



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 5, 2003**

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12-03

SBE:sbe

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

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

BOARD MATTER

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

Chairman Hanley asked everyone to continue to remember in thoughts and prayers those around the world who are defending freedom and their families and friends here at home.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. WILL BRANNON** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Will Brannon for his accomplishment in the first Reader's Digest National Word Power Challenge. Supervisor Connolly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KATHY VERNON** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Kathy Vernon for the volunteer service she provided through the American Red Cross to the citizens of Fairfax County. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. HAROLD HENDERSON** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Harold Henderson for his service to the Park Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JANE GWINN** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Ms. Jane Gwinn for her years of service to Fairfax County upon her retirement. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate May as "*Community Action Month*" in Fairfax County. Vice-Chairman Hyland seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING MAY 4 – 10, 2003, AS "SUICIDE PREVENTION WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May 4 – 10, 2003, as "*Suicide Prevention Week*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO GREAT FALLS ELEMENTARY SCHOOL** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Great Falls Elementary School on its fiftieth anniversary. Supervisor

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

9. **PROCLAMATION DESIGNATING MAY AS "MENTAL HEALTH AWARENESS MONTH" IN FAIRFAX COUNTY** (Tapes 1-2)

Supervisor Hudgins moved approval of the Proclamation to designate May as "*Mental Health Awareness Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

10. **PROCLAMATION DESIGNATING MAY 17, 2003, AS "STROKE AWARENESS DAY" IN FAIRFAX COUNTY** (Tape 2)

Supervisor Gross moved approval of the Proclamation to designate May 17, 2003, as "*Stroke Awareness Day*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of room.

11. **PROCLAMATION DESIGNATING MAY 29 – JUNE 1, 2003, AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (Tape 2)

Supervisor Kauffman moved approval of the Proclamation to designate May 29 – June 1, 2003, as "*Springfield Days*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

12. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE BASKETBALL TEAM AND FOOTBALL TEAM OF SOUTH LAKES HIGH SCHOOL** (Tape 2)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the football team of South Lakes High School for their accomplishments. Supervisor Hyland seconded the motion.

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the basketball team of South Lakes High School for their accomplishments. Chairman Hanley seconded the motion.

The motions carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

(NOTE: Later in the meeting the Board discussed other athletic achievements by South Lakes High School. See Clerk's Summary Item CL#44.)

13. **PROCLAMATION DESIGNATING WEEK OF MAY 5 - 11, 2003, AS "PUBLIC SERVICE RECOGNITION WEEK" IN FAIRFAX COUNTY**
(Tape 2)

Supervisor Gross moved approval of the Proclamation to designate the week of May 5 - 11, 2003, as "*Public Service Recognition Week*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

DMB:dmb

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

Supervisor Connolly moved approval of the Administrative Items. 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."

ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03094 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) CITIZEN CORPS PROGRAM GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM)

- (SAR) Approved SAR AS 03094 in the amount of \$25,390 for the FCPD to accept FEMA grant funds from VDEM. These funds will be used to implement two Citizen Corps community preparedness programs in the County to make communities safer from emergencies and disasters. A local cash match of \$5,390 is required to implement the programs supported by this award.

ADMIN 2 – INSTALLATION OF MULTI-WAY STOPS FOR MONTROSE STREET AT EIGHTH STREET AND CHOWAN AVENUE AT EIGHTH STREET (MASON DISTRICT)

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Montrose Street and Eighth Street (Mason District)
 - Chowan Avenue and Eighth Street (Mason District)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 3 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE, MASON, SPRINGFIELD, AND MOUNT VERNON DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of R-TAP:
 - Earnestine Street (Dranesville District)
 - Washington Drive (Mason District)
 - Hampton Forest Way (Springfield District)
 - Highland Lane (Mount Vernon District)
- Directed staff to work with the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 4 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (HUNTER MILL DISTRICT)

Authorized the extension of review period for Public Facility Review Application 2232-H03-4 to October 27, 2003.

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04001 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT FEDERAL/STATE PROMOTING SAFE AND STABLE FAMILIES PROGRAM GRANT FUNDS (FORMERLY KNOWN AS THE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM)

(SAR) Approved SAR AS 04001 for DFS to accept Fiscal Year 2004 Federal/State Promoting Safe and Stable Families Program grant funding in the amount of \$471,675. Grant funding from the Virginia Department of Social Services totals 424,507, and the remaining \$47,168 is the required local cash match.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) FOR FEDERAL TITLE IV-E ADMINISTRATIVE PASS-THROUGH FUNDS FOR FOSTER/ ADOPTIVE PARENT TRAINING, CHILD WELFARE STAFF TRAINING, AND AN EMPLOYEE EDUCATIONAL AWARD PROGRAM

Approved DFS's application in the amount of \$477,298 to the VDSS for training activities for foster and adoptive families, enhanced training for child welfare staff, and an employee educational stipend program. Of this total, \$357,974 is funding from the grantor, and \$119,324 is the required 25 percent local cash match.

ADMIN 7 – AUTHORIZATION TO REALLOCATE FUNDS WITHIN FUND 142, COMMUNITY DEVELOPMENT BLOCK GRANT FUND, FOR SENIOR/DISABLED HOUSING DEVELOPMENT TO LITTLE RIVER GLEN III (BRADDOCK DISTRICT)

Authorized reallocation of \$100,000 within Fund 142, Community Development Block Grant, from Project 014129, Senior/Disabled Housing Development to Project 014046 for pre-development services for the development of Phase III of the Little River Glen project.

15. **A-1 – APPROVAL OF CONTRIBUTION AGREEMENTS FROM CAFFERTY POPLAR RUN LLC AND BRIT-POPLAR RUN LLC, FOR THE CONSTRUCTION OF SHAWNEE ROAD (MASON DISTRICT)**
(Tape 3)

On motion of Supervisor Gross, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to execute the contribution agreements on behalf of the Board.

16. **A-2 – DESIGNATION OF SUPPLEMENTAL VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2003 REVENUE SHARING PROGRAM FUNDS (LEE AND MOUNT VERNON DISTRICTS)** (Tape 3)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Kauffman, 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 designating a maximum of \$100,000 in:

- Unused VDOT FY 2003 Revenue Sharing Program fund

- Matching funds from the Northern Virginia Transportation Commission

to partially fund the Richmond Highway Public Transportation Initiative.

