



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 13, 2004**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, September 13, 2004, at 9:46 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, 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. **TWENTIETH ANNIVERSARY OF CHANNEL 16 CABLECASTING**
(9:46 a.m.)

Chairman Connolly announced that this month was the twentieth anniversary of Channel 16 broadcasting and that this was the 572nd cablecast of the Board of Supervisors meeting. He asked everyone to join him in wishing Channel 16 staff a happy anniversary.

(NOTE: Later in the meeting, the Board took action regarding this milestone. See Clerk's Summary Item CL#72.)

2. **MOMENT OF SILENCE** (9:47 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of Mr. Harry Lattimore who died recently. Mr. Lattimore was involved in the Lorton community and founder of the Lorton Heritage Society.

Supervisor DuBois asked everyone to keep in thoughts the family of Mr. Bill Elvin, resident of McLean, who died recently. Mr. Elvin owned, wrote, and published the *McLean Providence Journal* from 1956 until 1986 when it was sold to Dear Communications. When the newspaper was brought by Times Community Newspapers in 1995, he returned as associate publisher, a position he held until he died.

Supervisor Hudgins asked everyone to keep in thoughts all of those who are serving their country and their families as well as the family of Marine Lance Corporal Tavon Lee Hubbard, who was killed in Iraq. Lance Corporal Hubbard grew up in Reston and graduated from South Lakes High School.

Chairman Connolly noted that the country had passed a tragic milestone in that it had lost 1,000 men and women in Iraq and another 7,000 had been wounded and he asked everyone to keep their families in thoughts.

AGENDA ITEMS

3. **APPEARANCE BY SCOTT YORK, CHAIRMAN, LOUDOUN COUNTY BOARD OF SUPERVISORS** (9:49 a.m.)

(BACs) Chairman Connolly introduced Scott York, Chairman, Loudoun County Board of Supervisors, and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

Mr. York advised that Dominion Virginia Power suspended its proposed construction of a new 230kv transmission line along the Northern Virginia Regional Park Authority's Washington and Old Dominion Railroad Regional Park

(W&OD Trail) right-of-way from east of Leesburg to east of Purcellville. He expressed his thanks to the Board for its support of the region.

Mr. York indicated that he was hoping to hear, in the near future, whether or not Major League Baseball will be coming to Loudoun County. If that is the case, he extended an invitation to the Board, County staff, and the citizens of Fairfax County to attend public discussion.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding Major League Baseball's impact on Fairfax County, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review the proposal and prepare an analysis of the impact on traffic. Without objection, it was so ordered.

Following additional discussion regarding the density of the zoned property and formal notification between jurisdictions of proposed land use matters, Chairman Connolly asked unanimous consent that the Board direct Supervisor Frey to schedule a meeting of the Fairfax/Loudoun interjurisdictional committee in the near future. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO CITIZENS AND DEVELOPERS** (10 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to citizens and developers who have made property available to Fairfax County Public Safety for training. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING SEPTEMBER 2004 AS "FAIRFAX PREPARES MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Chairman Connolly moved approval of the Proclamation to designate September 2004 as "*Fairfax Prepares Month*" in Fairfax County. This motion, the second to which was inaudible, carried by a unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Bulova announced that on October 19, 2004, there will be an Emergency Preparedness Night for Braddock District citizens and community association officers at the King's Park Library at 7:30 p.m.

Supervisor Hudgins announced that the Hunter Mill District will be holding a meeting on the same night as well.

Supervisor McConnell announced that the Springfield District will be having a similar meeting in October.

(NOTE: Later in the meeting, Supervisor Hudgins provided details regarding the Hunter Mill District meeting. See Clerk's Summary Item CL#75.)

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. DIVYA NETTIMI** (10:21 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Ms. Divya Nettimi for her commitment to the residents of the County and the field of science. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. DEE COTTON, MS. EILEEN MEAD, AND MS. GERTRUDE PORCH AND TO RECOGNIZE THE HISTORICAL ROLE OF "ROSIE THE RIVETER" IN THE NATION'S HISTORY** (10:25 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Dee Cotton for the historical role she played in the nation's history as a "Rosie the Riveter," women who filled a position traditionally held by men during World War II, as a worker in a B24 Bomber plant in Phoenix, Arizona. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Eileen Mead for the historical role she played in the nation's history as an airplane spotter with the early warning system with the civil defense. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor DuBois moved approval of the Certificate of Recognition presented to Ms. Gertrude Porch for the historical role she played in the nation's history as an assembly line worker and "bond queen" at the torpedo factory in Old Towne Alexandria, Virginia. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION DESIGNATING SEPTEMBER 2004 AS "JEWISH HERITAGE MONTH" IN FAIRFAX COUNTY** (10:37 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 2004 as "*Jewish Heritage Month*" in Fairfax County. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE AMERICAN YOUTH PHILHARMONIC ORCHESTRAS** (10:48 a.m.)

Chairman Connolly moved approval of the Resolution recognizing the fortieth anniversary and accomplishments of the American Youth Philharmonic Orchestras. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

10. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2004, AS “HISPANIC HERITAGE MONTH” IN FAIRFAX COUNTY** (10:54 a.m.)

Chairman Connolly moved approval of the Proclamation to designate September 15 – October 15, 2004, as “*Hispanic Heritage Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

DET:det

ADDITIONAL BOARD MATTERS

11. **PRESENTATION OF A MINI KOREAN IRON BELL TO CHAIRMAN CONNOLLY** (11:03 a.m.)

Supervisor Gross said that on August 17, 2004, Supervisor DuBois, Supervisor Kauffman, and she met with a delegation of metropolitan council members from the City of Busan in South Korea. The council members were completing a ten-day visit to the US and Canada, and the County was their last stop. At the completion of their visit, the visitors presented a miniature Korean bell that commemorated their city. Supervisor Gross, on behalf of herself, Supervisor DuBois, and Supervisor Kauffman, presented the bell to Chairman Connolly and the Board.

12. **MOUNT VERNON DISTRICT TRADITIONAL ICE CREAM SOCIAL HOSTS VISITORS FROM 12 COUNTRIES AROUND THE WORLD** (11:06 a.m.)

Supervisor Hyland informed the Board that on Sunday, September 12, 2004, a traditional once-a-year ice cream social was held in the Mount Vernon District. Visitors from 12 countries around the world, who were in the US to view the election process, attended and asked many questions about local government and how it works. Supervisor Hyland noted that it was wonderful that these visitors, as well as the visitors from South Korea, came to the County to learn, and that the information they were able to glean from their visits could have a very positive effect in other parts of the world.

13. **CORRECTION TO MEETING TIME FOR FUTURE 2004 BOARD MEETINGS** (11:08 a.m.)

Chairman Connolly announced that because there would be only one Board meeting each in October, November, and December, future Board meetings for 2004 would begin at 9 a.m. until the Board could complete the backlog of presentations.

AGENDA ITEMS

14. **10 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2004 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2005 REVISED BUDGET PLAN** (11:09 a.m.)

(SAR)

(FPR) (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 August 26 and September 2, 2004.

Susan Datta, Director, Department of Management and Budget, made a brief presentation noting a positive budget balance as a result of recovering revenues as well as savings on County expenditures. The Board heard testimony from 21 speakers including representatives of the “Washington Metropolitan Ear,” the Franconia Museum, Springfield Youth Club, Fairfax Adult Softball, the Jefferson Manor Citizens Association, South Run Coalition, as well as individuals seeking the placement of automatic external defibrillators (AEDs) in Fairfax County Public Schools.

Chairman Connolly, Supervisor Bulova, Supervisor Hudgins, and Supervisor Kauffman submitted items for the record.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova, and asked unanimous consent that:

- A \$10,000 Consideration Item be added to the Library Board funding which would be earmarked for the Washington EAR program.
- Should the Board approve that item, that staff be directed to provide the Board, prior to the next budget cycle, a full and complete report on various services that are available and the differences in technology.

Chairman Connolly clarified that his proposal was part of the Library Board budget and an extension of the services the Library already provided.

Discussion ensued with additional comments by Supervisor Hudgins and Supervisor Hyland regarding the Washington EAR funding through either the community funding pool or Library Services. Supervisor Bulova then noted that the Board had been very meticulous about honoring the community funding pool criteria and process and, not undoing that; however, initially the Washington EAR program was a Library program, and a cut in the Library budget resulted in its discontinuation of that service.

Objection having been heard, Chairman Connolly moved that the Board add to the Consideration List \$10,000 to be restored to the Library Board's budget earmarked for the Washington EAR service with the understanding that staff will report to the Board with a full and comprehensive report about the issues and technologies involved in alternate service and this service before the next budget cycle. Supervisor Hudgins and Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, Chairman Connolly, and Acting-Chairman Bulova voting "AYE," Supervisor Kauffman voting "NAY."

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Bulova presented the Budget Chair's proposal for the FY 2004 Carryover Review and moved:

- Approval of Supplemental Appropriation Resolution (SAR) AS 05014 and Amendment to the Fiscal Planning Resolution FPR AS 05900 which includes the revenue expenditure and transfer adjustments and grant awards and adjustments contained in the County and Schools' Carryover Review.
- Approval of the Carryover package with changes as detailed in Attachment A, the Budget Chair's FY 2004 Carryover Review Proposal, including administrative adjustments, with changes as noted, the establishment of reserves as outlined, and the recommended consideration items (detailed in Attachment B, Summary of FY 2004 Carryover Review Recommended Funded Consideration Items) with the addition of the Washington EAR Consideration Item in the amount of \$10,000.

Supervisor Hyland seconded the motion.

Supervisor Smyth noted that under her Consideration Item, Tysons Corner Traffic Modeling Analysis, proffer money would be received toward the net cost so some of the money allocated would be coming back to the County. Chairman Connolly suggested that there be further discussion regarding broadening that task force.

Supervisor DuBois moved that the Board add to its list of Consideration Items:

- The allocation of \$825,000 of carryover funds to take Project Z00018 to construction.

This motion died due to lack of a second.

