



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 18, 2004**

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21-04

DMB:dmb

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, October 18, 2004, at 9:02 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 Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, arrived at 9:06 a.m.

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 MATTER1. **MOMENT OF SILENCE** (9:03 a.m.)

Chairman Connolly asked everyone to keep in thoughts the US troops in Iraq and Afghanistan and the people of Iraq.

Supervisor Hyland asked everyone to keep in thoughts Mr. Art Giguere, who was instrumental in the redevelopment of the Woodley Nightingale Mobile Home Park, and consistently worked in the community with human services issues. Supervisor Hyland said that he would be missed.

AGENDA ITEMS2. **PROCLAMATION DESIGNATING NOVEMBER 2004 AS “ADOPTION AWARENESS MONTH” IN FAIRFAX COUNTY** (9:05 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 2004 as “*Adoption Awareness Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

3. **PROCLAMATION DESIGNATING OCTOBER 2004 AS “DISABILITY EMPLOYMENT AWARENESS MONTH” IN FAIRFAX COUNTY** (9:13 a.m.)

Chairman Connolly moved approval of the Proclamation to designate October 2004 as “*Disability Employment Awareness Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING NOVEMBER 2004 AS “AMERICAN INDIAN HERITAGE MONTH” IN FAIRFAX COUNTY** (9:17 a.m.)

Chairman Connolly moved approval of the Proclamation to designate November 2004 as “*American Indian Heritage Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **PROCLAMATION DESIGNATING NOVEMBER 8–12, 2004, AS “LUTHER JACKSON MIDDLE SCHOOL WEEK” IN FAIRFAX COUNTY** (9:25 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate November 8—12, 2004, as “*Luther Jackson Middle School Week*” in Fairfax County. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE ROSE HILL COMMUNITY** (9:32 a.m.)

Supervisor Kauffman moved approval of the Resolution to recognize the fiftieth anniversary of the Rose Hill community. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. FRED MORIN** (9:38 a.m.)

(BACs) Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Fred Morin for his years of service to the County as the Lee District Representative to the Water Authority. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Harry F. Day, Chairman, Fairfax Water, presented a plaque to Mr. Morin for his 43 years of leadership and dedicated service.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. KENNETH KLINGE** (9:45 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Kenneth Klinge for his years of service to the County as a member of the Commonwealth Transportation Board. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. RICHARD RISK** (9:55 a.m.)

(BACs) Supervisor Gross moved approval of the Certificate of Recognition presented to Mr. Richard Risk for his years of service to the County as the Mason District Representative to the Commission on Aging. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

10. **PROCLAMATION DESIGNATING OCTOBER 23, 2004, AS "VOLUNTEERFEST DAY 2004" IN FAIRFAX COUNTY** (10:01 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 23, 2004, as "*VolunteerFest Day 2004*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

11. **PROCLAMATION DESIGNATING OCTOBER 2004 AS “BREAST CANCER AWARENESS MONTH” IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2004 as “*Breast Cancer Awareness Month*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

12. **PROCLAMATION DESIGNATING OCTOBER 17–23, 2004, AS “CHARACTER COUNTS! WEEK” IN FAIRFAX COUNTY** (10:16 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 17–23, 2004, as “*Character Counts! Week*” in Fairfax County. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

13. **PROCLAMATION DESIGNATING OCTOBER 14, 2004, AS “LIGHTS ON AFTER SCHOOL DAY” IN FAIRFAX COUNTY** (10:22 a.m.)

Chairman Connolly moved approval of the Proclamation to designate October 14, 2004, as “*Lights On After School Day*” in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

14. **CERTIFICATE OF RECOGNITION PRESENTED TO THE COUNTY EXECUTIVE, HIS STAFF, AND THE COUNTY'S BUDGET STAFF** (10:31 a.m.)

Chairman Connolly moved approval of the Certificate of Recognition presented to the County Executive, his staff, and the County's budget staff for their exemplary work resulting in a Performance Management Award from the Performance Institute in San Diego. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

15. **10 A.M. – PRESENTATION OF THE FAIRFAX AREA COMMISSION ON AGING LOUIS B. WAGNER LIFETIME ACHIEVEMENT AWARD** (10:36 a.m.)

On behalf of the Fairfax Area Commission on Aging, Mrs. Louis B. Wagner, presented the award for outstanding volunteer service to older adults to Mrs. Ruth Beacom.

16. **10:15 A.M. – 2004 EXCEPTIONAL DESIGN AWARDS CEREMONY**
(10:46 a.m.)

This is the twentieth year of the Exceptional Design Awards Program. One hundred and eight projects have been recognized for their design excellence over that time. Joy Marshall Ortiz, Chairman of the Design Jury, presented the 2004 Exceptional Design Awards to the following:

- *Honor Award*: National Air and Space Museum – Steven F. Udvar-Hazy Center (Institutional)
Architect: Hellmuth, Obata and Kassabaum, Washington, DC
Owner/Developer: The Smithsonian Institution
Year Built: 2003
- *Merit Award*: Trillium House (Residential, Single-family Detached)
Architect: Jon Hensley Architects, PLLC, Arlington, VA
Owner/Developer: Craig and Valerie Dykstra
Year Built: 2002
- *Merit Award*: MITRE Corporation – Pedestrian Bridge (Commercial/Office)
Architect: Ai, Washington, DC
Owner/Developer: The MITRE Corporation
Year Built: 2003
- *Honorable Mention Award*: Unity of Fairfax (Institutional)
Architect: LeMay Erickson Architects, Reston, VA
Owner/Developer: Unity of Fairfax
Year Built: 2002

PW:pw

17. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:56 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Sully District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative to the Airports Advisory Committee.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Supervisor Hudgins moved the reappointment of Ms. Kathy Curtri as the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Judith Ratliff as the At-Large #6 Representative to the Alcohol Safety Action Program Local Policy Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Braddock District Representative to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #4 Representative to the Architectural Review Board.

(NOTE: Later in the meeting, the Board made an appointment to this board. See below.)

BOARD OF BUILDING CODE APPEALS

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

ARCHITECTURAL REVIEW BOARD

(NOTE: Earlier in the board meeting, the Board deferred an appointment to this board. See above.)

Supervisor Hyland moved the reappointment of Mr. John Burns as the Related Professional Group #4 Representative to the Architectural Review Board. Supervisor McConnell seconded the motion, which carried by unanimous vote.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

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

CHILD CARE ADVISORY COUNCIL

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

COMMISSION FOR WOMEN

Chairman Connolly moved the reappointment of Ms. Alotta Taylor as the At-Large Chairman's Representative to the Commission for Women. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Emily McCoy as the Lee District Representative to the Commission for Women. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Ligia Espinosa as the Mason District Representative to the Commission for Women. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Frances Hicks as the Mount Vernon District Representative to the Commission for Women. This motion, the second to which was inaudible, carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Kathy Goggin as the Sully District Representative to the Commission for Women. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD

The Board deferred the appointment of the Fairfax County At-Large #2 Representative to the Community Criminal Justice Board.

CONSUMER PROTECTION COMMISSION

Chairman Connolly moved the appointment of Mr. Bill Douskalis to fill the unexpired term of Mr. Davood Sedaghatfar as the Fairfax County Resident #13 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

Supervisor Hyland moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Ms. Doris Ray as a Long Term Care Task Force Representative

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

HISTORY COMMISSION

Supervisor Gross moved the reappointment of Mr. Charles Wroblewski as the Citizen #7 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisory Hyland asked everyone to remember Donald Senese, Citizen Representative of the History Commission, who died recently, and his family in thoughts. Supervisor Hyland further asked unanimous consent that the Board direct staff to posthumously recognize him for his many years of service to the History Commission. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board noted that memorial donations could be made to the History Commission. See Clerk's Summary Item CL#31.)

HUMAN RIGHTS COMMISSION

The Board deferred the appointments of the At-Large #6 and #9 Representatives to the Human Rights Commission.

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Hyland moved the reappointment of Mr. Robert Surovell as the At-Large #1 Representative to the Industrial Development Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #7 Representative to the Industrial Development Authority.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock, Lee, and Mason District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #1 and At-Large #4 Representatives to the Road Viewers Board.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Resident/Owner #3 Representative to the Route 28 Highway Transportation District Advisory Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Landlord Member #3 Representative to the Tenant Landlord Commission.

