



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 8, 2002**

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The meeting was called to order at 9:05 a.m., with all Members being present, with the exception of Supervisor Kauffman, and with Chairman Hanley presiding.

Supervisor Kauffman arrived at 9:35 a.m.

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

BOARD MATTER

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

Supervisor Hudgins asked everyone to keep in thoughts and prayers the family of Ms. Jane Wilhelm who recently died. Ms. Wilhelm can be credited as helping to development the social fabric of Reston. She was the first community relations director, and was also a former Fairfax County Public Schools teacher.

Supervisor Gross asked everyone to keep in thoughts and prayers the family of Mr. Wayne Ford Buckle who recently died. Mr. Buckle was a mentor to many local officials, and served on the Board of Directors for Northern Virginia Family Services.

Supervisor McConnell asked everyone to keep in thoughts and prayers the family of Dr. Robert Bentley, a former member of the Providence District Human Service Council, who died last week.

AGENDA ITEMS**2. CERTIFICATE OF RECOGNITION PRESENTED TO THE MADEIRA SCHOOL GIRLS' SWIM AND DIVE TEAM (Tape 1)**

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Madeira Girls' Swim and Dive Team for its accomplishment. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Kauffman not yet having arrived.

3. CERTIFICATES OF RECOGNITION PRESENTED TO THE ELECTRICAL, MECHANICAL, AND PLUMBING ADVISORY BOARDS (Tape 1)

(BACs) Supervisor Frey moved approval of the Certificates of Recognition presented to the Electrical Advisory Board, the Mechanical Advisory Board, and the Plumbing Advisory Board for their service. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Connolly and Supervisor McConnell being out of the room, Supervisor Kauffman not yet having arrived.

4. RESOLUTION TO RECOGNIZE THE HONORABLE TOM RUST (Tape 1)

Supervisor Mendelsohn moved approval of the Resolution to recognize the Honorable Tom Rust for his years of service to the Town of Herndon and Fairfax County. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Kauffman not yet having arrived.

5. PROCLAMATION DESIGNATING APRIL AS "IMMUNIZATION MONTH" IN FAIRFAX COUNTY (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate April as "*Immunization Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor McConnell and Supervisor Mendelsohn being out of the room, Supervisor Kauffman not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. PROCLAMATION DESIGNATING APRIL AS "WOMEN AND GIRLS' WELLNESS MONTH" IN FAIRFAX COUNTY (Tape 1)

Supervisor Gross moved approval of the Proclamation to designate April as "*Women and Girls' Wellness Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight. Supervisor Frey and Supervisor McConnell being out of the room.

7. **RESOLUTION TO RECOGNIZE THE MCLEAN ORCHESTRA** (Tape 1)

Supervisor Mendelsohn moved approval of the Resolution to recognize the McLean Orchestra for its thirtieth anniversary. Supervisor Connolly and Chairman Hanley jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

8. **PROCLAMATION DECLARING APRIL 23, 2002, AS "VOLUNTEER RECOGNITION DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to declare April 23, 2002, as "*Volunteer Recognition Day*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

9. **PROCLAMATION DECLARING APRIL 21 - 27, 2002, AS "CRIME VICTIMS' RIGHTS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to declare April 21 - 27, 2002, as "*Crime Victims' Rights Week*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

10. **PROCLAMATION DECLARING APRIL 15 - 21, 2002, AS "ORGAN AND TISSUE DONATION AWARENESS WEEK" IN FAIRFAX COUNTY** (Tapes 1-2)

Supervisor Gross moved approval of the Proclamation to declare April 15 - 21, 2002, as "*Organ and Tissue Donation Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Mendelsohn being out of the room.

Supervisor Gross presented Certificates of Recognition to the following living organ donors:

- Ms. Elizabeth Crawford
- Ms. Christine Stengle
- Mr. Donald Staton
- Ms. Alyce Sullivan

11. **CERTIFICATE OF RECOGNITION PRESENTED TO OAK HILL ELEMENTARY SCHOOL** (Tape 2)

Supervisor Frey moved approval of the Certificate of Recognition presented to Oak Hill Elementary School for its accomplishment at this year's WordMasters Challenge. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

12. **PROCLAMATION DESIGNATING APRIL AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate April as "*Fair Housing Month*" in Fairfax County. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

13. **PROCLAMATION DESIGNATING APRIL AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley moved approval of the Proclamation to designate April as "*Child Abuse Prevention 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 Hyland returned the gavel to Chairman Hanley.

14. **PROCLAMATION DECLARING APRIL 7 - 13, 2002, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY AND INFORMATION ITEM I-1 INTERNATIONAL BUILDING SAFETY WEEK** (Tape 2)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, announcing that in observance of International Building Safety Week, April 7-13, 2002, the Department of Public Works and Environmental Services will conduct a campaign to promote and increase public awareness of building safety in the County.

Supervisor Frey moved approval of the Proclamation to declare April 7 - 13, 2002, as "*Building Safety Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, presented the 2002 Building Safety Community Partnership Award to Denny Hoover, President of the Washington Area Council of Engineering Laboratories.

PW:pw

15. **10 A.M. – APPOINTMENT TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD** (Tape 3)

(APPT)

(BACs)

Supervisor Hyland moved the appointment of Ms. Theresa J. Fanone to fill the unexpired term of Ms. Frances M. Hicks as the Mount Vernon District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by nine, Supervisor McConnell being out of the room.

16. **ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Gross called the Board's attention to Admin 1 - Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Baileys Crossroads Streetscape Project. Discussion ensued with input from Donna J. Goodyear, Director, Land Acquisition Division, Department of Public Works and Environmental Services.

Supervisor Gross called the Board's attention to Admin 9 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 10301 Belmont Boulevard and Admin 10 – Authorization to Advertise a Public Hearing on a Spot Blight Abatement Ordinance for 10225 Belmont Boulevard. Discussion ensued with input from Robert C. Counts, Director, Development and Real Estate Finance Division, Department of Housing and Community Development.

Supervisor Gross asked unanimous consent that the Board direct staff to expedite the process and circulate a list of the possible properties for blight abatement. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Following further discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide the status six months after it is determined that a property is blighted. If the property has not taken steps off the list, then staff would immediately bring to the Board the recommendation for authorization to proceed with the public hearing and adoption of a spot blight abatement ordinance. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding the staffing for the blight abatement program and whether there was any overlap in staffing with the home repair program for the elderly. Without objection, it was so ordered.

Supervisor Mendelsohn called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Affordable Dwelling Units. Discussion ensued with input from Donna Pesto, Senior Assistant to the Zoning Administrator, and Karen J. Harwood, Deputy County Attorney. He asked unanimous consent that the Board direct staff to clarify the revision of the ordinance specifically regarding the exemption for affordable dwelling units in mid-rise and high-rise apartment buildings. Without objection, it was so ordered.

Discussion continued regarding this item with input from Ms. Pesto.

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

(NOTE: *Later in the meeting, Supervisor Connolly asked to be recorded as voting "AYE" on the Administrative Items. See Clerk's Summary Item CL#20.)

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE BAILEYS CROSSROADS STREETSCAPE PROJECT (MASON DISTRICT)

(A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **May 6, 2002, at 3:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project 008911 - Baileys Crossroads Streetscape, in Fund 315, Commercial Revitalization Program.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED ORDINANCE TO APPROVE A JOINT POWERS AGREEMENT TO JOIN THE VIRGINIA ENERGY PURCHASING GOVERNMENTAL ASSOCIATION

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 29, 2002, at 4:30 p.m.** on a proposed ordinance approving the establishment of a Joint Powers Agreement to provide for the aggregation and joint procurement of electricity for purchasing competitive supplies of electricity.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-H-021, COMMERCIAL NET LEASE REALTY, INCORPORATED (HUNTER MILL DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 98-H-021 to October 11, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE AND HUNTER MILL DISTRICTS)

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

- Application FSA-L96-74-1 to June 10, 2002
- Application FSA-H99-21-1 to June 27, 2002

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL REVISIONS

- (A)(R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial revisions that correct a number of inconsistencies and errors caused by previously adopted amendments and do not alter the intent of the provisions beyond that which was intended by the Board in the adoption of the original amendments.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 94-D-025, DAVID B. NOURSI, TRUSTEE FOR KJS PARTNERSHIP (DRANESVILLE DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 94-D-025 to January 23, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK AND HUNTER MILL 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>
Powell Road Property	Braddock	Sherman Oaks Court Powell Road Route 832 Additional ROW Only
Reston Parkway Section 93, Block 3	Hunter Mill	Reston Parkway Route 602 Additional ROW Only Sunset Hills Road Route 675 Additional ROW Only

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNITS (ADU)

- (A)(R) (NOTE: Earlier in the meeting additional action was taken on this item. See page 6.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Board on **July 1, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the ADU Program provisions.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 10301 BELMONT BOULEVARD (MOUNT VERNON DISTRICT)

- (A) (NOTE: Earlier in the meeting additional action was taken on this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **May 6, 2002, at 3:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 10301 Belmont Boulevard, Tax Map Number 113-4-((01))-0013.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A SPOT BLIGHT ABATEMENT ORDINANCE FOR 10225 BELMONT BOULEVARD (MOUNT VERNON DISTRICT)

- (A) (NOTE: Earlier in the meeting additional action was taken on this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **May 6, 2002, at 3:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 10225 Belmont Boulevard, Tax Map Number 113-4-((01))-0012.