Supervisor Bulova asked unanimous consent that the Board adopt an alternate strategy and put in reserve \$200,000 toward Project Z00018. This \$200,000 would be composed of contributions of \$100,000 from both Chairman Connolly's and Supervisor DuBois' capital projects allocations. She stipulated that these funds would not be used until the Board received satisfactory answers to its previously-raised questions. Without objection, it was so ordered.

Discussion ensued concerning the funding of stormwater and erosion issues and Chairman Connolly stated that the Environmental Committee and the Development Process Committee needed to examine this and report with recommendations.

Supervisor McConnell expressed concerns about traffic and transportation problems and specifically the need for additional Light Detection and Ranging (LIDAR) units for the Police Department.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to consider this during the preparation of his budget recommendations for the next fiscal year. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, which **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey voting "NAY."

(NOTE: Later in the meeting, the Board took action regarding AEDs. See Clerk's Summary Item CL#17.)

ADDITIONAL BOARD MATTERS

15. **REQUEST FOR A BRIEFING ON LAKE MARTIN (SULLY DISTRICT)**
(1:12 p.m.)

Supervisor Frey asked unanimous consent that the Board direct the County Executive to brief Chairman Connolly and himself on the plans for Lake Martin before that project moves forward. Without objection, it was so ordered.

16. **EXPRESSION OF APPRECIATION TO THE DEPARTMENT OF MANAGEMENT AND BUDGET (DMB)** (1:12 p.m.)

Chairman Connolly and Supervisor Bulova expressed appreciation to Susan Datta, Director of the DMB, and her staff for their work on a successful carryover package. Chairman Connolly also thanked Supervisor Bulova, Chairman of the Budget Committee, for her work.

17. **AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) IN THE SCHOOLS** (1:13 p.m.)

(NOTE: Earlier in the meeting, citizens raised the issue of AEDs in the Schools. See Clerk's Summary Item CL#14.)

Supervisor Bulova said that an initial request was made to members of the School Board and School staff to have AEDs installed in County schools. Since athletic facilities in the Schools are used both by the County as well as Schools, Superintendent Jack Dale asked the County for help with developing a policy on AEDs. Currently both County and School staff have this matter under review.

Supervisor Bulova moved that the Board direct the County Executive to report, in time to be considered with the Fiscal Year 2006 Budget, with his analysis of the installation of AEDs in County Schools, along with a proposed Policy. The analysis should be done in collaboration with School staff and should be shared with School Board Members. If a decision to install AEDs in Schools seems likely, consideration should be given for the possibility of jointly funding such an expense.

Chairman Connolly seconded the motion.

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

18. **ORDERS OF THE DAY** (1:16 p.m.)

Supervisor Gross requested a clarification of Board Matter proceedings for the remainder of the day. Chairman Connolly announced that as soon as the Board completed morning business, which would not include Board Matters because of the lateness of the hour, the Board would proceed to the ribbon-cutting for the new Alternate Emergency Operations Center. The Board would reconvene for public hearings at approximately 4 p.m., and the presentation of Board Matters would follow.

AGENDA ITEMS

DMB:dmb

19. **ADMINISTRATIVE ITEMS** (1:17 p.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Chairman Connolly called the Board's attention to Admin 5 – Board of Supervisors' Meeting Schedule for Calendar Year 2005 regarding the February Board meeting scheduled for February 14, 2005. Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the option of changing the date.

Supervisor Smyth moved that the Board reschedule the February 14, 2005, meeting to February 7, 2005. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor McConnell called the Board's attention to Admin 12 – Authorization to Advertise a Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling, and/or Leaf Collection Service and asked unanimous consent that it be considered separately from the main motion. Without objection, it was so ordered.

Supervisor Kauffman called the Board's attention to Admin – 1 Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Fairfax County Park Authority regarding the nature of the transfer and referenced handwritten page two on the back of page four of Admin 1, regarding the list of holdings and specifically number seven on the list. Discussion ensued with input from Anthony H. Griffin, County Executive, and Hayden Coddling, Assistant County Attorney, regarding right-of-way for future use.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to assure that the parcels proposed to be transferred have been scrutinized so that they are not candidates for affordable or vacant housing before the formal legal transfer. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins called the Board's attention to Admin 9 - Authorization for the Department of Vehicle Services to Apply for and Accept Federal Grant Funding from the Environmental Protection Agency's "Voluntary Diesel Retrofit Program Technology Demonstration Assistance Agreements to Benefit Sensitive Populations" Under the Clean Air Act and asked unanimous consent that the

Board direct staff to provide a breakdown of the County's vehicle fleet and what type of alternative fuel or number of vehicles with alternative fuels. Without objection, it was so ordered.

Discussion ensued with input from Mr. Griffin regarding retrofitting fleet and fuels.

Supervisor McConnell called the Board's attention to Admin 12 – Authorization to Advertise a Public Hearing for the Enlargement of Small and Local Sanitary Districts for Refuse/Recycling, and/or Leaf Collection Service regarding whether proper notification has been made to the hauling companies involved. Discussion ensued with input from Jeff Smithberger, Director, Solid Waste Collection and Recycling, Department of Public Works and Environmental Services, regarding the notification process.

Supervisor McConnell asked unanimous consent that Admin 12 be reincorporated into the main motion. Without objection, it was so ordered.

Supervisor Smyth called the Board's attention to Admin 15 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Temporary Special Permits regarding time limits on temporary special permits. Discussion ensued with input from Jack Reale, Assistant to the Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), regarding the time uses on different temporary special permits and circumstances and Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, ZAD, DPZ, regarding inadvertently codifying a way around exterior storage.

Supervisor Kauffman asked unanimous consent that the Board delete Admin 15 from the agenda so that staff can fully address concerns that have been raised by the Board. Without objection, it was so ordered.

Supervisor Hyland called the Board's attention to Admin 16 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112, (Zoning Ordinance) Regarding Reconstruction of Certain Single Family Dwellings that are Destroyed by Casualty and discussion ensued regarding application filing fee charges.

Following additional discussion, with input from David P. Bobzien, County Attorney, Supervisor Hyland moved to amend the motion to waive the \$190 application fee. Supervisor McConnell seconded the motion and it carried by unanimous vote.

The question was called on the motion, with the exception of Admin 15, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor

Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY

(A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 10.)

- Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 5 p.m.** to consider the proposed conveyance of County-owned property to the Park Authority.
- Waived County Policy requiring notification of adjacent property owners by certified mail of the public hearing.

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

Approved the extension of review periods for the following Public Facility (2322) Review Applications:

- FS-L04-45 to November 12, 2004
- FS-M04-46 to November 14, 2004
- FS-M04-49 to November 22, 2004
- FS-L04-63 to December 6, 2004

ADMIN 3 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGN ON OLDFIELD DRIVE (HUNTER MILL DISTRICT)

(R) Adopted the Resolution endorsing the installation of a "Watch for Children" sign on Oldfield Drive as part of the Department of Transportation's Residential Traffic Administration Program.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05032 FOR THE OFFICE OF PUBLIC AFFAIRS (OPA) TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE DISTRICT OF COLUMBIA OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE FOR DEVELOPMENT OF A REGIONAL VIRTUAL JOINT INFORMATION CENTER (V-JIC)

(SAR) Approved SAR AS 05032 for OPA to accept grant funding from the Department of Homeland Security through the DC Office of the Deputy Mayor for Public Safety and Justice in the amount of \$150,000 to develop and implement a V-JIC and prepare protocols and procedures governing its use. No local cash match is required.

ADMIN 5 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2005

(NOTE: Earlier in the meeting, the Board took additional action on this item. See page 10.)

Adopted the meeting schedule for January through December 2005.

ADMIN 6 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Camylyn Lewis (254)
- Kevin E. Murray (255)
- S. Taylor Goodman, Jr. (256)

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05031 FOR THE OFFICE OF PARTNERSHIPS TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE PEDIATRIC NURSE PRACTITIONER PROGRAM

(SAR) Approved SAR AS 05031 for the Office of Partnerships to accept a grant from DHHS in the amount of \$197,463 for assessing the effectiveness of a pediatrician-supervised Pediatric Nurse Practitioner Program to provide a Medical Home for 500 Medical Care for Children's Partnership children with a large group practice. No local cash match is required.

ADMIN 8 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2006 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS

Authorized DOT to apply for FY 2006 RSTP funds in the amount of \$16.8 million and CMAQ funds in the amount of \$21 million to advance the projects listed in the Board Agenda Item dated September 13, 2004. No local cash match is required.

ADMIN 9 – AUTHORIZATION FOR THE DEPARTMENT OF VEHICLE SERVICES (DVS) TO APPLY FOR AND ACCEPT FEDERAL GRANT FUNDING FROM THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) "VOLUNTARY DIESEL RETROFIT PROGRAM TECHNOLOGY DEMONSTRATION ASSISTANCE AGREEMENTS TO BENEFIT SENSITIVE POPULATIONS" UNDER THE CLEAN AIR ACT

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 10–11.)

Authorized DVS to apply for and accept funding, if received, to participate in EPA's "Voluntary Diesel Retrofit Program Technology Demonstration Assistance Agreements to Benefit Sensitive Populations" under the Clean Air Act Section 103(b)(3). The total cost of the project is \$234,000. Of this total, \$75,000 will be provided by the grantor, while the remaining \$159,000 will be provided by Fund 503, DVS, leveraging funds already appropriated for the retrofitting of vehicles.