TREE COMMISSION

Supervisor Gross moved the reappointment of Ms. Kathryn James as the Mason District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Ms. Laura Hoy as the Springfield District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Ms. Kathleen Snyder to fill the unexpired term of the late Ms. Darelyn Handley as the Lee District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointments to the Youth Basketball Council Advisory Board:

- Mr. Tom Moore as the Chairman Representative
- Mr. C. McClain Haddow as the Immediate Past Chairman Representative
- Mr. Fred Plumb as the Commissioner, Scheduler, and the Fort Hunt Athletic Association Alternate Representative
- Mr. Garrett Stone as the Secretary and McLean Youth, Incorporated Representative
- Mr. Thomas Howell as the Member At-Large, Parliamentarian, and the Herndon Optimist Club Representative
- Mr. Fred McCarrick as the Treasurer and Turnpike Basketball Club Representative
- Mr. Bernie Conrow as the Boys Deputy Commissioner Representative
- Mr. Michael Stensrud as the Girls Deputy Commissioner and the Fairfax Police Youth Club Representative
- Mr. Christopher Pulley as the Fairfax County Department of Community and Recreation Services Representative
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Dr. Frank DeLatour as the Annandale Boys and Girls Club Representative
- Mr. Kevin Springer as the Arlington County Recreation Representative

- Mr. John Blevins as the Arlington County Recreation Alternate Representative
- Mr. Kevin Prince as the Ashburn Athletic Association Representative
- Mr. Bob Bladel as the Ashburn Athletic Association Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative
- Mr. David Sheppard as the Baileys Community Center Alternate Representative
- Mr. Dave Schoolfield as the Braddock Road Youth Club Representative
- Mr. Jim Watson as the Braddock Road Youth Club Alternate Representative
- Mr. John Niehoff as the Burke Basketball Representative
- Mr. Jack McHale as the Burke Basketball Alternate Representative
- Mr. Rein Kiewel as the Chantilly Youth Association Representative
- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Ms. Michelle Chapman-Campbell as the David R. Pinn Recreation Center Representative
- Mr. Mike Do as the Fairfax Police Youth Club Alternate Representative
- Ms. Mitzi Taylor as the Falls Church Parks and Recreation Representative

- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Richard L. Herman as the Fort Belvoir Youth Services Representative
- Ms. Tamera D. Hopkins as the Fort Belvoir Youth Services Alternate Representative
- Mr. Kenneth Waters as the Fort Hunt Athletic Association Representative
- Ms. Lisa Walsh as the Great Falls Athletic Association Representative
- Mr. Greg S. Jones as the Great Falls Athletic Association Alternate Representative
- Ms. Dawn Lucas as the Gum Springs Community Center Representative
- Ms. Tanya Alestock as the Gum Springs Community Center Alternate Representative
- Mr. Tom Benton as the Herndon Optimist Club Alternate Representative
- Mr. Bob Williams as a James Lee Community Center Representative
- Ms. Lorraine Williams as a James Lee Community Center Alternate Representative
- Mr. Ray Cicale as the Lee District Basketball Representative
- Mr. Tim Shouman as the Lee District Basketball Alternate Representative
- Mr. Rob Barth as the McLean Youth, Incorporated Alternate Representative
- Ms. Gale Scott as the Mott Community Center Representative

- Mr. Antoine Harris as the Mott Community Center Alternate Representative
- Mr. Chuck Gupton as the Mount Vernon Youth Association Representative
- Mr. Will Nesbitt as the Mount Vernon Youth Association Alternate Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Mr. Ron Wiley as the Reston Youth Basketball League Alternate Representative
- Mr. Bob Korman as the Southwestern Youth Association Representative
- Mr. Dave Vennergrund as the Southwestern Youth Association Alternate Representative
- Mr. Jeff Friday as the Springfield Youth Club Representative
- Mr. Rob Barnard as the Springfield Youth Club Alternate Representative
- Mr. Barry Robeson as the Turnpike Basketball Club Alternate Representative
- Mr. E.J. Thomas as the Vienna Youth Incorporated Representative
- Mr. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

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

AD HOC COMMITTEES**LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

The Board deferred the appointment of the Dranesville District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

Supervisor DuBois noted that it was her understanding that this committee would be disbanding in the near future, having completed its task.

STORMWATER ADVISORY COMMITTEE

The Board deferred the appointments of the Small/Medium Commercial/Office Property Representative and Non-Profit Coalition Representative to the Stormwater Advisory Committee.

ADDITIONAL APPOINTMENTS**COMMISSION ON AGING**

Supervisor Bulova moved the appointment of Ms. Tena Bluhm to fill the unexpired term of Ms. Theresa Gaffney as the Braddock District Representative to the Commission on Aging. Chairman Connolly seconded the motion, which carried by unanimous vote.

SMALL BUSINESS COMMISSION

Supervisor Frey moved the appointment of Mr. Marvin Powell to fill the unexpired term of Mr. John Townes as the Sully District Representative to the Small Business Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

DS:ds

18. **ADMINISTRATIVE ITEMS** (11:04 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 12 – Authorization to Advertise Public Hearings to Consider Proposed Amendments to the Public Facilities Manual and discussion ensued with input from John Friedman, Engineer IV, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services, regarding the drainage divides.

Supervisor Hudgins called the Board's attention to Admin 14 – Approval of Changes to the Northern Virginia Workforce Investment Board (NVWIB) Consortium Agreement and Supplemental Appropriation Resolutions AS 05027, AS 05028, AS 05029, and AS 05030 for the Department of Family Services to Accept Grant Funds from the Virginia Employment Commission to Continue to Operate the Workforce Investment Act Employment and Training Programs for Adult, Youth, and Dislocated Workers, and the MetroTech Program on Behalf of the NVWIB and discussion ensued with input from Juana Maria Diaz, Director, Self-Sufficiency Division, Department of Family Services, regarding the accomplishments of the Adult, Youth, and Dislocated Worker programs.

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."

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, MASON, SPRINGFIELD AND MOUNT VERNON DISTRICTS)

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

- 2232-D04-7 to December 27, 2004
- FS-H04-53 to January 1, 2005
- FS-S04-56 to January 1, 2005
- FS-S04-57 to January 1, 2005
- FS-V04-58 to January 1, 2005
- FS-M04-62 to January 6, 2005
- 2232-B04-14 to May 9, 2005

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE CHANTILLY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 29 (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 15, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Chantilly RPPD, District 29.

ADMIN 3 – ADDITION OF SEGMENTS OF TELEGRAPH ROAD TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

- (R) Adopted the Resolution requesting that new segments of Telegraph Road be added to the Secondary System of State Highways, Virginia Department of Transportation Project Number 0611-029-303, C503.

ADMIN 4 – ADDITION OF NEW LANES ON POPLAR TREE ROAD (ROUTE 662) TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (SULLY DISTRICT)

- (R) Adopted the Resolution requesting that the additional lanes on Poplar Tree Road be added to the Secondary System of State Highways.

ADMIN 5 – ADDITION OF SEGMENTS OF FAIRFAX COUNTY PARKWAY, BACKLICK ROAD, AND OLD BACKLICK ROAD; DISCONTINUANCE OF SEGMENTS OF BACKLICK ROAD AND ACCOTINK ROAD; AND RENUMBERING OF A SEGMENT OF OLD BACKLICK ROAD FOR THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

- (R) Adopted the Resolution requesting the following:
- That segments of the Fairfax County Parkway (Route 7100), Backlick Road (Route 617), and Old Backlick Road be added to the secondary system of State highways (secondary system).
 - That segments of Backlick Road and Accotink Road (Route 637) be discontinued from the secondary system.
 - That a segment of Old Backlick Road be renumbered for the secondary system.

ADMIN 6 – ADDITION OF SEGMENTS OF FAIRFAX COUNTY PARKWAY, SUGARLAND VALLEY DRIVE, AND SHAKER WOODS ROAD AND THE DISCONTINUANCE OF SEGMENTS OF STUART ROAD AND SUGARLAND VALLEY DRIVE TO AND FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (HUNTER MILL AND DRANESVILLE DISTRICTS)

- (R) Adopted the Resolution requesting the following:
- That segments of Fairfax County Parkway (Route 7100), Sugarland Valley Drive (Route 8215), and Shaker Woods Road (Route 680) be added to the Secondary System of State Highways.

- That old segments of Stuart Road and Sugarland Valley Drive be discontinued from the Secondary System of State Highways.

ADMIN 7 – ADDITION AND DISCONTINUANCE OF SEGMENTS OF FAIRFAX COUNTY PARKWAY, GUNPOWDER ROAD, AND CANNONBALL ROAD TO AND FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS (SPRINGFIELD DISTRICT)

(R) Adopted the Resolution requesting the following:

- That new segments of Fairfax County Parkway (Route 7100) and Gunpowder Road (Route 2953) be added to the Secondary System of State Highways.
- That old segments of Gunpowder Road and Cannonball Road (Route 3150) be discontinued from the Secondary System of State Highways.

ADMIN 8 – ADDITION OF SEGMENTS OF TELEGRAPH ROAD TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

(R) Adopted the Resolution requesting that new segments of Telegraph Road (Route 611) be added to the Secondary System of State Highways, Virginia Department of Transportation Project Number 0611-029-303, C504.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON THIRD PLACE, FOURTH PLACE, DIXON STREET, AND SANGER STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **November 15, 2004, at 4:30 p.m.** for the purpose of endorsing the following roads to be included in the R-TAP for a through truck traffic restriction:

- Third Place
- Fourth Place
- Dixon Street
- Sanger Street

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE RIVERVIEW COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 15, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Riverview CPD.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE FALLS HILL SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 15, 2004, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Project X00826, Extension Project Fiscal Year 1996 (1036) – Falls Hill Sanitary Sewer Extension and Improvement.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM)

- (A) (Earlier in the meeting, this item was discussed. See page 14.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on November 4, 2004, and before the Board on **December 6, 2004, at 3:30 p.m.** to consider proposed amendments to the PFM regarding posting signage for accessible parking spaces, cash deposits, and natural drainage divides.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE RESPONSE PROVIDED BY COMCAST OF VIRGINIA, INCORPORATED, TO THE COUNTY'S REQUEST FOR CABLE TELEVISION FRANCHISE RENEWAL PROPOSAL

This item was withdrawn by staff.

