (10:54 a.m.)

Anthony H. Griffin, County Executive, presented the Recommended FY 2005 Budget, and announced that the entire FY 2005 Advertised Budget Plan is available on the County's website, www.fairfaxcounty.gov/dmb, and also on CD-ROM.

Following a brief discussion, Supervisor Bulova, Chair, Board's Budget Committee, outlined the following Board schedule regarding the budget:

Monday, March 1, 10 a.m. – Budget Committee
Fiscal Dynamics
State Budget Issues
School Board
Presentation
Consideration Items
Questions/Answers

Monday, March 22, 10 a.m. – Budget Committee
Report from Human Services Council
Capital Improvement Program (CIP)
FY 2004 Third Quarter Review
Consideration Items
Questions/Answers

Monday-Wednesday, March 29-31 – Public Hearings on FY 2005 Budget

Weeks of April 5 and 12 – Individual Meetings with Board Members on Mark-Up Package

- Friday, April 16, 3 p.m. – Budget Committee – Pre-Markup Exercise
FY 2005 Add-On Package
Review of Proposed
Adjustments to
Advertised Budget
Review of Proposed
Adjustments to CIP
- Monday, April 19 – Budget Markup
- Monday, April 26 – Formal Adoption of Budget

Discussion ensued with input from Mr. Griffin.

In regard to a potential ambulance fee, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide the following information:

- Data on surrounding jurisdictions with or without this fee.
- How much revenue the fee would generate.
- The findings of the County Executive’s committee that reviewed this fee.
- Proposed public awareness and public education to assuage possible fears about any perceived lack of coverage and service.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide further information regarding the measurement of the number of employees per 1000 residents to determine whether there is a connection to the strategic planning process regarding staffing level criteria or a general consensus as to what is optimal.

Following input from Mr. Griffin, without objection, it was so ordered.

Following further discussion, with input from Mr. Griffin, Supervisor Kauffman asked unanimous consent that the Board direct staff to request the following information from the School Division:

- The budgetary effect of providing salary increases to classroom teachers only, rather than an across-the-board increase to all School employees.
- The number of classroom teachers out of the School Division's total workforce.

Without objection, it was so ordered.

Supervisor Gross called the Board's attention to Information Technology Funding, Enhanced County Security, listed at \$1.3 million (Slide 41, page 21 of the FY 2005 Advertised Budget Plan Presentation), and asked unanimous consent that the Board direct staff to:

- Clarify whether this figure includes funds for remediation resulting from computer viruses and worms.
- Provide the cost over the last fiscal year or two to combat these intrusions into County information technology.

Without objection, it was so ordered.

Following further discussion, Supervisor Bulova explained the Board's budget question process as follows:

- Board Members can ask budget questions at the Board dais and the staff will provide the questions and answers in a written response to all Board Members.
- Board Members have the opportunity to discuss or ask further questions at the budget workshops.
- Board Members can pose budget questions to staff in writing (by memorandum or email).

Supervisor Bulova emphasized that all of the answers, regardless of the format used, are provided for all Board Members to read.

Chairman Connolly reminded Board Members that Budget Consideration Items must be presented as Board Matters or circulated formally to all Members of the Board.

PW:pw

11. **11 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (12:37 p.m.)

(APPTS)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Supervisor Bulova moved the appointment of Ms. Jane Gwinn as the Braddock District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Ernestine Heastie as the Providence District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Sully District Representatives to the A. Heath Onthank Memorial Award Selection Committee.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the At-Large Chairman's Representative, Providence, and Springfield District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

Supervisor DuBois moved the appointment of Ms. Penny Chaboudy as the Dranesville District Representative to the Airports Advisory Committee. Supervisor Smyth seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock and Springfield District Representatives to the Airports Advisory Committee.

ANIMAL SERVICES ADVISORY COMMISSION

Chairman Connolly moved the reappointment of Mr. Philip Church, Jr. as the At-Large Chairman's Representative to the Animal Services Advisory Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Thomas Benson as the Lee District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Michelle Hupp as the Mason District Representative to the Animal Services Advisory Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Gina Marie Lynch as the Mount Vernon District Representative to the Animal Services Advisory Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Andrea Perr as the Providence District Representative to the Animal Services Advisory Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Ms. Victoria Kirby as the Springfield District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Lucy Masterson as the Sully District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Dranesville, and Hunter Mill District Representatives to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #1 Representative to the Architectural Review Board.

Supervisor Gross asked unanimous consent that the Board direct staff to provide the information regarding the Architectural Review Board's nominee to fill the Related Professional Group #1 Representative for consideration. Without objection, it was so ordered.

ADDITIONAL BOARD MATTER

Orders of the Day

Chairman Connolly announced that there would be a change in the Orders of the Day and that Board Matters would be presented around 3 p.m.

(NOTE: Later in the meeting, Board Matters were presented. See Clerk's Summary Item CL#18.)

ATHLETIC COUNCIL

The Board deferred the appointment of the Women's Sports Association Alternate Representatives to the Athletic Council.

CONFIRMATIONS:

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

- Mr. Rob Hahne as the Baseball/Softball Representative
- Mr. Bill Harvey as the Lacrosse Representative
- Mr. Paul Jensen as the Fairfax County School Board Principal Representative
- Ms. Amy Craig as the Fairfax County School Board Alternate Representative

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

BOARD OF BUILDING CODE APPEALS

The Board deferred the appointment of the Design Professional Representative #5 Representative to the Board of Building Code Appeals.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointments of the Appraiser #1, Appraiser #3, and Freeholder #1 Representatives to the Board of Equalization of Real Estate Assessments.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

The Board deferred the appointment of the At-Large #4 Representative to the Celebrate Fairfax, Incorporated Board of Directors.

CHILD CARE ADVISORY COUNCIL

Chairman Connolly moved the reappointment of Ms. Eileen Filler-Corn as the At-Large Chairman's Representative to the Child Care Advisory Council. Supervisor Bulova seconded the motion, which carried by unanimous vote.