ADMIN 11 – APPROVAL OF ZONING ORDINANCE AMENDMENT WORK PROGRAM FOR 2002

Endorsed the Zoning Ordinance Amendment Work Program for 2002 as recommended by the Development Process Committee, as set forth in the attachments to the Board Agenda Item dated April 8, 2002.

ADMIN 12 – INSTALLATION OF MULTI-WAY STOPS AS PART OF THE DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE AND HUNTER MILL DISTRICTS)

- Endorsed the installation of multi-way stops as part of R-TAP at the following locations:
 - Lyons Street and Vernon Drive (Dranesville District)
 - Colts Neck Road and Steeplechase Drive (Hunter Mill District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 13 – RESOLUTION TO INSTALL A "WATCH FOR CHILDREN" SIGN AS PART OF THE DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of a "Watch for Children" sign as part of the R-TAP at Thistlehorn Drive (Sully District)
 - Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

ADMIN 14 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR LINTON LANE AS PART OF THE DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)

- Endorsed the traffic-calming plan for Linton Lane as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - One multi-way stop at the intersection of Linton Lane and Sword Lane
 - One raised crosswalk in front of Fort Hunt Elementary School
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 15 – RECOMMENDATION OF A STREET TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK DISTRICT)

- Endorsed the selection of El James Drive (Braddock District) for traffic-calming measures as part of R-TAP.
- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with the community, as soon as possible.

ADMIN 16 – INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (HUNTER MILL DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of "\$200 Additional Fine for Speeding" signs advising motorists of enhanced penalties for speeding at Soapstone Drive between Lawyers Road and Glade Drive (Hunter Mill District) as part of R-TAP.

ADMIN 17 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY FOR VIRGINIA AMERICORPS PROGRAM FUNDING FROM THE VIRGINIA COMMISSION ON NATIONAL AND COMMUNITY SERVICES TO SUPPORT THE STRENGTHENING COMMUNITIES INITIATIVE

Approved CRS's submittal of a grant application in the amount of \$92,534 to the Virginia Commission on National and Community Services to support the Strengthening Communities Initiative. The total cost of the program is \$112,320. The remaining \$19,786 in required local funding will be absorbed within the Fiscal Year 2003 CRS General Fund budget. No local cash math is required.

17. **A-1 – AUTHORIZATION FOR CONDEMNATION OF A CERTAIN EASEMENT NECESSARY FOR STORM DRAINAGE IMPROVEMENTS UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR GREEN BRANCH ESTATES (DRANESVILLE DISTRICT)** (Tape 3)

- (R) On motion of Supervisor Mendelsohn, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “AYE,” *Supervisor Connolly being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution authorizing staff to institute the necessary legal proceedings to acquire a certain easement necessary for the construction of storm drainage improvements in connection with the development of Green Branch Estates subdivision.

(NOTE: *Later in the meeting, Supervisor Connolly asked to be recorded as voting “AYE” on this item. See Clerk’s Summary Item CL#20.)

18. **A-2 – APPROVAL OF A PRELIMINARY FINANCING PLAN FOR LITTLE RIVER GLEN II, TO INCLUDE: REALLOCATION OF \$558,000 WITHIN HOUSING TRUST FUND, FROM AN UNDESIGNATED PROJECT TO THE LITTLE RIVER GLEN III PROJECT; ACCEPTANCE OF A ZERO INTEREST INFRASTRUCTURE LOAN; AND AGREEMENT TO ENTER INTO A CAPITAL FACILITY LEASE FOR THE ADULT DAY HEALTH CARE CENTER (BRADDOCK DISTRICT)** (Tape 3)

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

- Approve the preliminary financing plan for Little River Glen II which includes:

- Authorization to reallocate \$558,000 in Housing Trust Funds for infrastructure improvements.
- Agreement to issue tax-exempt bonds in an amount of approximately \$2,138,500.
- Acceptance of a zero interest rate infrastructure loan from Inova for an entity formed by Inova for this purpose.

Supervisor Hyland seconded the motion.

Supervisor Gross disclosed that she serves on the INOVA Health Services Board.

Supervisor McConnell disclosed that she serves on the INOVA Hospital System Hospitals Board.

Supervisor Frey disclosed that he serves on the INOVA Hospital System Hospitals Board.

The question was called on the motion, which carried by a vote of nine, *Supervisor Connolly being out of the room.

(NOTE: *Later in the meeting, Supervisor Connolly asked to be recorded as voting "AYE" on this item. See Clerk's Summary Item CL#20.)

19. **A-3 – ENDORSEMENT OF FAIRFAX COUNTY CODE RED DAY PREVENTION MEASURES** (Tape 3)

- (R) Supervisor Bulova, moved that the Board concur in the recommendation of staff and reaffirm its commitment to the Ozone Action Days prevention measures shown in amended Attachment II of the Board Agenda Item dated April 8, 2002, by endorsing the prevention measures for County Code Red Days as contained within Attachment I (Fairfax County Code Red Day Prevention Measures) of the Board Agenda Item dated April 8, 2002. Supervisor Connolly seconded the motion.

Supervisor Connolly announced that there is a conference on telework being held in downtown Washington, DC tomorrow.

Supervisor McConnell asked to amend the motion to revise the Resolution to indicate that the County would continue to urge the Federal Government to take action against those who pollute the air in Pennsylvania, Ohio, and other states with coal burning factories whose polluted air is transported to Virginia. This was accepted.

Following discussion, Supervisor Hudgins asked to amend the motion to direct staff to determine the County's Policies regarding avoiding excessive idling for transit buses during the summer months, and this was accepted.

The question was called on the motion, as amended, 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."

20. **REQUEST TO RECORD VOTES** (Tape 3)

(NOTE: Earlier in the meeting, Supervisor Connolly was not present for the vote on several items. See Clerk's Summary Items CL#16, CL#17, and CL#18.)

Supervisor Connolly asked unanimous consent that the Board direct staff to record him as voting "AYE" on the Administrative Items as well as Action Items One and Two. Without objection, it was so ordered.

21. **A-4 – TESTIMONY FOR PUBLIC HEARING ON VIRGINIA TRANSPORTATION DEVELOPMENT PLAN FOR HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEARS (FY) 2003 THROUGH FY 2008**
(Tape 3)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the recommended actions as outlined in the Board Agenda Item dated April 8, 2002. Supervisor Bulova seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Connolly clarified that his motion included flexibility in the text and this was accepted.

Supervisor McConnell asked unanimous consent that the Board direct staff to clarify Item #6 of the recommendation. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to include Route 28 in the main letter. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Frey asked to amend the motion to direct staff to determine where the Virginia Department of Transportation and the State are at this point regarding Route 28 and to advise the Board later today, and this was accepted.

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

22. **A-5 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING FUNDS AND MATCHING FAIRFAX COUNTY FUNDS FOR FISCAL YEAR (FY) 2003** (Tape 3)

- (R) Supervisor McConnell moved that the Board concur in the recommendation of staff and adopt the Resolution designating a maximum of \$500,000 in FY 2003 VDOT Revenue Sharing Program Funds and \$500,000 in matching Fairfax County funds, for a total of \$1,000,000 to continue funding for the widening of Lee Highway between Old Centreville Road and Shirley Gate Road. Supervisor Frey seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to determine the availability of funds in the Fairfax Center Fund to provide enough funds to proceed with design because of the need to have projects ready to go as quickly as possible or lose the funding, and this was accepted.

Vice-Chairman returned the gavel to Chairman Hanley.

The question was called on the motion, as amended, 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."

23. **C-1 – APPROVAL OF REVISIONS TO THE CHARTER AND BY-LAWS OF THE FAIRFAX COUNTY SMALL BUSINESS COMMISSION (SBC)** (Tape 3)

- (BACs) The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting approval of changes to the charter and bylaws of the SBC as outlined in the Board Agenda Item so that the SBC can finalize and publish its revised charter and bylaws.

Supervisor Hyland moved approval of the proposed changes to the SBC charter and bylaws. Supervisor Bulova seconded the motion.

Supervisor Gross moved to amend the motion to delete the term limitation provision from the proposed changes. Supervisor Connolly seconded the motion.

Following discussion, with input from Armand E. Malo, Director, Department of Purchasing and Supply Management, Supervisor McConnell moved that the Board table this matter. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Discussion continued following the vote.

