



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
April 7, 2003**

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**07-03**

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**DMB:dmb**

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 9:15 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 MATTERS**

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

Chairman Hanley asked everyone to remember in thoughts and prayers those around the world and at home in uniform defending the country and the families and friends that love and support them.

Supervisor Gross said that the yellow ribbons that were distributed around the dais are from the Korean American Association of Greater Washington and are part of the remembrance and the safe return of all the troops.

2. **RETIREMENT OF MS. ROSANNA CRABTREE** (Tape 1)

Chairman Hanley announced the retirement of Rosanna Crabtree, Administrative Assistant, who works in her office. She expressed her thanks and appreciation, on behalf of the Board and citizens of the County, for Ms. Crabtree's years of service.

**AGENDA ITEMS****3. CERTIFICATE OF RECOGNITION PRESENTED TO THE THEATER DEPARTMENT OF SOUTH LAKES HIGH SCHOOL (Tape 1)**

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the theater department of South Lakes High School for exploring diversity in theater arts and sharing the arts of the County with other cultures. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

**4. PROCLAMATION DESIGNATING MAY 2, 2003, AS "BIKE TO WORK DAY" IN FAIRFAX COUNTY (Tape 1)**

Supervisor Hudgins, jointly with Supervisor Gross, moved approval of the Proclamation to designate May 2, 2003, as "*Bike to Work Day*" in Fairfax County. The motion, which was multiply seconded, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Gross asked unanimous consent that the Board direct staff to provide information on creating a "Watch for Bicycle Pedestrians" decal to put on the side rear view mirrors of the County's fleet vehicles to remind the drivers to look out for bicyclists. Without objection, it was so ordered.

**5. PROCLAMATION DESIGNATING APRIL 21-27, 2003, AS "DONATE LIFE AWARENESS WEEK" IN FAIRFAX COUNTY, AND CERTIFICATE OF RECOGNITION PRESENTED TO OLD DOMINION EYE FOUNDATION (Tape 1)**

Supervisor Gross moved approval of the Proclamation to designate April 21-27, 2003, as "*Donate Life Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Gross moved approval of the Certificate of Recognition presented to Old Dominion Eye Foundation for outstanding service to the Fairfax County community. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

**6. CERTIFICATES OF RECOGNITION PRESENTED TO MR. DEL WALTERS, AND MEMBERS OF THE MEDICAL CARE FOR CHILDREN PARTNERSHIP, COMPUTER LEARNING PARTNERSHIP, ADOPT-A-FAMILY PARTNERSHIP, AND PROJECT DISCOVERY (Tape 1)**

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Appreciation presented to Del Walters, WJLA-TV,

for his sustained support of the Medical Care for Children Partnership and Computer Learning Centers Partnership. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Chairman Hanley moved approval of the Certificate of Appreciation presented to members of the Medical Care for Children Partnership, Computer Learning Centers Partnership, Adopt-A-Family Partnership, and Project Discovery for their contributions. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

7. **PROCLAMATION DESIGNATING APRIL 6-12, 2003, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY, CERTIFICATE OF RECOGNITION PRESENTED TO MS. SARA YERKES, AND INFORMATION ITEM - I-1 - BUILDING SAFETY WEEK** (Tape 1)

Supervisor Frey moved approval of the:

- Proclamation to designate April 6-12, 2003, as "*Building Safety Week*" in Fairfax County.
- Certificate of Recognition presented to Ms. Sara Yerkes, the 2003 Community Partnership Award recipient.

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

The Board next considered an item contained in the Board Agenda dated April 7, 2003, announcing that the Department of Public Works and Environmental Services is conducting a campaign to promote public awareness of public safety in the County, in observance of International Building Safety Week, April 6-12, 2003.

8. **PROCLAMATION DESIGNATING APRIL AS "FAIR HOUSING 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 "*Fair Housing Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. DAVE ANDERSON, AND REPRESENTATIVES OF THE MISSION OF MERCY DENTAL PROJECT** (Tapes 1-2)

Chairman Hanley moved approval of the Certificate of Recognition presented to the Mission of Mercy Dental Project representatives for their work. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

Chairman Hanley moved approval of the Certificate of Recognition presented to Dave Anderson, DDS, Mission of Mercy Project, for his work in providing critical and noteworthy service exceeding normal responsibility. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

10. **PROCLAMATION DESIGNATING APRIL 23, 2003, AS "VOLUNTEER RECOGNITION DAY" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley moved approval of the Proclamation to designate April 23, 2003, as "*Volunteer Recognition Day*" in Fairfax County. Supervisor Gross seconded the motion.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

11. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX EDUCATION ASSOCIATION RETIREMENT HOUSING CORPORATION OF VIRGINIA** (Tape 2)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Fairfax Education Association Retirement Housing Corporation of Virginia for 25 years of providing affordable housing in the County. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

12. **PROCLAMATION DESIGNATING APRIL AS "IMMUNIZATION 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 "*Immunization Month*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

13. **10 A.M. – PRESENTATION OF TRANSPORTATION ACHIEVEMENT AWARDS BY THE FAIRFAX COUNTY TRANSPORTATION ADVISORY COMMISSION (TAC)** (Tape 2)

(BACs) George Barker, Chairman, TAC, presented the Transportation Achievement Awards to Dennis Paddeu, Senior Transportation Planner, Department of Transportation (DOT), and Beverly Mullis, Social Worker, DOT, for their outstanding achievements to the Seniors-On-The-Go program.

14. **10:15 A.M. – PRESENTATION OF THE FAIRFAX COUNTY SMALL BUSINESS COMMISSION'S 2002 ANNUAL REPORT** (Tape 2)

(BACs) John Townes, 2002 Chairman, SBC, and Cynthia Chambliss, 2003 Chairman, SBC, presented its 2002 annual report.

A brief discussion ensued.

15. **10:30 A.M. – LAUNCHING THE CITIZEN CORPS WEBSITE** (Tape 2)

Jane Kornblut, Executive Director, Volunteer Fairfax, gave the presentation and a demonstration regarding the use of the Citizen Corps website which can be accessed at [www.fairfaxcountycitizencorps.org](http://www.fairfaxcountycitizencorps.org).

A brief discussion ensued.

**PW:pw**

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

Supervisor Connolly moved approval of the Administrative Items with the exception of Admin 13 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Regarding Validation, Without the Requirement of Approval of a Plat, of Developed Lots that Were Not Legally Created After August 31, 1947.

Supervisor Hudgins seconded the motion.

Chairman Hanley called the Board's attention to Admin 5 – Approval of the 2003 Schedule and the Review Committee Members for the Exceptional Design Awards Program and discussion ensued with input from Sheng-Jieh Leu, Planner III, Facilities Planning Branch, Planning Division, Department of Planning and Zoning. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to reschedule the October 27, 2003, Awards Ceremony to the November 17, 2003, meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn called the Board's attention to Admin 7 – Installation of Yield to Pedestrians in Crosswalk \$100 – \$500 Violation Fine Signs and discussion ensued with input from Christopher D. Wells, staff, Department of Transportation.

Mr. Wells introduced Mimi Murray, staff, Department of Transportation, who joined the department in January to assist with implementing the Board's pedestrians' initiatives. Ms. Murray will be overseeing the program for the Yield to Pedestrians signs.

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."