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

CIVIL SERVICE COMMISSION

Chairman Connolly moved the appointment of Mr. Jason Fong as the At-Large #4 Representative to the Civil Service Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Supervisor DuBois moved the appointment of Ms. Joan Morton as the Dranesville District Representative to the Commission for Women. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Smyth moved the appointment of Ms. Kelly Schlageter to fill the unexpired term of Ms. Debra Smith as the Providence District Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

COMMUNITY ACTION ADVISORY BOARD

Supervisor Frey moved the reappointment of Ms. Carol Ann Hawn as the Sully District Representative to the Community Action Advisory Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Community Action Advisory Board:

- Dr. Howard Nemon as the George Mason University Representative

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

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #9 Representative to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor McConnell moved the appointment of Mr. Donald Scoggins as the Springfield District Representative to the Criminal Justice Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATIONS:**

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

- Mr. Keith Sinclair as the Engineers and Surveyors Institute Representative
- Mr. John Krobath as the Virginia Association of Surveyors Representative

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor McConnell moved the appointment of Mr. Ronald Davis Gunn as the Springfield District Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Business Community Representative and the Dranesville and Mount Vernon District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

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

FAIRFAX COUNTY SMALL BUSINESS COMMISSION

Chairman Connolly moved the appointment of Dr. Omar Kader to fill the unexpired term of Mr. George Lovelace as the At-Large #2 Representative to the Fairfax County Small Business Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

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

- Mr. Kenneth Connelly as the Assisted Living Representative

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

HEALTH SYSTEMS AGENCY BOARD

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

HISTORY COMMISSION

The Board deferred the appointments of the Archaeologist, Citizen #5, and Citizen #8 Representatives to the History Commission.

HUMAN SERVICES COUNCIL

Supervisor Bulova moved the appointment of Mr. Lee Draznin to fill the unexpired term of Mr. Ray Steele as the Braddock District #1 Representative to the Human Services Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Frey moved the reappointment of Mr. John Grady as the Sully District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Hudgins moved the confirmation of the following appointments to the Information Technology Policy Advisory Committee:

- Mr. Thomas Haser as the Fairfax County Chamber of Commerce Representative
- Ms. Anne Kanter as the Fairfax Area League of Women Voters Representative
- Ms. Maribeth Luftglass as the Fairfax County Public School Board Representative

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

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmation of the following appointments to the Juvenile and Domestic Relations Court Citizens Advisory Council.

- Mr. John Harold as the Fairfax City Representative
- Mr. George Ashley as the Fairfax City Council Representative

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

LIBRARY BOARD

The Board deferred the appointment of the Lee District Representative to the Library Board.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Supervisor Hudgins moved the appointment of Ms. Glenda Blake to fill the unexpired term of Ms. Gwendolyn Minton as the Hunter Mill District Representative to the Park Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

Supervisor Bulova moved the appointment of Mr. Michael Naeve to fill the unexpired term of Mr. Daniel Jackson as the Tenant Member #3 Representative to the Tenant Landlord Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Gross noted that she had a tenant nominee as well and asked unanimous consent that the Board direct staff to notify the Board when another vacancy occurs on this board.

The Board deferred the appointment of the Condominium Owner Representative to the Tenant Landlord Commission.

AD HOC COMMITTEES**TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE-MONOPOLES**

The Board deferred the appointment of the Sully District Representative to the Telecommunication Land Use Regulations Task Force-Monopoles.

12. **ADMINISTRATIVE ITEMS** (12:49 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (HUNTER MILL AND SULLY DISTRICTS)

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

- Application FS-H03-43 to April 29, 2004
- Application FS-Y03-44 to April 29, 2004
- Application 2232-Y02-28 to September 13, 2004

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF COUNTY-OWNED PROPERTY AT THE JEFFERSON FIRE STATION TO OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC (“T-MOBILE”) (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 15, 2004, at 3:30 p.m.** to consider the proposed leasing of County-owned property at the Jefferson Fire Station, 3103 Hodge Place, Tax Map Number 50-3 ((04)) B to Omnipoint Communications Cap Operations, LLC (“T-Mobile”) for the purpose of installing a telecommunications base station.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 29, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), revising the sewer service charges and the availability fees.

ADMIN 4 – STREETS INTO THE SECONDARY SYSTEM (PROVIDENCE DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Greensboro Corporate Center	Providence	Greensboro Drive Spring Hill Road Route 684

SubdivisionDistrictStreet

Additional ROW Only

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) (DRANESVILLE, LEE, AND SULLY DISTRICTS)

(A) Authorized the advertisement of a public hearing to be held before the Board on **March 8, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections) to:

- Relocate the polling place for Shouse precinct.
- Relocate the polling place for Pohick Run precinct and rename the precinct.
- Relocate the polling place for Trinity precinct and rename the precinct.
- Adjust the boundary between Herndon Number One and Herndon Number Two precincts.
- Divide Beulah precinct to create a new precinct.
- Establish an absentee voting satellite in Sully District.
- Establish the hours of operation for absentee voting satellites.

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

ADMIN 6 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR KING ARTHUR ROAD AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)

- Endorsed the traffic-calming plan for King Arthur Road as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One speed table on King Arthur Road, approximately 250 feet north from the intersection with Kay Court.

- One speed table adjacent to 3507 and 3508 King Arthur Road.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-V-033, WILLIAM V. BALDWIN (MOUNT VERNON DISTRICT)

(AT) Approved the request for six months of additional time to commence construction for Special Exception Application SE 00-V-033 to July 8, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

13. **A-1 – AUTHORIZATION TO REVISE THE TERMS AND CONDITIONS OF A \$794,000 LOAN FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM WITHIN THE HOUSING TRUST FUND, TO WESLEY COPPERMINE LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)** (12:49 p.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized modifications to the terms and conditions of a loan from the Affordable Housing Partnership Program to Wesley Coppermine Limited Partnership.

14. **ADDITIONAL ACTION REGARDING ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) (DRANESVILLE, LEE, MOUNT VERNON, AND SULLY DISTRICTS)** (12:49 p.m.)

(A) (NOTE: Earlier in the meeting the Board took action regarding this item. See page 16.)

Supervisor Hyland asked unanimous consent that the Board direct staff to include in the previously authorized advertisement of a public hearing to be held before the Board on **March 8, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections) to:

- Relocate the polling place for Pohick Church to the Lorton Center.

Without objection, it was so ordered.

NV:nv

15. **RECESS/CLOSED SESSION** (12:51 p.m.)

At 12:51 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 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. Appeal Application A 2003-PR-042, Young K. Lee and Young A. Lee (Providence District)
 - 2. *John Wesley White, Director, Fairfax County Department of Public Works and Environmental Services, and William E. Shoup, Fairfax County Zoning Administrator v. Courtney L. Scott, Judith L. Scott, Courtney L. Scott, Jr., and Pernilla Scott*, In Chancery No. 186971 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Doris Heath Douglass, Trustee, et al.*, In Chancery No. 188183 (Fx. Co. Cir. Ct.) (Springfield District)
 - 4. *William E. Shoup, Fairfax County Zoning Administrator v. Svetlana Cueto*, Case No. 04-280 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- Patrick S. Herrity, et al, versus Commonwealth of Virginia, et al.,
In Chancery Number 187331

Supervisor Bulova seconded the motion.