ADMIN 10 – INSTALLATION OF MULTI-WAY STOPS AT WILMINGTON DRIVE AND WINDWARD DRIVE (BRADDOCK DISTRICT), ENTERPRISE AVENUE AND PATHFINDER LANE (DRANESVILLE DISTRICT), NEAL DRIVE AND FALSTER ROAD (MOUNT VERNON DISTRICT)

- Endorsed the installation of multi-way stops as part of the Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Wilmington Drive and Windward Drive (Braddock District)
 - Enterprise Avenue and Pathfinder Lane (Dranesville District)
 - Neal Drive and Falster Road (Mount Vernon District)

- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 11 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of R-TAP:
 - Paynes Church Drive (Braddock District)
 - Broadwater Drive (Braddock District)
 - Falkstone Lane (Mount Vernon District)
 - Clara Barton Drive (Springfield District)
 - Havenner Road (Springfield District)
 - Old Rolling Road (Lee District)
 - Terra Grande Avenue (Mount Vernon District)
 - Wood Rock Way (Sully District)
 - Fred's Oak Road (Braddock District)
 - Oak Leather Drive (Braddock District)
 - Pond Spice Lane (Braddock District)
 - Marshall Pond Road (Braddock District)
- Directed staff and requested the Virginia Department of Transportation to develop a cut-through plan in conjunction with the community, as soon as possible.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY
DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION
SERVICE (DRANESVILLE AND LEE DISTRICTS)**

(A) (NOTE: Earlier in the meeting this item was discussed. See pages 10 and 11.)

Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 5 p.m.** to consider the following changes to small and local sanitary districts for refuse, refuse and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Dranesville District (Rosemont Subdivision Area)	Enlarge 34 Units	Refuse and Recycling	Approve
Small District 4 within Dranesville District (Davis Court Area)	Enlarge 7 Units	Refuse and Recycling	Approve
Local District A2 within Small District 1 within Dranesville District (1057 Douglass Drive)	Enlarge 1 Unit	Refuse and Recycling	Approve
Local District A5 within Small District 1 within Dranesville District (Churchill Subdivision Area)	Enlarge 10 Units	Refuse and Recycling	Approve
Local District D within Small District 1 within Lee District (Upland Drive Area)	Enlarge 45 Units	Leaf	Approve

**ADMIN 13 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Deep Woods Hollow	Dranesville	Windy Hollow Road Route 8277
McIntosh Manor Addition to Olde Chesterbrook		Kilcullen Drive Route 3924 Kirby Road Route 695 Additional ROW Only
Rock Hill Section 1		Rock Hill Road Route 605 Additional ROW Only
Meadowbrook Section 2		Kellie Jean Court Route 8696
Tysons Corner Property LLC	Providence	International Drive Route 5064 Additional ROW Only
Oaks at Crosspointe Phase 2	Springfield	Woodwren Lane Route 8346 Nuthatch Drive Route 8887 Ox Road Route 123 Additional ROW Only

**ADMIN 14 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 01-M-010, MUHAMMAD
ALHUSSEIN (SKYLINE AMOCO) (MASON DISTRICT)**

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 01-M-010, Muhammad Alhussein, to January 9, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 15 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING TEMPORARY SPECIAL PERMITS

(NOTE: Earlier in the meeting, this item was withdrawn from the agenda. See page 11.)

ADMIN 16 - AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RECONSTRUCTION OF CERTAIN SINGLE FAMILY DWELLINGS THAT ARE DESTROYED BY CASUALTY

(R) (As) (NOTE: Earlier in the meeting action was taken on this item this item. See page 11.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on October 14, 2004, and before the Board on **November 15, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding reconstruction of certain single family dwellings that are destroyed by casualty.

20. **A-1 – PARKING REDUCTION FOR 7123-7129 LITTLE RIVER TURNPIKE IN THE ANNANDALE COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (1:37 p.m.)

Anthony H. Griffin, County Executive, withdrew this item from consideration.

21. **A-2 – COMMENTS IN THE APPLICATION OF VERIZON VIRGINIA INCORPORATED AND VERIZON SOUTH INCORPORATED FOR APPROVAL OF A PLAN FOR ALTERNATIVE REGULATION** (1:38 p.m.)

On motion of Supervisor DuBois, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection to file comments in the matter of the application of Verizon Telephone Company's Request to Revise its Alternative Rate Regulation Plan, State Corporation Commission Case Number PUC-2004-00092.

22. **A-3 – APPROVAL TO SUBMIT AN APPLICATION TO BECOME A VIRGINIA 2007 COMMUNITY AND CREATION OF A PLANNING COMMITTEE** (1:38 p.m.)

(APPTS)
(BACs)

Supervisor Frey moved that the Board concur in the recommendation of staff and approve submission of the application to become a Virginia 2007 community and create a Planning Committee with the following amendment:

- That the Board amend the motion to add the Smithsonian Institute to the list of organizations to be represented on the Citizen Planning Committee, as follows:
 - Mr. George E. Lovelace as the Park Authority Board Representative
 - Ms. Stephanie Abbott as the Library Board Representative
 - Ms. Cheryl Berry as the Celebrate Fairfax, Incorporated Board Representative
 - Mr. Bud Mayo as the History Commission Representative
 - Ms. Danette Wills as the Wolftrap Representative
 - Ms. Sally Ormsby as the Environmental Community Representative
 - Ms. Barbara Lubar as the George Mason University Representative
 - Ms. Irma Clifton as the Lorton Arts Foundation Representative
 - Ms. Stephanie Brown as the Mount Vernon District Representative
 - Ms. Connie Hutchinson as the Herndon Virginia 2007 Representative
 - Mr. Paul Snodgrass as the Vienna 2007 Representative

Supervisor Bulova seconded the motion.

Supervisor Bulova asked unanimous consent to amend the motion to add the Federation of Citizens Association to the list. Without objection, it was so ordered.

Discussion ensued with input from Debra Bianchi, Deputy Director, Office of Public Affairs, regarding Board Members forwarding additional names of potential representations to her for consideration.

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

23. **A-4 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES DELINQUENCY LIST FOR TAX YEAR 2003 (FISCAL YEAR 2004)** (1:40 p.m.)

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

- Authorize staff to publish lists of delinquent real estate, personal property, and business, professional, and occupational license taxes, and make the lists available for public reference in the Fairfax County Libraries.
- Direct staff to return the lists of Tax Year 2003 delinquent taxes to the Department of Tax Administration to continue collection of taxes as provided by law.

Supervisor Gross seconded the motion.

Discussion ensued with input from Kevin C. Greenlief, Director, Department of Tax Administration, regarding the length of time the County has been making these lists of delinquent taxes available.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth, voting "AYE," Chairman Connolly voting "NAY."

Supervisor Kauffman said that recently he had been contacted by two constituents who had separate parking tickets yet a similar parking ticket issue, which is the lack of an appeal process for parking tickets. He said that citizens that do have valid documentation to prove that a ticket was issued in error can only contest it by setting a court date and hoping that the court date would come on a day when they are available.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide an analysis of the current options for appealing parking tickets and provide possible changes to the process that could address parking tickets issued in error. The report should include the following data to help gauge the extent of the problem:

- Number of parking tickets issued in Fiscal Year 2004.
- Number of parking tickets issued in Fiscal Year 2004 that were appealed.
- Number of parking tickets issued in Fiscal Year 2004 that were appealed and released by a judge.

Without objection, it was so ordered.

24. **A-5 – SALE OF GENERAL OBLIGATION BONDS AND REFUNDING BONDS, SERIES 2004B** (1:44 p.m.)

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

- Approve the sale of General Obligation Bonds in the amount of \$198.76 million.
- Approve the sale of General Obligation Refunding Bonds up to \$214.96 million which includes bond Series 1997A, 1998A, 1999B, and 2000A. This could provide for a total issue amount up to approximately \$413.72 million.
- Adopt the Resolution authorizing the issuance of General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement. This resolution:
 - Delegates to the County Executive or the Chief Financial Officer authority to award the bonds to the best bidder.
 - Approves the form of the notices of sales and the Official Statement.
 - Authorizes the Chairman of the Board to sign the Official Statement.
- Approve the form of the Escrow Agreement for the General Obligation Refunding Bonds.

Supervisor Bulova seconded the motion.

A brief discussion ensued regarding the savings the County had generated because of its AAA bond rating.

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

25. **A-6 – PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM – NATIONAL CAPITAL REGION, FISCAL YEARS 2005 – 2010** (1:44 p.m.)

Supervisor DuBois moved that the Board concur in the recommendation of staff and endorse the preliminary comments previously submitted and attached to the cover letter as the official County comment to be forwarded to the National Capital Planning Commission. Supervisor Bulova seconded the motion.

Supervisor Kauffman referenced Attachment One, paragraph three, of the preliminary comments submitted by Anthony H. Griffin, County Executive, regarding the replacement facility for the Dewitt Hospital, and said that the County has made efforts to effectuate a partnership with the Army and Inova Mount Vernon Hospital and asked unanimous consent that the Board direct staff to request that Inova management staff work with Fort Belvoir to determine the viability of meeting the Army's health care facility needs through existing, under-used capacity at Inova. Without objection, it was so ordered.

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

26. **A-5 – SALE OF GENERAL OBLIGATION BONDS AND REFUNDING BONDS, SERIES 2004B** (1:47 p.m.)

(BONDS)
(R)

(NOTE: Earlier in the meeting, a motion was made to approve this item. See Clerk's Summary Item CL#24.)

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

27. **A-7 – AWARD OF CONTRACT FOR EMPLOYEE DENTAL INSURANCE**

This item was withdrawn by staff.

28. **A-8 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA'S SIX-YEAR IMPROVEMENT PROGRAM FOR HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEAR (FY) 2006 THROUGH FY 2011** (1:47 p.m.)

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

- Approve the letter to Secretary Whittington Clement transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and Transit projects, facilities, and services.
- Designate a Member of the Board to present the Board position to the Commonwealth Transportation Board at the Six-Year Improvement Program hearing.

Supervisor Hyland seconded the motion.

Supervisor Kauffman referenced Attachment A, Discussion of Specific Projects for Funding in the FY 2006 - FY 2011 Virginia Transportation Six-Year Improvement Program, and cited page 9, Richmond Highway (U.S. Route 1) Location Study, and asked unanimous consent the Board direct staff to ensure that the testimony being prepared by the Board include a transit study for the Richmond Highway corridor project under review in Fairfax and Prince William Counties. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board designate Supervisor Kauffman to represent the Board at the upcoming public hearing regarding the proposed highway and transit projects for funding by the Virginia Department of Transportation and Department of Rail and Public Transportation for FY 2006, and the update of the associated Virginia Department of Transportation Six-Year Improvement Program for FYs 2006-2011, being held via videoconference on September 22, 2004. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

29. **A-9 – SEWER REVENUE REFUNDING BONDS, SERIES 2004** (1:49 p.m.)