17. **A-3 – AWARD OF HOME PROGRAM FUNDS TO THREE NON-PROFIT HOUSING DEVELOPMENT CORPORATIONS (COUNTYWIDE AND HUNTER MILL DISTRICT)** (Tape 3)

On motion of Supervisor Hudgins, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Selection Advisory Committee's recommended award of Home Investment Partnerships Program funds to the following:

- \$150,000 to Homestretch to purchase three two-bedroom condominiums to be used as transitional housing.
- \$160,000 to Robert Pierre Johnson Development Corporation to purchase a minimum of four properties, one of which would be used for a transitional housing program, and the other three houses would be acquired, rehabilitated as needed, and rented to lower income families.
- \$120,000 to Robert Pierre Johnson Development Corporation to acquire a minimum of three properties to be sold to first-time home buyers.
- \$207,851 to Wesley Housing Development Corporation for Coppermine Place I, which will consist of 22 newly constructed one and two bedroom apartments for persons with physical disabilities.

18. **A-4 – APPROVAL TO PROVIDE A HEALTH INSURANCE SUBSIDY FOR EMPLOYEES DISPLACED BY REDUCTION IN FORCE (RIF)** (Tape 3)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize provision of the health insurance subsidy for employees affected by the RIF, as has been done in prior RIFs. Supervisor Hyland seconded the motion.

Following discussion, with input from Susan Woodruff, Chief, Employee Relations Division, Department of Human Resources, the question was called on the motion and it carried by unanimous vote.

18. **A-5 – APPROVAL OF A MASTER DEVELOPMENT AGREEMENT AND FINANCING DOCUMENTS FOR THE LAUREL HILL PUBLIC FACILITIES PROJECT (MOUNT VERNON DISTRICT)** (Tape 3)

Chairman Hanley announced the deferral of this item until after the related land use case public hearing scheduled for 3:30 p.m. today.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#65.)

19. **I-1 – ARCHITECTURAL/ENGINEERING CONTRACT FOR PHASE I DESIGN SERVICES – BURKE CENTRE LIBRARY (BRADDOCK DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, requesting authorization for staff to award a contract to Grimm and Parker Architects in the amount of \$309,978 for the design and construction of an approximately 22,000 square-foot community library facility and related site improvements to be located at 5935 Fred's Oak Road in Burke, Virginia.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – BAILEY'S ROAD IMPROVEMENTS, PHASE D (MASON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$170,670 for the construction of Project 003846, Bailey's Road Improvements, Phase D, in Fund 340, Housing Assistance Program. This contract award will provide for the construction of street improvements on Lewis Lane and Arnet Street.

The staff was directed administratively to proceed as proposed.

21. **I-3 – CONTRACT AWARD – ANNANDALE STREETScape (JOHN MARR DRIVE) (MASON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$1,861,340 for the construction of Project 008909, Annandale Streetscape, in Fund 315, Commercial Revitalization Program. This award will provide for streetscape improvements on John Marr Drive from Route 236 to Columbia Pike and Route 236 from Backlick Road to John Marr Drive.

The staff was directed administratively to proceed as proposed.

22. **I-4 – CONTRACT AWARD – OPEN-END CONTRACTS FOR CULTURAL LANDSCAPE REPORT CONSULTANT SERVICES** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, requesting authorization for staff to award a contract to:

- Rhodeside and Harwell, Incorporated
- John Milner Associates, Incorporated

in an amount not to exceed \$150,000 for Cultural Landscape Report Consultant Services. The contract period is for one year with the option of two one-year extensions.

Discussion ensued with input from Elizabeth Z. Cronauer, Staff, Fairfax County Park Authority, and Michael A. Kane, Director, Fairfax County Park Authority.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board defer this item until the next Board meeting for further information and clarification from staff. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

23. **I-5 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V03-3, FAIRFAX COUNTY/SPRING HILL SENIORS LLC/KSI SERVICES, INCORPORATED (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-V03-3, Fairfax County/Spring Hill Seniors LLC/KSI Services, Incorporated.

24. **I-6 – CONTRACT AWARD – SHAWNEE ROAD (MASON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 5, 2003, requesting authorization for staff to award a contract to A&M Concrete Corporation in the amount of \$343,669 for the construction of Project 064232, Shawnee Road, in Fund 304, Primary and Secondary Road Bond Construction. This contract award will provide road improvements from Cherokee Avenue to the cul-de-sac of Shawnee Road.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:mv

25. **HEPATITIS AWARENESS DAY** (Tape 4)

Chairman Hanley stated that the Fairfax-Falls Church Community Services Board's Alcohol and Drug Services Agency, the Health Department, and the Department of Fire and Rescue have requested that the County recognize June 21, 2003, as Hepatitis Awareness Day in conjunction with the annual Tim Harmon Run-Walk. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the appropriate staff to appear before the Board at June 16, 2003, meeting to receive a proclamation declaring June 21, 2003, as "*Hepatitis Awareness Day*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs.

26. **ENDORSEMENT OF LAUREL HILL ADAPTIVE REUSE CITIZENS' TASK FORCE (MOUNT VERNON DISTRICT)** (Tape 4)

In a joint Board Matter with Vice-Chairman Hyland, Chairman Hanley said that the Laurel Hill Adaptive Reuse Citizens' Task Force, under the direction of the Board, has been working with the Lorton community and the Park Authority to guide the master planning of the adaptive reuse areas of Laurel Hill. As part of its mission to help create a world class facility at Laurel Hill that honors the site's history and adds to the County's quality of life, the Task Force was encouraged to consider proposals for adaptive reuse areas of Laurel Hill (the former site of the Lorton Prison).

Chairman Hanley noted that the Board's direction to the Task Force stated that it may make recommendations for action regarding proposals that "seem appropriate for the property" and "which may come to fruition earlier than others." As outlined in a letter from Tim Sargent, Chairman of the Task Force, copies of which were distributed to the Board, the members of the Task Force believe that the Lorton Arts Foundation (LAF) meets these criteria with its proposal for an arts, cultural, and educational campus at the site. The Task Force states that the LAF proposal is consistent with the mission statement and selection principles adopted by the Task Force and with the Comprehensive Plan regarding the adaptive reuse of buildings in the Occoquan facility and has received broad community and public support.

Chairman Hanley stated that the Task Force recommended that the Board take the following actions:

- Vote to endorse the LAF proposal for an arts center on the Laurel Hill site, making way for the filing of appropriate land use actions by LAF.
- Direct staff to expedite the review process for the LAF proposal.
- Direct staff to work expeditiously with the LAF on a lease agreement and any other actions needed to move this proposal forward.