Supervisor Frey announced his intent to defer decision on the Spot Blight Abatement Ordinance for 16001 Lee Highway.

Chairman Connolly announced that the Board would convene closed session at 2:30 p.m.

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

At 2:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Bulova, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

16. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:50 p.m.)

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

17. **APPEAL TO THE CIRCUIT COURT OF BOARD OF ZONING APPEALS' (BZA) DECISION** (2:50 p.m.)

Supervisor Smyth moved that the Board join the Director of the Department of Public Works and Environmental Services in appealing to the Circuit Court the BZA's decision granting the appeal of Young K. Lee and Young A. Lee as outlined by the County Attorney in closed session. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Bulova being out of the room.

ADDITIONAL BOARD MATTERS18. **BEARS ON BOARD** (2:51 p.m.)

Chairman Connolly distributed teddy bears to all Board Members. He said that County police cruisers are equipped with a wide range of tools needed by officers in the performance of their duties. These range from Stop-Sticks to computers, from emergency lights to teddy bears. He said that many of the cruisers are equipped with teddy bears to assist officers trying to calm and comfort a child during a difficult situation. The bear is a gift, something for the child to hold onto and keep.

Chairman Connolly announced that thanks to a donation from Hecht's, a division of the May Company, 123 bears are joining the police force. These bears will be assigned to the Fair Oaks Station under the supervision of Crime Prevention Officer Liz Barrington.

Chairman Connolly relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to send a letter of appreciation to the Hecht Company. Without objection, it was so ordered.

19. **RED CROSS MONTH** (2:51 p.m.)

Chairman Connolly said that the American Red Cross of the National Capital Area was awarded its charter in 1905. During Hurricane Isabel it helped to shelter more than 300 County residents and distributed thousands of meals to citizens in Belle View and New Alexandria in the storm's aftermath so that flood-affected residents could focus on cleaning up their homes. In the past year the National Capital Area helped link more than 500 families of deployed soldiers during times of emergency through their service center at Fort Belvoir. For 99 years this volunteer-led organization has been instrumental in helping the community recover in times of tragedy.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim March as "*Red Cross Month*" in Fairfax County and direct staff to invite appropriate representatives from the organization to be recognized with the proclamation at the March 8, 2004, Board meeting. Without objection, it was so ordered.

20. **CELEBRATING WOMEN** (2:52 p.m.)

Chairman Connolly said that the month of March is traditionally celebrated as Women's History Month to recognize concerns, contributions, and achievements of women. This year will mark the 156th anniversary of the Women's Rights Movement which led to securing the right to vote, own property, and receive equal treatment in the workplace. Women's History Month provides the country

the privilege of honoring the countless contributions that American women have made throughout history.

Therefore, Chairman Connolly moved that the Board proclaim March as "*Women's History Month*" in Fairfax County and direct staff to invite representatives from the Office of Equity Programs and the Office for Women to be recognized with the proclamation at the March 8, 2004, Board meeting. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

21. **LAUREL HILL TASK FORCE PUBLIC MEETINGS** (2:52 p.m.)

(BACs) Chairman Connolly said that the Laurel Hill Adaptive Reuse Citizens' Task Force, appointed by the Board to make recommendations regarding the best uses of the Lorton prison site buildings, is in the midst of its latest series of public meetings. This weekend about 40 people spent Saturday morning at Lorton Station Elementary School hearing presentations, asking questions, and making suggestions to task force members. Supervisor Hyland participated as well and addressed the group. It was a lively, productive session and an excellent opportunity for the public to get information on the process so far and for task force members to hear residents' feedback on some of their preliminary findings. Many interesting ideas emerged. Two more meetings remain in this series: Saturday, February 28, 2004, from 9 a.m. to noon in the cafeteria at Silverbrook Elementary School and the last on the evening of Thursday, March 4, from 7-9 p.m. in the Government Center, Conference Center Rooms 9 and 10.

Therefore, Chairman Connolly asked unanimous consent that Board Members distribute this information to their civic associations and constituents and encourage them to participate in the planning of Laurel Hill, which is truly a Countywide asset. Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to prepare a press release and distribute this information through the usual channels. Without objection, it was so ordered.

22. **ENVIRONMENTAL EVENTS IN THE COUNTY** (2:53 p.m.)

Chairman Connolly announced that this week is "Environmental Week" in Fairfax County. For three nights this week, citizens have the opportunity to attend workshops and public meetings on what the County is doing to protect the environmental resources so that County residents may continue to enjoy them for years to come. The following events are taking place this week, and he invited the public and his colleagues to participate:

- Tuesday, February 24 at 7 p.m. - the Department of Public Works and Environmental Services (DPWES) will host a public meeting here in the Government Center Board Auditorium to present results from a recently completed countywide assessment of stream conditions.

- Wednesday, February 25 at 7:30 p.m. - there will be a Community Forum on the County's Air Quality Management Plan in the Government Center Board Auditorium.
- Thursday, February 26 at 7:30 p.m. - the Park Authority is hosting its Annual Cross-County Trail Caucus at Woodson High School.
- Thursday, February 26 from 7-9 p.m. - DPWES will host a public meeting at the Mount Vernon Governmental Center, 2511 Parkers Lane, Alexandria to seek resident input on the County's draft Solid Waste Management Plan.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize this information. Without objection, it was so ordered.

23. **WETLANDS WORKSHOP** (2:54 p.m.)

Chairman Connolly said that the Alliance for the Chesapeake Bay will be hosting a workshop on Voluntary Wetland Restoration Opportunities on Wednesday, March 3, 2004. This workshop will encourage voluntary wetland restoration and enhancement and provide information to citizens on technical and financial opportunities that may exist to help them with such efforts. The workshop will help citizens take an active role in protecting the watershed by teaching them about the benefits that wetlands provide in keeping the rivers, streams, and the Chesapeake Bay healthy.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize this workshop on the County's website to inform citizens about this opportunity. The workshop is being held at the Northern Virginia Regional Department of Environmental Quality Office in Woodbridge. Without objection, it was so ordered.