(BONDS)

(R)

On motion of Supervisor Bulova, seconded by Supervisor Gross, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting

"AYE," the Board concurred in the recommendation of staff and:

- Approved the sale of Sewer Revenue Refunding Bonds up to \$104 million.
- Adopted the Series Resolution authorizing the issuance of the Sewer Revenue Refunding Bonds, which also:
 - Authorizes the execution and delivery of an Escrow Agreement and a Continuing Disclosure Agreement for the Sewer Revenue Refunding Bonds.
 - Delegates to the County Executive or the Chief Financial Officer authority to award the bonds to the bidder offering to purchase the bonds at the lowest true interest cost to the County (which must not exceed six percent).
 - Approves the form of the Notices of Sale and the Official Statement.
 - Authorizes the Chairman of the Board to sign the Official Statement.

30. **C-1 – 2004 VIRGINIA MUNICIPAL LEAGUE (VML) ANNUAL CONFERENCE** (1:50 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, requesting designation of voting delegates to represent the County at the VML Annual Conference.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board designate:

- Supervisor DuBois as the voting delegate.
- Supervisor Hyland as the alternate voting delegate.

Following discussion of the designation of delegates, Chairman Connolly amended his request to designate:

- Supervisor Hudgins as the voting delegate.
- Supervisor Hyland as the alternate voting delegate.

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Number CL#32.)

31. **C-2 – AMENDMENT TO THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC) CHARTER AGREEMENT** (1:51 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, requesting concurrence with NVRC's adopted resolution which made changes in the membership representation formula.

Supervisor Gross moved that the Board concur in the recommendation of NVRC that changes be made in the membership representation formula. Supervisor Bulova seconded the motion and it carried by unanimous vote.

32. **C-1 – 2004 VIRGINIA MUNICIPAL LEAGUE (VML) ANNUAL CONFERENCE** (1:51 p.m.)

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

Supervisor Gross moved to designate:

- Supervisor Hudgins as the voting delegate.
- Supervisor Hyland as the alternate voting delegate.

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

33. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2005** (1:52 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, requesting authorization to approve the holiday schedule for calendar year 2005.

The staff was directed administratively to proceed as proposed.

34. **I-2 – IMPLEMENTATION PLAN AND STATUS REPORT ON THE BOARD'S FOUR-YEAR TRANSPORTATION PROGRAM** (1:52 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, requesting authorization to:

- Implement the capital program as outlined in Attachment A of the Board Agenda Item.
- Temporarily reallocate up to \$400,000 in transportation bond funds, not needed for other projects prior to the end of calendar year 2004, and transfer these funds to the Virginia Department of Transportation, as needed, for the initiation of the design of the

Stringfellow Road project in advance of the November 2004 transportation referendum.

Supervisor Kauffman referenced page three, of Attachment B, Traffic Flow Improvements - Signalization and Intersections, Flashing Traffic Signals at Night, and asked unanimous consent that the Board direct staff to include Franconia Road for consideration. Without objection, it was so ordered.

Supervisor Kauffman referenced page four, of Attachment B, Traffic Flow Improvements - Signalization and Intersections, Audible Pedestrian Traffic Signals, and asked unanimous consent that the Board direct staff to provide information regarding Lee District. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

35. **I-3 – TRANSPORTATION OPTIONS FOR THOSE ADVERSELY IMPACTED BY DISCONTINUANCE OF FAIRFAX CONNECTOR SERVICE ON TIS WELL DRIVE (MOUNT VERNON DISTRICT)**
(1:54 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, reporting on the transportation alternatives for senior, disabled, and low-income persons who were adversely impacted by removal of bus service from Tis Well Drive.

36. **I-4 – CONTRACT AWARD – PIMMIT RUN AND MIDDLE POTOMAC WATERSHED GROUP MANAGEMENT PLAN (DRANESVILLE AND PROVIDENCE DISTRICTS)** (1:55 p.m.)

The Board next considered an item contained in the Board Agenda dated September 13, 2004, requesting authorization for staff to award a contract to Woolpert LLP in the amount of \$1,649,026 for consulting engineering services for the Pimmit Run and Middle Potomac Watershed Group Management Plan in Fund 308, Public Works Construction and Fund 316, Pro Rata Share Construction.

Supervisor McConnell expressed concern about the cost of studying watersheds without remediation and distributed a handout to Board Members and staff of questions regarding Watershed Management Projects.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide an update regarding the items indicated on the handout. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

37. **RECESS/CLOSED SESSION** (1:55 p.m.)

At 1:55 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-3711 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. Williamsburg Commons, Plan No. 7758-SD-02 (Providence District)
 2. *William E. Shoup, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson*, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 3. Claims Presented by Former State Employees in the Fairfax County Health Department
 4. *William E. Shoup, Fairfax County Zoning Administrator v. Wayne D. Parks and Rita S. Parks*, In Chancery No. 187591 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 5. *William E. Shoup, Fairfax County Zoning Administrator v. Elliott H. Diamond*, In Chancery No. 190330 (Fx. Co. Cir. Ct.) (Dranesville District)
 6. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long*, In Chancery No. 190363 (Fx. Co. Cir. Ct.) (Springfield District)

7. *William E. Shoup, Fairfax County Zoning Administrator v. Doris Heath Douglass, Trustee, et al.*, In Chancery No. 188183 (Fx. Co. Cir. Ct.) (Springfield District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. 189092 (Fx. Co. Cir. Ct.) (Braddock District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. The Tavares Family Limited Partnership*, In Chancery No. 178758 (Fx. Co. Cir. Ct.) (Lee District)
10. *William E. Shoup, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Acting Director, Department of Public Works and Environmental Services v. Worthington Enterprises, Inc., Mark T. Worthington, and Alejandro Torres*, In Chancery No. 180290 (Fx. Co. Cir. Ct.) (Lee District)
11. *William E. Shoup, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Acting Director, Department of Public Works and Environmental Services v. Ved P. Gupta and Ajaib S. Toor*, In Chancery No. 178658 (Fx. Co. Cir. Ct.) (Lee District)
12. *Mark Wiseman v. Zoning Administrator and Board of Zoning Appeals of Fairfax County*, In Chancery No. 224884 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Adel S. Kebaish, et al. v. Board of Zoning Appeals, et al.*, Record No. 041427 (Va. Sup. Ct.) (Hunter Mill District)
14. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals*, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Golf Park, Inc. and Hunter Mill East, LLC v. Board of Zoning Appeals of Fairfax County*, At Law No. 200072 (Fx. Co. Cir. Ct.) (Dranesville District)

16. *William E. Shoup, Fairfax County Zoning Administrator v. Ira and Virginia Cox, Limited Partnership, LLP*, At Law No. 210690, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)
17. *William E. Shoup, Fairfax County Zoning Administrator v. Intekhab Ahmed Khan and Shamin Fatima Khan*, In Chancery No. 191021 (Fx. Co. Cir. Ct.) (Lee District)
18. *William E. Shoup, Fairfax County Zoning Administrator v. Iden F. Cornwell, Jr., and Gail A. Cornwell*, In Chancery No. 190379 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. Charles S. Cauley, et al.*, In Chancery No. 191533 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkenstorfer, Donald N. Huff, and Robert F. Rosenbaum*, At Law No. 218175 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Board of Supervisors v. Morbill Associates, Inc.*, At Law No. 219347 (Fx. Co. Cir. Ct.) (Providence District)
22. *Board of Supervisors v. Harmon at Oakton, L.C.*, At Law No. 219348 (Fx. Co. Cir. Ct.) (Providence District)
23. *Board of Supervisors v. Hunter Development Company of Fairfax, Inc.*, At Law No. 225289 (Fx. Co. Cir. Ct.) (Springfield District)
24. The Grievance Appeal of Rhonda Patrice Johnson; Fairfax County Civil Service Commission

25. The Grievance Appeal of Michael Gilliam; Fairfax County Civil Service Commission
26. *Patrick S. Herrity, et al. v. Board of Supervisors of Fairfax County*, In Chancery No. 187331 (Fx. Co. Cir. Ct., filed December 5, 2003, and refiled July 2, 2004)

And in addition:

- BOCA Code regarding exterior-type cladding
- Potomac Hills Project Z00018-Z131
- Comcast Franchise Renewal

Following discussion, regarding the absence of Supervisor DuBois from the afternoon session, Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

DS:ds

At 4:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:51 p.m.)

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 vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," *Supervisor DuBois being out of the room.

(*NOTE: Supervisor DuBois only participated in a portion of closed session.)

39. **APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR**
(4:52 p.m.)

Supervisor Gross moved the appointment of Mr. Charles Douglass Bass to the newly created office director position of Emergency Management Coordinator (E-9), effective September 18, 2004. Mr. Bass will report directly to Deputy County Executive Robert A. Stalzer. His current salary will remain unchanged. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

ADDITIONAL BOARD MATTER

40. **SALE OF THE POHICK SCHOOL SITE (SPRINGFIELD DISTRICT)**
(4:53 p.m.)

(A) Supervisor McConnell noted that Chairman Connolly received a memorandum from Kathy Smith, Chairman of the School Board, regarding an undeveloped parcel of land approximately 35 acres in size that is owned by the School Board. The property in question, which is sometimes referred to as the Pohick School site, is adjacent to the South Run Recreation Center and the Fairfax County Parkway.

Supervisor McConnell said that pursuant to Virginia Code, the School Board cannot sell the Pohick School site and retain all or a portion of the proceeds of the sale of that property unless it holds a public hearing on this matter on September 27, 2004, and that final action by the School Board is scheduled to take place on October 7, 2004.