24. **C-2 – ESTABLISHMENT OF A FAIRFAX COMMUNITY LONG TERM CARE COUNCIL** (Tape 3)

(BACs) The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting authorization to establish a Fairfax Community Long Term Care Council, as recommended by the Long Term Care Task Force, that will:

- Provide leadership and serve as the catalyst in the implementation of the Long Term Care Strategic Plan.
- Educate funders and policy makers on long term care needs and advocate for solutions of unmet needs.
- Develop a structure for an ongoing, nonprofit, collaborative organization in the community to facilitate the implementation of the Strategic Plan.
- Provide a mechanism for government agencies, nonprofits, for profits, educational institutions and businesses in our community to develop a shared vision for long term care and to enhance service delivery.

Supervisor Hudgins moved approval of the proposed establishment of the Fairfax Community Long Term Care Council. Supervisor Connolly seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to restructure the composition of the council to include multicultural community representatives, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Discussion ensued with input from Kay Larmer, Long Term Care Coordinator, Health Department; Verdiana L. Haywood, Deputy County Executive; and Marlene Blum, Member, Long Term Care Task Force.

Following further discussion, Supervisor Bulova asked to amend the motion to include the word “coordinating” into the name of the council. The name of the council would be the Fairfax Community Long Term Care Coordinating Council.

This was accepted.

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

25. **I-1 – INTERNATIONAL BUILDING SAFETY WEEK** (Tape 3)

(NOTE: Earlier in the meeting action was taken on this item. See Clerk’s Summary CL#14.)

26. **I-2 – CONTRACT AWARD - CHANTILLY BAPTIST CHURCH CROSSING (SULLY DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting authorization for staff to award a contract to K. B. Contracting, LLC, in the amount of \$232,927.02 for the Chantilly Baptist Church Crossing, in Project X00930, Sewer Relocation for the Virginia Department of Transportation and other Agencies, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

27. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D01-31, FAIRFAX COUNTY PARK AUTHORITY (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, announcing the Planning Commission's approval of Public Facilities Application 2232-D01-31.

28. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V01-36, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, announcing the Planning Commission's approval of Public Facilities Application 2232-V01-36.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide information as to the method of payment for the Newington Refuse Collection Facility. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

29. **I-5 – CONTRACT AWARD - PROFESSIONAL SERVICES TO PERFORM A NEEDS ASSESSMENT FOR THE FAIRFAX COUNTY PARK AUTHORITY** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting authorization for staff to award a contract to Leisure Vision, Incorporated, in the amount of \$210,000 for consultant services related to a Recreation Needs Assessment Study.

Following discussion, the staff was directed administratively to proceed as proposed.

30. **I-6 – CONTRACT AWARD - MARKETING SERVICES FOR THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting authorization for staff to award a contract to LeafFrog Solutions, Incorporated, for the provision of marketing services for the NVWIB.

The staff was directed administratively to proceed as proposed.

31. **I-7 – CONTRACT AWARD - MEDICAL CARE SERVICES FOR INMATES OF THE ADULT DETENTION CENTER (ADC)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 8, 2002, requesting authorization for staff to award a contract to Lishan Kassa, M.D., for medical care services for inmates of ADC.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

32. **NATIONAL COUNTY GOVERNMENT WEEK** (Tape 4)

Chairman Hanley stated that April 7-13, 2002, is National County Government Week. She relinquished the Chair to Vice-Chairman Hyland and moved that the Board adopt the Resolution (copies of which she distributed) declaring April 7-13, 2002, as “*National County Government Week*” in Fairfax County and send it to the National Association of Counties. Supervisor Connolly seconded the motion, which carried by unanimous vote.

33. **PROVIDER APPRECIATION DAY** (Tape 4)

To acknowledge the important role of child care providers in caring for and educating young children in the County, Chairman Hanley said that the Child Care Advisory Council requested that the Board celebrate Provider Appreciation Day. Accordingly, she moved that the Board direct staff to invite representatives from the child care provider community and the Office for Children to appear before the Board to receive a proclamation declaring May 10, 2002, (sic) as “*Provider Appreciation Day*” in Fairfax County. Supervisor Bulova seconded the motion, which carried by unanimous vote.

34. **CELEBRATE THE AMERICAN SPIRIT - VOLUNTEER WEEK** (Tape 4)

Chairman Hanley stated that the Fairfax County General District Court will recognize its many volunteers during the week of April 21-27, 2002. To acknowledge their hard work and dedication, she moved that the Board direct

staff to prepare and send to the Court the appropriate updated proclamation designating April 21-27, 2002, as “*Celebrate the American Spirit – Volunteer Week*” in Fairfax County. Supervisor Bulova seconded the motion, which carried by unanimous vote.

35. **TREE CITY USA** (Tape 4)

Chairman Hanley called the Board’s attention to her Board Matter regarding the designation of the County as a “Tree City USA” for the nineteenth year in a row and which included all the publicity ideas for the designation. She noted that for a community to achieve that designation it must meet four standards: a tree board or department, a tree care ordinance, a comprehensive forestry program, and an Arbor Day observance.

Chairman Hanley noted that the County is celebrating Arbor Day on Saturday, April 27, 2002, at the Annandale campus of the Northern Virginia Community College. Accordingly, she moved that the Board issue the referenced press release and post the information on the County’s website, along with the information posted as a result of the Board Matter Supervisor Bulova presented on March 18, 2002 regarding the celebration. Supervisor Bulova seconded the motion.

Following discussion, Supervisor Bulova asked unanimous consent that the Board direct staff to continue to provide in-kind support, such as the provision of tables and chairs and related assistance as has been provided in the past. Without objection, it was so ordered.

Supervisor Connolly clarified for the record that the date of the event is Saturday, April 27, 2002.

Supervisor Hudgins announced that the Town of Vienna also received the “Tree City USA” designation and she asked unanimous consent that the Board direct staff to include it as part of the publicity efforts. Without objection, it was so ordered.

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

36. **CABLE FRANCHISE FEES** (Tape 4)

Chairman Hanley stated that each Board Member received a letter from Gary McCollum, Vice President and General Manager, Cox Communications Northern Virginia, in which he stated that Cox has been offering cable modem service in the County and surrounding franchise areas since its acquisition of Media General Cable in October of 1999. He noted that when the service was first launched, the mutual agreement was that the revenues from the provision of such service would be treated as revenue from cable service. He said that Cox has been collecting cable franchise fees on this service from the subscribers and remitting them to the County accordingly.

Chairman Hanley said that Mr. McCollum wrote that “the FCC recently issued its long-awaited decision in its inquiry concerning high speed access to the internet over cable and other facilities.” He said that the Federal Communications Commission (FCC) ruled that cable modem service is a Title One interstate information service and is neither a Title Six cable service nor a Title Two telecommunications service. The FCC ruled that revenue from cable modem service should not be included in the compilation of gross revenues from which cable franchise fees are determined. In light of this decision, Cox’s attorneys advised that it is no longer permitted to pay cable franchise fees relating to cable modem service.

Accordingly, Chairman Hanley asked unanimous consent that the Board direct staff to provide information as to the related cost to the County as part of the formal budget question and answers process.

David P. Bobzien, County Attorney, pointed out that this item would be discussed during the closed session.

Without objection, the request was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting, the Board took further action on this issue. See Clerk's Summary Item CL#75.)

PMH:pmh

37. **2001-2002 NATIONAL ENGINEERS WEEK FUTURE CITY EVENT**
(Tape 5)

On behalf of Supervisor Connolly and himself, Supervisor Mendelsohn announced that a group comprised entirely of seventh grade students from Joyce Kilmer Middle School won the regional competition in the 2001-2002 National Engineers Week Future City event. Successfully competing against 30 other teams, the Kilmer Team advanced to the national level and placed seventh in the nation, with over 30,000 students and 950 teams participating. The team of 11 students who worked on the project include: Peter Bojo, Ian Carter-Condon, Aniruddha Kishna, Andrew Li, Andrew Psaltis, Ben Ranard, Karffik Seetharam, Alexandra Simone, Alice Webb, Brain Wu, and William Zeng. The students were mentored by C. Flint Webb, Project Manager for SAIC, and assisted by the Kilmer Middle School technology teacher, Kent E. Schweitzer. This was the first time Kilmer students had entered this competition.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to invite the Joyce Kilmer Middle School 2001-2002 National Engineers Week Future City award-winning team and its coaching staff to appear before the Board on April 29, 2002, to recognize their significant accomplishments.

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

38. **PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-005** (Tape 5)

Supervisor Mendelsohn said that on March 18, 2002, the Board approved a motion directing concurrent processing of Special Exception Application SE 2002-DR-005.