ADMIN 14 – APPROVAL OF CHANGES TO THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB) CONSORTIUM AGREEMENT AND SUPPLEMENT APPROPRIATION RESOLUTIONS (SAR) AS 05027, AS 05028, AS 05029, AND AS 05030, FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT GRANT FUNDS FROM THE VIRGINIA EMPLOYMENT COMMISSION TO CONTINUE TO OPERATE THE WORKFORCE INVESTMENT ACT EMPLOYMENT AND TRAINING PROGRAMS FOR ADULT, YOUTH, AND DISLOCATED WORKERS, AND THE METROTECH PROGRAM ON BEHALF OF THE NVWIB

(SARs) (NOTE: Earlier in the meeting, this item was discussed. See page 15.)

- Approved a change in the revised NVWIB Consortium Agreement to name SkillSource Group, Incorporated (SSG), as the fiscal agent in order for SSG to receive funds directly from the Virginia Employment Commission.
- Adopted SARs AS 05027, AS 05028, AS 05029, and AS 05030 in the amount of \$2,180,660 to continue to operate the Youth, Dislocated Worker, and MetroTech programs under the Workforce Investment Act.

19. **A-1 – ENDORSEMENT OF DESIGN PLANS FOR THE CONSTRUCTION OF PEDESTRIAN BRIDGE AND FENCING ON ARLINGTON BOULEVARD (ROUTE 50) AT SEVEN CORNERS (MASON DISTRICT)**
(11:08 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and direct staff, on behalf of the Board, to provide the following comments and recommendations to the Virginia Department of Transportation regarding the proposed pedestrian bridge and fencing on Arlington Boulevard at Seven Corners, as presented at the July 29, 2004, Design Public Hearing:

- That a plan be developed to provide landscaping around the bridge, ramps, and fencing. This should include trash receptacles to minimize litter in the area.
- That the bridge structure be built using galvanized steel to reduce maintenance requirements.
- That the railings and fixtures be compatible with the County's Commercial Revitalization plan for the area.
- That the top of the stairwells have similar rooflines as the adjacent shopping center so as to be architecturally compatible.

- That the bridge and ramps be lit to provide a safe facility at night. Consideration should be made in the design to discourage possible inappropriate use of the area under the ramps.
- That the sidewalk be extended along the north side of Arlington Boulevard to connect to the Willston Shopping Center.

Supervisor Hyland seconded the motion.

Following discussion regarding fencing along both sides of Route 50, but not down the middle of Route 50, as was suggested, the question was called on the motion and it carried by unanimous vote.

20. **A-2 – ENDORSEMENT OF FISCAL YEAR 2005 VIRGINIA DEPARTMENT OF TRANSPORTATION'S ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (11:09 a.m.)

(Rs) On motion of Supervisor Smyth, seconded by Supervisor Hyland, 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:

- Endorsed the enhancement projects for which applicants have identified a source for the required minimum 20 percent match as contained in the Board Agenda Item dated October 18, 2004.
- Directed the County Executive to execute a Project Endorsement Resolution for each project endorsed.

21. **A-3 – AGREEMENT TO USE PRIVATE PROPERTY TO PROVIDE FAIRFAX CONNECTOR SERVICE TO THE MOUNT VERNON HOUSE AND NEIGHBORING AREA (MOUNT VERNON DISTRICT)** (11:10 a.m.)

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

- Approve an agreement, in substantial form, between the County and Mount Vernon Associates LLLP to allow FAIRFAX CONNECTOR buses to utilize the private roadway of Mount Vernon House in order to travel between Tis Well Drive and Holland Road.
- Authorize the Director of the Department of Transportation to sign the final agreement.

Supervisor McConnell seconded the motion.

Discussion ensued regarding bus service to those who live in, work at, and travel to Mount Vernon House, Mount Vernon Nursing Home, and other nearby destinations.

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

22. **A-4 – APPROVAL OF THE METRO MATTERS FUNDING AGREEMENT FOR THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)** (11:12 a.m.)

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

- Approve, in substantial form, a funding agreement in support of the WMATA Capital Improvement Program including the Metro Matters program.
- Designate the County Executive as the County's authorized representative for the purpose of dispute resolution.

Supervisor Hudgins seconded the motion.

Discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, and Leonard Wales, County Debt Manager, Department of Management and Budget, regarding the use of bonds for the Metro Matters program.

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

23. **A-5 – DISCLOSURE AGREEMENT RELATED TO THE ISSUANCE OF REFUNDING BONDS BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (SULLY DISTRICT)** (11:16 a.m.)

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

- Approved the proposed Disclosure Agreement related to the issuance of refunding bonds by the Upper Occoquan Sewage Authority.
- Authorized the Board Chairman to execute the Agreement on behalf of the Board in substantial form.

24. **I-1 – STATUS REPORT ON TRANSPORTATION CAPITAL PROJECTS WITHIN FAIRFAX COUNTY** (11:17 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, reporting on the status of the transportation capital projects within the County.

Supervisor Kauffman called the Board's attention to handwritten page 76, the Franconia/Springfield Parkway/I-95 General Access Ramps project, and noted that one of the key issues with the Board moving forward with the project was the understanding that a grade separation at Bonnie Mill be built in advance or concurrent with the project. Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to correct the item to include this project.

Following discussion, with input from Karyn L. Moreland, Capital Projects Section, Department of Transportation, without objection, it was so ordered.

Supervisor Smyth called the Board's attention to handwritten page 29, the Route 29 from I495 to Espana Court project, and noted that the label on the project was out of sync with the description. Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to change the label of the item. Without objection, it was so ordered.

Supervisor Bulova called the Board's attention to handwritten page 27, the Lee Highway from Shirley Gate Road to Old Centreville Road project, and said that although this project is currently in preliminary design, when improvements are made to Lee Highway, hopefully it will include trail and sidewalks on both sides of the road.

25. **I-2 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)** (11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, announcing that the County's CAFR and the Annual Budget have been recognized by the GFOA for excellence in financial reporting and budgeting.

26. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-D04-7, VERIZON WIRELESS (DRANESVILLE DISTRICT)** (11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-D04-7, Verizon Wireless.

27. **I-4 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE WOLF TRAP FIRE STATION (DRANESVILLE DISTRICT)** (11:20 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, requesting authorization for staff to award a contract to Hughes Group Architects in the amount of \$643,000 to provide architectural and engineering design services for the Wolf Trap Fire Station.

Supervisor DuBois noted that this project is in the Dranesville District, not the Hunter Mill District.

Discussion ensued with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES), and Carey Needham, Chief, Building Design Branch, Planning and Design Division, DPWES, regarding air intake systems in fire stations.

The staff was directed administratively to proceed as proposed.

28. **I-5 – CONTRACT AWARD – ROUTE 29/BULL RUN POST OFFICE ROAD (SULLY DISTRICT)** (11:23 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, requesting authorization for staff to:

- Award a contract to A and M Concrete Corporation in the amount of \$788,180.05 for the construction associated with Project 064228, Route 29/Bull Run Post Office Road.
- Reallocate funds in amount of \$1,003,984.61 from Project 006490, Construction Reserve.

29. **I-6 – PROJECT COOPERATION AGREEMENT BETWEEN THE US DEPARTMENT OF THE ARMY, FAIRFAX COUNTY, AND PRINCE WILLIAM COUNTY FOR THE CONSTRUCTION OF THE OCCOQUAN RIVER FEDERAL NAVIGATION CHANNEL IMPROVEMENT PROJECT (OCCOQUAN RIVER DREDGING PROJECT) (MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (11:23 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, requesting authorization for the Chairman of the Board, on behalf of the County, to sign an agreement with Prince William County and the Corps of Engineers for the construction of the Occoquan River Federal Navigation Channel Improvement Project.

The staff was directed administratively to proceed as proposed.

30. **I-7 – AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF ASH CONDITIONING EQUIPMENT AT THE ENERGY/RESOURCE RECOVERY FACILITY** (11:24 a.m.)

The Board next considered an item contained in the Board Agenda dated October 18, 2004, requesting authorization for the County Executive, on behalf of the County, to sign an agreement between the County, the Solid Waste Authority, and Covanta Fairfax, Incorporated, for the development and operation of ash conditioning equipment.

Following discussion regarding the ash conditioning equipment, the staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

31. **DONATIONS IN MEMORY OF THE LATE DR. DONALD J. SENESE** (11:25 a.m.)

(BACs) (NOTE: Earlier in the meeting, Supervisor Hyland announced the death of Dr. Donald J. Senese. See page 8.)

Supervisor Hyland reported that in lieu of flowers, the wife of the late Donald J. Senese, Citizen Representative to the History Commission, requested that any memorial donations be made to the History Commission.

Chairman Connolly noted that the Board would find an appropriate way to honor Dr. Senese at a later date.

32. **ENGINEERING STANDARDS REVIEW COMMITTEE (ESRC) PAST CHAIRMAN RECOGNITION** (11:26 a.m.)

(BACs) Chairman Connolly said that on March 23, 1992, the Board confirmed the appointment of Mr. Dana Eddy to the ESRC as the representative for the Virginia Chapter of Associated Builders and Contractors, Incorporated. Mr. Eddy was reappointed again to the ESRC in 1995, 1998, and 2001, with his final term ending in March 2004 after 12 years of service.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Mr. Eddy to appear before the Board and receive recognition for his outstanding service. Without objection, it was so ordered.

33. **CHESAPEAKE BAY NUTRIENT REDUCTION** (11:26 a.m.)