In addition to the School Board's public hearing and approval of this matter, the statute also requires Board of Supervisors approval of this matter. Also, the statute also requires Board of Supervisors approval of any such possible sale and retention of proceeds. Although the statute does not require that the Board of Supervisors conduct a public hearing when it considers approval of such a matter, Supervisor McConnell expressed her belief that a public hearing is appropriate.

Supervisor McConnell noted that Board consideration of whether this possible sale and retention of proceeds should be approved does not mean that this Board is required to approve any particular land use application that may arise in the future regarding this property. County staff has not had the opportunity to determine what, if any, land use applications would be necessary for the Pohick School site to be developed by a private developer. She added that the point is that the public hearing on this matter will be solely about where this Board should approve the possible sale and retention of proceeds, not whether this Board should approve land development of the Pohick School site.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board on September 27, 2004, regarding the

subjects of whether this Board should approval the School Board's possible sale of the Pohick School site and the retention of the proceeds of that sale by the School Board. Supervisor Bulova seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor McConnell amended the motion to direct staff to:

- Schedule a public hearing to be held before the Board on October 18, 2004, on this issue.
- Present draft guidelines for the Board to review.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor DuBois being out of the room.

AGENDA ITEMS

41. **3:30 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (5:01 p.m.)

(NOTE: At its August 2, 2004, meeting, the Board held a public hearing on this item and deferred decision until September 13, 2004.)

The application property is located on the south side of Newington Road at its intersection with Loisdale Road and at the north terminus of Terminal Road, Tax Map 99-1 ((1)) 5E.

Discussion ensued with input from John McBride, agent for the applicant, regarding the Board decision on the case today after having reviewed letters received from individuals opposing the application.

Supervisor Hyland moved **DENIAL** of Rezoning Application RZ 2003-MV-036, from the R-1 District to the I-6 District. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

42. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-018 (PETROLEUM MARKETING GROUP, INCORPORATED) (MOUNT VERNON DISTRICT)** (5:15 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2004-MV-018 until **October 18, 2004, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

43. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE BEECHWOOD COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (5:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 26 and September 2, 2004.

Paul Mounier, Transportation Planner, Transportation Operations Section, Department of Transportation, presented the staff recommendation.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Beechwood CPD, in accordance with the existing CPD restrictions. The proposed district expansion encompasses Southrun Road from the intersection of Southrun Road and Silverbrook Road to west of Rocky Gap Court at the western boundary of parcel 98-3 ((5))-A (the western boundary of the existing Beechwood CPD). Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

44. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-001 (WASHINGTON DC SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS) (MOUNT VERNON DISTRICT)** (5:24 p.m.)

The application property is located at 8616 Pohick Road, Tax Map 98-1 ((1)) 21.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Mr. John Milliken of Venable LLP

Aaron Shriber, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Mr. Stearns 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Kauffman

seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2004-MV-001, subject to the development conditions dated July 21, 2004.
- Modification of the transitional screening requirements along a portion of the western property boundary.

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

On July 21, 2004, the Planning Commission approved Public Facilities Review Application 2232-V04-2. The Commission noted that the proposal by Verizon Wireless to locate a telecommunications facility on the site of the Calvary Korean Baptist Church at 8616 Pohick Road satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, and is in substantial accord with the provisions of the comprehensive plan.

45. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-002-04 (FAIR OAKS PENDERBROOK APARTMENTS, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-014 (FAIR OAKS PENDERBROOK APARTMENTS, LLC) (PROVIDENCE DISTRICT) (5:28 p.m.)

(NOTE: At its August 2, 2004, meeting the Board deferred the public hearing on this item until September 13, 2004.)

The application property is located in the southeast quadrant of the intersection of West Ox Road and Penderbook Drive at 3905 Penderview Drive, Tax Map 46-3 ((1)) 71.

Mr. Jonathan P. Rak reaffirmed the validity of the affidavit for the record, noting that it contained an incorrect over-disclosure.

Chairman Connolly noted for the record that the incorrect over-disclosure that was noted in the affidavit was a contribution made to Chairman Connolly in excess of \$200 from Dewberry and Davis LLC. He said that there were contributions made from Dewberry and Davis LLC, but they did not exceed the \$200 limit.

Mr. Rak 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.

Discussion ensued with input from Mr. Rak regarding the recordation of agreements made with the Penderbrook Community Association.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 84-P-002-04, subject to the proffers dated June 8, 2004. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Smyth moved:

- Special Exception Application SE 2004-PR-014, subject to the development conditions dated September 7, 2004.
- Reaffirmation of the previously approved waiver of the 600-foot maximum length requirement for private streets.

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

46. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-034 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT) (5:35 p.m.)**

- (O) The application property is located north of Gunston Cove Road, approximately 600 feet west of its intersection with Richmond Highway, Tax Map 107-4 ((1)) 59, 113-2 ((1)) 3A and 3B.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Mr. John Milliken of Venable LLP

Mr. Stearns 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.

Discussion ensued, with input from Mr. Stearns, regarding screening on the north side of the property and parking issues.

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-034, from the R-1 District to the PDH-8 District, subject to the proffers dated August 10, 2004.
- Direction to the Director of the Department of Public Works and Environmental Services to approve the requested waiver of the 600-foot limitation on the length of private streets, pursuant to Paragraph 2 of Section 11-302.

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

On July 21, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-MV-034, subject to the development conditions contained in Attachment II of the staff report.

47. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4800 OLD MILL ROAD (MOUNT VERNON DISTRICT)** (No Time)

(NOTE: Later in the meeting, it was noted that this item was withdrawn by staff. See Clerk's Summary Item CL#50.)

48. **4 P.M. – DECISION ONLY REGARDING THE DEMOLITION OF THE SMOKESTACK ASSOCIATED WITH BUILDING W-29 OF THE OCCOQUAN WORKHOUSE** (No Time)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#51.)

49. **4 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (5:44 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 26 and September 2, 2004.

Jay Guy, Transportation Planner, Coordination and Funding Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Chairman Connolly said transportation enhancement grants provide a significant source of revenue to complete transportation projects, however concerns have been raised that delays in previously awarded enhancement grants could jeopardize the awarding of future grant funds to the County.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct the County Executive to work with the Department of Public Works and Environmental Services, the Department of Transportation, the Park Authority, and other relevant agencies to provide the Board with a status report of all active transportation enhancement projects. The status report should provide the following information:

- Date of grant award.
- Date final project administration agreement was signed.
- Projects schedule as outlined in the project administration agreement.
- Current project status and schedule.
- Dates project milestones were completed.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hyland moved that the Board add \$200,000 for the continuation of the Mason Neck Trail. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, and Supervisor McConnell being out of the room.

50. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4800 OLD MILL ROAD (MOUNT VERNON DISTRICT)** (5:55 p.m.)

Chairman Connolly noted that this item was withdrawn by staff.

51. **4 P.M. – DECISION ONLY REGARDING THE DEMOLITION OF THE SMOKESTACK ASSOCIATED WITH BUILDING W-29 OF THE OCCOQUAN WORKHOUSE** (5:55 p.m.)

Following discussion, with input from Regina Thorn Corbett regarding the time schedule, Supervisor Hyland moved to defer the decision regarding the demolition of the Smokestack associated with Building W-29 of the Occoquan workhouse until **October 18, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, and Supervisor McConnell being out of the room.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNIT (ADU) PROGRAM**
(No Time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#56.)

53. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS 84-L-020-21 AND PCA 84-L-020-22 (WAL-MART REAL ESTATE BUSINESS TRUST) (LEE DISTRICT)** (5:56 p.m.)

Supervisor Kauffman moved to defer the public hearing on Proffered Condition Applications PCA 84-L-020-21 and PCA 84-L-020-22 until **September 27, 2004, at 4 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

54. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-HM-042 (ROBERT A. YOUNG OF TYSONS 89, LLC) (HUNTER MILL DISTRICT)**
(5:57 p.m.)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2003-HM-042 to **October 18, 2004, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

55. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-P-039-08 (BEAZER HOMES CORPORATION) (PROVIDENCE DISTRICT)** (5:57 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 80-P-039-08 until **September 27, 2004, at 3 p.m.**

Supervisor Smyth announced that the public hearing regarding Vienna Metro West would be held at the October 18, 2004, Board meeting.

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

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNIT (ADU) PROGRAM**
(5:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 26 and September 2, 2004.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the ADU Program, as recommended by the Planning Commission. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor McConnell being out of the room.

Supervisor Kauffman stated that Montgomery County is advancing modifications to its ADU Program, noting that it already has provisions for ADU in high-rise buildings.

Supervisor Hudgins reminded Board Members that the Board's Housing Committee meeting is scheduled for September 20, 2004, at which time some action will be taken regarding high-rise buildings.

57. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS 84-L-020-21 AND PCA 84-L-020-22 (WAL-MART REAL ESTATE BUSINESS TRUST) (LEE DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, the public hearing regarding these items was deferred. See Clerk's Summary Item CL#53.)

58. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-HM-042 (ROBERT A. YOUNG OF TYSONS 89, LLC) (HUNTER MILL DISTRICT)**
(No Time)

(NOTE: Earlier in the meeting, the public hearing regarding this item was deferred. See Clerk's Summary Item CL#54.)

59. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-P-039-08 (BEAZER HOMES CORPORATION) (PROVIDENCE DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, the public hearing regarding this item was deferred. See Clerk's Summary Item CL#55.)

ADDITIONAL BOARD MATTERS

NV:nv

60. **LINKED DEPOSITS** (6:01 p.m.)

Chairman Connolly said that Loudoun County has used a technique called "linked deposits" to assist in the provision of affordable housing. A linked deposit is a system through which a local or state government contracts to deposit a portion of its public funds for a specified period, often at a below market interest rate, with a depository institution in return for that institution implementing policies that further a public purpose such as target lending, again at a below market interest rate, to a specific type of borrower. This concept is specifically authorized by Section 2.2-4327 of the *Code of Virginia*, thanks to legislation introduced by Delegate, now Senator, Bill Mims of Loudoun County. The Loudoun program has been favorably received by lending institution serving Loudoun County. Apparently, its utilization has not caused any concern about the County's bond rating. Chairman Connolly provided additional information for the Board's reference.