Due to the applicants' cooperation in working with the neighbors and their sensitivity to environmental issues and the delays caused by these efforts, the applicants desire to have the special exception and subdivision process completed as soon as possible. The public hearing before the Planning Commission is scheduled for July 18, 2002, and the applicant has requested a hearing by the Board prior to the August 2002 recess. The Zoning Evaluation Division of the Department of Planning and Zoning (DPA) has been consulted and has no objection to this schedule.

Therefore, Supervisor Mendelsohn moved that the Board direct staff of the DPZ to schedule a public hearing to be held before the Board on August 5, 2002, on this special exception application. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

39. **NOMINATIONS TO THE GOVERNING BOARD OF THE MCLEAN COMMUNITY CENTER** (Tape 5)

(BACs) Supervisor Mendelsohn moved that the Board accept the following candidates of Small District #1 of Dranesville District on the ballot for election to the Governing Board of the McLean Community Center at the election to be held on Saturday, May 18, 2002, from 9 a.m. until 5 p.m., at Lewinsville Park, 1659 Chain Bridge Road:

Adult candidates:

- Leslie N. Christopher, 8311 Hunting Hill Lane, McLean, VA 22102
- Dorothy S. Hassan, 7020 Hector Road, McLean, VA 22101
- Caroline Pickens, 7009 Girard Street, McLean, VA 22101
- Margaret Van Winkle, 1209 Winter Hunt Road, McLean, VA 22102

Youth candidates:

Langley High School area:

- Negar Kordestani, 7712 Lear Road, McLean, VA 22102
- Jamie Segal, 1120 Duchess Drive, McLean, VA 22102

McLean High School area:

- Ryan Colaianni, 1820 Solitaire Lane, McLean, VA 22101
- Sarah Sullivan, 1807 Barbee Street, McLean, VA 22101

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

40. **DULLES CORRIDOR RAPID TRANSIT PROJECT** (Tape 5)

Supervisor Mendelsohn referred to the scheduling of a Transportation Committee for a briefing regarding the Dulles Corridor Rapid Transit Project and Chairman Hanley announced that it is scheduled for April 22, 2002, at noon.

41. **REQUEST TO WAIVE FEES FOR SHOWMOBILE** (Tape 5)

Supervisor Bulova announced that this will be the fifth year that the American Cancer Society will stage an annual event at Robinson Secondary School. It is part of a worldwide effort with 3000 relays planned for the United States, Canada, and Australia. This is the signature fund raising event for the Fairfax community and last year \$135,000 was raised with 55 teams participating. This year they anticipate having 95 teams and raising over \$200,000.

Supervisor Bulova noted that the event will begin with a luncheon on Saturday to honor cancer survivors and will end at 11 a.m. on Sunday with a luminary service in memory of those who lost their battle. In between there will be entertainment, DJ's, clowns, and a fair full of fun running through the night at the ball fields at Robinson Secondary School.

Supervisor Bulova moved a waiver of the fees for the Showmobile for the American Cancer Society at Robinson Secondary School on June 8-9, 2002, to maximize the amount of money raised by this event for its programs and for cancer research, Supervisor Connolly seconded the motion and it carried by unanimous vote.

42. **CIRCUS PARADE** (Tape 5)

Chairman Hanley noted that animals from the Ringling Brothers and Barnum and Bailey Circus may be walking up Route 123 this evening. The plan is that they will be making the trek from a train up to their performance area in the County.

Supervisor Bulova clarified that the circus will be performing at the Patriot Center on the campus of George Mason University and the animals will be transported by rail, with a stop at the old station at Fairfax Station around 11 p.m.

43. **OUT-OF-TURN PLAN (OTPA) AMENDMENT FOR PROPERTY LOCATED AT TAX MAP 61-1((1))11** (Tape 5)

Supervisor Gross said that representatives of the Washington Real Estate Investment Trust, the owner of numerous office, retail, industrial, and apartment buildings in Fairfax County, have approached her to determine if an expansion of the Munson Hill Towers apartment building is feasible and has proposed an OTPA. Since the 2002 South County Area Plans Review Cycle has just begun, it may be appropriate to include their proposal in that evaluation process.

Therefore, Supervisor Gross moved that the Board direct staff and the Mason District Area Plans Review Task Force to consider an OTPA for the property located at Tax Map 61-1((1))11, and to include it in the evaluation process with nominations introduced in the 2002 South County Cycle. This motion should not be considered as a favorable recommendation on the proposed amendment in any way. Supervisor Connolly seconded the motion and it carried by unanimous vote.

44. **BAILEYS CROSSROADS COMMUNITY SHELTER** (Tape 5)

Supervisor Gross announced that the Baileys Crossroads Community Shelter, located at 3525 Moncure Avenue, will host an Open House on Sunday, April 14, 2002, from 3 p.m. until 5 p.m.

45. **SEMI-ANNUAL BOOK SALE** (Tape 5)

Supervisor Gross announced that the semi-annual book sale sponsored by the Friends of George Mason Regional Library will take place at the library, 7001 Little River Turnpike in Annandale, during the following hours:

- April 25, 5 p.m. until 9 p.m.
- April 26, 10 a.m. until 6 p.m.
- April 27, 10 a.m. until 5 p.m.
- April 28, noon until 4 p.m.

46. **SUNSET HILLS MONTESSORI CHILDREN'S HOUSE, INCORPORATED** (Tape 5)

Supervisor Hudgins said that Sunset Hills Montessori Children's House, Incorporated has filed an application for a special exception to permit a private school of general education and child care facility for 178 children at 1810 Samuel Morse Drive, Reston. Special Exception Application SE 2002-HM-009 is being processed concurrently with Variance Application VC 2002-HM-045. The applicant, Ms. Eileen Dowds Minarik desires the school to be open for school year 2002-2003, which begins September 4, 2002.

Accordingly, Supervisor Hudgins moved that the Board authorize an expedited public hearing for Special Exception Application SE 2002-HM-009 located at Tax Map 018-3-06-007-A. This motion does not relieve the applicant from complying with the provisions of any applicable ordinance, regulations or adopted standards and does not prejudice the consideration of this application in any way. Chairman Hanley seconded the motion and it carried by unanimous vote.

47. **EOP-RESTON TOWN CENTER, LLC ("EQUITY OFFICE") AND WESTERRA RESTON, LLC** (Tape 5)

EOP-Reston Town Center, LLC ("Equity Office") and Westerra Reston, LLC ("Terrabrook") have filed a series of zoning applications to address the long-term development of the Reston Town Center Urban Core and its environs. The applications are the culmination of negotiations between Equity and Terrabrook for a period of 18 months and are currently under review by County staff and are scheduled for public hearing before the Planning Commission on June 13, 2002.

Supervisor Hudgins noted that she had met with the applicants on several occasions to discuss these zoning applications and has encouraged them to meet with members of the Reston community, including the Reston Planning and Zoning Committee and representatives of the neighboring homeowners associations, to advise them of the applicants' zoning plans. These discussions are ongoing.

Accordingly, Supervisor Hudgins moved that the Board authorize an expedited public hearing for June 17, 2002, for the following zoning applications:

- Development Plan Amendment Applications DPA 85-C-088-04, DPA 86-C-121-03, DPA 86-C-121-04, DPA 89-C-025-02, and DPA 89-C-025-03
- Proffered Condition Amendment Application PCA 85-C-088-06

This motion does not relieve the applicant from complying with the provisions of any applicable ordinance, regulations or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

48. **NATIONAL NURSES WEEK** (Tape 5)

Supervisor Hudgins said that registered nurses are the largest health care profession in the United States with more than 2.7 million members, who work to meet the different and emerging health needs of the American population. The American Nurses Association, as the voice for registered nurses in Fairfax County as well as throughout the country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care. The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of health care services.

Supervisor Hudgins moved that the Board:

- Declare the week of May 6-7, 2002, as *National Nurses Week 2002* in Fairfax County.
- Direct staff to invite representatives from the Virginia Nurses Association to appear before the Board to be recognized for their many years of service to the community and caring of the ill.

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

49. **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM** (Tape 5)

Supervisor Hudgins said that federal legislators are currently considering the reauthorization of the TANF program. TANF provides vital aid for families in Fairfax County and nationwide who are experiencing severe financial difficulty. One of the proposals currently circulating, however, would provide financial incentives for TANF recipients to be married and would require additional administration to enforce these regulations. It is vital that all TANF dollars are used to ensure the economic self-sufficiency of recipients regardless of their marital or parental status.

Therefore, Supervisor Hudgins moved that the Board send a letter to the members of Fairfax County federal delegation urging their support of full TANF reauthorization and their opposition to the use of TANF funds to encourage marriage for TANF recipients. Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor McConnell voting "NAY," Supervisor Mendelsohn abstaining.