24. **SEEDLINGS FOR SOIL AND WATER CONSERVATION** (2:55 p.m.)

Chairman Connolly said that the Northern Virginia Soil and Water Conservation District is currently holding its annual seedling sale. For \$16.95, citizens receive a package of 14 native seedlings suitable for planting in either sunny or partially shaded areas. Proceeds from the sale will benefit the Soil and Water Conservation District's Science Fair, Envirothon, and its storm drain stenciling. Additionally, as the seedlings mature, they will help capture runoff, reduce erosion, and clean the air.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize information about the seedling sale on the

County's website and any other appropriate channels. Without objection, it was so ordered.

25. **NAMING THE PROPOSED TRI-COUNTY PARKWAY** (2:55 p.m.)

Chairman Connolly called the Board's attention to a memorandum from Anthony H. Griffin, County Executive, that outlines the procedure for naming the proposed Tri-County Parkway and responds to the Board's earlier request for information regarding naming this road to honor Dr. Martin Luther King, Jr. Currently, no road in the County has been designated to commemorate the life and work of Dr. King.

Therefore, Chairman Connolly, jointly with Supervisor Hudgins, moved that the Board go on record in support of naming the Tri-County Parkway to honor Dr. King and communicate its support in a letter to the Commonwealth Transportation Board prior to its March 18 meeting. He noted that the Loudoun County Board of Supervisors has already taken this action. Supervisor Hudgins seconded the motion.

Following discussion, Supervisor Hudgins asked to amend the motion to stipulate that this naming endorsement in no way endorses a road that is still under its draft environmental impact statement, and this was accepted.

Following further discussion, Supervisor Hudgins asked to amend the motion that should the draft EIS not be endorsed by the Board that this does not preclude the Board from naming some other road for Dr. King. This was accepted.

Following further discussion, Supervisor Gross asked unanimous consent that the Board direct staff to provide a draft letter at the Board's March 8 meeting for consideration.

Following further discussion, with input from Mr. Griffin, without objection, it was so ordered.

(NOTE: Later in the meeting, the naming of the proposed Tri-County Parkway was discussed during Public Comment. See Clerk's Summary Item CL#60.)

26. **CONSIDERATION OF MIDDLE SCHOOL FUNDING IN THE FISCAL YEAR (FY) 2005 BUDGET** (3:04 p.m.)

Chairman Connolly said that in the FY 1999 budget, the Board launched an important initiative, after-school programs for middle school students, and allocated \$112,000 to fund it. At the time the dollar amount was calculated by using the cost of the extra late buses needed to support the program in the 25 middle schools. That first year about half of the schools launched these after-school programs. Now there is a program in every County middle school and this initiative is widely recognized as one of the most important gang prevention tools.

In addition, one of the four special education centers in middle schools has a program, and the other three are in the process of developing theirs. Programs vary from school to school, but most operate two or three days a week. They are funded with a \$5,000 "grant" from the Board's original \$112,000 appropriation and matching federal funding from the Safe and Drug-free Youth Program. Administrators have been using General Fund money set aside in the first year, before all schools had programs established, to make this work. Five-thousand dollars per program equals \$145,000, not \$112,000.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to place on the consideration list for the FY 2005 budget an additional \$33,000 for the after-school middle school program to bring the annual allocation from \$112,000 to \$145,000. Without objection, it was so ordered.

27. **ADDITIONAL FEDERAL FUNDING FOR GANG PREVENTION EFFORT** (3:05 p.m.)

Chairman Connolly said that the Board recently launched what will be a significant effort to combat the spread and activity of youth gangs in the County. He referred to a recent memorandum from Congressman Frank Wolf (R-10) informing the Board that the omnibus bill includes significant funding that will support these efforts. On behalf of the Board, he expressed appreciation to Representative Wolf for his efforts in securing this important allocation.

Chairman Connolly asked unanimous consent that he send a letter to Representative Wolf congratulating him and expressing appreciation for his efforts. Without objection, it was so ordered.

Following discussion, with input from Mr. Griffin, Supervisor Gross asked unanimous consent that the Board direct staff to provide clarification as to whether the funding can be used for the entire County, including the eight and eleventh Congressional Districts, in addition to the tenth district. Without objection, it was so ordered.

Discussion continued briefly.

28. **BOARD FEEDBACK ON SCHOOL SUPERINTENDENT SELECTION PROCESS** (3:06 p.m.)

Chairman Connolly distributed to Board Members a copy of a letter that he received, which was sent by the Chairman of the School Board and the Chairman of the Superintendent Search Committee to various organizations in the County. He added that the School Board is inviting comments and asking that they be submitted by March 5.

Therefore, Chairman Connolly asked unanimous consent that Board Members provide him with appropriate comments so that he can send a letter to the School Board Chairman and the Search Committee reflecting that input.

Following discussion, with input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

29. **BOARD RETREAT** (3:09 p.m.)

Chairman Connolly provided copies of the report from the Board Retreat that was held on February 13-14, 2004. He asked unanimous consent that the Board direct staff to post the report on the County's website.

Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Connolly.

30. **RIDESOURCES METROCHECK PROGRAM** (3:09 p.m.)

Supervisor Smyth said that the RideSources Metrocheck Program for County employees was established in 1993. The program provides, to qualified employees, a Metrocheck, currently up to \$60 per month, to employees to use for their transit (bus and rail) and van pool commute to work. The Metrocheck cost is the responsibility of the County. The program currently has participants from the Government Center complex and the Public Safety Complex.

Supervisor Smyth noted that Metrocheck is a strategy, along with such work options as Telework and flexible schedules, that County government can offer its employees to reduce traffic congestion and improve air quality in the region.

Therefore, Supervisor Smyth moved that the Board direct the County Executive to report on how to expand, promote, and fund the Metrocheck Program for County employees. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

31. **AFFORDABLE DWELLING UNIT (ADU) PROGRAM** (3:11 p.m.)

(BACs) Supervisor Hudgins said that based on a recent meeting that she and Supervisor Kauffman had with staff, it has come to her attention that there are a number of possible changes to the ADU provisions in the Zoning Ordinance that may be required. These items would be in addition to the ongoing efforts concerning high-rise developments.