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (LEE AND SULLY 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>
Kingstowne Boulevard	Lee	Kingstowne Boulevard (4 Lanes) Sir Viceroy Drive Route 8698 Kingstowne Village Parkway Route 8690 Kingstowne Village Parkway Route 8690
Hamden Vale	Sully	Hamden Court Route 5441 Vale Road Route 672 Additional ROW Only

**ADMIN 2– EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (LEE AND MOUNT VERNON DISTRICTS)**

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

- Application 2232-V03-5 to October 20, 2003

- Application FS-L03-1 to October 20, 2003

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST CABLEVISION OF VIRGINIA, INCORPORATED (RESTON FRANCHISE AREA)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 5, 2003, at 4 p.m.** to consider the adoption of an Ordinance to extend the Comcast Cablevision of Virginia, Incorporated cable franchise agreement until no later than May 15, 2003, by amending the franchise agreement.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON SEGMENTS OF HIDEAWAY ROAD (ROUTE 827) AND SWANEE LANE (ROUTE 3238) (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 5, 2003, at 3:30 p.m.** to consider the vacation and abandonment of segments of Hideaway Road (Route 827) and Swanee Lane (Route 3238).

**ADMIN 5 – APPROVAL OF THE 2003 SCHEDULE AND THE REVIEW COMMITTEE MEMBERS FOR THE EXCEPTIONAL DESIGN AWARDS PROGRAM**

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 5.)

Approved the implementation schedule and the Review Committee members for the 2003 Exceptional Design Awards Program.

**ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-M-002, AMERICAN TOWER SYSTEMS, LP/VERESTAR (MASON DISTRICT)**

- (AT) Approved the request for 15 months of additional time to commence construction for Special Exception Application SE 98-M-002, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 7 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100 – \$500 VIOLATION FINE SIGNS**

(NOTE: Earlier in the meeting, there was discussion on this item. See page 6.)

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100 – \$500 Violation Fine Signs at 75 locations, as shown in Attachment I of the Board Agenda Item dated April 7, 2003.

**ADMIN 8 – INSTALLATION OF A MULTI-WAY STOP AT WOODACRE DRIVE AND LABURNUM STREET (DRANESVILLE DISTRICT)**

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

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED APPROVAL OF A REPLACEMENT PROMISSORY NOTE TO BE ISSUED BY THE ANNANDALE VOLUNTEER FIRE DEPARTMENT, INCORPORATED (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 5, 2003, at 4 p.m.** regarding the issuance and/or incurrence by Annandale Volunteer Fire Department, Incorporated, a Virginia nonstock, not-for-profit corporation, of its tax exempt Replacement Promissory Note.

**ADMIN 10 – AUTHORIZATION FOR THE FAIRFAX COUNTY OFFICE OF THE SHERIFF TO APPLY TO THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) FOR A GRANT UNDER THE US DEPARTMENT OF JUSTICE EQUIPMENT (DOJ) COMPETITIVE SUB-GRANT PROGRAM**

Authorized the Fairfax County Office of the Sheriff to apply for grant funding in the amount of \$249,878 from VDEM, under the DOJ Equipment Competitive Sub-Grant Program. Funds will be used to procure person protective equipment and detection equipment for the Fairfax County Judicial Center. No local cash match is required.

**ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF COMMERCE, NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION, TECHNOLOGY OPPORTUNITIES PROGRAM**

Authorized FCRHA to apply for the Technology Opportunities Program funds from the US Department of Commerce, National Telecommunications and Information Administration, in the amount of \$631,500. Funding from this program will support the development and implementation of the technology component of the Department of Housing and Community Development's Consolidated Housing Redesign Project.

**ADMIN 12 – APPROVAL FOR FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) PARTICIPATION IN TERRORISM VICTIM ASSISTANCE GRANT**

Approved CSB's participation in the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Virginia Department of Criminal Services for a Terrorism Victim Assistance grant totaling \$12,912,519 to provide trauma and mental health treatment services to victims of the 9/11 Pentagon attack, their families, and first responders, as well as the community-at-large. No local cash match or additional funds are required.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION, WITHOUT THE REQUIREMENT OF APPROVAL OF A PLAT, OF DEVELOPED LOTS THAT WERE NOT LEGALLY CREATED AFTER AUGUST 31, 1947**

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#76.)

17. **A-1 – APPROVAL OF FUNDING FOR THE LOCAL MATCH TO EXTEND THE CANOPY AT THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION (BRADDOCK DISTRICT)**  
(Tape 3)

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

- Approved spending up to \$40,000 in available funds at the Northern Virginia Transportation Commission to match the Transportation Enhancement Grant to extend the canopy at the Burke Centre VRE Station.

- Directed staff to request the VRE to undertake this project on the County's behalf.

18. **A-2 – APPROVAL OF RECIPROCAL AGREEMENTS BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND SEVERAL OTHER NORTHERN VIRGINIA LAW ENFORCEMENT AGENCIES PERTAINING TO ESCORTS OF FUNERAL AND DIGNITARY PROCESSIONS** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to sign the Reciprocal Agreements between the FCPD and various other law enforcement agencies in the Northern Virginia area.

19. **A-3 – ADOPTION OF A RESOLUTION PROVIDING QUALIFIED SUPPORT FOR AN APPLICATION TO EXPAND THE VINT HILL FARMS STATION (VHFS) WASTEWATER TREATMENT PLANT IN THE OCCOQUAN WATERSHED** (Tape 3)

- (R) On motion of Supervisor Hyland, jointly seconded by Supervisor Connolly and Supervisor Gross, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution indicating that the Board does not support the issuance of a permit to the Fauquier County Water and Sewer Authority to expand and operate the VHFS water treatment plant unless the State Water Control Board requires such plant to meet the same standards and criteria for wastewater treatment and reliability that apply to the high-performance regional plant that is currently operated in the Occoquan Watershed by the Upper Occoquan Sewage Authority.

20. **A-4 – EXPANSION OF THE APPROVED SEWER SERVICE AREA (ASSA) TO INCLUDE A PORTION OF THE LAUREL HILL COMMUNITY PLANNING SECTOR (MOUNT VERNON DISTRICT)** (Tape 3)

On motion of Supervisor Hyland, the second to which was inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized expansion of the ASSA to include an approximately 246-acre area within a portion of the Laurel Hill Community Planning Sector as shown in Attachment I of the Board Agenda Item dated April 7, 2003.

21. **A-5 – APPROVAL OF INTENT TO AWARD A CONTRACT AND THE FORM OF A MASTER DEVELOPMENT AGREEMENT FOR DESIGN AND DEVELOPMENT OF PUBLIC FACILITIES AT LAUREL HILL AND AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF PORTIONS OF PUBLIC OWNED PROPERTY KNOWN AS LAUREL HILL TO FAIRFAX COUNTY PUBLIC SCHOOLS, FAIRFAX COUNTY PARK AUTHORITY, AND A PRIVATE DEVELOPER (MOUNT VERNON DISTRICT)** (Tape 3)

(A) Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and:

- Approve the intent to award a contract and the Master Development Agreement substantially in the form presented and detailed in Attachment 1 of the Board Agenda Item dated April 7, 2003, with South County Secondary LLC (SCS), Clark Educational Advisors LLC (Clark), Spring Hill Seniors (SHS), and Laurel Hill Golf LLC (LHG) for construction of a new high school at Laurel Hill by SCS and Clark, conveyance of property to SHS for redevelopment after attaining certain conditions, and design of a golf course by LHG. This action will close the procurement process initiated by RFP 02-584232-10.
- Authorize a public hearing to be held before the Board on May 5, 2003, regarding the conveyance of portions of County-owned property known as Laurel Hill to Fairfax County Public Schools, Fairfax County Park Authority, and Spring Hill Seniors LLC.
- Approve the plan of financing as outlined in the Board Agenda Item dated April 7, 2003.