50. **BICYCLE COMMUTERS** (Tape 5)

On behalf of Supervisor Gross and herself, Supervisor Hudgins announced that on May 3, 2002, bicycle commuters from around the metropolitan Washington area will celebrate Bike to Work Day. This year's event will be a regional celebration with celebrations at several sites. For the first time, Fairfax County is participating in the event with a rally in Reston. Other suburban locations include Alexandria, Rosslyn, and Leesburg, Virginia; Bethesda, College Park, Frederick, North Bethesda, Rockville, and Silver Spring, Maryland; and the major event at Freedom Plaza in downtown, DC. Each of the rally sites will have free breakfast and prizes, including bicycles.

Supervisor Hudgins noted that the events are being organized by the Washington Area Bicyclist Association (WABA), the Metropolitan Washington Council of Governments (MWCOG), and local coordinators.

Chairman Hanley announced that the April 29, 2002, meeting would begin at 9 a.m. because of the number of presentations.

Supervisor Hudgins moved that the Board direct staff to invite representatives from WABA, MWCOG and the local coordinating group to appear before the Board at the April 29, 2002, Board meeting to be recognized for "Bike to Work Day" in Fairfax County on May 3, 2002. Supervisor Gross seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct staff to report in the form of an information item on April 29, 2002, with studies or data in terms of how many people commute to work by bicycle each day and possible incentives that could increase that number. Without objection, it was so ordered.

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

51. **HOUSING TRUST FUND** (Tape 5)

Supervisor Hudgins referred to the Housing Trust Fund and asked unanimous consent that the Board direct staff to include the replenishment of the partnership program as a consideration item. Without objection, it was so ordered.

A brief discussion ensued.

52. **VIENNA VOLUNTEER FIRE DEPARTMENT** (Tape 5)

Supervisor Hudgins asked unanimous consent that the Board direct staff to include \$1.5 million for the Vienna Volunteer Fire Department as part of the Capital Improvement Program in the proposed Public Safety Bond. Without objection, it was so ordered.

A brief discussion ensued.

53. **PUBLIC SAFETY BOND** (Tape 5)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report with information regarding the County Executive's proposal regarding the public safety bond and to address what has changed with the judicial center that is causing the County Executive to make an additional recommendation for additional money. Without objection, it was so ordered.

There was a brief discussion with input from Anthony H. Griffin, County Executive.

Vice-Chairman Hanley returned the gavel to Chairman Hanley.

54. **BURKE VOLUNTEER FIRE DEPARTMENT** (Tape 5)

Supervisor McConnell said that the Burke Volunteer Fire Department has just recently completed final construction on the new fire station located at 9501 Old Burke Lake Road. This property is identified as tax map number 78-1-((1))-23 and abuts a cul-de-sac right-of-way belonging to the Virginia Department of Transportation. The only practical use for this cul-de-sac right-of-way is to provide access to the new parking lot of the fire station.

Therefore, Supervisor McConnell moved that the Board direct the Department of Public Works and Environmental Services to draft the necessary engineering documents to allow the Department of Transportation to proceed with the abandonment process to determine if the cul-de-sac adjacent of the Burke Volunteer Fire Station can eventually be consolidated with the parcel currently owned by the Burke Volunteers. Chairman Hanley seconded the motion and it carried by unanimous vote.

55. **CLIFTON TRAFFIC** (Tape 5)

Supervisor McConnell asked unanimous consent that the Board direct staff to include as a consideration item permanent funding for a police officer to be stationed in the Town of Clifton during peak traffic hours for the safety of the children. Without objection, it was so ordered.

A brief discussion ensued and Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board refer this issue to staff to determine if the Town of Clifton can qualify for some traffic calming efforts. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

NV:nv

56. **FIRE SAFETY ISSUES** (Tape 6)

Supervisor Connolly acknowledged that with yesterday's change to daylight savings time, the Department of Fire and Rescue encouraged residents to change the batteries in their smoke detectors. He noted that smoke detectors and a speedy department response saves lives. Just recently there was a serious injury at a fire in a Pinewood Greens townhouse.

With regard to townhouses and firewalls, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the building requirements for firewalls between townhouses. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly noted the importance of maintaining fire lane restrictions. He stated that he recently received information that the County has a much lower penalty for fire lane violations than neighboring jurisdictions. He said that some violators view the fines as a "cost of doing business."

Accordingly, Supervisor Connolly moved that the Board direct the County Executive to conduct a comparison survey of fees for non-moving violations and advise the Board if adjustments to the fee structure might be recommended, specifically, fire lane restrictions. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

57. **EXPEDITED AND CONCURRENT PROCESSING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2002-PR-008** (Tape 6)

Supervisor Connolly stated that Christopher Management Incorporated filed a rezoning application involving an assemblage of land located at the intersection of Nutley Street and Interstate 66. The Briarwood community has expressed its support for this infill development.

Accordingly, Supervisor Connolly moved that the Board direct staff to expeditiously process Rezoning/Final Development Plan Applications RZ/FDP 2002-PR-008 and concurrently process the appropriate site and/or subdivision plans. He noted that this action does not prejudice the consideration of the upcoming rezoning approval process in any way. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

58. **RECOGNITION OF MS. JUDITH LIEBERMAN** (Tape 6)

(BACs) Supervisor Connolly announced that he recently learned that Ms. Judith Lieberman will be leaving the Fairfax County community. In light of her contribution to the community, which included membership on the Fairfax Area Disability Services Board, he moved that the Board direct staff to send an appropriate certificate of appreciation to her. He noted that there would not be time to invite her to appear before the Board prior to her move to Pennsylvania. Without objection, it was so ordered.

59. **APPOINTMENT TO THE HUMAN SERVICES COUNCIL** (Tape 6)

(APPT) Supervisor Frey moved the appointment of Ms. Marnie Wightman to fill the unexpired term of Mr. Kenneth T. Maloney as the Sully District #2 Representative to the Human Services Council. Supervisor Bulova seconded the motion, which carried by unanimous vote.

60. **REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS
RZ/FDP 2001-SU-044** (Tape 6)

Supervisor Frey stated that Ratcliffe Associates LC has filed Rezoning/Final Development Plan Applications RZ/FDP 2001-SU-044 for approximately 26.61 acres from the R-1 District to the PDH-8 District. The application represents the consolidation of over 90 percent of the Ratcliffe Subdivision and includes a parcel owned by the County. The property, identified as Tax Map 54-4((6)) 89, was conveyed to the County by the Chantilly Volunteer Fire Department in 1971 as part of an agreement that the County assume the responsibility of providing fire suppression services in that area served by volunteers. He stated that it has been determined that the County no longer has a need for the property and the applicant has submitted an offer to acquire parcel 89 that will allow for its development as part of the submitted development plan. He said that while the applicant has been diligently pursuing the acquisition of parcel 89 with representatives from the Facilities Management Division, it had been called to his attention that a Board motion is required to allow the inclusion of parcel 89 in the rezoning application.

Accordingly, Supervisor Frey moved that the Board authorize:

- The inclusion of property identified as Tax Map 54-4((6)) 89 in Rezoning/Final Development Plan Applications RZ/FDP 2001-SU-044.
- Ratcliffe Associates LC to act as the owner's duly authorized agent in the processing of the rezoning application.

Supervisor McConnell seconded the motion.

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

61. **FISCAL YEAR (FY) 2003 BUDGET REDUCTION OPTIONS** (Tape 6)

Supervisor Frey made reference to a memorandum from the County Executive in which he directed staff to provide a list of potential budget reductions to the upcoming FY 2003 Budget that would equal cuts of five percent to each general fund and general fund supported agency. He expressed concern that with the short turnaround, and with budget hearings beginning that evening, the public would not have an opportunity to comment on the proposed reductions.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Bulova asked unanimous consent that the Board direct the County Executive to provide the information on the potential reductions as soon as possible prior to the Board's public hearing on Wednesday, April 10, 2002, to allow for public discussion. Without objection, it was so ordered.

Following further discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information on the budget reduction options on the County's website. Without objection, it was so ordered.

Further discussion ensued.

(NOTE: Later in the meeting, the Board began the budget public hearing process. See Clerk's Summary Item CL#92.)

62. **PUBLIC SESSION ON RESIDENTIAL DEVELOPMENT CRITERIA** (Tape 6)

Supervisor Kauffman announced that on the evening of April 16, 2002, the Planning Commission has scheduled a public outreach session on a potential Out-of-Turn Plan Amendment on residential development criteria. He asked unanimous consent that the Board direct the Office of Public Affairs to publicize a notice to encourage wide participation. Without objection, it was so ordered.

63. **SUNRISE OPTIMIST CLUB REQUESTS RECOGNITION OF YOUTH APPRECIATION WEEK APRIL 21-27, 2002** (Tape 6)

Supervisor Hyland called the Board's attention to his first written Board Matter which stated that Optimists celebrate the week of April 21-27, 2002, as Youth Appreciation Week during which recognition is given to the positive actions of young people.