Chairman Connolly said that on September 17, 2004, staff briefed the Board's Legislative Committee on recent revisions to the Virginia Tributary Strategies to restore the quality of the Chesapeake Bay. The Chesapeake Bay Commission estimates the total cost of the bay clean-up to be \$12.8 billion, with Virginia's share being \$5.1 billion for both point and non-point sources of pollution. The County's share of the cost for point sources only (i.e., wastewater treatment plants) is estimated in the range of \$165 million to \$180 million. A dedicated revenue source is critical to meeting these costs.

Therefore, Chairman Connolly moved that the Board endorse the letter contained in his written Board Matter which requests the Fairfax County Legislative Delegation to identify the best means of funding and implementing the Chesapeake Bay nutrient strategies during the 2005 General Assembly. Supervisor Gross seconded the motion.

Following a brief comment about the cost, the question was called on the motion and it carried by unanimous vote.

34. **NOMINATION PROCESS FOR PLACEMENT OF LAUREL HILL ON THE NATIONAL REGISTER OF HISTORIC PLACES (MOUNT VERNON DISTRICT)** (11:27 a.m.)

Chairman Connolly said that he recently received a letter from Charles Bierce, Chairman, Architectural Review Board, in which he requests that the County submit an application nominating Laurel Hill, the former Lorton prison operated by the District of Columbia's Department of Corrections, for placement on the National Register of Historic Places.

Therefore, Chairman Connolly moved that the Board direct the Director of the Department of Planning and Zoning to proceed to employ consultant assistance to prepare the application for possible inclusion in the National Register of Historic Places and that the funds for this effort be absorbed within the funds already appropriated for Laurel Hill by the Board. Supervisor Hyland seconded the motion and it carried by unanimous vote.

35. **WASHINGTON AREA CONFERENCE ON TELEWORK (WACOT) SENIOR EXECUTIVE FORUM** (11:28 a.m.)

Chairman Connolly said on Tuesday, October 12 the County held a very successful WACOT Senior Executive's Forum at the Tower Club in Tysons Corner. There were a number of speakers including Congressman Frank Wolf, Washington Board of Trade President Bob Peck, Bill Lecos from the Fairfax County Chamber, Delegate Jim Scott, and numerous representatives of corporations in the County and the region as it kicked off a major effort to enlist the private sector in the project to meet the region's telework goal. The County

leads the region as a local government in its progress toward the goal of having 20 percent of its eligible workforce teleworking by 2005. The County is the only locality in the Washington Metropolitan Council of Governments that has formally adopted a plan to achieve the 20 percent goal. He noted that County government has now increased teleworking to 13 percent of eligible workers. He distributed copies of the conference's agenda and discussed the future of teleworking as a tool for decreasing the region's traffic congestion.

36. **AMERICA RECYCLES DAY** (11:26 a.m.)

Chairman Connolly said that "America Recycles Day" is a national celebration with the goals of raising awareness about recycling and encouraging the purchase of recycled-content products both within the County government as well as with the residents and businesses located in the County. To celebrate, the County will host the annual Community Recycling Roadshow at Herndon High School on Saturday, November 13, from 10 a.m. to 4 p.m. Herndon High School's Students Against Global Abuse (SAGA) will host the event in association with several community partners.

Therefore, Chairman Connolly moved that the Board:

- Direct the Office of Public Affairs to publicize the Community Recycling Roadshow.
- Proclaim November 15, 2004, as "*America Recycles Day*" in Fairfax County.
- Direct the Office of Public Affairs to invite appropriate representatives from the Fairfax County Division of Solid Waste Collection and Recycling, Department of Public Works and Environmental Services and SAGA to be presented with the proclamation at the November 15, 2004, Board meeting.

Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

37. **SMILE PROGRAM RECOGNITION** (11:30 a.m.)

Chairman Connolly said that October 5 was the due date for personal property taxes. He added that thanks to initiatives such as online bill payments and advance automobile decal mailings, the Department of Tax Administration (DTA) has greatly reduced the need for as many citizens to physically come to the Government Center to pay their taxes in person. This saves the citizens time and effort, and saves the County administrative overhead costs. Nevertheless, some citizens still come to the Government Center to pay their personal property taxes, and thanks to DTA's SMILE Program and an army of red-shirted staffers aiding the citizens, that process was smooth and successful.

Therefore, on behalf of the Board, Chairman Connolly asked unanimous consent that the Board express its appreciation to Kevin Greenlief, Director of the DTA, and all of the employees who participated in the SMILES program, whether wearing the red shirts or answering the DTA phone lines, for their tremendous service to the citizens of Fairfax County. Without objection, it was so ordered.

Chairman Connolly asked unanimous consent that the Board direct staff to draft an appropriate certificate for presentation to Mr. Greenlief and his colleagues at DTA. Without objection, it was so ordered.

38. **RECOGNITION OF THE RECEIPT OF THE BEST WORKPLACES FOR COMMUTERS (BWC) AWARD BY THE COUNTY** (11:30 a.m.)

Chairman Connolly said that the BWC Program was established by the US Environmental Protection Agency and the US Department of Transportation to advocate employee commuter benefits. Employers that provide and administer a commuter benefits program that meets the BWC's National Standard of Excellence are recognized by the designation "Best Workplaces for Commuters" – a mark of excellence for environmentally and employee-friendly organizations.

Fairfax County recently received the "BWC" award. Chairman Connolly said that by providing its employees with commuter benefits such as ridesharing and carpool matching, parking at park-and-ride lots, reserved parking spaces for carpoolers and vanpools, secure bicycle parking, and by encouraging telework, the government of Fairfax County clearly earned this award, as it truly is one of the Best Workplaces for Commuters.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite the appropriate staff at the appropriate time to appear before the Board to be recognized for its outstanding efforts in promoting telework and other strategies of the BWC Program. Without objection, it was so ordered.

39. **MS. DEBORAH TYLER NAMED WINNER OF MILKEN AWARD** (11:33 a.m.)

Chairman Connolly said that Supervisor Smyth would be presenting a Board Matter on the naming of Ms. Deborah Tyler as one of two winners of the Milken National Educator Awards in Virginia. He asked unanimous consent that he join her in the presentation of that Board Matter later in the meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, Supervisor Smyth presented the referenced Board Matter. See Clerk's Summary Item CL#58.)

40. **SAFE DIVING FACILITIES AT POOLS** (11:33 a.m.)

Supervisor DuBois stated that early this past summer, she learned of concerns, particularly with swimming pools in the Dranesville District, about the Health Department's enforcement of the pool diving well requirements of the Water Recreation Facilities Ordinance contained in Chapter 69.1 (Water Recreation Facilities Ordinance) of the Code of the County of Fairfax. Some members of pools believed that if a pool's existence predated the enactment of the current ordinance, the pool did not have to make modifications to comply with the ordinance with regard to the depth of the diving well. Some pools also replaced their diving boards without County review and approval. The ordinance provides that the Director of the Department of Health can order reasonable modifications if conditions exist that endanger the health or safety of the facility's patrons or personnel. The Health Department required adjustment or removal of diving boards at some pools and, as a result, the Northern Virginia Swim League (NVSL) diving teams could not use their home pools for practice or competition.

Supervisor DuBois said that the Health Department has been working with the affected pools and the NVSL to ensure that users have the opportunity to dive, but in the safest possible environment. She recently hosted meetings with staff and the affected groups and industry representatives to facilitate that goal.

Accordingly, Supervisor DuBois asked unanimous consent that the Board direct the Health Department, with advice from the County Attorney, to continue its efforts to work with any affected pools and the NVSL to ensure compliance with the County Code while preserving, whenever possible, the opportunity for pools to continue to offer safe diving facilities and recreational competitive diving for their patrons and to report its findings to the Board by March 31, 2005. Without objection, it was so ordered.

41. **UPDATE ON PROPOSED ZONING ORDINANCE AMENDMENT** (11:35 a.m.)

Supervisor DuBois provided an update on the proposed Zoning Ordinance amendment requested by the Board in June to allow for rezoning from a conventional zoning district where cluster subdivisions are not permitted by right to the corresponding PDH District with the provisions of one bonus dwelling unit. She noted that this was a specific request resulting from a residential development that was proposed in the Dranesville District.

Supervisor DuBois said that subsequent to the advertisement of the proposed amendment, the applicant who had requested the PDH zoning withdrew the application. On October 14 the Planning Commission deferred this matter indefinitely. The public hearing before the Board was scheduled for November 15. She said that she discussed the matter with staff who expressed a desire to take time for further review in the context of the overall annual review of

the recently adopted cluster provisions. She noted that the Board will be revisiting this proposed amendment after further study and possible revision.

42. **SPECIAL EVENTS IN THE DRANESVILLE DISTRICT** (11:36 a.m.)

Supervisor DuBois announced two special events in the Dranesville District. The first, on October 15, was the fiftieth anniversary of Peter Piper Preschool in McLean. Current and past students celebrated the school's achievements over the past five decades. Supervisor DuBois congratulated Ms. Lynda O'Brien and her staff on this occasion and looked forward to their continued success.

Supervisor DuBois also announced that Mary Poole, the oldest living member of the McLean Volunteer Fire Department Ladies Auxiliary, celebrated her one hundredth birthday. She recounted some of Ms. Poole's history and noted that the McLean Volunteer Fire Department will name an ambulance after her to honor her contributions. On behalf of the Board, Supervisor DuBois offered her congratulations and thanks for Ms. Poole's dedicated service to the McLean community and wished her continued good health.