Accordingly, jointly with Vice-Chairman Hyland, Chairman Hanley moved that the Board endorse the Laurel Hill Adaptive Reuse Citizens' Task Force recommendations and direct the County Executive to provide at the next Board meeting a timetable for implementation. Supervisor Connolly seconded the motion.

Following discussion, Supervisor Connolly noted that there are two more public meetings scheduled to provide public input regarding reuse of the site and he asked unanimous consent that the Board direct the Office of Public Affairs to publicize them as follows:

- May 27, 2003, 7-9 p.m., Supervisor Bulova's Braddock District Office, Burke Lake Road.
- May 29, 2003, 7-9 p.m., Fairfax County Government Center, Rooms 9 and 10.

Without objection, it was so ordered.

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

(NOTE: Later in the meeting the Board took additional action regarding the Laurel Hill site. See Clerk's Summary Items CL#63 and CL#64.)

27. **ANALYSIS OF METROBUS AND FAIRFAX CONNECTOR SERVICE**
(Tape 4)

Chairman Hanley reminded the Board that recent newspaper articles noted the County's expenditures for Metrobus and the Fairfax Connector. The issue is complex, with many factors having changed since the start of Connector service in the mid-1980s. She said that now is an appropriate time for transportation staff to develop, in coordination with the Washington Metropolitan Area

Transportation Authority (WMATA), an analysis of this issue to provide an historical and current perspective on bus service in the County.

Chairman Hanley stated that this review should include an "apples to apples" comparison of Metrobus and Connector service and include all costs such as operating, capital, garage, and bus acquisition and replacement costs. She noted that capital costs related to the Connector service have been and continue to be funded with local funds. She asserted that the review should also include a chronology of growth in size of the Connector fleet, how many buses have been replaced, et cetera. Factors that have changed since the inception of the Connector include the unionization of the former contract employees, thereby increasing labor costs. Also, since no federal funds are used for bus acquisition or replacement, 100 percent of these costs are local general fund dollars, an amount not reflected in a simple comparison of operating costs. When Metro acquires a bus with federal funds, the County's share is approximately \$5,500-6,000, compared with \$250,000-300,000 in local funds for each Connector bus.

With reference to a newspaper article on the subject, Chairman Hanley stated that its thesis is that the County should take over all Metrobus service in the County based on operating cost comparisons, then a more detailed analysis is needed to determine the fully-burdened cost of such a strategy, as well as an analysis of services provided for passengers whose origin or destination is outside the County.

Accordingly, Chairman Hanley moved that the Board direct staff, in conjunction with WMATA staff, undertake a comprehensive analysis on this issue and report its findings by June 16, 2003. Supervisor Connolly seconded the motion.

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

(NOTE: Later in the meeting, the Board took additional action regarding this item. See Clerk's Summary Item CL#28.)

28. **FAIRFAX CONNECTOR: ONE OF TEN MOST IMPROVED TRANSIT SYSTEMS OF 2003 ACCORDING TO METRO MAGAZINE** (Tape 4)

(NOTE: Earlier in the meeting, the Board discussed the Fairfax Connector bus system. See Clerk's Summary Item CL#27.)

Chairman Hanley noted that the Fairfax Connector is one of the largest private bus operations in the country and provided copies of an article from *Metro Magazine*, a transit industry publication, in which the Connector was highlighted as one of the "10 Most Improved Transit Systems of 2003." The Connector earned a spot on the list because of increased ridership and a focus on customer service. In Fiscal Year 2002, ridership increased 11.8 percent, surpassing the 4.8 percent goal, and customer complaints decreased by 26.8 percent.

Chairman Hanley noted that the Connector achieved these results by surveying its customers and determining that reliability is their number one concern. The Connector took steps to improve reliability by hiring a new contract operator and putting new buses on the road. It also improved customer service by giving riders greater access to information through both a revamped website as well as staff to help riders at transfer points during rush hours.

Following discussion, Supervisor Frey asked unanimous consent that the Board direct staff to provide details on the funding of bus replacement. Chairman Hanley noted that this coordinates with the Board Matter she presented on bus service (Clerk's Summary Item CL#27). Without objection, it was so ordered.

Discussion continued briefly.

29. **NATIONAL REGISTER NOMINATION FOR GREEN SPRING (MASON DISTRICT)** (Tape 4)

Chairman Hanley reported that she had received a letter from the Virginia Department of Historic Resources regarding its plan to present a national register nomination for Green Spring for the Virginia State Review Board and the Virginia Historic Resources Board. Because the County is a certified local government, the Architectural Review Board is entitled to a 60-day comment period. Accordingly, she asked unanimous consent to refer this item to the County Executive for appropriate action. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

30. **FOLLOW UP TO JOINT BOARD MATTER REGARDING KINGS CROSSING INTERCHANGE PROPOSAL IN ROUTE ONE LOCATION STUDY AND OTHER RECOMMENDATIONS FOR INTERCHANGE DESIGN (LEE AND MOUNT VERNON DISTRICTS)** (Tape 4)

Supervisor Hyland reported that he and Supervisor Kauffman attended the public hearing on the Fairfax County northern Segment "C" of the Route One Location Study. One of the major issues of contention at the hearing was the use of grade separated interchanges as designed by the Virginia Department of Transportation (VDOT). Supervisor Hyland reminded the Board that on April 7, 2003, he discussed the effect on Kings Crossing which would result from such an interchange.

Supervisor Hyland stated that on April 23, 2003, the Mount Vernon Council approved a resolution regarding two of the interchanges on Richmond Highway/Route One that supports the interchange concept developed for the County by the Lesser Company which allows Richmond Highway traffic to move through a tunnel beneath a circular plaza for local traffic as preferable to those shown in the location study. From feedback he received, he said that businesses

and residents have come together on this pedestrian-friendly design based on the Lesser proposal. In fact, during the display of exhibits which preceded the hearing, Tom Farley of VDOT indicated to the Mount Vernon District Transportation Commissioner his strong interest and support for the “circular plaza” design.

Supervisor Hyland said that the other proposed interchange, located at Buckman Road north and Route 235 north, is also addressed in the Council’s resolution. In this case, the Council proposes a design which is signal-free which facilitates the flow of traffic for north and south bound Richmond Highway travelers. Since Federal legislation (ISTEA) encourages facilitation of traffic flow because it reduces noxious fumes and air pollution, this lends more credence to and further supports the Council’s modified design proposal.