Supervisor Hyland noted that the Sunrise Optimist Club of Alexandria will be honoring outstanding students and their faculty advisors who are participating in the Professional Technical Studies Program at Mount Vernon High School, West

Potomac High School, and Thomas Edison High School at an awards ceremony to be held at the Belle Haven Country Club on Tuesday, April 23, 2002.

In recognition of this event, Supervisor Hyland moved that the Board issue a proclamation for the Optimist Club for recognition of Youth Appreciation Week. Supervisor Connolly seconded the motion, which carried by unanimous vote.

64. **MOUNT VERNON COUNCIL RECOMMENDS AGGRESSIVE ACTION TO IMPROVE PEDESTRIAN SAFETY IN THE MOUNT VERNON DISTRICT AND FAIRFAX COUNTY** (Tape 6)

Supervisor Hyland referred to the Mount Vernon Council's request for the development of tangible solutions to the growing problems of pedestrian safety and moved that the Board refer this matter to the Department of Transportation for recommendations to the Board by June 1, 2002. Chairman Hanley seconded the motion.

Supervisor Hudgins reminded the Board that it is still awaiting recommendations from the Transportation Advisory Commission's summit recommendations.

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

(NOTE: Later in the meeting, the Board discussed another pedestrian safety issue. See Clerk's Summary CL#66.)

65. **REQUEST FOR BOARD TO CONSIDER GRANTING "CONTRACT POINTS" TO COUNTY FIRMS** (Tape 6)

(BACs) Supervisor Hyland made reference to his written Board Matter that was a suggestion by the Mount Vernon District Representative to the Small Business Commission (SBC) that contract points could be awarded to those businesses with a small business utilization plan and that preferences could be given to small businesses in the County.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this item to staff for review and response in light of State law. Without objection, it was so ordered.

66. **EDUCATING THE PEDESTRIAN** (Tape 6)

(NOTE: Earlier in the meeting, the Board discussed pedestrian safety. See Clerk's Summary Item CL#64.)

Supervisor Hyland said that he recently received a letter from Mr. Ralph Mills who suggested the development of a film on pedestrian safety to help people who come to this area from places where they have never experienced the heavy traffic and fast moving vehicles which are on roadways such as Route One. Mr. Mills recommended that the film be in a variety of languages, besides English, and that

it be shown at local schools, recreation centers, churches, and on various cable channels.

Accordingly, Supervisor Hyland moved that the Board refer this matter to the County's Cable Production staff to determine whether something such as a video could be produced and distributed for use in the community. Supervisor McConnell seconded the motion.

Supervisor Kauffman stated that on April 30, 2002, there will be a meeting with representatives of George Mason University and the Division of Motor Vehicles with regard to an effort already underway to prepare educational materials to respond to some challenges in Arlington County. He also noted that through Operation Safe Crossings there is outreach to the faith community, especially the large Hispanic community.

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

67. **REQUEST FOR EXPEDITED AND SIMULTANEOUS PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-V-042 AND ITS ASSOCIATED SITE PLAN** (Tape 6)

Supervisor Hyland referred to his written Board Matter that stated that the applicant for Belle Haven Country Club has requested assistance in expediting a special exception amendment application in the Mount Vernon District. This application is to request a new entrance, additional parking and driveway configuration, and additions and changes to the existing buildings on the property.

Accordingly, Supervisor Hyland moved that the Board direct staff to:

- Expedite the processing of Special Exception Amendment Application SEA 98-V-042 so that the public hearing on the application may be held by the Planning Commission on July 25, 2002, and by the Board on August 5, 2002.
- Simultaneously process the site plan as well.

This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards and does not prejudice the consideration of the land use application in any way. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

68. **MOUNT VERNON COUNCIL REQUESTS MONORAIL STUDY** (Tape 6)

Supervisor Hyland referred to his written Board Matter which contained a resolution from the Mount Vernon Council of Citizens Associations that was approved at its meeting of September 22, 2001. It requested that the Board initiate an immediate study of rail projects in the 2020 Plan that would establish

priorities and compare cost benefits of monorail in addition to the light rail system which is currently planned along Route One between the Huntington Metro terminal and the Army Museum at Fort Belvoir. Accordingly, he asked unanimous consent that the Board refer this resolution to staff for review and recommendation to the Board. Without objection, it was so ordered.

69. **WAIVER OF FEES FOR SHOWMOBILE AND PUBLICITY FOR LORTON DAYS EVENT** (Tape 6)

Supervisor Hyland said that on Saturday, April 27, 2002, the Lorton Community Action Center (LCAC) and the Lorton community will be celebrating its annual Lorton Days community-wide event. Also, there will be a ribbon cutting ceremony for the grand opening of the "Generation Next" Youth and Resource Center. As part of this annual fun filled event, the Showmobile will be used for speakers and entertainment including culturally diverse dancing.

Supervisor Hyland moved that the Board:

- Waive the Showmobile fees for LCAC, the sponsors of the events occurring at the Lorton Community Action Center, at the Generation Next Youth and Resource Center and events at the Lorton Park on April 27, 2002.
- Direct the Office of Public Affairs to assist LCAC in publicizing the "Lorton Days" and the grand opening of the Generation Next Youth and Resource Center.

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

70. **BOARD RECOGNITION OF STAFF FOR WINNING TWO NATIONAL ASSOCIATION OF COUNTIES (NACo) AWARDS** (Tape 6)

Supervisor Hyland announced that Fairfax County is the proud recipient of two NACo "Act of Caring" Awards. The two award winning programs are the Park Authority's "Adapted Aquatics Program" and the Area Agency on Aging's "No Place Like Home Volunteer Program." Both of the programs are award winners due to the efforts of volunteers who provide exceptional, innovative, and caring, services to special needs populations. NACo will recognize the award winners in an upcoming awards ceremony.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite appropriate staff and volunteers of these two programs to appear before the Board on May 6, 2002, to be recognized for their achievements.

Without objection, it was so ordered.

71. **PARADE OF ELEPHANTS** (Tape 6)

(NOTE: Earlier in the meeting, the Board discussed a circus parade of elephants. See Clerk's Summary Item CL#42.)

Supervisor Hyland made a series of lighthearted jokes and puns related to Supervisor Bulova's earlier announcement of a parade of elephants.

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

At 12:30 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. Federal Communications Commission Declaratory Ruling and Notice of Proposed Rulemaking, FCC 02-77 (Adopted March 14, 2002)
 2. *American Trucking Associations, Inc., et al. v. Environmental Protection Agency, et al.* (D.C. Cir.) (Nos. 97-1440 and 97-1441) (Countywide)
 3. *Parish v. Commonwealth of Virginia, et al.*, At Law No. 202879 (Mt. Vernon District)
 4. *KMart Corporation v. Board of Supervisors of Fairfax County*, At Law No. 200932 (Sully District); *KMart Corporation v. Board of Supervisors of Fairfax County*, At Law No. 200933 (Mason District)

5. *Zofia A. Zager, Fairfax County Building Official and Director, Fairfax County Office of Building Code Services v. State Building Code Technical Review Board and Avalon Homes, Inc., At Law No. 199142 (Fx. Co. Cir. Ct.) (Dranesville District)*
6. *Board of Supervisors and Jane W. Gwinn, Fairfax County Zoning Administrator v. Board of Zoning Appeals and CESC Tysons Dulles Plaza L.L.C., In Chancery No. 196219 (Fx. Co. Cir. Ct.) (Providence District)*
7. *David J. Daniels v. County of Fairfax, et al., In Chancery No. 161084 (Fx. Co. Cir. Ct.) (Sully District)*
8. *Fairfax County Park Authority v. George A. Fath, et al., At Law No. 196661 (Fx. Co. Cir. Ct.) (Springfield District)*
9. *Board of Supervisors of Fairfax County, et al. v. Board of Zoning Appeals of Fairfax County, At Law No. 197380 (Fx. Co. Cir. Ct.) (Mason District)*
10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Emma C. Whitney, Duane Whitney, Edward Whitney, and Leslie Whitney, In Chancery No. 152580 (Fx. Co. Cir. Ct.) (Providence District)*
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Thecla C. Schulz and Coletta L. Schulz, In Chancery No. 175110 (Fx. Co. Cir. Ct.) (Mason District)*
12. *Jane W. Gwinn, Fairfax County Zoning Administrator v. William J. Chavez, In Chancery No. 175680 (Fx. Co. Cir. Ct.) (Mason District)*
13. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Armando and Mercedes Castro, In Chancery No. 174971 (Fx. Co. Cir. Ct.) (Mason District)*

14. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Monty D. Fearnow and Susan J. Fearnow*, In Chancery No. 176505 (Fx. Co. Cir. Ct.) (Hunter Mill District)
15. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jose A. Neto, Isaura A. Neto, and Neto Construction Co., Inc.*, In Chancery No. 174308 (Fx. Co. Cir. Ct.) (Lee District)
16. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Wilfredo O. Cifuentes*, In Chancery No. 177242 (Fx. Co. Cir. Ct.) (Lee District)

and in addition:

- Ogden New York Services, Incorporated, et. al.; United States Bankruptcy Court, Southern District of New York
- The Board of Supervisors of Fairfax County Virginia versus Governors Run, LP, aka Governors Run LP, and Airston Group III, Incorporated; At Law No. 201904
- Discussion of public safety protection under *Virginia Code* Section 2.2-3711-A-20.