43. **GREAT FALLS FREEDOM MEMORIAL DEDICATION CEREMONY (DRANESVILLE DISTRICT)** (11:38 a.m.)

Supervisor DuBois provided copies of the invitation to the dedication ceremony for the Great Falls Freedom Memorial which will be held Saturday, November 13, at 1 p.m. on the grounds of the Great Falls Community Library. She invited the Board and the public to attend.

Accordingly, Supervisor DuBois asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

44. **COMMENTS ON THE PROPOSED NOISE COMPATIBILITY PROGRAM FOR THE RONALD REAGAN WASHINGTON NATIONAL AIRPORT** (11:38 a.m.)

Supervisor Hyland said that the Metropolitan Washington Airports Authority (MWAA) released its proposed update to the Noise Compatibility Program for Ronald Reagan Washington National Airport and has provided an opportunity for public comment that closes on Wednesday, October 20. He added that he served as the Board's representative on an advisory committee (The Part 150 Study) for this effort, and the proposed noise abatement and noise mitigation measures that are identified in the MWAA report were developed by this advisory committee.

Therefore, Supervisor Hyland asked unanimous consent that the Board endorse the letter prepared by staff providing comments on the MWAA document and direct staff to transmit them to MWAA before the deadline. Without objection, it was so ordered.

45. **CONCURRENT PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-L-070 AND SPECIAL EXCEPTION APPLICATION SE 2004-MV-020 (MOUNT VERNON DISTRICT)** (11:39 a.m.)

Supervisor Hyland said that Commonwealth Construction Management is the contract purchaser of a portion of a site identified on Tax Map 107-4 ((1)) 68A. The property is located on the west side of Gunston Cove Road between I-95 and the railroad tracks. The proffered condition amendment and special exception applications seek approval to permit construction of a concrete batch mixing operation on the heavy industrial site.

Supervisor Hyland moved that the Board direct the Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Proffered Condition Amendment Application PCA 80-L-070 and Special Exception Application SE 2004-MV-020 for the reasons cited in his written Board Matter. Approval of this motion shall not prejudice the review of this application. Supervisor McConnell seconded the motion and it carried by a vote of nine, Chairman Connolly being out of the room.

46. **JOINT BOARD MATTER REGARDING THE SOUTH COUNTY BUS SERVICE (LEE AND MOUNT VERNON DISTRICTS)** (11:40 a.m.)

Supervisor Hyland noted that he was presenting this item jointly with Supervisor Kauffman. He said that the South County Bus Service Plan was launched September 26. The new South County Bus Service was the first major change since 1985 and included a 40 percent increase in service affecting 21 of 22 FAIRFAX CONNECTOR routes. Even with thorough planning using the latest bus trip scheduling software, staff anticipated that it would have to make adjustments after launching the service as was the case when the Dulles Corridor Express Bus Service Plan was implemented in 1999.

Supervisor Hyland said that staff determined that adjustments and changes need to be made as soon as possible to ensure schedule reliability on three routes and to make connections and service levels fit the needs of customers on several routes. Staff has advised that costs associated with these changes can be absorbed within the Fiscal Year 2005 Budget.

Therefore, Supervisor Hyland, jointly with Supervisor Kauffman, moved approval of the following changes to be effective October 31, 2004:

- Route 171: Implement a new timetable to ensure schedule reliability. Heavier than anticipated traffic volumes on Richmond Highway and passenger activity that are slowing bus travel speeds combined with inadequate running times on certain route segments are preventing trips from running according to schedule.

- Routes 321 & 322: Implement new timetables to ensure schedule reliability. Heavier traffic volumes on South Van Dorn Street, Edsall Road, and Backlick Road combined with inadequate running times on certain route segments are preventing trips from running according to schedule. Additionally, Crown Royal Drive and Oakwood Road will be removed from the route and added to a revised Route 109 as described below.
- Route 109: Revise the route and add Saturday service so that coverage, service levels, and connections between the Huntington Metro Station and the Van Dorn Street Metro Station are comparable to those provided by the former Route 109. This change addresses comments received from many customers and increases access to the John Marshall Library.
- Route 123: Delete the Van Dorn Street Metro Station and South Van Dorn Street between Franconia Road and the Metro from the route and revise the timetable accordingly. This revision will provide faster trips between the Huntington Metro Station and Springfield, which have surfaced as being the primary trip origins and destinations for most of the customers using the route.
- Route 310, 331, and 332: Add earlier and/or later trips to fit the needs of the customers based on comments received.
- Route 307: Adjust the timetable so that connections can be made with the new Route 171 at the Lorton Park-and-Ride.

Supervisor Kauffman seconded the motion.

Following discussion, with input from Jim Carrell, staff, Department of Transportation, the question was called on the motion and it carried by unanimous vote.

47. **REQUEST FOR VIRGINIA DRIVE AND LENORE DRIVE TO BE INCLUDED IN A ZONING APPLICATION (MOUNT VERNON DISTRICT)** (11:44 a.m.)

Supervisor Hyland said that a rezoning application was submitted by Potomac Custom Homes, LC for residential development. Two platted streets, Lenore Drive and Virginia Drive, both of which are unimproved, adjoin the lots that are the subject of the zoning application. These rights-of-way were created with the subdivision of property that created lots 1 and 2. With the development proposal, the applicant is proposing to include a portion of Virginia Drive and the entire segment of Lenore Drive with the development. Because the Board holds an

interest in these rights-of-way, it is required to consent to their inclusion within the area proposed for rezoning.

Therefore, Supervisor Hyland moved that the Board authorize the inclusion of 0.67 acre portions of Lenore Drive and Virginia Drive in a rezoning application to be filed by Potomac Custom Homes LC on property identified as Tax Map 98-2 ((4)) 1 and 2. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by unanimous vote.

48. **PUBLIC HEARING DEFERRALS** (11:45 a.m.)

Supervisor Hyland announced his intent to defer, at the appropriate time later in the meeting, the following public hearings:

- Rezoning/Final Development Plan Application
RZ/FDP 2003-MV-060 (D.R. Horton, Incorporated)
- Rezoning Application RZ 2003-MV-059
- Proposed Out-of-Turn Plan Amendment S01-CW-9CP Regarding
Updates to the Police Section of the Public Safety Component of
the Policy Plan

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items CL#81, CL#86, and CL#95.)

49. **HUNTING ON LITTLE HUNTING CREEK (MOUNT VERNON DISTRICT)** (11:47 a.m.)

Supervisor Hyland explained an incident whereby the Commonwealth of Virginia issued a duck hunting blind permit to an individual from Fredericksburg for Little Hunting Creek in the County. The County prohibits, by ordinance, hunting with firearms throughout the County.

Discussion ensued, with input from Michael A. Long, Senior Assistant County Attorney, regarding the history and resolution of this issue and the applicability of the County's ordinance.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide its options on this issue. Without objection, it was so ordered.

50. **DESTRUCTION OF THE MASON DISTRICT PARK AMPHITHEATER BY FIRE** (11:51 a.m.)

Supervisor Gross announced the terrible loss of the Mason District Park Amphitheater which burned to the ground early Sunday, October 17, and she circulated photographs around the dais. The cause of the fire is under investigation. The community seeks to rebuild as quickly as possible.

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

- Expedite the plan review process.
- Secure building permits as soon as possible thereafter.

Supervisor Hyland seconded the motion, and discussion ensued regarding the need for a quick rebuild and Supervisor Gross's personal history with the amphitheater.

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

51. **MUTUAL AID INDEMNIFICATION PROVISIONS** (11:53 a.m.)

Supervisor Gross announced that this Board Matter is a follow-up to the discussion in the Legislative Committee last Friday afternoon. She reminded the Board that the Senate and House are expected to designate a Conference Committee to address provisions of the Mutual Aid Indemnification provisions that have been negotiated by the Metropolitan Washington Council of Governments (COG) on behalf of COG's member jurisdictions, including Fairfax County. The provisions contained in the Senate version of the bill are vital to the unique responsibilities of the National Capital Region jurisdictions, and there is only a narrow window of opportunity to advocate for the Senate provisions in the conference committee, which may meet as early as tomorrow.

Accordingly, Supervisor Gross moved that the Board endorse the draft letter to Congressman Tom Davis, as circulated to the Board, that urges him to act to preserve the Senate language intact in the conference committee, and authorizes the Chairman to sign it today so that it can be faxed to Congressman Davis and other Northern Virginia delegation members. She noted one change in the final letter from the draft: instead of stating three states in the third paragraph, it should state two states and the District of Columbia.

Chairman Connolly seconded the motion with the noted modification to the letter and it carried by unanimous vote.

52. **REQUIREMENT FOR COVERED GARBAGE CONTAINERS (MASON DISTRICT)** (11:55 a.m.)

Supervisor Gross stated that she was contacted by the president of the Landmark Mews Community Association regarding a provision in the County Code that requires covered garbage containers in lieu of the heavy mil trash bags used by the 148 homeowners at Landmark Mews for nearly 20 years. Apparently there is no exception provided in the Code, and her constituents would like to have an alternative for their townhouse community. A copy of the Landmark Mews letter was attached to her written Board Matter.

Supervisor Gross stated that she spoke with the Health Department and learned that a review of the current Code requirements is being undertaken. Accordingly, she asked unanimous consent that the Board refer the Landmark Mews request to the Health Department and other pertinent County departments for response and recommendation. Without objection, it was so ordered.