Accordingly, given the Board's unanimous endorsement of his proposal to increase the preservation of affordable housing, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Refer this matter regarding linked deposits to the newly formed Preservation Task Force.
- Direct staff to review linked deposits to determine whether they might be applicable in Fairfax County.

Supervisor Kauffman seconded the motion.

Following discussion, Chairman Connolly asked to amend his motion to direct staff to provide a report on using linked deposits for other purposes, such as environmental or other human services programs, as they are used in other states, and this was accepted.

Following further discussion, the question was called on the motion, as amended, and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

61. **COLLECTION OF DELINQUENT TAXES** (6:04 p.m.)

(NOTE: Earlier in the meeting, the Board considered an item regarding delinquent taxes. See Clerk's Summary Item CL#23.)

Chairman Connolly noted that fiscal concerns at the State level, a stagnant economy, and rising real estate taxes have created revenue and budget challenges for the citizens of the County and this Board. Currently, there are over 6000 delinquent tax accounts in the County totaling over \$3 million in prior year back taxes from taxpayers who no longer reside in Virginia. Recovery of such back taxes is quite difficult, and the magnitude of the problem exceeds \$13 million for the six Northern Virginia jurisdictions.

Chairman Connolly said that recently Congressman Jim Moran proposed legislation to address collecting delinquent tax accounts by local governments. This bill, HR 2958, is assigned to the Committee on Government Reform, chaired by Congressman Tom Davis. As proposed, the bill expands tax refund offset authority to local governments - a simple, logical, and critical extension of authority that already exists for setting off state tax obligations and for collecting outstanding past due child support payments.

To help settle outstanding, delinquent accounts and ensure that the tax burden is borne fairly among all citizens, Chairman Connolly recommended that the Board advise Congressman Moran of the Board's support for HR 2958 and request the support of Congressman Davis and Congressman Frank Wolf for this important piece of legislation.

Accordingly, Chairman Connolly moved that the Board endorse letters urging the three Congressmen's support of HR 2958. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

62. **NATIONAL FOOD SAFETY EDUCATION MONTH** (6:05 p.m.)

Chairman Connolly distributed a written Board Matter regarding the prevalence of foodborne diseases in the United States and the importance of food safety.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim September 2004 as "*National Food Safety Education Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Department and the private sector to appear before the Board to be presented with the proclamation at the September 27, 2004, Board meeting. Without objection, it was so ordered.

63. **AMERICAN INDIAN HERITAGE MONTH** (6:06 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly asked unanimous consent that the Board proclaim November 2004 as "*American Indian Heritage Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs and the Native American community to appear before the Board to be presented with the proclamation at the October 18, 2004, Board meeting. Without objection, it was so ordered.

64. **DISABILITY EMPLOYMENT AWARENESS MONTH** (6:06 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly moved that the Board proclaim October 2004 as "*Disability Employment Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs and other appropriate employees to appear before the Board to be presented with the proclamation at the October 18, 2004, Board meeting. Without objection, it was so ordered.

65. **VOLUNTEERFEST DAY 2004** (6:06 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 23, 2004, as "*VolunteerFest Day 2004*" in Fairfax County and direct staff to invite the appropriate representatives from Volunteer Fairfax to appear before the Board to be presented with the proclamation at the October 18, 2004, Board meeting. Without objection, it was so ordered.

66. **DOMESTIC VIOLENCE AWARENESS MONTH** (6:07 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 2004 as "*Domestic Violence Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives and families associated with the Department of Systems Management for Human Services to appear before the Board to be presented with the proclamation at the September 27, 2004, Board meeting. Without objection, it was so ordered.

67. **FIRE PREVENTION WEEK** (6:07 p.m.)

Chairman Connolly announced that October 3-9 is Fire Prevention Week. Accordingly, he asked unanimous consent that the Board proclaim October 3-9,

2004, as "*Fire Prevention Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Department of Fire and Rescue to appear before the Board to be presented with the proclamation at the September 27, 2004, Board meeting. Without objection, it was so ordered.

68. **MENTAL ILLNESS AWARENESS WEEK** (6:07 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 3-9, 2004, as "*Mental Illness Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board to be presented with the proclamation at the September 27, 2004, Board meeting. Without objection, it was so ordered.

69. **ADOPTION AWARENESS MONTH** (6:07 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim November 2004 as "*Adoption Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives and families associated with the Department of Family Services and others to appear before the Board to be presented with the proclamation at the October 18, 2004, Board meeting. Without objection, it was so ordered.

70. **HELP TO REBUILD LIVES** (6:08 p.m.)

Chairman Connolly said that Opportunities, Alternatives and Resources (OAR) of Fairfax County is a non-profit agency that provides positive influences on the lives of offenders in the Adult Detention Center (ADC) as well as assistance to their families. OAR is currently seeking volunteers to conduct one-to-one mentoring sessions with offenders, as well as work with families of offenders in the lobby of the ADC.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the next orientation training sessions on September 18 and September 25 through the Office of Public Affairs and Channel 16. Without objection, it was so ordered.

71. **FILL THE BOOT CAMPAIGN** (6:08 p.m.)

Chairman Connolly reminded the Board that each year the County's Department of Fire and Rescue, along with its brothers and sisters across the US and Local 2068 of the International Association of Fire Fighters, join the fight against muscular dystrophy. Every Labor Day weekend for the past 30 years the men and women of the Department of Fire and Rescue participated in the "Fill the Boot" campaign for dollars for "Jerry's Kids" and for lives.

Chairman Connolly noted that this year the public responded overwhelmingly to the energy and purpose of this year's campaign and the record-breaking total was \$342,550.45. Fairfax also topped the nation's firefighters for the Labor Day

weekend efforts for the Muscular Dystrophy Association. He asked unanimous consent that the Board direct staff to invite the firefighters to appear before the Board at an appropriate time to be recognized for this achievement. Without objection, it was so ordered.

72. **CHANNEL 16 CELEBRATES 20 YEARS** (6:09 p.m.)

(NOTE: Earlier in the meeting, the Board recognized Channel 16's twentieth anniversary. See Clerk's Summary Item CL#1.)

As he noted at the opening of today's meeting, Chairman Connolly said that this month Channel 16 celebrates its twentieth anniversary. The first Channel 16 program was gavel-to-gavel coverage of a Board meeting on September 10, 1984.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to post on Channel 16 that the Board congratulates Channel 16 on this twentieth anniversary. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

73. **COMMENDATION OF SUNRISE VALLEY ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)** (6:09 p.m.)

Supervisor Hudgins said that Sunrise Valley Elementary School has reached 25 years of excellence in educating the children of Reston and beyond. This certification acknowledges the vital role of Sunrise Valley as a member of the Fairfax County Public School community. It has demonstrated a longstanding commitment to a high standard of teaching as well as parent, student, and community participation.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare and send a certificate of recognition to the Sunrise Valley Elementary School for this noteworthy achievement. Without objection, it was so ordered.

74. **SHOWMOBILE FOR RESTON INTERFAITH (HUNTER MILL DISTRICT)** (6:10 p.m.)

Supervisor Hudgins reported that Reston Interfaith, on behalf of Cedar Ridge residents, has requested the use of the Fairfax County Showmobile for Saturday, October 23, 2004. To support this annual event and to encourage the continued display of strong community spirit, she moved that the Board waive the new non-profit fee of \$50 for use of the Showmobile. Supervisor Hyland seconded the motion.

Following discussion regarding the Board's previous action on the waiver of Showmobile fees, with input from Anthony H. Griffin, County Executive,

Chairman Connolly announced that the Board would defer action on this item and revisit it on September 27, 2004.

(NOTE: Later in the meeting, the Board revisited this item. See Clerk's Summary Item CL#101.)

75. **COMMUNITY PREPAREDNESS MEETING (HUNTER MILL DISTRICT)** (6:13 p.m.)

(NOTE: Earlier in the meeting, Supervisor Hudgins announced this meeting. See Clerk's Summary Item CL#5.)

With reference to her written Board Matter regarding the Hunter Mill District's Community Preparedness meeting, she announced that it would be held on Tuesday, October 19, 2004, at the Reston Community Center.

76. **FOURTH ANNUAL RESTON MULTICULTURAL FESTIVAL (HUNTER MILL DISTRICT)** (6:13 p.m.)

Supervisor Hudgins announced that the Fourth Annual Reston Multicultural Festival will be held Saturday, September 18 from 10 a.m. – 6 p.m. at Lake Anne Village Center. She invited Board Members to attend.

77. **COMMENDATION FOR STAFF PREPARATIONS FOR HURRICANE CHARLEY** (6:14 p.m.)

Supervisor Hyland referred to his written Board Matter regarding preparations for Hurricane Charley last month and how procedures were updated and improved from last year's experience with Hurricane Isabel.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Edward L. Long, Jr., Chief Financial Officer and Acting County Executive at the time; Jimmie Jenkins, Acting Director, Department of Public Works and Environmental Services; and representatives of the Police and Fire Departments, the Emergency Management Department, and the Office of Public Affairs to appear before the Board at an appropriate time to acknowledge their service above and beyond the call of duty as noted in letters from citizens. Without objection, it was so ordered.

78. **RECOGNITION OF MR. KAILASH B. GUPTA** (6:15 p.m.)

Supervisor Hyland said that the Association of Metropolitan Sewerage Agencies annually honors facilities which achieve a 100 percent compliance with its National Pollutant Discharge Elimination System for an entire year. Kailash Gupta, the director of Wastewater Treatment for the County, administers this program.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Mr. Gupta to appear before the Board at an appropriate time to be recognized for this achievement. Without objection, it was so ordered.

A brief discussion ensued regarding the County's recognition with a platinum award.