Supervisor Hudgins noted that several of these issues are minor in nature, would facilitate the implementation of the ADU program, and would not require input from the ADU Task Force. These items include the following:

- Allow for any profit from a foreclosure sale of an ADU to be given to the Housing Trust Fund.
- Emphasize the Department of Housing and Community Development's priority policies, including giving priority for ADU purchases to County residents and employees.
- In conjunction with the resale of an ADU, provide for a 1.5 percent facilitator's fee to allow for the involvement of a brokerage firm to represent both ADU buyers and sellers.
- Revisions to the timing of the delivery of the Notice of Availability and ADU Sales Offering Agreement to no later than the issuance of the first Residential Use Permit for any ADU within the development.
- In conjunction with ADUs that are provided at the developer's option and are not otherwise required, the addition of a provision for five percent ADUs for mid-rise developments with more than 50 percent structured parking.
- Clarification of existing sales price cost factors.

Supervisor Hudgins noted that there are several other issues that are more complex, would require additional staff review, and may require input from consultants and the ADU Task Force. These items include:

- The development of a process by which condominium conversions can be reviewed to include the appropriate covenant term and the sales price.
- Clarification that only government programs can be deemed equivalent, develop a process by which equivalency determination requests will be submitted and evaluated, and develop guidelines for when a favorable determination can be made.
- The establishment of a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.
- Adjustments to the ADU rental prices to reflect rates affordable to families earning 70 percent of the median income.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to place the previously listed items on the list for prioritization as part of the 2004 Zoning Ordinance Amendment Work Program which should be presented to the Board in the near future. Without objection, it was so ordered.

A brief discussion ensued.

32. **CERTIFICATE OF RECOGNITION FOR MS. LINDA MITCHELL (HUNTER MILL DISTRICT)** (3:15 p.m.)

Supervisor Hudgins said that Ms. Linda Mitchell has served as a crossing guard at South Lakes High School and other area elementary school for 27 years. This Friday, February 27, 2004, will be her last day and she will be sorely missed by the school community.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition for Ms. Mitchell to recognize her years of service as a crossing guard at South Lakes High School and other area elementary schools. Without objection, it was so ordered.

33. **CERTIFICATE OF RECOGNITION FOR SOUTH LAKES HIGH SCHOOL (HUNTER MILL DISTRICT)** (3:15 p.m.)

Supervisor Hudgins said that on Saturday, February 14, at the Virginia State High School Swim and Dive Championships, the South Lakes High School girls' 400 freestyle relay team broke a Virginia State record and captured the State championship. South Lakes High School juniors Caroline Bellis, Dana Constantino, and Nicole Pederson, and Sophomore Mei Christensen swam the record-breaking 400 freestyle relay and also finished second Statewide in the 200 freestyle relay.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the South Lakes High School girls' 400 freestyle relay team to appear before the Board at an appropriate time to receive recognition for its outstanding athletic accomplishments. Without objection, it was so ordered.

34. **BUDGET MEETINGS (HUNTER MILL DISTRICT)** (3:16 p.m.)

Supervisor Hudgins announced that beginning Wednesday, February 25, 2004, the Hunter Mill District will begin a series of budget meetings entitled *Setting Priorities, the Fairfax County Fiscal Year 2005 Budget*. The meeting schedule is as follows:

- February 25 at 7 - 9 p.m. at Floris Elementary School
- March 10 at 7 - 9 p.m. at the Reston Community Center

- March 24 at 7 p.m. - 9 p.m. at the Vienna Community Center

Supervisor Hudgins indicated that she would circulate these meeting times for publication.

35. **FIFTIETH ANNIVERSARY OF THE PINECREST GARDEN CLUB (MASON DISTRICT)** (3:17 p.m.)

Supervisor Gross said that the Pinecrest Garden Club will celebrate its fiftieth anniversary on Monday, March 8, 2004. Gardening is one of the premier pastimes in this region and, indeed, around the country, and many neighborhoods, like Pinecrest, benefit greatly from the volunteer efforts of local gardeners.

In recognition of the fiftieth anniversary observance, Supervisor Gross asked unanimous consent that a Certificate of Recognition be prepared for presentation to the Pinecrest Garden Club at its dinner on March 8. She asked that the certificate contain both the Chairman's signature and the Mason District Supervisor's signature. Without objection, it was so ordered.

36. **AUTHORIZATION FOR AN OUT-OF-TURN PLAN AMENDMENT (MASON DISTRICT)** (3:17 p.m.)

Supervisor Gross referred to a proposal to explore the potential redevelopment of properties located in the Skyline area of the Mason District on the north side of Leesburg Pike, between South George Mason Drive and South 14th Street, immediately south of the Arlington County boundary. Its current uses include occupied and vacant commercially zoned property, several single-family dwellings constructed in the 1930s, and existing homes in a subdivision dating from the late 1950s. The site is located within the Baileys Planning District of the Comprehensive Plan, and a portion of it is included in the Baileys Crossroads Commercial Revitalization District.

Supervisor Gross said that the current text of the Comprehensive Plan already provides for more intensive redevelopment of the portions of this site that have frontage on Leesburg Pike and South George Mason Drive. However, she said that she has learned of a proposal to assemble these properties and transform the disparate uses which exist there today into an integrated development consisting of mid-rise, multi-family residential dwellings. An amendment to the Plan would be required to provide specific guidance for the entire land area included with this proposal, as well as to permit the density needed to make such a project feasible.

Supervisor Gross said that the character of the area in the vicinity of this site has changed significantly since these properties were originally developed many years ago, as has this Board's Policy of promoting revitalization of the more established areas of Fairfax County. She said that this proposal represents an important opportunity to assess the appropriateness of a concept that may well advance the overall revitalization efforts at this strategic, gateway location.

Therefore, Supervisor Gross moved that the Board authorize an Out-of Turn Plan-Amendment for the parcels listed above, to permit development of up to 2.0 floor area ratio consistent with the concept outlined in this Board Matter. This motion should not be construed as a favorable recommendation by the Board on the proposed Plan amendment or any subsequent development applications. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

37. **BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION PARKING GARAGE (BRADDOCK DISTRICT) (3:20 p.m.)**

On behalf of Supervisor Bulova, Chairman Connolly said that the Burke Center station of the VRE has run out of parking capacity. He said structured parking is being considered and a task force was created to review the options to parking, walking and biking access and to be pursued as part of the process.