Following discussion, Vice-Chairman Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

(NOTE: Earlier in the meeting the Board considered this item. See Clerk's Summary Item CL#7.)

23. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V01-27, SPRINT PCS (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 7, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-V01-27, Sprint PCS.

24. **I-3 – NATIONAL ASSOCIATION OF COUNTIES AWARDS ACTS OF CARING AND COUNTIES CARE FOR KIDS AWARDS TO THREE COUNTY AGENCIES** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 7, 2003, announcing that the:

- Volunteer Interpreter Program in the Juvenile and Domestic Relations Court and Project SUCCESS in the Department of Community and Recreation Services won "Acts of Caring" awards.
- Department of Family Services' Health Families Fairfax program was recognized with a "Counties Care for Kids" award.

25. **I-4 – CONTRACT AWARD – FINANCIAL SERVICES, MANAGING UNDERWRITER (ROUTE 28 HIGHWAY IMPROVEMENTS PROJECT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated April 7, 2003, requesting authorization for staff to award a contract to the following for Financial Services, Managing Underwriter (Route 28 Highway Improvements Project), in accordance with the terms as noted:

- Salomon Smith Barney as senior manager.
- Morgan Keegan and Company, Incorporated, as co-managers.
- Merrill Lynch and Company, as co-managers.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

26. **ASTHMA AWARENESS MONTH** (Tape 4)

Chairman Hanley said that staff from Inova Fairfax Hospital called to her attention the 15 million people, particularly children, who suffer from asthma. To address this important health issue, the month of May has been designated nationally as Asthma Awareness Month and World Asthma Day as May 6, 2003. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send a proclamation declaring May 2003 as "*Asthma Awareness Month*" in Fairfax County and that the Board recognize May 6, 2003, as "*World Asthma Day*" in Fairfax County. Supervisor Mendelsohn seconded the motion.

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

27. **SAFE KIDS WEEK** (Tape 4)

Chairman Hanley stated that the Department of Fire and Rescue is requesting support and endorsement for Safe Kids Week May 4 - 10, 2003. The Safe Kids Coalition is comprised of INOVA Hospital, the Office of the Sheriff, the Police Department, and the Department of Fire and Rescue and was established in 1992 to raise awareness for childhood injuries.

Accordingly, Chairman Hanley moved that the Board direct staff to invite Coalition representatives to appear before the Board at the April 28, 2003, meeting to receive a proclamation declaring May 4-10, 2003, as "*Safe Kids Week*" in Fairfax County. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

28. **FAIRFAX COUNTY NAMED CERTIFIED CRIME PREVENTION COMMUNITY** (Tape 4)

Chairman Hanley announced that she and Chief of Police, J. Thomas Manger, attended an awards luncheon on March 25, 2003, that designated Fairfax County as a Certified Crime Prevention Community. She noted that the criteria for designation is a Neighborhood Watch program, citizen involvement, youth crime prevention programs, functional crime analysis capability, access to a victim/witness service program, organized distribution of community safety information, and development of a local community crime prevention safety council.

29. **BUDGET CONSIDERATION ITEMS** (Tape 4)

Chairman Hanley asked unanimous consent that the Board direct staff to include the following as Budget Consideration Items:

- Middle School Afterschool Program, \$112, 000
- Adult Healthcare and Dental Program, \$145,000

Without objection, it was so ordered.

(Later in the meeting, the Board added other Consideration Items. See Clerk's Summary Items CL#46 and CL#49.)

30. **AUDIT ISSUES** (Tape 4)

(BACs) Chairman Hanley distributed to the Board a draft Quarterly Audit Report as well as the written response to a Board request of March 24, 2003, regarding savings achieved by the Audit Committee through the Auditors to the Board. She noted that the savings from Fiscal Year (FY) 99 to the present totaled approximately \$6.36 million, and that some new procedures have been implemented to prevent future problems.

Following discussion, Chairman Hanley asked unanimous consent that the Board direct staff to respond to the following questions:

- Are there qualifying cable-related expenses now funded by General Fund dollars that could be transferred to Fund 105, Cable Communications; for example, capital expenses or staff time devoted to the franchise-related monitoring?
- Can the unreserved ending balance from Fund 109 be used instead of General Fund dollars to subsidize Fund 110? She noted that these are two Solid Waste Funds.
- Are there any General Fund dollars going to any of the Solid Waste Funds, and if so, can the unreserved ending balance in Fund 109 be used in lieu of those General Fund transfers?
- In Fund 503, Department of Vehicle Services, there was a transfer out to the General Fund of \$3 million in FY 2002 and a transfer out to the General Fund of \$1.7 in FY 2003; however, there is no transfer out to the General Fund in FY 2004. What were the transfers out to the General Fund in FY 2002 and FY 2003, and why was there no transfer out to the General Fund in FY 2004?

- Because there is an unreserved ending balance of \$7.6 million in Fund 505, Technology Infrastructure Services, can the amount charged to agencies for computer replacement be reduced by \$100/unit or more?

Without objection, it was so ordered.

Following discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide the fund balance for Fund 105, Cable Communications. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to report with the balance in the School Division's cable fund. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that if there is a balance in the School Division's cable fund, that the Board direct staff to determine whether it could be used to install cable systems for distance learning in all of the County's high schools. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to review the possibility of reducing the cable franchise fee if there is a substantial balance in the County's Fund 105, Cable Communications. Without objection, it was so ordered.

Further discussion ensued regarding savings generated by the auditor.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

31. **CANDIDATES FOR THE McLEAN COMMUNITY CENTER'S GOVERNING BOARD (DRANESVILLE DISTRICT)** (Tape 4)

(BACs) Supervisor Mendelsohn announced 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 17, 2003, from 9 a.m. until 5 p.m., at Lewinsville Park, 1659 Chain Bridge Road:

Adult candidates:

- Dale A. Evans, 7819 Fallstaff Road, McLean, VA 22102
- Evelyn Fox, 1811 Melbourne Drive, McLean, VA 22101
- Teresa Rodriguez, 7600 Old Dominion Drive, McLean, VA 22102

Youth candidates:

Langley High School area:

- Ameen Shallal, 8620 Polk Street, McLean, VA 22102

McLean High School area:

- Jenna Falle, 8920 Oakdale Road, McLean, VA 22101
- Corey Sullivan, 6305 Old Chesterbrook Road, McLean, VA 22101

32. **MOUNT VERNON RECREATION CENTER CELEBRATES ITS TWENTY-FIFTH YEAR (MOUNT VERNON DISTRICT)** (Tape 4)

Supervisor Hyland announced that the Mount Vernon Recreation Center celebrated its twenty-fifth year at a ceremony on March 15, 2003. A special plaque will be placed in the center recognizing former Mount Vernon District Supervisor Warren Cikins for his role in assuring the creation of the ice skating rink. Supervisor Hyland expressed appreciation to staff for organizing the event and to all who made the center a reality.