53. **ANNANDALE COMMERCIAL REVITALIZATION DISTRICT (CRD)(BRADDOCK AND MASON DISTRICTS)** (11:56 a.m.)

Jointly with Supervisor Bulova, Supervisor Gross said that the County is committed to facilitating the revitalization of older commercial areas, one of which is the Annandale Revitalization Area. To that end, amendments have been made to the Comprehensive Plan and to revitalization programs including the establishment of the Annandale CRD in 1998. Staff and the Annandale Central Business District Planning Committee identified an area west of the current Annandale CRD that should be included in the CRD to facilitate commercial revitalization.

Supervisor Gross said that she and Supervisor Bulova believe that it is appropriate to request staff to evaluate amending the Comprehensive Plan for these properties and also believe it is appropriate to initiate a Board's Own Motion to rezone the properties to be in the Annandale CRD District.

Supervisor Gross said that CRDs were established by the Board to encourage economic development activities in certain older commercial areas of the county. The properties listed in the list attached to her written Board Matter are primarily planned and zoned for commercial use and inclusion of these properties in the CRD would facilitate private investment in revitalization and provide support to help retain existing businesses as set forth in the Policy Plan. Adjusting the CRD to include these properties may provide eligibility for a partial tax exemption incentive to improve the quality of buildings within the CRD.

Therefore, Supervisor Gross and Supervisor Bulova moved that the Board:

- Initiate a Board's Own Motion rezoning application for the subject properties, which are shown on the map attached to her written Board Matter and listed by parcel number, to permit the Board to consider placing these properties within the CRD Overlay District.
- Authorize an Out-of-Turn Plan Amendment to consider Plan guidance encouraging the provision of streetscape and other visual improvements in this area.
- Waive the posting requirement as provided by Section 18-110 of the Zoning Ordinance.
- Expedite the Comprehensive Plan Amendment and rezoning application associated with the expansion of the Annandale CRD.

Supervisor Bulova seconded the motion and a brief discussion ensued regarding the proposal to expand the Annandale CRD.

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

54. **RECOGNITION OF MR. AND MRS. GARY HARNEY (MASON DISTRICT)** (11:59 a.m.)

Supervisor Gross noted that a representative of the Lee Boulevard Heights Community contacted her about recognition of Mr. and Mrs. Gary Harney at the upcoming association meeting on October 26. She described some of the couple's contributions to the community.

Supervisor Gross said that the Lee Boulevard Heights Community wishes to take a formal opportunity to thank Mr. and Mrs. Harney for all of their dedication and good work. Therefore she asked unanimous consent that the Board direct staff to prepare an appropriate certificate for presentation at the October 26, 2004, meeting of the Lee Boulevard Heights Association. The certificate is to include her signature as well as the Chairman's. Without objection, it was so ordered.

55. **APPOINTMENTS TO THE RESTON COMMUNITY CENTER BOARD (HUNTER MILL DISTRICT)** (12:01 p.m.)

(APPTs) Supervisor Hudgins stated that on October 16, the Reston Community Center held its annual preference poll election for its Board of Governors. The following individuals were elected to serve three-year terms on the Reston Community Center Board of Governors and she moved their appointment:

- Ms. Beverly Cosham (reappointment)

- Terry Smith (reappointment)
- Mr. Roger Lowen (appointment)

Chairman Connolly seconded the motion, which carried by unanimous vote.

56. **RECOGNITION OF MS. LILLIE DEGREE (HUNTER MILL DISTRICT)**
(12:01 p.m.)

Supervisor Hudgins reported that more than 30 years ago, Ms. Lillie DeGree began volunteering at the newly opened Forest Edge Elementary School in Reston. Soon thereafter she became a fulltime aide there and served for 31 years. She retired as an instructional assistant.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Ms. DeGree to appear before the Board to receive recognition for her contributions to the children of Forest Edge Elementary School and the community. Without objection, it was so ordered.

57. **RECOGNITION OF THE CHANTILLY PYRAMID MINORITY STUDENT ACHIEVEMENT COMMITTEE** (12:02 p.m.)

Jointly with Supervisor Frey and Supervisor McConnell, Supervisor Hudgins announced that on November 7 the Chantilly Pyramid Minority Student Achievement Committee will celebrate its twentieth anniversary. Its established mission is to help minority students bridge the gap in academic achievement by encouraging parents, students, teachers, and administrators to work collaboratively to achieve academic excellence. Various programs have been created to support and foster individual success stories.

Accordingly, jointly with Supervisor Frey and Supervisor McConnell, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Chantilly Pyramid Minority Student Achievement Committee to appear before the Board at the November 15, 2004, meeting to receive a certificate of recognition for its 20 years of service to the Fairfax County Public Schools. Without objection, it was so ordered.

There was a brief discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the scheduling of presentations for November.

PMH:pmh

58. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. DEBORAH TYLER (PROVIDENCE DISTRICT)** (12:04 p.m.)

(Earlier in the meeting, this issue was discussed. See Clerk's Summary Item CL#39.)

Supervisor Smyth said that the Milken Family Foundation National Educator Awards program provides public recognition and financial rewards to elementary and secondary school teachers, principals, and other education professionals who are furthering excellence in education. From its original presentation of awards to a dozen California educators, the program has grown to national stature as the largest teacher recognition program in the United States, with participating partners in 47 states and the District of Columbia.

Criteria for selection include exceptional educational talent via instructional practices in the classroom, school, and profession; outstanding accomplishments and long-range potential for professional and policy leadership; and an inspiring presence that motivates students, colleagues, and the community. Thus far, the foundation has awarded over \$50 million in awards to more than 2,100 educators across the country.

On behalf of Chairman Connolly, and Providence District School Board Representative Phil Niedzielski-Eichner, Supervisor Smyth announced that Deborah Tyler, principal of Pine Spring Elementary School in Providence District, is one of this year's prestigious awardees of the Milken Family Foundation National Educator Awards program.

Supervisor Smyth referred to her written Board Matter and outlined Ms. Tyler's accomplishments.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Ms. Tyler for her outstanding service to the Schools to be presented at the November 15, 2004, Board meeting. Without objection, it was so ordered.

59. **BRADDOCK BYLINE (BRADDOCK DISTRICT)** (12:06 p.m.)

Supervisor Bulova distributed to Board Members the *Braddock Byline* and reviewed some of the upcoming events in Braddock District.

60. **PROTECTING ATHLETIC FIELD INVESTMENTS** (12:07 p.m.)

(BACs) Jointly with Supervisor Hyland, Supervisor Kauffman said the Lee-Mount Vernon Soccer Association shared its concern over damage being caused to park and school fields by organized "walk-on" groups of adult soccer teams. These groups have not only failed to apply for permits; they frequently block the fields and

associated parking lots to keep permitted youth groups at bay and intimidate them if they attempt to use the field as scheduled. Finally, the groups regularly use fields during and after inclement weather and when fields have been specifically closed for repairs or maintenance.

To preserve the fields, Supervisor Kauffman moved that the Board direct staff from the Park Authority, the Department of Community and Recreation Services (CRS), Police and Schools to work with the Athletic Council and key community partners to review the following proposals and investigate best practices for the control of unauthorized use to minimize the ongoing damage to the school and park fields:

- Revisit the definition of "group" or organized play to provide clarity.
- Develop control measures for walk-on or unauthorized use.
- Develop monitoring and enforcement procedures to allow permitted use of level 1 and 2 fields.
- Promote field design and equipment requirements that provide optimal opportunities to maintain playing surfaces and control unauthorized use (i.e. discouraging use of permanent goals that invite walk-on use).
- Craft an outreach program to non-permitted organized groups to increase their understanding of field use policies and prompt their participation as authorized users.
- Develop methods to ensure fields are not used during periods when field damage is most likely to occur.

Supervisor Kaufmann further moved that the Board direct staff from the Park Authority, Schools, and CRS to develop a plan to maintain the County's investment in the recently improved fields and consider consolidating funding and maintenance under the Park Authority's school maintenance program. Supervisor Hyland seconded the motion.

Following discussion regarding the use of fields and the sale of food items, Supervisor Gross asked unanimous consent that the Board add the Health Department to the list of those groups reviewing the issue. Without objection, it was so ordered.

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

61. **HIGH OCCUPANCY/TOLL (HOT) LANES** (12:18 p.m.)

Supervisor Kauffman said that at a recent meeting of the Metro Board, he and Supervisor Hudgins learned that the County has an unusual stake in the proposed Congressional Reauthorization bills. As currently proposed, the House version (HR 3550) limits any revenue derived from HOT lane tolls to highway capacity only - not for transit. The proposed Beltway HOT Lane project was recently significantly modified to incorporate some commitments to transit.

Accordingly, Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a letter to the local congressional delegation urging it to preserve transit as an integral part of any HOT lane projects. Without objection, it was so ordered.

62. **PROPOSED WOMEN'S HEALTH FACILITY IN LORTON (LEE DISTRICT)** (12:20 p.m.)

Supervisor Kauffman said that at a meeting last week called by Congressional Representatives Moran and Davis to discuss the status of projects at Fort Belvoir, he learned for the first time of an Inova Health System proposal to build a new Women's Health Facility in Lorton.