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare a letter for the Chairman’s signature requesting strong consideration for these two proposals from the Mount Vernon Council of Citizens Associations, one for Richmond Highway at North/South Kings Highway and one for Richmond Highway at Buckman Road North/South and Route 235, as substitutes for the existing designs currently shown in the Location Study. Supervisor Connolly seconded the motion.

Following discussion, Supervisor Kauffman asked to amend the motion to direct staff to review the four-lane section proposal north of Route 235 from a transit perspective, both short term and long term, of the effect of not securing an ample amount of right-of-way. This was accepted.

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

(NOTE: Later in the meeting, the Board took further action regarding this issue. See Clerk's Summary Item CL#56.)

31. **AMERICAN RED CROSS CERTIFICATE OF MERIT AWARDED TO FAIRFAX COUNTY HIGH SCHOOL STUDENTS** (Tape 4)

Supervisor Hyland stated that he was asked by Debbie Vanderbeek, Manager of the American Red Cross office for South Fairfax County located on Fort Belvoir, to bring to the Board's attention two American Red Cross lifeguards who saved a boy's life at the pool on Fort Belvoir on July 3, 2002.

The two lifeguards, Ms. Christina Aponte and Ms. Kelly Morgan, have been recommended for the American Red Cross *Certificate of Merit* which is signed by the President of the American Red Cross after the event undergoes an exhaustive research process. Ms. Vanderbeek contacted Supervisor Hyland's office to find a special way to present the certificates to the two young ladies and asked if it could be done before the Board. Ms. Aponte is a senior at Mount Vernon High School and Ms. Morgan is a college student residing in Fairfax Station.

Accordingly, Supervisor Hyland moved that the Board direct staff to invite Ms. Aponte and Ms. Morgan to appear before the Board at the next available meeting to receive recognition from the Board and to receive their American Red Cross *Certificates of Merit*. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

32. **NATIONAL MUSEUM OF THE US ARMY BRIEFING** (Tape 4)

Supervisor Hyland said that he currently serves as a member of the Board of the Army Historical Foundation and he has been asked by its Executive Director to request time to brief the Board of Supervisors on the status of the National Museum of the US Army (NMUSA). Accordingly, Supervisor Hyland moved that the Board direct staff to invite representatives from the Army Historical Foundation and the Center for Military History to make a brief presentation on the status of the NMUSA to the Board of Supervisors at an appropriate time and date. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

33. **BELLE HAVEN COUNTRY CLUB (MOUNT VERNON DISTRICT)**
(Tape 4)

Supervisor Hyland stated that on November 18, 2002, the Board approved Special Exception Amendment Application SEA 98-V-042 in the name of Belle Haven Country Club, Incorporated. Condition two of the Board's approval was that the special exception amendment application was granted only for those purposes, structures, and/or uses shown on the special exception plat approved with the application. Two clay tennis courts shown on the approved plat intrude into a 50-foot wide County sanitary easement running across the country club's property. The Belle Haven Country Club is now seeking permission from the County to construct these tennis courts in the location shown on the approved special exception amendment plat.

Accordingly, Supervisor Hyland moved that the Board authorize the County Executive to sign and execute an agreement that provides that the Belle Haven Country Club will compensate the County for any costs, to be determined by the Department of Public Works and Environmental Services, for any maintenance of the sanitary sewer necessitated by the presence of the tennis courts and for any damage to the sanitary sewer as a result of the construction, maintenance, or use of the tennis courts. The agreement also provides that the owner will hold the County harmless for any liability for damage to the tennis courts, or facilities appurtenant thereto, as a result of maintenance of the sanitary sewer. The Belle Haven Country Club shall hold the County harmless and indemnify the County, including the defense of any suit, for any liability from any claim arising out of or in any way connected with the tennis courts, the maintenance thereof, or maintenance of the sanitary sewer necessitated by the presence of the tennis courts. He noted that this matter was coordinated with the County Attorney. Supervisor Connolly seconded the motion, which carried by unanimous vote.

34. **WOODROW WILSON BRIDGE (MOUNT VERNON DISTRICT)** (Tape 4)

Supervisor Hyland provided brochures to the Board, which detailed the Woodrow Wilson Bridge project and its timelines.

35. **NO BOARD MATTERS FOR SUPERVISOR MENDELSON** (Tape 4)

Supervisor Mendelsohn stated that he had no Board Matters to present today.

36. **REQUEST FOR EXPEDITED PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-S-038, CHURCH OF THE NATIVITY (SPRINGFIELD DISTRICT)** (Tape 4)

Supervisor McConnell said that the Church of the Nativity is an existing church with a special exception for a private school of general education located at 6398 Nativity Lane in the Springfield District. The church would like to add a small preschool operation to the existing school, and would like to be able to enroll students in this program this fall. The church has recently filed Special Exception Amendment Application SEA 95-S-038 to achieve this objective. Due to the straightforward nature of this application, and the applicant's need to ascertain its status to enroll students for this fall, Supervisor McConnell moved that the Board direct staff to expedite the processing of this application so that the Board may hear the request prior to the August recess. The applicant is aware that expediting this application should not be construed to prejudice the consideration of this application in any way. Supervisor Connolly seconded the motion and it carried by unanimous vote.

37. **LARGE ITEM REFUSE PICK-UP** (Tape 4)

Supervisor McConnell stated that members of the Orange Hunt community hold a pickup period for large objects, which they bring to a central location for pickup by refuse collection companies. A constituent told her that many elderly people cannot pickup large pieces of furniture or get trucks to drive to these collection locations. He suggested that the County designate its trash collectors twice a year to perform such a service.

Accordingly, Supervisor McConnell asked unanimous consent that the Board direct staff to review this request.

Chairman Hanley clarified the request as including a discussion of current arrangements.

Without objection, the request was so ordered.

38. **REDUCTION OF COURT HOURS** (Tape 4)

Supervisor McConnell stated that she received calls and letters regarding the reduction of the hours in Circuit Court. She asked unanimous consent that the Board direct staff to include this as a Consideration Item in August for the Carryover Budget Review.

Supervisor Bulova asked to amend the request to include a review of the requirements on the Circuit Court clerks regarding processing and turnaround times for items as well as staffing, and this was accepted.

Without objection, the request, as amended, was so ordered.