Supervisor Bulova seconded the motion.

Following a query to David P. Bobzien, County Attorney, Supervisor Bulova asked to amend the motion to include an update on legal action against the Commonwealth of Virginia and the Federal Government regarding school funding, and this was accepted.

Chairman Hanley announced that should this motion carry, closed session would begin at 1 p.m.

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

DS:ds

At 3:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

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

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

(*NOTE: Later in the meeting Supervisor McConnell asked to be recorded as abstaining from the vote because she was not present for closed session. See Clerk's Summary Item CL#75.)

74. **LORTON CORRECTION COMPLEX RESOLUTION** (Tape 7)

(R) Supervisor Hyland moved adoption of the Resolution authorizing the County Executive to execute an Offer to Purchase Real Estate on behalf of the Board with the United States of America for the acquisition by the Board of certain real estate in Lorton, Virginia, consisting of approximately 2,323 acres in the Lorton Correctional Complex, for a purchase price of \$4,235,000 and otherwise on terms and conditions as set forth in the Offer to Purchase Real Estate and Acceptance in the form made available to the Board. Supervisor Connolly and Supervisor Kauffman jointly 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."

75. **INTERNET SERVICE CABLE PROVIDERS** (Tape 7)

(NOTE: Earlier in the meeting the Board took additional action on this issue. See Clerk's Summary Item CL#36.)

Supervisor Gross moved that the Board authorize the County to participate in the Federal Communications Commission's (FCC) continuing rulemaking proceedings on the regulation of internet service provided by cable providers and to expend up to \$8,000 from Fund 105, Cable Communications, to support that

action, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion.

Following discussion, Chairman Hanley noted that Supervisor McConnell was not present for closed session and wished to be recorded as abstaining from the vote. (See Clerk's Summary Item CL#75.)

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor McConnell abstaining.

Supervisor Gross moved that the Board authorize the County to participate in a court challenge to the FCC ruling of March 14, 2002, on Internet service by cable providers and to expend up to \$2,000 from Fund 105, Cable Communications, to support that action, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it **FAILED** by a recorded vote of five, Supervisor Hudgins, Supervisor Bulova, Supervisor Hyland, Supervisor Gross, and Supervisor Connolly voting "**AYE**," Supervisor McConnell abstaining.

Following discussion, David P. Bobzien, County Attorney, advised that the Virginia Constitution requires that a vote to appropriate funds requires a vote by a majority of the governing body or, in the case of the Board, six members.

Supervisor Connolly asked unanimous consent that the Board direct the County Attorney to provide further clarification about the appropriation requirement. Without objection, it was so ordered.

(NOTE: Later in the meeting there was no additional discussion because further clarification was deemed unnecessary.)

AGENDA ITEMS

SBE:sbe

76. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2001-SU-033 (STANLEY-MARTIN HOMEBUILDING, LLC) (SULLY DISTRICT)** (Tape 8)

(O) (NOTE: At its March 18, 2002, meeting the Board deferred decision on this item until April 8, 2002.)

The application property is located on the north side of Wharton Lane at its intersection with Mount Gilead Road, Tax Map 54-4 ((1)) 13-17 and 54-4 ((3)) 1, 2, and 3.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SU-033, from the R-1, HC, HD, and WS Districts to the PDH-8, HC, HD, and WS Districts, subject to the proffers dated February 28, 2002.
- Waiver of the 600-foot maximum length requirement for private streets.

Supervisor Hyland seconded the motion and discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), and Bill Mayland, Staff Coordinator, ZED, DPZ.

The question was called on the motion, which **CARRIED** by a recorded vote of seven, Supervisor Bulova and Supervisor Connolly voting "NAY," Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

77. **3:30 P.M. – BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-C-051-2 (VERIZON VIRGINIA, INCORPORATED) (SULLY DISTRICT)** (Tape 8)

(NOTE: At its March 18, 2002, meeting the Board deferred decision on this item until April 8, 2002.)

Supervisor Frey moved to defer decision on Special Exception Amendment Application SEA 81-C-051-2 until **May 6, 2002, at 3 p.m.** Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

78. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-D-050 (THOMAS A. AND ANNE C. DIBENEDETTO) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located at 6913 Old Dominion Drive, Tax Map 30-2 ((7)) (11) 6-8.

Mr. Marc B. Bergoffer reaffirmed the validity of the affidavit for the record.

Mr. Bergoffer 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, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Application SE 01-D-050, subject to the development conditions dated March 21, 2002.
- Modification of the transitional screening yard requirements along the southern, eastern, and western boundaries, in favor of the proposed development conditions.
- Modification of the barrier requirements along the southern and eastern boundaries, in favor of the proposed development conditions.
- Waiver of the barrier requirements along the western boundary, in favor of the proposed development conditions.
- Waiver of the service drive requirement for the continuation of the existing use only.

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

79. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-037 (ZAFARALLAH KHAN) (MASON DISTRICT)** (Tape 8)

(NOTE: At its March 18, 2002, meeting the Board deferred the public hearing on this item until April 8, 2002.)

The application property is located at 5919 Columbia Pike, Tax Map 61-2 ((1)) 120.

Pastor David Hunter reaffirmed the validity of the affidavit for the record.

Pastor Hunter 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.

Discussion ensued with input from Pastor Hunter.

Supervisor Gross moved:

- Approval of Special Exception Application SE 01-M-037, subject to the development conditions dated April 4, 2002.
- Approval of a waiver of the service drive requirement on Columbia Pike.
- Modification of the transitional screening requirement and a waiver of the barrier requirement on the northern boundary in favor of that shown on the SE Plat and as conditioned.

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

80. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67 (SANITARY SEWERS AND SEWAGE DISPOSAL) REVISING THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (Tape 8)

A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 14 and March 21, 2002.

Discussion ensued with input from Edgar Jones, Finance Manager for the Wastewater Management Program, Department of Public Works and Environmental Services.

Following the public hearing, Supervisor Bulova moved to close the public hearing, leave the written record open, and defer decision on the establishment of sewer services charges and the availability fees until Monday, April 29, 2002. The motion was seconded by Supervisor Connolly and carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

81. **3:30 P.M. – PH ON THE FISCAL YEAR (FY) 2003 EFFECTIVE TAX RATE INCREASE** (Tapes 8-10)

A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issue of March 26, 2002.

Following the public hearing, which included testimony by 21 speakers, Supervisor Bulova moved that the Board close the public hearing and defer decision on the adoption of a real property tax rate for calendar year 2002 and 2003 until Monday, April 29, 2002. Supervisor Bulova stated that the Board

would accept comment on the FY 2003 effective tax increase as part of the budget public hearings. Supervisor Connolly seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting the Board began the public hearing on the FY 2003 Budget. See Clerk's Summary Item CL#92.)

DMB:dmb

ADDITIONAL BOARD MATTER

82. **CERTIFICATE OF RECOGNITION TO STEPHEN E. MCGREGOR, PLANNER III, DEPARTMENT OF PLANNING AND ZONING (DPZ)**
(Tapes 10-11)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff from the Department of Public Affairs to invite Stephen E. McGregor, Planner III, DPZ, to appear before the Board to be recognized for his 33 years of service. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

AGENDA ITEMS

83. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-IV-LP1, LOCATED ON RICHMOND HIGHWAY ADJACENT TO THE POHICK CHURCH NEAR THE INTERSECTION WITH POHICK ROAD (MOUNT VERNON DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 21 and March 28, 2002.

Following the public hearing, which included testimony by one speaker, Stephen E. McGregor, Planner III, Environmental and Development Review Branch, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved approval of Out-of-Turn Plan Amendment Item S01-IV-LP1, as recommended by the Planning Commission, and found on page three of the staff report dated February 27, 2002. Supervisor McConnell seconded the motion and it carried by unanimous vote.

84. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 83 (BOATS), APPENDIX L, TO ESTABLISH A "NO WAKE" ZONE FOR VESSELS ON DOGUE CREEK (MOUNT VERNON DISTRICT)** (Tape 11)

- (O) A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 21 and March 28, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 83 (Boats), Appendix L, establishing a "No Wake" zone for vessels on Dogue Creek. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins being out of the room.

85. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-LE-023 (TAVARES CONCRETE COMPANY, INCORPORATED) (LEE DISTRICT)** (Tape 11)

- (O) The application property is located on the east side of Cinder Bed Road, approximately 1,500 feet north of Hill Park Drive, Tax Map 99-2 ((1)) 17, 18, and 19.