Supervisor Kauffman said that according to the Army, Inova plans to submit a proposal for this facility on December 1, 2004. The proposal is to build a facility "with a 10-20 bed short stay unit, 20-30 bed OB unit, and a level 3 NICU" in the Lorton area on land supposedly already purchased and owned by Inova.

Supervisor Kauffman said that how this proposal relates to the Board's ongoing efforts to strengthen Mount Vernon Hospital as a full service hospital serving the County is unknown and of great concern. The Board and community should have been engaged in earlier discussions about this proposal or any other related plans.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct the Chairman to send a letter to Inova Health Systems to express concern over not being informed, and to request Inova to schedule a briefing with Knox Singleton of Inova, Chairman Connolly, and himself. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to request an update from Inova. Without objection, it was so ordered.

A brief discussion ensued regarding the proposal.

63. **KINGSTOWNE GOLF PARK (LEE DISTRICT)** (12:24 p.m.)

- (A) Supervisor Kauffman moved that the Board direct staff to schedule a public hearing to be held before the Board on November 15, 2004, regarding the Kingstowne Golf Park, Proffered Condition Amendment Application PCA C-448-31, Final Development Plan Amendment Application FDPA C-448-31-02-01 (concurrent with Special Exception Application SE 2004-LE-015). In no way does this prejudice the Board's future action on any of the cases.

Following input from Catherine A. Chianese, Assistant to the County Executive, it was noted that the public hearing will be held at 5 p.m.

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

64. **EDISON HIGH SCHOOL MARCHING EAGLE BAND (LEE DISTRICT)** (12:25 p.m.)

Supervisor Kauffman said that the Edison High School Marching Eagle Band and Guard has been awarded a trophy for its first place Group II finish in the Tournament of Bands held on September 25 at Lancaster Catholic High School in Lancaster, PA.

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite the band and Erik Richards, Band Director, to appear before the Board at a future meeting for formal recognition and that a certificate be prepared to present to the Marching Eagles and Mr. Richards. Without objection, it was so ordered.

65. **LEE DISTRICT TOWN MEETING** (12:26 p.m.)

Supervisor Kauffman announced that the Lee District town meeting will be held on October 23, 2004, at Lane Elementary School beginning at 10 a.m.

66. **ANNUAL TOUR DE LEE AND FAMILY TOUR (LEE DISTRICT)** (12:26 p.m.)

Supervisor Kauffman announced that the Annual Tour de Lee and Family Tour will be held on Sunday, October 24, 2004, with registration from 8-9:30 a.m. for the Tour de Lee. He added that registration is at 9:45 a.m. - 10 a.m. for the Family Tour.

For more information or to register, call the office of the Lee District Supervisor at 703-971-6262.

67. **EMAILS FROM CONSTITUENTS** (12:27 p.m.)

Chairman Connolly congratulated Supervisor Kauffman on fielding emails from a number of constituents on Washingtonpost.com.

68. **REQUEST FOR REVIEW OF THE MINIMUM REQUIRED PARKING SPACES FOR CHILD CARE CENTERS AND NURSERY SCHOOLS** (12:27 p.m.)

Supervisor Frey said it has been brought to his attention that the required number of parking spaces for child care centers and nursery schools may be inadequate to serve the need. The current Zoning Ordinance requirement is one space per 0.19 children for a center or school which has a maximum daily enrollment of 99 children or less and 0.16 spaces per child for a center or school which has a daily enrollment of 100 or more children. There is no requirement to provide spaces for the teachers. Given the staff-to-child ratios required by the State, the minimum parking requirement is inadequate. He said that he was informed that child care providers of at least two recently constructed centers are being instructed to park off-site, and in one case, cross a busy road, to leave space available for parents who are dropping off and picking up their children.

Supervisor Frey said that this poses an unsafe situation, and is in direct conflict with the Zoning Ordinance requirement that all parking for a specific use be provided on site. Therefore, Supervisor Frey moved that the Board direct staff to include a review of the minimum required parking spaces for child care centers and nursery schools for consideration as a Priority One item on the Zoning Ordinance Amendment Work list. Without objection, it was so ordered.

69. **EXPEDITED AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-Y-011 (SULLY DISTRICT)** (12:29 p.m.)

Supervisor Frey said that in August 2003, the Board approved Special Exception Amendment Application SEA 96-Y-011 in the name of Premium Distributors to permit the expansion of an existing wholesale trade establishment within Westfields. Subsequently, the applicant has acquired additional distributors and desires to consolidate them into this facility. A small expansion, beyond what was approved in 2003, is necessary to accomplish this addition, which will necessitate a special exception amendment. The applicant would like to show the expansion on the site plan which is currently being prepared, and has asked that the review of the application be expedited.

Therefore, Supervisor Frey moved that the Board authorize expedited and concurrent processing for Special Exception Amendment Application SEA 96-Y-011-1. 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 McConnell seconded the

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

70. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MR. HARRY DOYLE** (12:30 p.m.)

(BACs) Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Harry Doyle to appear before the Board to be recognized for his years of service on the Economic Development Authority. Without objection, it was so ordered.

71. **REZONING APPLICATION RZ 2004-SP-013 (STANLEY MARTIN COMPANIES, INCORPORATED) (SPRINGFIELD DISTRICT)** (12:31 p.m.)

(A) Supervisor McConnell said that the applicant, Stanley Martin Companies, Incorporated has requested an expedited Board public hearing date on Rezoning Application RZ 2004-SP-013. Due to contractual obligations, it is important that this matter be heard by the Board on November 15, 2004.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board on November 15, 2004, on Rezoning Application RZ 2004-SP-013. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way.

Following input from Catherine A. Chianese, Assistant to the County Executive, it was determined that the public hearing would held at 5 p.m.

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

72. **FAIRFAX SYMPHONY** (12:33 p.m.)

Following a discussion initiated by Supervisor McConnell regarding the Fairfax Symphony, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to publish the schedule of the Fairfax Symphony on Channel 16. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

73. RECESS/CLOSED SESSION (12:33 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. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. 184232 (Fx. Co. Cir. Ct.) (Dranesville District)
 2. *William E. Shoup, Fairfax County Zoning Administrator v. Hugo T. Sejas*, In Chancery No. 191093 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *William E. Shoup, Fairfax County Zoning Administrator v. Arita Marie Cruz*, In Chancery No. 191103 (Fx. Co. Cir. Ct.) (Dranesville District)
 4. *William E. Shoup, Fairfax County Zoning Administrator v. Chai Liang Hsu, et al.*, In Chancery No. 191142 (Fx. Co. Cir. Ct.) (Mason District)
 5. *Trinity Centre Three L.L.C. v. Board of Supervisors of Fairfax County, Virginia*; At Law No. 222624 (Fx. Co. Cir. Ct.) (Tax Map No. 54-3((21)) Parcels 8A1 and A2) (Sully District)

6. *Blake Construction Co., Inc./Poole and Kent v. Upper Occoquan Sewage Authority*, At Law No. 206595 (Fx. Co. Cir. Ct.) (Sully District)
7. *Board of Supervisors of Fairfax County, Virginia, and John Wesley White, Director, Fairfax County Department of Public Works and Environmental Services v. Board of Zoning Appeals of Fairfax County, Virginia, Young K. Lee, and Young A. Lee*, At Law No. 221391 (Fx. Co. Cir. Ct.) (Providence District)
8. *D. Joseph Luce and Susan Luce v. Capital Structures, Inc., Jeffrey Gunther, Joan Gunther, and Fairfax County, Virginia*, In Chancery No. 189146 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph F. Heath and Robert P. Mollenberg*, In Chancery No. 189861 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. The Ira and Virginia Cox, Limited Partnership, LLP*, At Law No. 210690, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. 189092 (Fx. Co. Cir. Ct.) (Braddock District)
12. *William E. Shoup, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, 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)
13. *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)

14. *William E. Shoup, Fairfax County Zoning Administrator v. The Tavares Family Limited Partnership*, In Chancery No. 178758 (Fx. Co. Cir. Ct.) (Lee District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Susan C. Beck, Louis Kobus, Jr., and Village Turf, Inc.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
16. *William E. Shoup, Fairfax County Zoning Administrator v. Peter Komtzamanys*, In Chancery No. 190140 (Fx. Co. Cir. Ct.) (Sully District)
17. *William E. Shoup, Fairfax County Zoning Administrator v. Stanley P. Dull*, In Chancery No. 189743 (Fx. Co. Cir. Ct.) (Springfield District)
18. *William E. Shoup, Fairfax County Zoning Administrator v. Florence Marll, Ricardo Drummond, and Karen Drummond*, In Chancery No. 191927 (Fx. Co. Cir. Ct.) (Braddock District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. Van N. Hoagland*, In Chancery No. 192450 (Fx. Co. Cir. Ct.) (Lee District)
20. *Board Of Supervisors of Fairfax County, Virginia v. Batman/McNair Associates, L.P., et al.*, At Law No. 198027; *Board of Supervisors of Fairfax County, Virginia v. Batman Co., Inc.*, At Law No. 211721 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. *Washington Gas Light Company v. State Corporation Commission*, Record No. 040878, SCC Case No. PUE-2002-00364

And in addition:

- *Board of Supervisors versus Randolph Williams, Incorporated, et al.*, At Law Number 217342
- Potomac Hills Project Z00018-Z131

- *Van Metre Development, Incorporated versus Board of Supervisors for the County of Fairfax, Virginia*; In Chancery Number 187643
- *Cochran versus Board of Zoning Appeals*, 267 Va. 756, 594 S.E.2d 571 (2004)

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

DET:det

At 4:08 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

74. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:09 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," with Supervisor DuBois being out of the room.