39. **SPRINGFIELD CHILDREN'S FESTIVAL** (Tape 4)

Supervisor Connolly congratulated Supervisor McConnell for her successful Springfield Children's Festival, which he had the opportunity to attend over the weekend.

SBE:sbe

40. **POLICY GOALS TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) THAT AIM TO PROVIDE ACCESS FOR PEDESTRIANS AND BICYCLISTS** (Tape 5)

Supervisor Hudgins stated that Virginia Transportation Secretary Whitt Clement recently submitted a list of policy goals to VDOT that aim to provide greater access for pedestrians and bicyclists. Supervisor Hudgins stated that this new policy should greatly improve non-motorized transportation conditions in the County and listed Mr. Clement's goals as the following:

- Bicyclists, walkers and other modes of non-motorized transportation should receive the same consideration as motorized transportation in the planning, design, construction, and operation of Virginia's transportation network.
- Bike lanes, sidewalks, shared-use paths, or other accommodations should be included in the design of all new highway and major reconstruction projects, unless special circumstances exist that prevent the inclusion of such accommodations or a local governing body has formally requested that bike lanes or other access not be included in a particular project.
- Access to the entire transportation system should be improved for bicyclists and pedestrians. To achieve this goal, Secretary Clement has asked VDOT to review all existing restrictions affecting bike and pedestrian access to highway facilities.

- Current funding procedures for bicycle and pedestrian facilities, including design, construction, maintenance and operations, should be reviewed to ensure that these facilities are treated in the same fashion as highway projects.
- VDOT should identify recommendations for amending any statutory provisions that either hinder the inclusion or bicycle or pedestrian accommodations in construction or prohibit the use of state or federal transportation funds for stand-alone bicycle or pedestrian construction projects.
- VDOT should ensure that all these activities are coordinated at the statewide and VDOT district levels, including the appointment of focused district advisory councils for pedestrian and bicycle issues.

Supervisor Hudgins moved that the Board direct staff from the Department of Transportation to work with VDOT to ensure that County transportation policies are compatible with this new guideline with VDOT. Supervisor Kauffman seconded the motion.

Following discussion, Supervisor Mendelsohn moved to amend the motion to direct staff to report with what the changes would be and the impact to the County of the implementation of these guideline policies. Supervisor McConnell seconded the amendment to the motion.

Chairman Hanley restated the motion as directing staff to report with the impacts, both physical and fiscal, of the County's standardizing its policies with the State.

Following discussion, Supervisor Frey stated the Board previously directed staff to report regarding the impact of the addition of on road bike paths, as a part of every project, in addition to the sidewalks and trails. Noting that the Board had not received a response, Supervisor Frey asked unanimous consent that the Board direct staff to follow up on this issue. Without objection, it was so ordered.

Following discussion, Supervisor Hudgins accepted Supervisor Mendelsohn's amendment to the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the current State policy. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Kauffman asked unanimous consent that the Board direct staff to include the impact of the cost of lives in the cost-benefit analysis.

Following discussion, Chairman Hanley restated the motion, as amended, to include the following:

- How the County's policies compare/contrast with the current policies of the State.
- What would be the Fiscal impacts of the County implementing the State policies.
- What the State policy is and what its projection of what its costs will be.

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

41. **SPECIAL EXCEPTION APPLICATION TO EXPAND AN EXISTING VEHICLE SALE, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENT (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins stated that Jacques J. Moore has filed Special Exception Application SE 2003-HM-010 to expand the existing vehicle sale, rental, and ancillary service establishment. The special exception is being requested to permit a new showroom specifically for showcasing the Hummer. Supervisor Hudgins stated because of contractual obligations and time lines the applicant is requesting concurrent processing of Special Exception Application SE 2003-HM-010.

Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the site and building plans for Tax Map 029-3 ((01))1B (Moore Cadillac), concurrent with the review of Special Exception Application SE 2003-HM-010. 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 this application in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

42. **RETIREMENT OF PRINCIPAL GINA ROSS OF BUZZ ALDRIN ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins announced that Principal Gina Ross of Buzz Aldrin Elementary School in Reston has announced her retirement. Ms. Ross has served as the school's first principal since Aldrin opened its doors to students nine years ago. During her tenure with Fairfax County Schools, Ms. Ross also served as principal at Great Falls Elementary and assistant principal at Dogwood Elementary, also in Reston. Aldrin Elementary School students, teachers, and the entire Reston community will miss the contribution Ms. Ross makes on a daily basis.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Principal Gina Ross to appear before the Board to receive recognition for her contributions to the children of Fairfax County. Supervisor Mendelsohn seconded the motion.

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

43. **VIENNA VOLUNTEER FIRE DEPARTMENT (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins noted that the Vienna Volunteer Fire Department is celebrating its one hundredth anniversary this year. The station will be holding an anniversary dinner at the end of May to commemorate its one hundredth anniversary. Established in 1903, the Vienna station was the County's first volunteer fire department. One hundred years later, the department continues to provide exceptional services to the residents of the County and the Town of Vienna on a daily basis. In addition, the career firefighters at Vienna's station were among the responders to the September 11, 2001, tragedy at the Pentagon, requiring the volunteers to staff additional emergency medical units around the County. The work of all volunteer firefighters is invaluable and it is important to recognize this milestone in the history of the Vienna Volunteer Fire Department and the Town of Vienna.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite members of the Vienna Volunteer Fire Department to appear before the Board to receive recognition for their continual contributions to the County and the Town of Vienna and to be recognized on their one-hundredth anniversary. Supervisor Connolly seconded the motion and it carried by unanimous vote.

44. **SOUTH LAKES HIGH SCHOOL'S CHAMPIONS (HUNTER MILL DISTRICT)** (Tape 5)

(NOTE: Earlier in the meeting, the Board recognized the football and boys basketball teams of South Lakes High School. See Clerk's Summary Item CL#12.)

Supervisor Hudgins said that in addition to the wonderful accomplishments of this year's South Lakes High School football and basketball teams, the South Lakes girls' swim and dive team took second place in the region and second place in the State for the second straight year. On the boys' side, South Lakes' Chris Meleski won the State championship in the 200-meter and 500-meter freestyle and was honored as *The Washington Post's* boys' performer of the year.

Therefore, Supervisor Hudgins moved that the Board direct staff to send the South Lakes girls' swim and dive team and swimmer Chris Meleski certificates of recognition for their outstanding accomplishments. Supervisor McConnell

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

45. **BIKE TO WORK DAY** (Tape 5)

Supervisor Hudgins thanked everyone for their participation in Bike to Work Day and stated that it was extremely successful both at Reston Towne Center and also in Vienna.