33. **KINGS CROSSING AND INTERCHANGE PROPOSAL IN ROUTE ONE LOCATION STUDY (LEE AND MOUNT VERNON DISTRICTS)** (Tape 4)

Supervisor Hyland called the Board's attention to his written Board Matter, a joint matter with Supervisor Kauffman, regarding the site known as "Kings Crossing." Both Supervisor Hyland and Supervisor Kauffman hold strong beliefs about the revitalization potential for this site, but the Route One Transportation Study is proposing a grade-separated interchange for Route One and North and South Kings Highway that would impact the site. It was earmarked by the Revitalization Study as possessing the highest potential for a mixed-use development on Richmond Highway. That study's proposal received wide acceptance and approval by citizens, civic and business groups on both sides of Richmond Highway, the Southeast Fairfax Development Corporation, and the County's Revitalization Division.

Supervisor Hyland said that according to the plans provided by the Virginia Department of Transportation (VDOT), copies of which were distributed to the Board, a substantial portion of right-of-way would be taken for the grade-separated interchange, thereby rendering the property unsuitable for the type of desired development on Richmond Highway.

Supervisor Hyland moved that the Board direct staff to communicate to VDOT that the proposed grade separated interchange as shown on Sheet 45.1 in the Route One Location Study is not supportable because of its adverse impact on the Kings Crossing site (Tax Map 83-3 001 Lots 23A/24A/24B) and, further, that the

Lesser Study recommendation for this location be considered and analyzed as a potential alternative. Supervisor Connolly and Supervisor Kauffman jointly seconded the motion.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff of the Department of Transportation to request information from VDOT regarding the number of cases where temporary construction easements caused the total takings of the property. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

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

34. **ADDITIONAL TIME FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-V-044-2, 8501 BACKLICK ROAD (MOUNT VERNON DISTRICT)** (Tape 4)

(AT) Notwithstanding his previous position regarding extensions for Special Exception Amendment Application SEA 82-V-044-2, Supervisor Hyland stated that given the difficulty of the case and a proposed solution, he would recommend another extension of time. As outlined in Supervisor Hyland's written Board Matter, the attorney representing Stroehmann Bakeries, LC requested a four-month extension of time on behalf of his client who intends to settle on the property at 8301 Backlick Road, Tax Map Number 99-4 ((1)) 9B, on or before June 15, 2003, and commence construction of a wholesale trade establishment and distribution center for its bakery products in accordance with the approved Special Exception Amendment scheduled to expire on May 18, 2003.

Accordingly, Supervisor Hyland moved that the Board grant Stroehmann Bakeries, L.C. an additional four months (until September 18, 2003) within which construction must commence under Special Exception Amendment Application SEA 82-V-044-2. 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 McConnell seconded the motion, which carried by unanimous vote.

35. **CERTIFICATE OF RECOGNITION FOR A MOUNT VERNON DISTRICT CITIZEN** (Tape 4)

With reference to his written Board Matter on the subject of recognition of a Mount Vernon District resident for volunteerism, Supervisor Hyland moved that the Board direct staff to prepare a Certificate of Recognition for both his and Chairman Hanley's signatures to be mounted on a plaque and delivered in time for a surprise presentation at the Mount Vernon Council's upcoming Gala on

Saturday, April 26, 2003. Chairman Hanley seconded the motion, which carried by unanimous vote.

36. **WOODLAWN ROAD (MOUNT VERNON DISTRICT)** (Tape 4)

Supervisor Hyland stated that the Mount Vernon Council of Citizens Associations (MVCCA) sent him the resolution concerning an alternate connector road between Route One and Telegraph Road (north of Beulah). Since it was Senator Warner's initiative to provide funding for a study to seek an alternative east-west route after Fort Belvoir closed off Woodlawn Road to County motorists, the resolution requests that two actions be taken in coordination with the Senator's office and with Supervisor Kauffman's office.

First, the MVCCA proposes that a citizens' stakeholder panel be established to participate and assist in the federally-funded study of the alternate road. Mount Vernon District, Lee District, and County, and VDOT staff would be represented on the stakeholder panel.

Secondly, the resolution further requests that the stakeholder panel be provided with any and all environmental assessments, studies, and documentation done within the designated study area.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare, on behalf of the Board, a letter to Senator Warner, to be forwarded under the Chairman's signature, requesting that those two aforementioned actions be taken without delay.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to remind the Federal Highway Administration to use the most recent underlying maps and indicate the County's willingness to provide the most up-to-date maps. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

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

37. **MEDICAID** (Tape 4)

Supervisor Bulova stated that Congress is about to take action on the Fiscal Year (FY) 2004 Budget Resolution and will soon consider several other bills that could significantly impact the future of the nation's Medicaid program. Funding for the Medicaid program is split evenly between the federal government and the Commonwealth of Virginia.

Supervisor Bulova noted that many elderly residents, children, and persons with serious physical and mental disabilities rely on this program as their only way of

obtaining health care, medications, and related support services. In many program areas, such as the Community Services Board, the Commonwealth of Virginia has been steadily replacing State General Funds with Medicaid money. A similar initiative is underway in the Comprehensive Services Act for Children and Youth. Many elderly citizens rely on Medicaid to pay for their care in nursing facilities.

Congress is currently debating the FY 2004 Budget Resolutions, which could contain instructions that would severely limit Medicaid expenditures over the next ten years. The President has also proposed changing Medicaid from an entitlement to a Block Grant to the states. Supervisor Bulova said that the imposition of a cap on Medicaid funding in future years or a cut to this program or other programs providing income assistance could have a devastating impact on the lives of many County citizens.

Supervisor Bulova said that many groups are opposing the modifications. There is also a bill (S. 138) in Congress to increase the Federal medical assistance percentage (FMAP) for the Medicaid program. This bi-partisan effort will provide immediate fiscal relief for State and County governments faced with escalating health care costs associated with Medicaid services provided to low-income children, families, seniors, and persons with disabilities.

Supervisor Bulova said that the Arlington County Board of Supervisors asked the Board to join them in objecting to the modifications that have been proposed in Congress that would limit future growth in the Medicaid program. Accordingly, she moved that the Board direct staff to prepare a letter for the Chairman's signature to the County's Senators and Members of the House of Representatives requesting that they oppose any cuts or limits to the Medicaid program and support state fiscal relief, including an increase in the federal matching rate in Medicaid. Supervisor Hudgins seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

**PW:pw**

38. **TYSONS CORNER CENTER (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that Tysons Corner Center is proposing significant improvements and an addition. JC Penney will be vacating the Center in April 2003, after which the owners of the mall propose to redevelop the vacant building. The improvements to the mall include internal renovations to the JC Penney building, construction of a building addition, and a new parking garage. With this added space, restaurants, a food court, retail stores, and a state-of-the-art stadium seating movie theater are proposed to be added to the mall. The proposed improvements to Tysons Corner Center will be valued at more than \$80 million when complete, and the sales tax revenue to the County will

significantly increase with the retail, restaurant, and theater space. In addition to the benefits to the County from the expected increase in revenue, the continued viability and growth of the Center is instrumental to continued viability of the retail and entertainment activity taking place in and around Tysons Corner and the County.

Supervisor Connolly moved that the Board direct staff to:

- Authorize modified processing of the site and public improvement plans for Tysons Corner Center, located at Tax Map 29-4 ((1)) 35A, 35C and 39-2 ((1)) 2, 4, 5.
- Work closely with Tysons Corner Center to expeditiously process the plans and requests associated with the improvements to the mall.