Chairman Connolly said that after that the task force broke into three groups: design, operations (during and after construction), and pedestrian/bike access. The three subcommittees held their own meetings several times over the months, sometimes with guest speakers and out in the field at other times. All the members did a great job putting in long hours and lots of hard work. County staff has also been very diligent about attending meetings. Throughout this exercise, the following three subcommittee chairmen have done an outstanding job:

- Janyce Hedetniemi (Braddock District Transportation Advisory Commissioner), Design Subcommittee
- Michael Brennan (Braddock District "Trails" Committee Member), Pedestrian Bike Access Subcommittee
- Steve Schrobo (Braddock District Area Plans Review Member) Operations Subcommittee

Chairman Connolly said that a copy of the task force's final report was provided to Members of the Board. At this time, County staff is preparing the application for a 2232 public facilities application that will be heard by the Planning Commission.

Therefore, on behalf of Supervisor Bulova, Chairman Connolly relinquished the Chair to Acting-Chairman Hyland and moved that the Board accept the task force report and forward it to the Planning Commission, the Planning Division of the Department of Planning and Zoning, and the Department of Public Works and Environmental Services staff for their review and consideration in the 2232 application process and in the design and engineering of the facility. Acting-Chairman Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

Acting-Chairman Hyland returned the gavel to Chairman Connolly.

PMH:pmh

38. **LANGLEY HIGH SCHOOL CHAMPIONSHIPS (DRANESVILLE DISTRICT)** (3:22 p.m.)

Supervisor DuBois expressed her congratulations to the Langley High School Gymnastics Team for winning its first Virginia AAA Championship on Friday night.

Supervisor DuBois said that in the Virginia Individual Championships held at Robinson High School, Langley's Carolyn Marckesano earned her third medal in the all-around competition, and Freshman Lisa Faulkner was the State champion on the uneven bars.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite the Langley High School Gymnastics team to appear before the Board to be recognized for its team and individual accomplishments. Without objection, it was so ordered.

39. **NO BOARD MATTERS FOR SUPERVISOR MCCONNELL (SPRINGFIELD DISTRICT)** (3:22 p.m.)

Supervisor McConnell had no Board Matters to present today.

40. **CERTIFICATE OF RECOGNITION (LEE DISTRICT)** (3:22 p.m.)

(NOTE: Earlier in the meeting Mr. Jack Kelso, Sharon's husband, was recognized. See Clerk's Summary Item CL#4.)

Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition and invite Ms. Sharon Kelso to appear before the Board for formal recognition for all she has done for the residents of the County. Without objection, it was so ordered.

41. **REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT REGARDING HAYFIELD ANIMAL HOSPITAL (LEE DISTRICT)** (3:23 p.m.)

Supervisor Kauffman said that in the summer of 2002, the Board approved plan amendments that were part of the Area Plans Review process concerning various properties in the Telegraph Road corridor of Lee District. These amendments were the result of numerous citizen task force meetings in Lee District.

Supervisor Kauffman said that there was some miscommunication as to one of the plan amendment items. There was supposed to have been a Plan amendment approved to permit an expansion of the existing animal hospital on Telegraph

Road, an existing commercial - not residential - use. Through miscommunication, this amendment did not come forward for action during the Telegraph Road Corridor Plan amendment.

Supervisor Kauffman pointed out that Hayfield Animal Hospital now has an application pending to expand its facility as discussed during the previous Telegraph Road Corridor Plan review.

Therefore, pursuant to Section 15.2-2229 of the *Code of Virginia*, Supervisor Kauffman moved that the Board:

- Approve an Out-of-Turn Plan Amendment consideration for Tax Map numbers 100-2 ((1)) Parcel 1 and 100-1 ((9)) Parcel 3, to provide for the expansion of the existing animal hospital.
- Direct staff to provide its report for this amendment to the Planning Commission no later than April 29, 2004.

This motion shall in no way prejudice the consideration of the rezoning in any way and does not relieve the applicant from any ordinances or adopted standards. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

42. **AWARD FOR KATHERINE K. HANLEY, FORMER CHAIRMAN OF THE BOARD OF SUPERVISORS** (3:24 p.m.)

Supervisor Kauffman said that Katherine K. Hanley, former Chairman of the Board of Supervisors, will be recognized for a special award on March 10, 2004.

43. **BOARD RETREAT** (3:25 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk's Summary Item CL#29.)

Supervisor Hyland congratulated Chairman Connolly on the success of the recent Board Retreat. He also expressed appreciation to Supervisor McConnell for hosting the event.

44. **INTERNATIONAL BUILDING SAFETY WEEK** (3:26 p.m.)

Supervisor Frey announced that International Building Safety Week has been observed in this nation to increase public awareness of the importance of building codes and construction safety. Code officials across the country actively endorse Building Safety Week as a good way to improve communication between their building departments and community residents, local builders and developers, and to increase public awareness on a wide range of issues including safety devices such as carbon monoxide detectors, smoke detectors, and arc-fault circuit

interrupters, which save lives and protect property.

Supervisor Frey said that this year, International Building Safety Week will be observed during the week of April 4-10, 2004. To mark the event, the Department of Public Works and Environmental Services (DPWES) has scheduled public outreach efforts in several building material supply retail stores.

Therefore, Supervisor Frey asked unanimous consent that:

- A proclamation be prepared by staff for the Board's meeting on March 29, 2004, declaring the week of April 4-10, 2004, as *Building Safety Week* in Fairfax County.
- This year's recipient of the Building Safety Community Partnership Award and staff from the Office of Building Code Services, DPWES, who have made particular contributions to building safety this past year, be recognized before the Board at that time.

Without objection, it was so ordered.

45. **HUMAN SERVICES** (3:28 p.m.)

(NOTE: Earlier in the meeting the County Executive presented the proposed Fiscal Year 2005 Budget. See Clerk's Summary Item CL#10.)

Supervisor Kauffman referred to activities in the School System that fall into the category of human services and potential overlaps. He asked unanimous consent that the Board direct staff to add to the Consideration list this issue of potential savings which could result from the overlap in services. Without objection, it was so ordered.

DMB:dmb

AGENDA ITEMS

46. **3 P.M. – BOARD DECISION ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 16001 LEE HIGHWAY (SULLY DISTRICT)**
(3:28 p.m.)

(NOTE: At its November 17, 2003, meeting the Board held a public hearing on this item and deferred decision until January 5, 2004. On January 5, 2004, the Board deferred decision on this item until February 23, 2004.)

Supervisor Frey moved to defer decision on the Spot Blight Abatement Ordinance for 16001 Lee Highway until **April 26, 2004, at 3:00 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova,

Supervisor Gross, Supervisor Hudgins, and Supervisor McConnell being out of the room.

47. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, AGRICULTURAL AND FORESTAL RENEWAL APPLICATION AR 92-V-001 (BELMONT BAY FARM, LIMITED., ET. AL.) (MOUNT VERNON DISTRICT)** (3:29 p.m.)

- (O) (NOTE: At its October 20, 2003, meeting the Board deferred the public hearing on this item until January 26, 2004. On January 26, 2004, the Board deferred the public hearing on this item until February 23, 2004.)

The application property is located on the west side of Belmont Boulevard approximately 1,500 feet south of its intersection with Gunston Drive, Tax Map 117-2 ((1)) 2 V/Z, 4 V/Z, and 15 V/Z.

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 February 5 and February 12, 2004.

Following the public hearing, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, Agricultural and Forestal Renewal Application AR 92-V-001 subject to the Ordinance revisions dated September 24, 2003, to renew the Belmont Bay Farm, Limited, et. al. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, and Supervisor McConnell being out of the room.

48. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-009 (UNIWEST GROUP, LLC) (PROVIDENCE DISTRICT)** (3:33 p.m.)

- (O) (NOTE: At its January 26, 2004, meeting the Board deferred the public hearing on this item until February 23, 2004.)

The application property is located on the west side of Gallows Road, approximately 200 feet south of its intersection with Lee Highway and north and south of Strawberry Lane, Tax Map 49-4 ((1)) 4, 8, 9, 9A, 10, 11, and 11A, and Strawberry Lane public right-of-way to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for Strawberry Lane to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.]

Mr. William B. Lawson, Jr. reaffirmed the validity of the affidavit for the record.

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

Chairman Connolly disclosed the following campaign contribution which he had received in an amount of less than \$200 from:

- Mr. Michael D. Collier
- Mr. Norman R. Pozez
- Ms. Melinda Bieber
- Mr. Sidney O. Dewberry
- Ms. Robin L. Antonucci
- Mr. Martin J. Wells
- Mr. Terrence J. Miller
- Mr. Dennis M. McDonald
- Mr. James A. Lancaster

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

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-009, from the I-5 and HC Districts to the PRM and HC Districts, subject to the proffers dated February 20, 2004.
- Modification of the loading space requirement to permit three spaces instead of five spaces in the southern building.

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

49. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX A (FLOOD PLAINS), REGARDING ADOPTED FLOODPLAINS** (3:53 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix A (Flood Plains), as set forth in the staff report dated February 2, 2004, and that these amendments become effective at 12:01 a.m., February 24, 2004. The motion, the second to which was inaudible, carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

50. **3:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HICKORY HILL ROAD, BEECHTREE LANE, SLADE RUN DRIVE, DEVON DRIVE, ROSE LANE, AND VALLEY BROOK DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)** (3:55 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2004.

Following the public hearing, which included testimony by four speakers, Supervisor Gross moved adoption of the resolution endorsing roads to be included in the R-TAP for a through truck traffic restriction as follows:

- Hickory Hill Road between Annandale Road and Rose Lane
- Beechtree Lane between Annandale Road and Rose Lane
- Slade Run Drive between Annandale Road and Valley Brook Drive
- Devon Drive between Slade Run Drive and Valley Brook Drive
- Rose Lane between Slade Run Drive and Annandale Road
- Valley Brook Drive between Rose Lane and Sleepy Hollow Road

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

51. **4 P.M. – PH ON A PROPOSAL TO VACATE MEADOW BROOK DRIVE (SPRINGFIELD DISTRICT)** (4:10 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Discussion ensued with input from Michael A. Davis, Transportation Planner, Transportation Planning Division, Department of Transportation.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved adoption of the Ordinance vacating Meadow Brook Drive. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Dubois, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Frey, and Supervisor Hudgins being out of the room.

52. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEESVILLE BOULEVARD, HEMING AVENUE, AND QUEENSBERRY AVENUE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK DISTRICT)** (4:12 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 10 and February 17, 2004.

Discussion ensued with input from Douglas W. Hansen, Manager, Residential Traffic Administration Program, Department of Transportation.

ADDITIONAL BOARD MATTER

Absence of Braddock District Supervisor Sharon Bulova

Chairman Connolly announced that Supervisor Bulova was absent from the meeting because she was attending the wake of a family member. He noted that she would be returning to the meeting.

Following the public hearing, which included testimony by five speakers, Supervisor Gross, on behalf of herself and Supervisor Bulova, moved adoption of the Resolution endorsing roads to be included in the R-TAP for a through truck traffic restriction as follows:

- Leesville Boulevard between Backlick Road and Heming Avenue
- Heming Avenue between Braddock Road and Queensberry Avenue
- Queensberry Avenue between Heming Avenue and Braddock Road

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

53. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 13 (AUXILIARY POLICE FORCE)**
(4:27 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Discussion ensued with input from Robert M. Ross, Assistant County Attorney, and Dave Rohrer, Deputy Chief, Fairfax County Police Department.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 13 (Auxiliary Police Force), to eliminate age and residency requirements for auxiliary police officers and allow certain permanent aliens to apply for auxiliary officer positions. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Frey, and Supervisor Hudgins being out of the room.

54. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-032 (WHITE PEARL INVESTMENT COMPANY) (PROVIDENCE DISTRICT)**
(4:30 p.m.)

(NOTE: Subsequent to the meeting, staff determined that this public hearing was not properly advertised, making this action null and void. The public hearing will be rescheduled for **March 15, 2004, at 3 p.m.**)

The application property is located at 7918 Jones Branch Drive, Tax Map 29-4 ((7)) 7C.

Ms. Michelle Rosati-Leggett reaffirmed the validity of the affidavit for the record.

Ms. Rosati-Leggett 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, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Special Exception Application SE 2003-PR-032, subject to the development conditions contained in Appendix I of the staff report. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Hudgins being out of the room.

55. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING TECHNICAL REVISIONS REQUIRED TO UPDATE QUALIFICATION BY THE INTERNAL REVENUE SERVICE (IRS) OF THE EMPLOYEES', POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS** (4:34 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Discussion ensued with input from Lurnz A. Swartz, Executive Director to the Retirement Boards.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding technical revisions required to update qualification by the IRS of the Employees', Police Officers, and Uniformed Retirement Systems. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland,

Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova and Supervisor Hudgins being out of the room.

56. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6613 OLD CHESTERBROOK ROAD (DRANESVILLE DISTRICT)**
(4:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Discussion ensued with input from Christina Sadar, Acting Chief, Housing Rehabilitation, Design, Development and Construction Division, Department of Housing and Community Development.