79. **OUT-OF-TURN PLAN AMENDMENT FOR THE BELLAPAIS PROPERTY (MOUNT VERNON DISTRICT)** (6:16 p.m.)

Supervisor Hyland said that the Bellapais property, purchased in 1947 by the McCormick-Goodhart family, is located immediately north of the Collingwood Museum in the Mount Vernon District. It is currently zoned R-2 and could theoretically develop 50 houses by right. An open space easement with the Virginia Outdoors Foundation, an agency of the Commonwealth of Virginia, prohibits any subdivision of the property. The family desires to sell the property and wants to put an additional layer of protection on the 25-acre parcel. He noted that this proposal has been approved by the Planning and Zoning Committee and the Mount Vernon Council of Citizens Associations.

Therefore, Supervisor Hyland moved that the Board approve the language included in his written Board Matter for an out-of-turn plan amendment to restrict future rezoning of the property. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

80. **REQUEST TO DISTURB LAND OWNED BY THE BOARD TO FACILITATE THE DEL RAY GLASS PROJECT LOCATED ON RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (6:17 p.m.)

Supervisor Hyland stated that the Del Ray Glass Company is building its new operations facility on Richmond Highway in the Mount Vernon District. It is next door to the Metrocall building, the site of the former Volkswagon property that has been on a list of blighted properties for some time. The project was approved in March 2003 and is currently under permit application with the County. Pending successful agency review, the project is scheduled to break ground this fall. To address stormwater concerns, the builder must work within the easement of the fire house below the parking area. While the actual work may be within the easement, a portion of the land abutting the easement is owned by the Board and may be disturbed during the process. As part of the review process, the County is requesting "letters of permission" by affected landowners that facilitate the easement and restoration process.

Therefore, Supervisor Hyland moved that the Board approve the letter of permission as contained in his written Board Matter, or some facsimile thereof, and transmit it to the Department of Public Works and Environmental Services to facilitate this project. Supervisor Bulova seconded the motion and it carried by a

vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

81. **SIGN TASK FORCE REPORT RECOMMENDATIONS** (6:18 p.m.)

Supervisor Hyland noted that in September 2002, the Board received the Sign Task Force Report. The Board asked staff to develop a comprehensive package proposal to implement those recommendations.

Supervisor Hyland said that this issue is currently under review by staff which will report to the Board to provide a framework for implementation of the program.

Due to the recent current activity regarding improper signage in the Mount Vernon District, Supervisor Hyland moved that the Board direct staff to expedite this package and report with their recommendations. Supervisor Gross and Supervisor Hudgins seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

82. **NO ADDITIONAL BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (6:18 p.m.)

(NOTE: Earlier in the meeting, Supervisor Bulova presented a Board Matter in conjunction with the Board's consideration of the Fiscal Year 2004 Carryover Review. See Clerk's Summary Item CL#17.)

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

PW:pw

83. **RECOGNITION OF THE TWENTIETH ANNUAL OAKTON HIGH SCHOOL CLASSIC DAY (PROVIDENCE)** (6:19 p.m.)

Supervisor Smyth announced that the twentieth Annual Oakton High School Classic Day will be held on October 2, 2004. The Classic, an invitational marching band competition, has built a reputation for being one of the finest marching band competitions in Virginia and features four divisions of bands and will host more than 20 marching bands. Accordingly, she moved that the Board direct staff to invite the appropriate representatives from the Oakton High School band to appear before the Board at the September 27, 2004, meeting to receive a proclamation declaring October 2, 2004, as "*Oakton Classic Day*" in Fairfax County. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

84. **APPOINTMENT TO THE MCLEAN COMMUNITY CENTER GOVERNING BOARD (DRANESVILLE)** (6:20 p.m.)

(APPT) On behalf of Supervisor DuBois, Supervisor Smyth stated that Dale Evans, Representative #9 of the McLean Community Center Governing Board, has resigned, effective immediately. According to the Memorandum of Agreement, between the McLean Community Center Governing Board and the Board of Supervisors, appointments to vacated terms shall follow the election results of the most recent election of the Governing Board. The unsuccessful election candidate who received the highest number of votes will be appointed to the first unexpired term. Ms. Laurie Hilberg received 203 votes and came in fifth and is willing to assume the responsibility of the office.

Accordingly, on behalf of Supervisor DuBois, Supervisor Smyth moved the appointment of Ms. Laurie Hilberg to fill the unexpired term of Mr. Evans, as the Representative #9 of the McLean Community Center Governing Board. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

85. **RECOGNITION OF MCLEAN LITTLE LEAGUE 11-12-YEAR-OLD GIRLS' ALL-STAR SOFTBALL TEAM (DRANESVILLE DISTRICT)** (6:22 p.m.)

On behalf of Supervisor Dubois, Supervisor Smyth said that the McLean Little League 11-12-year-old Girls' All-Star Softball Team claimed the South Regional championship and earned a berth at the Little League World Series in Portland, Oregon this summer. The region title is the first by any team in the history of McLean Little League baseball or softball programs and was the first team in Virginia to advance to the Little League World Series. Although the team was defeated in the final game, that did not diminish what it had accomplished.

Therefore, on behalf of Supervisor DuBois, Supervisor Smyth moved that the Board direct staff to invite the McLean Little League 11-12-year-old Girls' All-Star Softball team and its coaches to appear before the Board at the October 18, 2004, to congratulate them for their outstanding season. The second to this motion was inaudible.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to change the date from October 18, 2004, to November 15, 2004, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

86. **RECOGNITION AND THANK YOU TO JIM DEUEL (DRANESVILLE DISTRICT)** (6:24 p.m.)

On behalf of Supervisor DuBois, Supervisor Smyth announced that Mr. Jim Deuel, a Dranesville District resident and General Manager of the Hyatt Dulles for eight years, is relocating to Chicago. Mr. Deuel has helped or worked with many organizations such as serving for two terms as Chairman of the Herndon Dulles Chamber of Commerce Board of Directors, President of the Reston Rotary, and Member of the Board of Directors of the Council of Arts for Herndon. Mr. Deuel was also an Eagle Scout with the Boy Scouts of America and named Citizen of the Year by the Herndon Rotary in 2004.

On behalf of Supervisor DuBois, Supervisor Smyth asked unanimous consent that the Board direct staff to thank Mr. Deuel for his activism in the community and wish him a successful career in Chicago.

Supervisor Hudgins asked to amend the request to join in the expression of appreciation to Mr. Deuel. Without objection, the request, as amended, was so ordered.

PMH:pmh

87. **APPOINTMENTS TO THE STORMWATER UTILITY ADVISORY COMMITTEE** (6:26 p.m.)

(APPTS) Supervisor Gross said that at the August 2, 2004, Board meeting, the Board appointed several members to the Stormwater Utility Advisory Committee which will begin meeting on September 23, with a mission to report to the Board with recommendations for the Fiscal Year 2006 budget.

Supervisor Gross noted that several organizations that were not able to designate members for the committee in early August have now submitted their requests, and she moved the following appointments to the Stormwater Utility Advisory Committee:

- Ms. Jessica Flemming as the Fairfax County Chamber of Commerce Representative
- Ms. Kimberly Davis as the Fairfax League of Women Voters Representative
- Mr. Gregory Prelewicz as the Fairfax County Water Authority Representative
- Mr. T. Lewis Rauch as the Fairfax County Public Schools Representative

- Mr. Mark Trostle as the Northern Virginia Building Industry Association (NVBIA) Representative
- Mr. Chris Champagne as the Large Commercial/Office Property Representative from NAIOP

(The last two member appointments are a change from the August 2 action. Ms. Martha Marks of NAIOP has asked that Mr. Champagne be moved from the NVBIA representative to the Large Commercial/Office Property Representative, and that Mr. Trostle be appointed as the NVBIA Representative.)

In addition, the Northern Virginia Association of Realtors (NVAR) has asked to be represented, and Supervisor Gross moved that an additional seat be added for NVAR, and that Ms. Mary Beth Coya be appointed to that position. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

88. **INSTALLATION OF FIBER OPTIC CABLES BY VERIZON (MASON DISTRICT)** (6:27 p.m.)

Supervisor Gross said that in recent weeks Verizon has been installing fiber optic cables throughout Mason District and the County. For those homes with aerial or aboveground connections the installation has simply consisted of new wires and large boxes mounted about chest-high on existing poles. However, for those homeowners whose utility connections were built underground during the construction of their home, Verizon has an unhappy surprise – digging up their front yards, across existing driveway aprons, and running equipment through flowers beds, shrubs, and trees. Needless to say, this creates a horrible mess.

Supervisor Gross said that in Mason District, there has been at least two neighborhoods in the past week which suffered these indignities, and without any advanced notice – no door hangers, no letters, no visits from the contractors – nothing! And Verizon representatives have not been responsive to appeals for information from its customers, who are also constituents.

Supervisor Gross said that although the County does not regulate Verizon activities, it seems that the Verizon upgrade has the potential to disrupt entire neighborhoods, and it would behoove Verizon to do a better job of notifying homeowners about work to be done on their properties, have the appropriate easement information available, and provide a telephone line with a live person to respond to resident concerns.

Therefore, Supervisor Gross asked unanimous consent that the matter of the Verizon upgrades be referred to the County Executive, the County Attorney, and/or the Department of Cable Communications and Consumer Protection for review and appropriate follow-up action with Verizon. Without objection, it was so ordered.

89. **TWENTY-FIFTH ANNUAL MASON DISTRICT PARK FESTIVAL**
(6:29 p.m.)

Supervisor Gross announced that the twenty-fifth annual Mason District Park Festival will be held on Saturday, September 18, 2004, from 10 a.m. until 4 p.m. Raindate is Sunday, September 19.

90. **MASON MATTERS! NEWSLETTER** (6:30 p.m.)

Supervisor Gross distributed to Board Members the current Mason District newsletter.

91. **NON-PROFIT ENTITIES** (6:30 p.m.)