46. **DEATH OF SOUTH LAKES HIGH SCHOOL'S BOYS' JUNIOR VARSITY LACROSSE TEAM COACH** (Tape 5)

Supervisor Hudgins asked that everyone keep in our thoughts and prayers the family of Wynn Williams, coach of the South Lakes High School's boys' junior varsity lacrosse team, who died last weekend.

47. **CABELL'S MILL RESTRICTED PARKING DISTRICT (RPD) (SULLY DISTRICT)** (Tape 5)

Supervisor Frey said that the Cabell's Mill Community Association submitted petitions in support of the establishment of a RPD for its community, and recently the Department of Transportation confirmed that the community met the 75 percent criteria for establishment. Therefore, Supervisor Frey moved that the Board waive the fees for the establishment of this RPD. Following discussion, Supervisor Bulova seconded the motion.

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

Supervisor Hyland asked unanimous consent that the Board direct staff to report with the number of RPDs that the Board has had and the number of those where the Board waived the fees as well as a recommendation regarding these fees. Without objection, it was so ordered.

48. **"LIFE INSURANCE WEEK" IN FAIRFAX COUNTY** (Tape 5)

Supervisor Frey said that the Northern Virginia Association of Insurance and Financial Advisors (NVAIFA) has proclaimed the week of May 12-16, 2003, as "Life Insurance Week in Northern Virginia." NVAIFA has been helping people since 1945 when it was founded. When tragedy or an untimely personal or business crisis strikes, members of NVAIFA and the companies they represent are there immediately to provide the financial solutions and assistance that insurance was designed to provide. Insurance benefits cannot replace the individuals struck

down by premature death or serious disability, but such benefits can permit the families to survive and businesses of those so afflicted to remain productive.

In support of NVAIFA and its continuing service to the residents of this County, Supervisor Frey moved that the Board proclaim the week of May 12-16, 2003, "*Life Insurance Week*" in Fairfax County and direct staff to prepare and send a Proclamation. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

49. **SULLY DISTRICT POLICE STATION OPENS** (Tape 5)

Supervisor Frey stated that on Saturday, May 3, 2003, at 5:30 a.m. the Sully District Police Station officially opened and the first coverage units rolled out. Supervisor Frey said it was an historic day and that it had been 27 years since a new police district was established in Fairfax County.

Supervisor Hyland commended the entire Board for its vision and willingness to make the right budget decisions in terms of ensuring that the County has Police protection all across the County.

PMH:pmh

50. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR GROSS**
(Tape 6)

Supervisor Gross announced that she had no Board Matters to present today.

51. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (Tape 6)

Supervisor Bulova announced that she had no Board Matters to present today.

52. **INTENT TO DEFER THE PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-5 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-D-049-6 (PROVIDENCE DISTRICT)** (Tape 6)

Supervisor Connolly announced his intent, at the appropriate time, later in the meeting to defer the public hearing on Proffered Condition Amendment Application PCA 84-D-049-5 and Final Development Plan Amendment Application FDPA 84-D-049-6 until June 2, 2003, at 4:30 p.m.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#76.)

53. **CONCURRENT PROCESSING – DSF/LONG METRO – REZONING APPLICATION RZ 2002-PR-025 (PROVIDENCE DISTRICT)** (Tape 6)

Supervisor Connolly said that the applicant of Rezoning Application RZ 2002-PR-025, DSF/Long Metro, has been working to resolve several outstanding issues associated with this application.

Therefore, Supervisor Connolly moved that the Board:

- Direct staff of the Department of Public Works and Environmental Services to proceed with concurrent processing of the site plan for Rezoning Application RZ 2002-PR-025.
- Authorize the acceptance and schedule the necessary public hearing to permit DFS/Long to vacate and abandon the existing rights-of-way known as a portion to the cul-de-sac of Merrilee Drive.

This motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards and does not prejudice in any way the consideration of this rezoning. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

54. **PARK WATCH** (Tape 6)

Supervisor Connolly said that safety in the parks and on the trails is a paramount concern. This Board has sponsored a number of initiatives that have enhanced safety for the adults and children who enjoy the parks and trails year round.

As valuable as this program is, there are still parklands that do not come under this safety umbrella. Parkland under the purview of the Northern Virginia Regional Park Authority and the W&OD Trail is excluded from the Park Watch program.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to convene a study group of representatives of various Park entities as well as the involved police departments and citizens to discuss ways that Park Watch might be expanded to include all parkland in Fairfax County. Supervisor Bulova seconded the motion.

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

55. **FUEL ECONOMY AT 22 YEAR LOW** (Tape 6)

Supervisor Connolly said that a report issued Friday by the Environmental Protection Agency (EPA) reveals that the average fuel economy of the nation's cars and trucks fell to its lowest level in 22 years in the 2002 model year. Included in his written Board Matter is a copy of Saturday's *New York Times* story on a trend that should deeply trouble the Metropolitan Washington region. He noted that this region's noncompliance with EPA Clean Air standards threatens the health of the citizens as well as future federal transportation funding.

Therefore, Supervisor Connolly moved that the Board direct Chairman Hanley to write to the members of the Congressional delegation, bringing this report to their attention and asking that, as they debate the Energy Bill, they keep in mind the impact of dropping fuel economy on the air quality in the Washington region and all of the risks that brings and take appropriate action to see this crucial issue is addressed in that legislation. Supervisor Bulova seconded the motion.

Following a brief discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

56. **TRAILS VERSUS SHARED USE PATHS** (Tape 6)

(NOTE: Earlier in the meeting there was discussion of this item. See Clerk's Summary Item CL#30.)

Supervisor Kauffman referred to the Fairfax County northern Segment "C" of the Route One Location Study public hearing and asked unanimous consent that the Board direct staff to evaluate the right-of-way that could be saved if regular trails were used instead of shared use paths. Without objection, it was so ordered.

A brief discussion ensued.

57. **FAIRFAX COUNTY ECONOMIC INDEX** (Tape 6)

Supervisor Kauffman referred to the latest edition of the *Fairfax County Economic Index* and asked unanimous consent that the Board direct staff working with Dr. Fuller to provide a review of how well the index has performed against actual results for the six years it has been in use. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff to report with information regarding how this information has been used. Without objection, it was so ordered.

A brief discussion ensued.