Approval of this motion shall in no way prejudice the substantive review of the pending improvements. Supervisor Gross seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

39.

**REQUEST FOR CONCURRENT AND EXPEDITED PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2003-PR-005, RIGGS BANK (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that Riggs Bank filed a special exception application to permit the approval of a drive-through teller for a new bank location in Oakton. Special Exception Application SE 2003-PR-005 has been accepted by the Department of Planning and Zoning (DPZ) and has been given a Planning Commission public hearing date of July 10, 2003. The site of the proposed bank is the old Alpine Ski Shop.

Supervisor Connolly moved that the Board direct the:

- DPZ to schedule a public hearing before the Board prior to the August recess for Special Exception Application SE 2003-PR-005.
- Department of Public Works and Environmental Services to process site plans and building plans for Special Exception Application SE 2003-PR-005 concurrently with the DPZ review of pending Special Exception Application SE 2002-PR-016 filed by Riggs Bank.

This action does not prejudice the consideration of the upcoming approval process in any way. Chairman Hanley seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

40. **VIENNA TRANSIT STATION OUT-OF-TURN PLAN AMENDMENT (OTPA) S-02-II-V2 (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that on Monday, October 28, 2002, the Board approved his motion to authorize the initiation of an OTPA for land units C and I of the Vienna Transit Station Area. He distributed copies of that motion for the Board's review. As OTPA S-02-II-V2 has proceeded it became apparent that the nearly three acre parcel of land owned by Washington Metropolitan Area Transit Authority (WMATA), abutting Land Units C and I of the Vienna Transit Station Area, should be included in this replanning effort. This parcel, identified as 91B is approximately 120,000 square feet and is generally located south of the South Access Road to the Vienna/Fairfax Metrorail station and bounded on the south by the Fairlee subdivision. This parcel is currently serving as a buffer to the Fairlee Community. Should the replanning efforts proceed, the need for such a buffer may no longer exist and the buffer could, in fact, impede the integration of future redevelopment of Land Bay I with the Vienna Transit Station.

Supervisor Connolly moved that the Board direct staff to authorize the inclusion of the WMATA parcel as it is described above in OTPA S-02-II-V2. As is always the case, approval of this motion shall in no way prejudice the review of the pending out of turn plan amendment. Supervisor Kauffman seconded the motion which carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

41. **COMMUNITY ASSOCIATION AND ENVIRONMENTAL WORKSHOPS** (Tape 5)

Supervisor Connolly announced that for the last two weeks he sponsored a community association workshop and he expressed appreciation to County staff who participated in this successful event. Additionally, Supervisor Connolly announced that last Saturday was the Providence District Fourth Annual Environmental Workshop attended by a record crowd and he thanked all the non-profit groups and county staff who assisted and attended.

42. **STREETLIGHT OPTIONS (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that at the last Board meeting on March 24, 2003, the Board directed staff to investigate options for including semi-cutoff acorn-style streetlights as part of the catalog of streetlights offered by Dominion Power as part of the Statewide agreement. Since that time, it has come to her attention that the Dominion Power catalog also does not contain cutoff or semi-cutoff colonial-style lights.

Supervisor Hudgins asked unanimous consent that the Board direct staff to also investigate options for including cutoff or semi-cutoff colonial-style lighting. Without objection, it was so ordered.

43. **PERSONAL PROPERTY TAX EXEMPTION FOR FAIRFAX COUNTY RESIDENTS WHO VOLUNTEER IN OTHER COUNTIES** (Tape 5)

(BACs)

Supervisor Hudgins stated that she was recently contacted by a constituent in the Hunter Mill District who serves as a volunteer firefighter in the Dale City Volunteer Fire Department in Prince William County. The constituent raised the concern that volunteer firefighters who live and serve in Fairfax County are offered personal property tax exemptions on one automobile, while County residents who serve in areas other than Fairfax County are not. Supervisor Hudgins said she also learned that County residents who volunteer in Fairfax City are offered a personal property tax exemption. When the Board first authorized this program, it was determined that the criteria and requirements for the exemption were to be set by the Volunteer Fire Commission.

Supervisor Hudgins, therefore, asked unanimous consent that the Board direct staff to refer to the Volunteer Fire Commission consideration of personal property tax exemption for Fairfax County residents who serve as volunteer firefighters in Prince William County. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff to determine what the cost of this is to the County now. Without objection, it was so ordered.

44. **RECOGNITION OF NEW UNION BAPTIST CHURCH OF VIENNA'S ONE HUNDREDTH ANNIVERSARY (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that on May 3, 2003, New Union Baptist Church of Vienna will be celebrating its One Hundredth Anniversary. The church has remained at its original location for more than a century. Dr. Andrew Manor, a chiropractor, donated the land to the New Union Baptist members to erect this historical house of worship. The doors of the church are open to everyone and the members are active in community programs in Vienna, with a special partnership with the non-profit organization, Our Daily Bread.

Supervisor Hudgins moved that the Board direct staff to prepare a proclamation in honor of this historic event to be presented on May 3, 2003, at Union Baptist's One Hundredth Anniversary Banquet. Supervisor Connolly seconded the motion, which carried by a vote of nine, Mendelsohn being out of the room.

45. **RECOGNITION OF WILLIAM BRANDON (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that William Brandon, an eighth-grader from Herndon Middle School, was the first place winner in the first Reader's Digest National Word Power Challenge contest. He won the final round of the vocabulary contest by knowing that "vexillology" means the study of flags. William competed

against 800,000 fourth through eighth-graders from 50 states including US military installations. Fifty-three state and area champions competed in Colonial Williamsburg in the final round of the contest. William is the winner of a \$25,000 scholarship and he is a testimonial to the flagship level of education Fairfax County Schools provides to all of its students.

Supervisor Hudgins moved that the Board direct staff to invite William Brandon to appear before the Board to be recognized for his stellar performance in making history for Fairfax County by winning first prize in the first Reader's Digest National Word Power Challenge. Chairman Hanley seconded the motion which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

46. **BUDGET QUESTIONS** (Tape 5)

(NOTE: Earlier in the meeting, the Board added items to the Budget Consideration List. See Clerk's Summary Item CL#29.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide responses to the following questions as part of the ongoing Fiscal Year (FY) 2004 budget deliberations and as contained in her written Board Matter:

- Regarding non-uniformed employee salary increases, what is the potential savings of maintaining the current evaluation tool of the pay-for-performance system and reducing the resultant pay award by 20 percent following the evaluation? In other words, an employee rated 487 would receive a 7 percent salary increase under the current system? Under the system in question, that 7 percent salary increase would be decreased by 20 percent without altering the evaluation tool. The rating scale, copies of which were distributed to the Board, pulled directly from the Employee Performance Evaluation form, show that reducing the scale from 0 - 7 to 0 - 5 would significantly alter the tool that managers use to evaluate their employees.
- What are potential economic or revenue-based triggers that the Board could set as policy for determining when to reduce pay increases to County employees?
- The Personnel Services Summary in the County Executive's Advertised FY 2004 Budget includes \$2.5 million for "Extra Compensation." Who is eligible for extra compensation, including the necessary criteria for receiving extra compensation, and what is the potential is limiting extra compensation in a difficult fiscal year like FY 2004?

Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to include the following Budget Consideration Items as outlined in her written Board Matter:

- The Adult Health and Dental Partnership, listed as a reduction of \$145,000 in the Office of the County Executive.
- A \$2 million reduction to the Child Care Assistance Referral program, identified as a reduction in the Department of Family Services.
- Pending further options and cost estimates for the Real Estate Tax Relief Program for the Elderly and Disabled. Consideration of an increase to the State maximum of \$240,000 for asset eligibility and an increase to the sliding scale for income that would raise the top level to \$62,000. This would increase participation in the program by an estimated 2,967 County seniors.

Following discussion, without objection, it was so ordered.

(NOTE: Later in the meeting the Board added items to the Budget Consideration List. See Clerk's Summary Item CL#49.)

PMH:pmh

47. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-045 (MASON DISTRICT)**  
(Tape 6)

Supervisor Gross announced that at the appropriate time, later in the meeting, her intent to defer the public hearing on Special Exception Application SE 2002-MA-045.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#69.)

48. **DEFERRED RETIREMENT OPTION PLAN (DROP) PLAN FOR PUBLIC SAFETY EMPLOYEES** (Tape 6)

Supervisor Gross said that providing for public safety is one of the core missions of local government. The County's standards for recruitment are high, academy training is first-rate, other training goes on throughout a public safety employee's career, and the long-term investment is considerable. One way to extend that investment beyond the 25-year career mark is to institute a DROP as an added feature to the existing Uniformed Retirement System and the Police Officers Retirement System.

Supervisor Gross noted that instituting a DROP would give public safety employees an opportunity to extend their careers from 25 years to 28, and allow for succession planning within the public safety departments. The County Executive has estimated the cost of the DROP for Fiscal Year 2004 at \$293,215 for the Uniformed System, and \$245,319 for the Police Officers System.

Therefore, Supervisor Gross moved that a DROP for these two retirement systems be placed on the consideration list. The total amount would be \$538,534. Supervisor Hyland seconded the motion and it carried by unanimous vote.

49. **BUDGET QUESTIONS AND ANSWERS** (Tape 6)

(NOTE: Earlier in the meeting, the Board added items to the Budget Consideration List. See Clerk's Summary Items CL#29 and CL#46.)

Supervisor Gross asked that the following items be added to the consideration list and for additional information in the "questions and answers" on the budget:

- A 12 percent increase for Uniformed System retirees over the next year, with six percent beginning in January 2004, and another six percent at third quarter of Fiscal Year 2004. Would staff please calculate the dollar amounts for the consideration list?
- Currently, emergency services personnel receive Advanced Life Support (ALS) certification pay of about \$3600 per year, but the ALS certification pay is not calculated into retirement. Since few personnel receiving ALS certification pay currently are ready to retire, the cost would be negligible at the present time.

Supervisor Gross asked unanimous consent that the Board direct staff to review this issue and provide the Board with any budgetary impacts. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the following items be added to the consideration list and for additional information in the "questions and answers" on the budget:

- The issue moving 13 Fire Department Specialized Apparatus Shop Employee positions to the F-plan. Currently, these employees are on the S scale and receive seven percent pay for performance ratings each year. By moving them to the F scale, they would go to the five percent step increments over a period of years instead of every year. The positions would remain in the regular employees' retirement system. Would staff review this proposal and provide any budgetary impact?

- A review of public safety salaries as part of next year's budget process, and ask the Budget Chair to include that recommendation in the guidelines that will be adopted later this month.

Without objection, it was so ordered.

50. **ABANDONMENT AND/OR VACATION OF LAND REGARDING REZONING APPLICATION RZ 2001-SP-041 (SPRINGFIELD DISTRICT)**  
(Tape 6)

Supervisor McConnell said that on May 20, 2002, the Board approved Rezoning Application RZ 2001-SP-041 in the name of Centex Homes to permit the development of certain property off Lee Highway (Dix-Cen-Gato) in the Springfield District. To develop the property in accordance with the approved development plan, 452,414 square feet must be vacated and/or abandoned.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule the necessary public hearing on the abandonment and/or vacation requests for Legato Road, Rhett Lane, Ruffin Drive, Butler Drive, Dixie Hill Road, Deljo Drive, Quality Street, and Deming Drive to occur on May 19, 2003. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the request in any way. Supervisor Connolly seconded the motion and it carried by unanimous vote.

51. **FUNDING FOR GRANTS** (Tape 6)

Supervisor McConnell asked unanimous consent that the Board direct staff to determine if there are any agencies that receive grants that the County might be losing in the event that they are not fully funded.

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

52. **APPRECIATION TO THE AUXILIARY POLICE** (Tape 6)

Supervisor McConnell noted that she, Supervisor Frey, and Chairman Hanley recently attended a banquet for the Auxiliary Police, and she expressed appreciation to them for their service.

53. **APPOINTMENT TO THE ANIMAL SERVICES ADVISORY COMMISSION** (Tape 6)

(APPT) Supervisor Frey moved the appointment of Ms. Lucy Masterson as the Sully District Representative to the Animal Services Advisory Commission to fill the unexpired term of Ms. Melissa Klein. Supervisor Connolly seconded the motion and it carried by unanimous vote.

54. **REQUEST FOR BMW APPLICATION TO BE EXPEDITED (SULLY DISTRICT)** (Tape 6)

Supervisor Frey said BMW of NA will launch its new 5 Series this fall. Prior to this launch they will be conducting a ride and drive program for their in-dealership personnel.

55. **TRANSIT ISSUES REGARDING THE NEW SMITHSONIAN MUSEUM IN THE SULLY DISTRICT** (Tape 6)

Supervisor Frey referred to the requirements necessary to develop transit programs to serve the new Smithsonian Museum in the Sully District.

Supervisor Frey asked unanimous consent that the Board direct staff to expedite this issue.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to direct staff to prepare a letter to be signed by the Chairman on behalf of the Board to the Virginia Department of Transportation regarding this issue. Without objection, as amended, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

56. **REAL ESTATE ASSESSMENT INFORMATION ON THE COUNTY'S WEB SITE** (Tape 6)

Supervisor Kauffman said that a constituent recently contacted him concerning the County's real estate assessment information web site. Citing security and privacy concerns on behalf of all County homeowners, he has asked the Department of Taxation (DTA) to remove all owner information from the online real estate records. DTA currently allows property owners to contact them and request to have their names withheld; however, some property owners may not be aware that this option is available to them.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to evaluate this request and report its findings regarding the pros and cons of removing all owner information from the web site, especially in terms of the potential effects on citizen security and privacy, Freedom of Information Act obligations under State law, and on the community's use of this web site. Without objection, it was so ordered.

57. **RECOGNITION AND APPRECIATION TO STAFF** (Tape 6)

Supervisor Kauffman said that last year, the Office of Capital Facilities, Department of Public Works and Environmental Services (DPWES), switched to a new team concept of project management for the design and land acquisition

phases. The Harrison Lane Trail project in Lee District was one of the first projects to benefit from this approach. By improving their coordination and concurrently working on the land acquisition and design phases, staff has shaved ten months off the typical schedule for this type of project.

Therefore, Supervisor Kauffman expressed his appreciation to DPWES staff for their good work.

58. **HISTORICAL MARKER DEDICATION** (Tape 6)

Supervisor Kauffman noted that a historical marker dedication will be held on April 12, 2003, at 1 p.m. in the Kingstowne community. He said that one of the newest communities will recognize one of the oldest. For more information, contact Christine Tollefson at 703-921-5426.