Supervisor Frey said that in 2002, the General Assembly stopped granting property tax exemptions to non-profit entities and delegated that authority to local jurisdictions provided that the entity met certain criteria which were to be established by each locality. The County established a moratorium on granting exemptions pending resolution of an issue relating to the Constitutional amendment which granted that authority, and establishment of appropriate standards. He said that it is his understanding that the legal issues have been resolved; however, the Board has not yet considered appropriate criteria. He said that he has been approached by non-profit entities which may have qualified under the State program, but are waiting for a determination as to what measures the County will establish.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to draft appropriate criteria by which non-profit organizations may attain tax-exempt status and that a proposed program be returned to the Board for action as soon as possible, to allow the Board the flexibility of deciding whether to implement such a program for 2005. Without objection, it was so ordered.

92. **CENTREVILLE DAY (SULLY DISTRICT)** (6:31 p.m.)

Supervisor Frey said that every year, the Centreville Community Foundation sponsors Centreville Day, a family event with the purpose of building community spirit in Centreville. This year's event was held in a new location, the Centreville Historic District, on Saturday, September 11, 2004.

The Centreville Community Foundation is a non-profit organization and this year's proceeds from the event will go towards restoring the Historic District and other charitable causes. Supervisor Frey expressed his appreciation to all those who helped with the celebration.

In the interests of maximizing the benefits from this event, Supervisor Frey moved that the Board waive the trash removal fees. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

93. **EXPEDITED PROCESSING OF A SPECIAL EXCEPTION APPLICATION TO BE FILED BY SULLY NORTH INVESTMENTS LC (SULLY DISTRICT)** (6:33 p.m.)

Supervisor Frey said that pursuant to Section 9-616 of the Zoning Ordinance, Sully North Investments LC will be filing a special exception for a driveway for uses in a C or I District for property located on Tax Map 34-2 ((1)) part of 3A that is zoned R- 1. This driveway will be used to access adjacent property that will be developed by-right in office use.

Therefore, Supervisor Frey moved that the Board direct staff to expedite the processing of the aforementioned special exception application. This motion should not be construed to prejudge the outcome of the application, in any way. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

94. **EXPEDITED PROCESSING FOR WEST*GROUP (SULLY DISTRICT)** (6:34 p.m.)

Supervisor Frey stated that West*Group has filed rezoning, proffered condition amendment, and special exception applications for 26 acres of the Stonecroft Business Center to allow the construction of an auto park. The initial applications were filed on April 27 and the applications were revised significantly several times to be accepted for processing by the Department of Planning and Zoning. The applicant has diligently pursued acceptance of the application and has a contractual obligation to have a zoning decision prior to the end of the year, which was a reasonable target, given a submission in April. The applicant has requested a date certain for the Board public hearing of December 6, 2004.

Therefore, Supervisor Frey moved that the Board authorize expedited processing and date certain for the Board public hearing to occur on December 6, 2004. The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Hyland seconded the motion.

Following a query from Chairman Connolly, Supervisor Frey described the auto park.

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

95. **CONCURRENT PROCESSING OF THE SUBDIVISION AND SITE PLANS FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2004-SU-009 (SULLY DISTRICT)** (6:36 p.m.)

Supervisor Frey said that Renaissance Housing is pursuing a rezoning of 25 acres on Poplar Tree Road in Chantilly. He said that it is his understanding that the application has a recommendation of approval from staff as well as the West Fairfax County Community Association. The Planning Commission is scheduled to hold a public hearing on the application on September 22. Due to a number of practical issues associated with the acquisition of the property, the applicant has requested that the Board authorize submission of the subdivision and/or site plans while the rezoning review continues. The applicant understands that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the subdivision and site plans for Rezoning/Final Development Plan Application RZ/FDP 2004-SU-009. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

96. **FIREFIGHTER LETTER** (6:37 p.m.)

Supervisor Frey said that he received an anonymous letter from a firefighter concerned about alleged political activities occurring in firehouses which is in violation of County Policies.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding this issue, Supervisor Frey asked unanimous consent that the Board direct the County Executive to reiterate County policies regarding this issue. Without objection, it was so ordered.

97. **MISSING SEGMENT OF THE FAIRFAX COUNTY PARKWAY THROUGH THE ENGINEER PROVING GROUND (EPG) (LEE DISTRICT)** (6:39 p.m.)

(BACs) Supervisor Kauffman said that as the Board is aware, the County has been working closely with the Virginia Department of Transportation (VDOT) and the Department of the Army/Fort Belvoir for a number of years to ensure that the missing segment of the Fairfax County Parkway through the EPG is completed as expeditiously as possible. VDOT has recently agreed to a Design-Build timetable that would allow the project to open to traffic by the end of 2007. Staff has been tasked with closely tracking the project implementation schedule, ensuring that outstanding issues are resolved as quickly as possible, and advising the Board's Fort Belvoir Committee when impediments to the project's timely implementation arise. Supervisor Kauffman said that following several meetings with Fort Belvoir representatives over the past month, staff called to advise him, as

chairman of the Fort Belvoir Committee, of two concerns that may delay the project schedule if not addressed and resolved immediately.

Supervisor Kauffman said that a critical element of the project timetable has been the clean up of unexploded ordinances on the EPG property through which the Parkway will be constructed and the subsequent land transfer required for this project to go forward. He said that he has now been advised that the contract completion for the clean-up has been extended to September 2005. Upon completion of the clean-up, several real estate actions have to be executed by the Department of the Army to transfer the land. The clean-up of the EPG site was originally scheduled for February 2005 with the land transfer in May 2005. The contract extension for the clean-up will not only delay the clean-up but also the subsequent actions required to transfer the land to the County. Any delay in the transfer of the land will delay the start date of the design-build contract which VDOT has undertaken to expedite the Parkway's construction.

In addition to the potential delay in the site clean up schedule, he has been advised that environmental and real estate actions required as part of the land transfer may not move forward as previously committed since the Fort Belvoir Environmental Section is now unwilling to proceed with the land transfer until the Parkway design is 100 percent complete. This is a significant departure from previous commitments received from the Department of the Army to work in a cooperative and expeditious manner with the County and VDOT to ensure that the land transfer takes place on schedule in May 2005.

Supervisor Kauffman noted that it is imperative that the project remain on schedule and that the Department of the Army/Fort Belvoir, VDOT, and the County work in a cooperative manner to keep this project on track. In anticipation of the extension of the clean-up contract timetable and potential inaction on environmental and real estate actions are required prior to the land transfer.

Therefore, Supervisor Kauffman moved that the Board direct staff to forward a letter to MG Jackman, Commander, Military District of Washington, advising him of the Board's concerns regarding potential delays in the clean-up and land transfer and any resulting delays in initiation of project construction. Supervisor Hyland seconded the motion.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to include in the letter that there needs to be an urgent meeting of the Fort Belvoir Committee to discuss the issues. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Connolly asked unanimous consent that the Board direct staff to send copies of the letter to:

- The County congressional delegation
- Colonel Williams, the Commandant of Fort Belvoir
- The local General Assembly delegation
- Assistant Secretary of Defense, Bill Armbruster

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

98. **MCSHAY HOMES - REZONING APPLICATION RZ 99-LE-044 (LEE DISTRICT)** (6:45 p.m.)

Supervisor Kauffman said McShay Homes, the developer of property located at Tax Map 82-2 ((7)) lot 9 in Lee District, and the subject of Rezoning Application RZ 99-LE-044, saved an existing residence surrounding a newer community they recently finished constructing. The home they saved has been assigned lot 82-2 ((25)) A of Elmwood and contains some previously assigned open space. Staff has reviewed the subdivision plat and original site plan for the property, and has indicated that the project will continue to be in compliance with open space requirements if this lot is amended for the existing home.

To allow the approval and recordation of the revised plat for this lot in Elmwood, an offer of the open space must first be made, and has been made by the developer. Supervisor Kauffman moved that the Board refuse the offer of the open space for the Elmwood Subdivision, as provided for in Paragraph 4 of Section 2-702(4) of the Zoning Ordinance. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

99. **HAYFIELD ANIMAL HOSPITAL - OUT OF TURN PLAN AMENDMENT (OTPA) S04-IV-RH1 (LEE DISTRICT)** (6:46 p.m.)

Supervisor Kauffman said that to satisfy the needs of concerned residents in Lee District and improve the planning area for OTPA S04-IV-RH1, that was previously authorized by this Board, he must now request an expansion of the boundaries for the proposed amendment area to include tax map 100-1 ((9)) Parcel 4.

Supervisor Kauffman said that staff had previously recommended approval of this plan amendment, but screening issues still need to be worked out with a neighbor. The Planning Commission indefinitely deferred the proposed plan amendment and with this expansion request, Supervisor Kauffman moved that the Board direct staff to reschedule the public hearings for both the OTPA and the associated rezoning application.

Expanding the OTPA will allow for improved screening and better transition between existing residential units, the proposed Hayfield Animal Hospital expansion, and other adjacent commercial uses.

This motion should not be construed as a favorable recommendation of this plan amendment and associated rezoning application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

100. **IMPROVED BUS SERVICE IN THE RICHMOND HIGHWAY CORRIDOR (LEE AND MOUNT VERNON DISTRICTS)** (6:47 p.m.)

On behalf of Supervisor Hyland and himself, Supervisor Kauffman announced the opening of the improved bus service in the Richmond Highway corridor. He added that on September 26, 2004, at 1:30 p.m., a kick-off ceremony will be held at the South County Government Center.

101. **SHOWMOBILE FEES** (6:48 p.m.)

(NOTE: Earlier in the meeting, the waiver of the fees for the showmobile was discussed. See Clerk's Summary Item CL#74.)

Anthony H. Griffin, County Executive, reviewed the Board's previous actions regarding waiver of the fees for the use of the showmobile. He announced that there were no longer fees for the showmobile.

Therefore, the question was called on Supervisor Hudgins' earlier motion to waive the fees for the use of the showmobile and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

102. **BOARD ADJOURNMENT** (6:49 p.m.)

At 6:49 p.m. Supervisor Bulova moved to adjourn the meeting. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

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