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

At 12:10 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. Application of Level 3 Communications, LLC, Case No. PST-200200043 (Virginia State Corporation Commission) (Hunter Mill and Dranesville Districts)
 2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Bogle Telegraph Road Associates, L.P.*, In Chancery No. 181669 (Fx. Co. Cir. Ct.) (Lee District)

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

DS:ds

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

ACTIONS FROM CLOSED SESSION59. **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 a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn abstaining.

Chairman Hanley announced that Supervisor Mendelsohn was abstaining because he was not present for closed session.

AGENDA ITEMS

60. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-L-147 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-009-2 (KHAN INTERNATIONAL, LLC)** (Tape 7)

(NOTE: At its March 24, 2003, meeting the Board held a public hearing on this item and deferred decision until April 28, 2003. At its April 28, 2003, meeting the Board deferred decision on this item until May 5, 2003.)

Supervisor Hyland moved to defer decision on Proffered Condition Amendment Application PCA 79-L-147 and Special Exception Amendment Application SEA 84-V-009-2 indefinitely. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

61. **3 P.M. – BOARD DECISION ON THE CREATION OF A SMALL SANITARY DISTRICT FOR REFUSE COLLECTION SERVICE (DRANESVILLE DISTRICT)** (Tape 7)

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

Supervisor Mendelsohn moved to defer decision on the Creation of a Small Sanitary District for Refuse Collection Service until **June 16, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

62. **BOARD RECESS** (Tape 7)

At 3:05 p.m. the Board recessed briefly, and at 3:30 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly, Supervisor Frey, and Supervisor McConnell, and with Chairman Hanley presiding.

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-040
(SPRING HILL SENIORS, LLC) (MOUNT VERNON DISTRICT)** (Tape 7)

(O) (NOTE: Earlier in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#26.)

The application property is located on the south side of Silverbrook Road, approximately 1,000 feet north of its intersection with Plaskett Lane, Tax Map 106-4 ((1)) pt. 54.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Discussion ensued with input from Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), and Sterling Wheeler, Chief, Policy and Plan Development Branch, Planning Division, DPZ.

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

- In excess of \$200 from Mr. Steven J. Coniglio of Pulte Home Corporation

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

Following the public hearing, which included testimony by four speakers, discussion ensued with input from Mr. Braham and Mr. Martin.

Mr. Braham 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 2002-MV-040, from the R-C District to the PDH-12 District, and approval of the Conceptual Development Plan, subject to the proffers dated May 1, 2003.
- Waiver of the limitation on the length of private streets, pursuant to Paragraph 3, Section 11-103 of the Zoning Ordinance.
- Approval of a variance of the PDH District requirements to allow a six-foot tall fence in front yards along Silverbrook Road, pursuant to Section 18-401 of the Zoning Ordinance.

- Direction to the Director of the Department of Public Works and Environmental Services to grant a modification of the tree cover requirements, pursuant to Paragraph One, Section 13-404, which allows a modification on sites devoid of existing tree cover to allow 11 percent tree cover in lieu of the required 15 percent.
- That prior to site plan and/or subdivision plan approval for any portion of the development, the site plans and/or subdivision plans be returned to the Planning Commission for administrative review and comment.
- Approval of the demolition of the Culinary Arts Building (R-40); Guard Tower Number Three (R-56); Adaptive Re-Use of the Cafeteria Building (R-66); the four Dormitory Buildings (R-71, R-72, R-73, and R-74); and Guard Tower Number Two (R-55).

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

64. **3:30 P.M. – PH REGARDING THE CONVEYANCE OF A PORTION OF COUNTY-OWNED PROPERTY KNOWN AS LAUREL HILL TO FAIRFAX COUNTY PARK AUTHORITY, FAIRFAX COUNTY SCHOOL BOARD, AND SPRING HILL SENIORS LLC (MOUNT VERNON DISTRICT)** (Tape 7)

(R) (NOTE: Earlier in the meeting additional action was taken on this item. See Clerk's Summary Item CL#26.)

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 April 24 and April 28, 2003.

Discussion ensued with input from Luis Lopez, staff, Facilities Management Division, Department of Public Works and Environmental Management.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution authorizing the proposed conveyance of a portion of County-owned property known as Laurel Hill to Fairfax County Park Authority, Fairfax County School Board, and Spring Hill Seniors LLC. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

65. **A-5 – APPROVAL OF A MASTER DEVELOPMENT AGREEMENT AND FINANCING DOCUMENTS FOR THE LAUREL HILL PUBLIC FACILITIES PROJECT (MOUNT VERNON DISTRICT)** (Tape 7)

(R)

Bonds

(NOTE: Earlier in the meeting the Board deferred action on this item until after the public hearing. See Clerk's Summary Item CL#18.)

On motion of Supervisor Hyland, seconded by Supervisor McConnell, and carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room, the Board concurred in the recommendation of staff and:

- Approved the Master Development Agreement substantially in the form as presented to the Board, with South County Secondary LLC (SCS), Clark Educational Advisors LLC, Spring Hill Seniors LLC (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.
- Adopted a Resolution approving the issuance of Fairfax County Economic Development Authority (EDA) bonds to finance a portion of the project; an Installment Purchase Contract between the County and the EDA; a Use and Funding Agreement with the Fairfax County Park Authority; the form of a Trust Agreement and a Supplemental Trust Agreement with a Trustee; the form of Bond Purchase Agreement and the Preliminary and Final Official Statements; the form of a Continuing Disclosure Agreement; confirming the delivery of other documents that may be necessary.
- Approved delegation to the Chairman, the Vice-Chairman, the County Executive, or the Chief Financial Officer authority to determine certain details of the transaction.

A brief discussion ensued.

66. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-SP-033 (CHRISTOPHER MANAGEMENT, INCORPORATED) (SPRINGFIELD DISTRICT)** (Tape 7)

(O)

The application property is located on the north side of Braddock Road, approximately 800 feet west of Willow Springs School Road, Tax Map 66-2 ((1)) 11 – 14.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegler 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 McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SP-033, from the R-1 and WS Districts to the PDH-2 and WS Districts, subject to the proffers dated April 7, 2003.
- Approval of a variance to allow a six-foot high fence along Braddock Road in accordance with Paragraph 3 of Section 10-104 of the Zoning Ordinance.

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

67. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON SEGMENTS OF HIDEAWAY ROAD (ROUTE 827) AND SWANEE LANE (ROUTE 3238) (PROVIDENCE DISTRICT)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 17 and April 24, 2003.