Following the public hearing, which included testimony by five speakers, discussion ensued with input from Ms. Sadar.

Supervisor DuBois moved:

- Adoption of the Ordinance to declare 6613 Old Chesterbrook Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 6613 Old Chesterbrook Road.

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

57. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-S-012 (THE COUNTRY CLUB OF FAIRFAX, INCORPORATED) (SPRINGFIELD DISTRICT)** (5:08 p.m.)

The application property is located at 5110 Ox Road and 11001 Braddock Road, Tax Map 68-1 ((1)) 17, 18, and 20.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

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

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

- In excess of \$200 from Francis A. McDermott

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

- \$199 from Francis A. McDermott
- In excess of \$200 from Arlene, Francis, and Jeremiah McDermott

Discussion ensued with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning.

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

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Bulova seconded the motion and it carried by unanimous vote.

Supervisor McConnell moved:

- Approval of Special Exception Amendment Application SEA 99-S-012, subject to the revised development conditions dated February 9, 2004.
- Modification of the transitional screening and barrier requirements along all property boundaries in favor of that depicted on the SEA Plat, and as conditioned.
- Modification to the additional standards under paragraphs two and three of Section 9-528 of the Zoning Ordinance, regarding the 50 foot setback from residential district for structures and parking, as shown on the SEA Plat.

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

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#59.)

58. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-040, PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-4, AND SPECIAL EXCEPTION APPLICATION SE 2003-SU-025 (LWL, LLC) (SULLY DISTRICT)** (5:15 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-040, Proffered Condition Amendment Application PCA 78-S-063-4, and Special Exception Application SE 2003-SU-025 until **March 15, 2004, at 3 p.m.** Supervisor seconded the motion and it carried by unanimous vote.

59. **ADDITIONAL ACTION REGARDING 4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-S-012 (THE COUNTRY CLUB OF FAIRFAX, INCORPORATED) (SPRINGFIELD DISTRICT)**

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#57.)

Supervisor McConnell moved waiver of the service drive requirement along the Ox Road/Route 123 frontage. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

60. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:16 p.m.)

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

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

- Mr. Don Hinman regarding Connector Bus fees.
- Mr. James Pammel regarding sidewalks.
- Dr. Thomas Wilkins regarding naming the Tri-County Parkway for Dr. Martin Luther King, Jr.
- Ms. Doris Gilmore-Briggs regarding naming the Tri-County Parkway for Dr. King.

Following the testimony of Mr. Hinman (Speaker One), Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent

that the Board direct staff to review the issue of Connector Bus fees and report its findings. Without objection, the request was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following the testimony of Dr. Wilkins (Speaker Three), Chairman Connolly provided him with a copy of a Board Matter which was presented earlier in the meeting regarding naming the proposed tri-county parkway. (See Clerk's Summary Item CL#25.)

Further discussion ensued with input from Dr. Wilkins.

61. **5:30 P.M. – PH ON THE DRAFT PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2005** (5:39 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 5 and February 12, 2004.

Discussion ensued, with input from Audrey Spencer-Horsley, Chief of Resource Development and Compliance, Real Estate Finance and Grants Management Division, Department of Housing and Community Development.

Following the public hearing, which included testimony by three speakers, Chairman Connolly closed the public hearing, but left the record open for written testimony until March 15, 2004. Final action on this item will be taken by the Board at its April 26, 2004, meeting.

62. **BOARD RECESS** (5:56 p.m.)

At 5:56 p.m., the Board recessed briefly and at 6:16 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and with Chairman Connolly presiding.

63. **6 P.M. – PH ON THE QUESTION OF CREATING A PHASE 1 DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT** (6:16 p.m.)

(APPTS)
(R)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 31, February 5, and February 12, 2004.

Chairman Connolly disclosed that his employer, SAIC, or an entity affiliated with SAIC, owns land within the proposed district. He stated that the creation of the district, or a decision not to create the district could result in SAIC realizing a reasonably foreseeable direct or indirect detriment or benefit. Chairman Connolly

said that he has been an advocate for rail for a long time and declared that he is able to participate in this hearing fairly, objectively, and in the public interest.

Anthony H. Griffin, County Executive, gave a brief presentation regarding the question of creating a Phase I Dulles Rail Transportation Improvement District.

Following the public hearing, which included testimony by 52 speakers, discussion ensued with input from David P. Bobzien, County Attorney.

Supervisor Hudgins moved that the Board direct the Clerk to certify the proposed resolution that would create a Phase I District as proposed by the petition, as recommended by staff. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Chairman Connolly directed the Clerk to deliver certified copies of the proposed resolution to LEADER attorneys and also to any individual petitioner in attendance who desires a copy.

Discussion ensued with input from Fred Selden, Director, Planning Division, Department of Planning and Zoning; Leonard Wales, County Debt Manager, Department of Management and Budget; Young Ho Chang, Director, Department of Transportation; and James McGettrick, Assistant County Attorney.

Nancy Vehrs, Clerk to the Board of Supervisors, confirmed that certified copies of the petition were distributed, as directed by the Board.

Discussion ensued with input from Francis A. McDermott, Hunton and Williams, LLP, counsel for the Petitioners, who confirmed his authorization to state on behalf of the Petitioners that none of the Petitioners desire to withdraw their signatures from the petition.

Supervisor Hudgins moved adoption of the Material and Essential Understandings Resolution (Attachment III of the Board Agenda Item dated February 23, 2004). Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Hudgins moved adoption of the proposed Resolution previously identified by the Board and affirmed by Petitioners. Supervisor DuBois seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

Following discussion, Mr. McDermott submitted a letter withdrawing the earlier "one district" petition.

Supervisor Hudgins moved to accept the withdrawal and remove the public hearing on the earlier petition from the Board's agenda. Supervisor Bulova seconded the motion and it carried by unanimous vote.

Supervisor Hudgins moved the following appointments to the District Commission for the newly-created Phase I District:

- Supervisor Joan DuBois
- Supervisor Catherine Hudgins
- Supervisor Linda Smyth
- Chairman Gerald Connolly

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

Supervisor Hudgins moved that the Board:

- Reaffirm its commitment to the full implementation of the 23.1- mile project through the corridor.
- Convey to the County's federal delegation that in any language regarding the Dulles Rail project that it include the 23.1- mile commitment in the spirit of completing the 23.1- mile project.

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

64. **BOARD ADJOURNMENT** (9:38 p.m.)

At 9:38 p.m., the Board adjourned.

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