59. **SCHEDULING OBSERVATIONS** (Tape 6)

Chairman Hanley noted scheduling issues related to the rest of the day's public hearings.

60. **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. *Board of Supervisors v. Wachovia National Bank*  
(Dranesville District)

2. Claim of Apex Environmental, Inc., for Work Performed at Gunston Fire Station (Mount Vernon District)
3. *Ricardo Ortiz, Joy Ortiz, Morteza Sizdahkhani, Trustee, Mahin D. Sizdahkhani, Trustee, and Mort Investment Company, Inc. v. Sean P. Flattery, Debra L. Flattery, Gregory A. Cinque, Nancy L. Cinque, Michael A. Schwein, Sonja W. Schwein, Ronald W. Brown, Mukta Verma, Naresh Verma, Basheer/Edgemoor-Millwood, LLC, and the Board of Supervisors of Fairfax County, Virginia*, In Chancery No. 181641 (Fx. Co. Cir. Ct.) (Dranesville District)
4. *W. John Layng and Carol Layng, Individually, and DBA Layng and Company Greenhouses v. Jane Gwinn, Zoning Administrator of Fairfax County, Virginia*, In Chancery No. 162042 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Joseph G. Bonzano*, In Chancery No. 179735 (Fx. Co. Cir. Ct.) (Lee District)
6. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Richard S. Simmons, et al.*, In Chancery No. 180585 (Fx. Co. Cir. Ct.) (Sully District)
7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Martha Tabares and Flavio Pereira*, In Chancery No. 181798 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Zofia A. Zager v. Rukhsana Khalid, et al.; In Chancery Number 179443.
- Board of Zoning Appeals Applications A 2002-DR-045, A 2003-MA-005, and A 2002-MA-047.

- Proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) regarding validation, without the requirement of a plat, of developed lots that were not legally created after August 31, 1947

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

**SBE:sbe**

At 3:25 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

### **ACTIONS FROM CLOSED SESSION**

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

62. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO FILE SUIT AGAINST WACHOVIA NATIONAL BANK** (Tape 7)

Supervisor Hyland moved that the Board authorize the County Attorney to file suit against Wachovia National Bank regarding a certain developer default, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

63. **AUTHORIZATION TO DENY THE CLAIM OF APEX ENVIRONMENTAL, INCORPORATED FOR WORK ALLEGEDLY PERFORMED AT GUNSTON FIRE STATION** (Tape 7)

Supervisor Hyland moved that the Board deny the claim of Apex Environmental, Incorporated for work allegedly performed at Gunston Fire Station, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

64. **ACCEPTANCE OF THE SETTLEMENT OFFER IN RICARDO ORTIZ, ET AL. VERSUS SEAN FLATTERY, ET AL., IN CHANCERY NUMBER 181641** (Tape 7)

Supervisor Mendelsohn moved that the Board accept the settlement offer in *Ricardo Ortiz et al. versus Sean Flattery, et al.*, in Chancery Number 181641, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

65. **APPOINTMENT OF MR. CHRISTOPHER PIETSCH AS INTERNAL AUDIT DIRECTOR** (Tape 7)

Supervisor Gross moved the appointment of Mr. Christopher Pietsch to the position of Director of Internal Audit at Grade E-9 effective April 14, 2003, with a salary of \$82,000 a year. Supervisor Hyland seconded the motion and it carried by unanimous vote.

#### **AGENDA ITEMS**

66. **ORDERS OF THE DAY** (Tape 7)

Following input from David P. Bobzien, County Attorney, Chairman Hanley announced that she would call all of the 3:30 p.m. public hearings at once, with the exception of the 3:30 p.m. public hearing on the Fiscal Year 2004 Effective Tax Rate Increase, which would be called separately. The public hearings will be left open for testimony during the public hearings on the budget.

67. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 67.1-10, TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO IMPOSE A MOBILE LOCAL TELECOMMUNICATIONS TAX OF TEN PERCENT, WITH A MAXIMUM TAXABLE CEILING OF \$30**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL), REGARDING IMPOUNDMENT AND BOARDING FEES AT THE ANIMAL SHELTER**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), REGARDING E-911 FEES**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTIONS 82-5A-10 AND 82-5A-11, REGARDING CHARGING ADMINISTRATIVE PROCESSING FEES FOR ISSUANCE OF RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) DECALS AND PASSES**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING FEE SCHEDULE**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), AND CHAPTER 62 (FIRE PROTECTION), REGARDING FIRE MARSHAL PLAN REVIEW FEES**

**3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 43.1 (FOOD AND FOOD-SERVICE ESTABLISHMENTS), SECTION 43.1-5-1(C), CHAPTER 69 (WATER RECREATION FACILITIES ORDINANCE), SECTION 69.1-1-24(B), AND CHAPTER 70 (WATER), SECTIONS 70-1-4(C), 70-1-7, AND 70-1-30**  
(Tape 7)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings was duly advertised in that newspaper in the issues of March 20 and March 27, 2003.

Supervisor Mendelsohn stated that the proposed fees for the playing fields do not involve ordinances and can be addressed as part of the public hearings on the budget.

Following the public hearing, Supervisor Bulova moved to keep the public hearings open for anyone who would like to testify on any of them during the budget hearings. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

68. **3:30 P.M. – PH ON THE FISCAL YEAR (FY) 2004 EFFECTIVE TAX RATE INCREASE** (Tape 7)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 13 and March 20, 2003.

Following the public hearing, which included testimony by six speakers, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to close the public hearing on the effective tax rate and defer decision on the adoption on a real property tax rate for the calendar year 2003 and 2004 until

Monday, April 28, 2003. The Board will continue to accept comment on the FY 2004 effective tax rate increase as part of the budget public hearings that begin later in the meeting. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**DS:ds**

69. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-045 (ENTERPRISE LEASING COMPANY D/B/A ENTERPRISE RENT-A-CAR) (MASON DISTRICT)** (Tape 8)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE2002-MA-045 until **April 28, 2003, at 4 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

70. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-S-009 (MICHAEL AND BUFFA HARGETT) (SPRINGFIELD DISTRICT)** (No Tape)

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

71. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-4 (DULLES TECH LC) AND REZONING APPLICATION RZ 2002-HM-035 (COPPERMINE ASSOCIATES LC AND DULLES TECH, LC) (HUNTER MILL DISTRICT)** (Tape 8)

- (O) Both application properties are located north of Coppermine Road, east and west of River Birch Road.

Proffered Condition Amendment Application PCA 79-C-037-4 pertains to Tax Map 15-4 ((1)) 35 and 16-3 ((1)) 32B.

Rezoning Application RZ 2002-HM-035 pertains to Tax Map 15-4 ((1)) 10, 19, 20, and 35, and 16-3 ((1)) 32B.

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

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

Following the public hearing, which included testimony by four speakers, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division,

Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 79-C-037-4. Supervisor McConnell seconded the motion.