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

Following the public hearing, Supervisor Connolly moved adoption of the:

- Ordinance vacating segments of Hideaway Road and Swanee Lane.
- Order abandoning segments of Hideaway Road and Swanee Lane.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman

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

PW:pw

68. **4 P.M. – PH ON THE PROPOSED APPROVAL OF A PROMISSORY NOTE TO BE ISSUED BY THE ANNANDALE VOLUNTEER FIRE DEPARTMENT, INCORPORATED (MASON DISTRICT)** (Tape 8)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 17 and April 24, 2003.

Following the public hearing, a brief discussion ensued with input from Leonard P. Wales, Assistant Director, Department of Management and Budget.

Supervisor Gross moved adoption of the Resolution approving the issuance and/or incurrence by the Annandale Volunteer Fire Department, Incorporated, of its tax exempt Promissory Note in the outstanding principal amount of up to \$373,542. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

69. **4 P.M. – PH TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST CABLEVISION OF VIRGINIA, INCORPORATED (RESTON FRANCHISE AREA)** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 17 and April 24, 2003.

Following the public hearing, a brief discussion ensued with input from Skip Munster, Director, Communications Policy and Regulation Division, Department of Cable Communications and Consumer Protection.

Supervisor Hudgins moved adoption of the Ordinance to extend the Comcast Cablevision of Virginia, Incorporated, cable franchise agreement until no later than May 15, 2004. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

70. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-024 (ENGLE HOMES VIRGINIA, INCORPORATED) (HUNTER MILL DISTRICT)**
(Tape 8)

- (O) The application property is located on the south side of Frying Pan Road, at the terminus of Fox Mill Road, Tax Map 25-1 ((1)) 5.

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

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

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

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-024, from the R-1 District to the PDH-8 District, subject to the proffers dated March 27, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

71. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-SP-032 (LAND MASTER CORPORATION, D/B/A LANDMASTER, INCORPORATED) (SPRINGFIELD DISTRICT)**
(Tape 8)

- (O) The application property is located approximately 100 feet north of the Norfolk Southern Railway and east of Hill Street, Tax Map 77-1 ((1)) 2, 3, and 5.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SP-032,

from the C-8, I-5, R-C, and WS Districts to the I-5, R-C, and WS Districts, subject to the proffers dated April 30, 2003.

- Modification of the transitional screening and barrier requirements in accordance with the Generalized Development Plan.

Supervisor Bulova 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."

72. **4:30 P.M. – PH TO CONSIDER AN ORDINANCE CHANGING THE NAME OF THE POLLING PLACE FOR LEEHIGH PRECINCT (SPRINGFIELD DISTRICT)** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 17 and April 24, 2003.

Following the public hearing, Margaret K. Luca, Electoral Board Secretary, presented the staff recommendation.

Supervisor McConnell moved adoption of the proposed Ordinance to change the name of the polling place for the Leehigh Precinct from the "Bethlehem Baptist Christian Academy" to the "Fair Oaks Academy Gym." 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."

73. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-P-021-4 (GESHER JEWISH DAY SCHOOL OF NORTHERN VIRGINIA JEWISH COMMUNITY CENTER OF NORTHERN VIRGINIA) (MASON DISTRICT)** (Tape 8)

The application property is located at 8900 Little River Turnpike, Tax Map 58-4 ((1)) 65A.

Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

Ms. Travesky 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, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Amendment Application SEA 81-P-021-4, subject to the development conditions dated March 20, 2003. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

74. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-043 (KUSTOM KASTLES LLC) (SPRINGFIELD DISTRICT)** (Tape 8)

The application property is located on the west side of Forest Hills Drive approximately 1,500 feet south of Lee Highway, Tax Map 56-2 ((22)) A, 23; 56-4 ((15)) 1, 9 – 20, 29, and 30.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland asked unanimous consent that the Board direct the County Executive to provide the Board with recommendations on how to improve the demolition permit process to ensure compliance with notes on a development plan or proffer. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the public hearing, which included testimony by one speaker, Barbara A. Byron, Director, 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 1999-SU-043, subject to the development conditions dated March 28, 2003. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Connolly moved that the Board direct the County Executive to report no later than June 2, 2003, with recommendations on changes to the demolition permit processes to prevent proffered structures from being demolished. Chairman Hanley seconded the motion and it carried by unanimous vote.

75. **4:30 P.M. – PH 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 LOTS THAT WERE NOT LEGALLY CREATED AFTER AUGUST 31, 1947** (Tapes 8-9)

- (O) (NOTE: At its April 28, 2003, meeting the Board deferred the public hearing on this item until May 5, 2003.)

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 April 17 and April 24, 2003.

John Friedman, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services (DPWES), presented staff's recommendation.

Following the public hearing, extensive discussion ensued with input from J. Patrick Taves, Deputy County Attorney; Michelle Brickner, Director, Office of Site Development Services, DPWES; Janet E. Coldsmith, Director, Real Estate Division, Department of Tax Administration; and Mr. Friedman.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), for developed lots identified as Option 1 as set forth in the revised staff report dated April 21, 2003, as recommended by the Planning Commission on May 1, 2003, adding a new Section 101-1-14 to replace existing Subdivision Ordinance Sections 101-2-6, 101-2-7, 101-2-8, and 101-2-9, and that those sections be deleted in their entirety. These amendments shall become effective at 12:01 a.m. on May 6, 2003. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Kauffman voting "NAY."

76. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 84-D-049-5/FDPA 84-D-049-6 (TYSONS II LAND COMPANY LLC) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Connolly moved to defer the public hearing on Proffered Condition Amendment/Final Development Plan Amendment Application PCA 84-D-049-5/FDPA 84-D-049-6 until **June 2, 2003, at 4:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

77. **BOARD ADJOURNMENT** (Tape 9)

At 5:20 p.m., the Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards.....	1-4
Items Presented by the County Executive	
Administrative Items	4-6
Action Items	6-8, 29
Information Items	8-9
Board Matters	
Chairman Hanley.....	10-13
Supervisor Bulova	n/a
Supervisor Connolly	17, 22-24
Supervisor Frey.....	21-22
Supervisor Gross.....	n/a
Supervisor Hudgins	17-21
Supervisor Hyland	13-16
Supervisor Kauffman	24
Supervisor McConnell	16-17
Supervisor Mendelsohn	n/a
Actions from Closed Session.....	25-26
Public Hearings.....	26-35