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

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

- In excess of \$200 from Dewberry and Davis, LLC

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

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-LE-023, from the R-1 District to the I-5 District, subject to the proffers dated February 21, 2002.

- Modification of the transitional screening along the north property line and the portion of the south property line which abuts residential areas to permit a 25-foot wide strip of landscaping.
- Modification of the barrier requirements along the portions of the northern and southern property lines in lieu of the existing board-on-board fence, as shown on the Generalized Development Plan.
- Waiver of the trail requirement along Cinder Bed Road.

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

86. **4 P.M. – PH REGARDING A CONTRACT FOR THE CONVEYANCE OF COUNTY-OWNED PROPERTY (LAND BAY A) TO FAIR LAKES METROPOLITAN SQUARE, LLC, AND FAIR LAKES METROPOLITAN SQUARE II, LLC (SPRINGFIELD DISTRICT)** (Tape 11)

(Rs) A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 21 and March 28, 2002.

Supervisor McConnell stated for the record that she did not think that this property is the proper site for the Police Forensic Facility; however, she moved adoption of the Resolutions regarding the conveyance of County-owned property to Fair Lakes Metropolitan Square, LLC and Fair Lakes Metropolitan Square II as set forth in the real estate sales contracts. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly being out of the room.

87. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-051 (LANDMARK PROPERTY DEVELOPMENT, LLC) (MOUNT VERNON DISTRICT) (FORMERLY LEE DISTRICT)** (Tape 11)

(O) The application property is generally located in the southeast quadrant of the intersection of Skyview Drive and Manor Drive, Tax Map 101-3 ((1)) 40, 41-43; 101-3 ((10)) 1 - 5, 6 pt., 7 pt., 8, 9, 10 pt.; 101-3 ((11)) 2 - 10 and 101-3 ((1)) 39A.

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

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

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

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

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

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

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

Supervisor Gross disclosed the following campaign contribution which she had received in excess of \$200 from:

- Mr. Scott M. Herrick
- Mr. John H. Thillmann

Chairman Hanley disclosed that Laurie Frost Wilson, Agent/Attorney in fact for one of the applicants, serves as an At-Large Representative on the Planning Commission.

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

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-MV-051, from the C-8, R-2, and HC Districts to the PDH-16 and HC Districts, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated April 2, 2002.

- Modification of the transitional screening and barrier requirements between the single family detached and attached dwellings within the development and along the periphery of the development in favor of that shown on the CDP and Final Development Plan (FDP).
- Waiver of the limitation on fence height to permit sections of the proposed wall along Richmond Highway to be six feet in height, as shown on the CDP and FDP.
- Waiver of the 600-foot maximum length limitation for private streets and waiver of the service drive requirement along Richmond Highway.
- Waiver of the 200-square foot privacy yard requirement for single-family attached units only for the rear-loaded single family attached units (proposed units 14-29 and 147-187).

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

88. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-C-080 (HUNTER MILL DISTRICT)** (Tape 11)

The application property is located on the north side of Fox Mill Road, approximately 1,000 feet west of the Fairfax County Parkway, Tax Map 25-2 ((1)) 4 - 7.

Mr. David H. Steigler reaffirmed the validity of the affidavit for the record.

Mr. Steigler 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, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 88-C-080, subject to the proffers dated March 4, 2002. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

89. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-402-8 (ROLLING WOODS, LLC AND BROOKFIELD WASHINGTON, INCORPORATED) (SPRINGFIELD DISTRICT)** (Tapes 11-12)

The application property is generally located in the northwest quadrant of the intersection of Hunter Village Drive and Gerardia Court, Tax Map 89-4 ((1)) 21 and 22D.

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

Supervisor McConnell disclosed that her company purchased property from Mr. Robert L. Travers.

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

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

Extensive discussion ensued between Board Members with input from Mr. Burnham and Leslie Johnson, Branch Chief, ZED, DPZ.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA C-402-8, subject to the proffers dated April 8, 2002.
- Modification of Additional Standard 1 (Paragraph one of Section 9-306 of the Zoning Ordinance) to permit reduction in the minimum age requirement from 62 to 55 years of age, subject to execution of proffers consistent with those dated April 8, 2002.
- Waiver of the 600-foot maximum length for private streets.
- Modification of transitional screening on the western, eastern, and northern property lines to that shown on the CDPA/FDPA.
- Waiver of the off-street loading space requirements.

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

90. **5 P.M. – PH ON THE FISCAL YEAR (FY) 2003 ALTERNATIVE REAL ESTATE TAX RELIEF OPTIONS FOR THE ELDERLY AND DISABLED**
(Tape 12)

A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issues of March 21 and March 28, 2002.

Following the public hearing, Supervisor Bulova moved that the Board:

- Close the public hearing.
- Leave the record open.
- Defer decision on the adoption of changes to the County's program of providing real estate property tax relief to the elderly and disabled for Calendar Year 2002, and FY 2003, until Monday, April 29, 2002.

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

91. **BOARD RECESS** (Tape 12)

At 6:45 p.m., Supervisor Connolly moved that the Board recess until 7:25 p.m. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

SBE:sbe

At 7:30 p.m., the Board reconvened in the Board Auditorium with all members being present, and with Chairman Hanley presiding.

92. **7:30 P.M. – PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2003 ADVERTISED BUDGET PLAN, THE CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEARS 2003 - 2007 (WITH FUTURE FISCAL YEARS TO 2012), AND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR 2002 REVISED BUDGET PLAN** (Tapes 13-16)

A Certificate of Publication was filed from the Editor of the *Northern Virginia Journal* showing that notice of said public hearing had been duly advertised in that Newspaper in the issue of March 26, 2002.

This public hearing is regarding the:

- County Executive's Fiscal Year (FY) 2003 Advertised Budget Plan.
- Capital Improvement Program for FY 2003 - 2007 (with future FYs to 2012).
- Current appropriation level in the FY 2003 Revised Budget Plan.

(Tape 15)

Following the testimony of Master Police Officer Denny Vorbau (Speaker 35), Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the cost of the issues that were raised in Mr. Vorbau's testimony. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the testimony of Detective Roger Siegel (Speaker 36), Supervisor Hyland asked unanimous consent that the Board direct staff to provide the attrition rates in the last three years in comparison to what the Police Department has experienced this past year.

Supervisor Connolly asked to amend the request to include attrition rates in the region and this was accepted. Without objection, the request, as amended, was so ordered.

Following the testimony of Dr. Pier Broadnax (Speaker 37), Supervisor Bulova asked unanimous consent that the Board direct staff to report on the issue of staff support for the Criminal Justice Advisory Board. Without objection, it was so ordered.

The public hearing was held with testimony presented by 58 speakers.

The decision on the adoption of the *FY 2003 Advertised Budget Plan* is scheduled for April 29, 2002.

Supervisor Bulova moved that the Board recess for the evening and reconvene at 6:30 p.m. on Tuesday, April 9, 2002, to hear a presentation by the Fairfax County School Board and to resume this public hearing thereafter at 7:30 p.m. Supervisor Hudgins seconded the motion.

ADDITIONAL BOARD MATTERS**LITERACY COUNCIL** (Tape 16)

Supervisor Connolly stated that a memorandum had been distributed to the Board from himself and Anthony H. Griffin, County Executive, concerning the status of the Literacy Council, which is being evicted from the James Lee Community Center while the Center is being renovated. The Literacy Council needs space for the next two years. Accordingly, Supervisor Connolly asked unanimous consent that the Board add \$80,000 to the FY 2003 Consideration List. Without objection, it was so ordered.

GOOD SHEPHERD IMMIGRANT PROGRAM (Tape 16)

Supervisor Hyland said that the Good Shepherd Immigrant Program needed \$200,000 to renovate a part of the old Mount Vernon High School where the Head Injured Program is located. There is space there where they would like to establish a program for outreach for the minority communities. Accordingly, he asked unanimous consent that the Board add \$80,000 to the FY 2003 Consideration List. Without objection, it was so ordered.

Supervisor Bulova clarified for the record that there is no guarantee that items put on the Consideration Items List will be funded.

LINCOLN-LEWIS VANNOY (Tape 16)

Supervisor McConnell asked unanimous consent that the Board put \$60,000 for Lincoln-Lewis Vannoy on the FY 2003 Consideration List. Without objection, it was so ordered.

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

93. **BOARD RECESS** (Tape 16)

At 11:25 p.m., the Board recessed until April 9, 2002, at 6:30 p.m., at which time there will be a budget hearing presentation by the School Board, followed by the continuation of the public hearings regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2003 Advertised Budget Plan.
- Capital Improvement Program for FY 2003 - 2007 (with future FYs to 2012).
- Current appropriation level in the FY 2002 Revised Budget Plan.

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