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

Supervisor Hudgins further moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-035, from the PDC, C-3, and I-4 Districts to the PDH-12 District, subject to the proffers dated April 7, 2003. This recommendation for approval is contingent upon the applicant's payment of funds according to the Board's formula for the rezoning of commercial and industrial zoned land to residential use within the Route 28 Tax District, with such payment to be received prior to the effective date of the rezoning, May 7, 2003. Failure by the applicant to provide payment to the County of the full amount determined by the formula described here and prior to the effective date of the rezoning decision shall mean that the change in the zoning requested by the applicant shall not become effective, and that this rezoning decision shall be void in accordance with the Virginia Code, Section 15-4608(c).
- Modification of the transitional screening and barrier requirements along the perimeter of the site and between the residential and public uses to permit the landscaping and barriers depicted on the Conceptual Development Plan/Final Development Plan.
- Waiver of the 600-foot maximum length limitation on private streets.
- Waiver of the loading space requirements.
- Waiver of the 200 square foot backyard requirement for single family attached units.

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

Supervisor Hudgins moved that the Board direct the Department of Public Works and Environmental Services to provide expedited review of the site plan for Coppermine Crossing, including the pending site plan number 5579-SP-14. Supervisor McConnell seconded the motion.

Following a brief discussion, with input from Mr. Mayland, the question was called on the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland.

72. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 91-S-009 (MICHAEL AND BUFFA HARGETT) (SPRINGFIELD DISTRICT)** (Tape 8)

The application property is located on the north side of Ox Road, approximately 450 feet west of its intersection with South Run Oak Drive, Tax Map 97-1 ((10)) 1.

Mr. Michael Hargett reaffirmed the validity of the affidavit for the record.

Mr. Hargett 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, Denise Thomas, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved approval of Proffered Condition Amendment Application PCA 91-S-009, subject to the proffers dated February 25, 2003. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Chairman Hanley being out of the room.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman McConnell.

73. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-V-151 (M&K REALTY, LLC) (MOUNT VERNON DISTRICT)** (Tape 8)

The application property is generally located in the northeast quadrant of the intersection of Richmond Highway and Beddoo Street, Tax Map 93-1 ((1)) 21 and 24.

Mr. J. Howard Middleton, Jr. reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed the following campaign contribution for the Friends of Michael Frey which he had received:

- In excess of \$200 from Metrocall, Incorporated

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 85-V-151, subject to the proffers consistent with those dated March 27, 2003.
- Waiver of the minimum lot width requirement pursuant to Section 9-610 of the Zoning Ordinance.
- Modification of the transitional screening requirement along the northeastern property line in favor of that shown on the Generalized Development Plan.
- Waiver of the barrier requirements along the western property line and a modification of the barrier requirements along the southern and eastern property line in favor of that shown on the Generalized Development Plan.

Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

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

74. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-040 (FAIRFAX PLAZA COMPANY LP) (PROVIDENCE DISTRICT)** (Tape 8)

The application property is located at 2960 – 2988 Gallows Road, Tax Map 49-4 ((1)) 13 pt.

Mr. William C. Thomas, Jr. reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Bernard M. Fagelson

Vice-Chairman Hyland disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Bernard M. Fagelson

Discussion ensued with input from William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning.

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

- In excess of \$200 from Mr. Bernard M. Fagelson

Following the public hearing, Supervisor Connolly moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Mendelsohn, Supervisor McConnell, and Chairman Hanley being out of the room.

#### **ADDITIONAL BOARD MATTER**

##### **Congratulations to William Mayland, the Proud Father of a New Baby Girl**

Supervisor Connolly said that William Mayland, the staff coordinator for this case, is now the proud father of a new baby girl. On behalf of the Board he congratulated Mr. Mayland.

Supervisor Connolly moved approval of Special Exception Application SE 2002-PR-040, subject to the development conditions dated March 6, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**ADDITIONAL BOARD MATTER**75. **DEATH OF MS. RUTH EAKIN** (Tape 8)

Supervisor Connolly stated he had just been informed that Ms. Ruth Eakin, the wife of Leroy Eakin, Jr., died this weekend. He said the Eakin family helped make the park system what it is today. Mr. Eakin helped create the Fairfax County Park Authority over 50 years ago and donated the first piece of parkland, Eakin Park. The family is still involved in the community, having formed a trust fund and providing matching funds for improvements to our park systems throughout the County. Mrs. Eakin served on the Board of the Girl Scouts and many other organizations and will be sorely missed.

**AGENDA ITEMS**76. **ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION, WITHOUT THE REQUIREMENT OF APPROVAL OF A PLAT, OF DEVELOPED LOTS THAT WERE NOT LEGALLY CREATED AFTER AUGUST 31, 1947** (Tape 8)

(A) (NOTE: Earlier in the meeting the Board deferred decision on this item. See Clerk's Summary Item CL#16.)

Supervisor Frey moved that the Board authorize the advertisement of public hearings to be held before the Planning Commission on April 24, 2003, and before the Board on **April 28, 2003, at 5:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), as set forth in Options One and Two. Supervisor Hyland seconded the motion.

Supervisor Frey clarified that:

- Option One would allow for the validation of residential lots regardless of whether or not the parcel is developed.
- Option Two would allow for validation of only developed lots as well as those that had a home on it that was demolished or was destroyed by casualty.

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

77. **BOARD RECESS** (Tape 8)

At 4:55 p.m. the Board recessed, and at 7:30 p.m., reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

78. **7:30 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR 2003 ADVERTISED BUDGET PLAN, THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2004–2008 (WITH FUTURE YEARS TO 2013), AND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR 2003 REVISED BUDGET PLAN** (Tape 9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 13 and March 20, 2003.

**ADDITIONAL BOARD MATTER****Welcome to Boy Scout Troop 1853 from West Springfield** (Tape 9)

Chairman Hanley recognized the presence of Boy Scout Troop 1853, from West Springfield, and warmly welcome them to the Board Auditorium.

**PW:pw**

(Tape 10)

Following the testimony of Mr. Dave Hunt (Speaker 20), Supervisor Hudgins distributed to the Board a chart reflecting the taxes that the towns and cities have available to them that the County does not have.

Supervisor Frey asked unanimous consent that the Board direct staff to provide the Board with a cost estimate showing what it would cost the County to assume the same revenue authority that cities and towns have, including the same responsibilities for road improvements. Without objection, it was so ordered.

Following the testimony of Mr. Terry Hill (Speaker 21), Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a list of the groups that patrol the Potomac River and the other localities that are part of the Marine Patrol, and whether the Fire Department boats are considered a part of that group.

Supervisor Mendelsohn asked to amend the request to include which Fairfax County waters they patrol. Without objection, the request, as amended, was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**DS:ds**

Following his testimony, Mr. Neal McBride (Speaker 32) presented a check to the County Executive to be donated to the Park Authority's operating account.

Following the testimony of Ms. Nancy Stafford (Speaker 33), Supervisor Gross asked unanimous consent that the Board direct staff to provide clarification regarding whether funding for the Lincolnia Senior Center was included on the Consideration List. Without objection, it was so ordered.

The public hearing was held with testimony presented by 44 speakers.

(Tape 11)

Supervisor Hyland announced that he would be arriving late to the meeting on April 8, 2003, because he would be attending a National Association of Counties awards ceremony on Capitol Hill on behalf of the County.

79. **BOARD RECESS** (Tape 11)

At 10:30 p.m., Chairman Hanley announced that the Board would recess until April 8, 2003, at 6:30 p.m., at which time there will be a 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) 2004 Advertised Budget Plan.
- Capital Improvement Program for FY 2004 - 2008 (with future FYs to 2013).
- Current appropriation level in the FY 2003 Revised Budget Plan.