75. **SETTLEMENT OF JULIE K. DORN VERSUS RICHARD MULLINS, ET AL, CASE NUMBER L-222928, FAIRFAX COUNTY CIRCUIT COURT** (4:09 p.m.)

Supervisor Gross moved that the Board authorize the settlement of *Julie K. Dorn versus Richard Mullins, et al.*, Case Number L-222928, Fairfax County Circuit Court, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

76. **SETTLEMENT OFFER IN BOARD OF SUPERVISORS VERSUS RANDOLPH WILLIAMS, INCORPORATED, ET AL., AT LAW NUMBER 217342 (FAIRFAX COUNTY CIRCUIT COURT)** (4:09 p.m.)

Supervisor Bulova moved that the Board reject the settlement offer in *Board of Supervisors versus Randolph Williams, Incorporated, et al.*, At Law Number 217342 (Fairfax County Circuit Court), but authorize the County Attorney to make a counter-offer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

77. **SETTLEMENT OFFER IN VAN METRE VERSUS BOARD OF SUPERVISORS, IN CHANCERY NUMBER 187643** (4:10 p.m.)

Supervisor Hyland moved that the Board reject the settlement offer dated October 18, 2004, in the case of *Van Metre versus Board of Supervisors*, In Chancery Number 187643, and make a counter-offer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

78. **EXPANSION OF SPECIAL PERMIT AUTHORITY OF THE BOARD OF ZONING APPEALS (BZA)** (4:11 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova to address a decision made by the Supreme Court of Virginia earlier this year in the case of *Cochran versus Board of Zoning Appeals* in which the Court reaffirmed the principle that the BZA's authority to approve variances is quite limited. A member of the BZA contacted the Chairman and asked the Board to consider amendments to the Zoning Ordinance to grant the BZA the authority to approve special permits that would authorize encroachments into setback areas when those circumstances do not adversely affect property owners in the vicinity of such an encroachment, and would not only provide needed flexibility for homeowners in utilizing their properties, but would also allow the County to apply appropriate limitations and standards to prevent any such encroachment from adversely affecting adjacent property. Specifically, Chairman Connolly noted that such a proposal could, for example, limit by its terms the amount of any such encroachment so that no one would be allowed to circumvent the setbacks that have been adopted by the Board in residential districts.

Chairman Connolly moved that the Board direct the Department of Planning and Zoning to evaluate this issue and present a Board Item at the Board's December 6, 2004, meeting to authorize the advertisement of a proposed Zoning Ordinance amendment to create special permit authority for the BZA to authorize limited encroachments into setback areas in residential districts under appropriate circumstances and standards. He further moved that staff be directed to inform

the BZA of the Board's action and to keep them apprised of progress as the Board moves forward.

Vice-Chairman Bulova and Supervisor Hyland jointly 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.

79. **LEGAL REPRESENTATION OF THE BOARD OF ZONING APPEALS (BZA)** (4:13 p.m.)

(P) Supervisor Kauffman noted that the Board had before it a letter prepared for the County Executive's signature that informed the BZA of the Board's policies and procedures that would be followed hereafter regarding legal representation of the BZA.

Therefore, Supervisor Kauffman moved that the Board adopt the policies and procedures set forth therein as its own and direct the County Executive to send the letter on its behalf to the Chairman of the BZA. Supervisor Bulova seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor Hyland voting "NAY," Supervisor DuBois being out of the room.

AGENDA ITEMS

80. **3 P.M. – PH ON SCHOOL BOARD PLAN TO SELL THE POHICK SCHOOL SITE AND RETAIN THE PROCEEDS (SPRINGFIELD DISTRICT)** (4:14 p.m.)

Anthony H. Griffin, County Executive, presented a brief description of the Fairfax County School Board plan to declare the Pohick School site surplus property, and approve the sale of the property with retention of the proceeds by the School Board. The land was dedicated to the School Board in 1967 as part of a rezoning action and the deed of conveyance contained restrictions to the effect that if the site was sold or developed for a purpose other than a secondary or high school, the Title II site would revert to the party that conveyed it to the School Board. The sale of this property, according to the School Board, would accelerate the construction of several schools as well as allow the initiation and completion of a number of school renovation projects six to nine months ahead of schedule.

The subject of the public hearing was to determine whether the Board should approve the possible sale and retention of the proceeds and not whether the Board should approve any development of the Pohick site. The County Executive clarified for the record that the School Board, not the Board of Supervisors, was in possession of the land; and, that under State law, the Board of Supervisors' concurrence was required for the sale and disposition of the property.

Following a question from Supervisor McConnell, the County Executive stated that if the Board of Supervisors did not approve the plan, the land would still remain in the School Board's hands.

Following the public hearing, which included testimony by 21 speakers, Supervisor McConnell moved approval of the School Board's plan to declare the Pohick School site to be surplus real property and to sell the property and retain the proceeds. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

81. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)**
(5:30 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-059 until **December 6, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

82. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-018 (PETROLEUM MARKETING GROUP, INCORPORATED) (MOUNT VERNON DISTRICT)** (5:32 p.m.)

The application property is located at 8158 Mount Vernon Highway, Tax Map 101-2 ((1)) 34A.

Ms. Lori Greenlief reaffirmed the validity of the affidavit for the record.

Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a description of the application and site location.

Ms. Greenlief 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, on behalf of Jane Kelsey and herself, she proceeded to present her case.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2004-MV-018, subject to the proffers dated October 7, 2004.

- Modification of the transitional screening requirement along the southeastern/southwestern property line to the existing and proposed vegetation depicted on the SE Plat.
- Waiver of the barrier requirement along the southeastern property line.
- Modification of the Richmond Highway Corridor Streetscape Requirements to permit the installation of four two-inch caliber deciduous trees along the site's frontage, as described in the proposed Development Conditions.
- Waiver of the service drive requirement along Mount Vernon Highway.

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

83. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-135-04 (MCDONALD'S CORPORATION) (PROVIDENCE DISTRICT)** (5:36 p.m.)

The application property is located at 3009 Gallows Road, Tax Map 49-4 ((1)) 17A.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 80-P-135-4, subject to the proposed development conditions dated October 13, 2004.
- Reaffirmation of the waiver of Additional Standards 5A and 5B for a fast food restaurant.

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

84. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-014
(TRUSTEES FOR OX HILL BAPTIST CHURCH)**

AND

**PH ON SPECIAL EXCEPTION APPLICATION SE 2004-SU-012 (OX
HILL BAPTIST CHURCH) (SULLY DISTRICT) (5:39 p.m.)**

- (O) The application property is located approximately 200 feet southeast of the intersection of Lee Jackson Memorial Highway and Elmwood Street at 4101 Elmwood Street and 13910 Westmore Street, Tax Map 34-4 ((1)) 54A and 34-4 ((6)) 46.

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

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

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

- In excess of \$200 from Mr. William Baskin, Jr.

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

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SU-014, from the R-1, HC, and WS Districts to the R-12, HC, and WS Districts, subject to the proffers dated September 21, 2004.

Supervisor Bulova 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 DuBois, Supervisor McConnell, and Supervisor Smyth being out of the room.

Supervisor Frey also moved:

- Approval of Special Exception Application SE 2004-SU-012, subject to the development conditions dated October 18, 2004.
- Modification of the transitional screening requirement along the southern property boundary and a portion of the western property boundary.

- Waiver of the barrier requirement along the southern property boundary and a portion of the western property boundary.
- Modification of the barrier requirement along the eastern property boundary.

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

Supervisor Frey submitted an item for the record.

85. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MA-013 (JASON D. SMOLEN, TRUSTEE) (MASON DISTRICT)**
(5:46 p.m.)

The application property is located at 4955 Sunset Lane, Tax Map 71-4 ((1)) 12 and 23.

Ms. Sara Hall reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2004-MA-013, subject to the development conditions dated September 8, 2004.
- Modification of the transitional screening requirements along portions of the northern and eastern property boundaries.
- Waiver of the barrier requirement along portions of the northern and eastern property boundaries.
- Waiver of the peripheral parking lot landscaping requirements.

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

86. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-9CP REGARDING UPDATES TO THE POLICE SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (5:49 p.m.)

Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S01-CW-9CP until **November 15, 2004, at 3 p.m.** 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.

87. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-11CP REGARDING UPDATES TO THE SHERIFF SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (5:50 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 September 30 and October 7, 2004.

Andrea L. Dorlester, Planner II, Planning Division, Department of Planning and Zoning presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S01-CW-11CP, as recommended by staff and shown on pages 2-4 of the staff report. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

88. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-10CP REGARDING UPDATES TO THE ANIMAL CONTROL SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (5:50 p.m.)

Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S01-CW-10CP until **November 15, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

89. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – ROUTE 50/WAPLES MILL ROAD (PROVIDENCE AND SPRINGFIELD DISTRICTS)** (5:52 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 30 and October 7, 2004.

L. T. Glascoe, Right-of-way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 007701 – Route 50/Waples Mill Road, in Fund 301, Developer Contributed Roadway Improvement Funds. Supervisor Bulova 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.

90. **4 P.M. – PH ON REZONING APPLICATION RZ 2004-PR-007 (ERIC H. WYANT, JOYCE H. WYANT, DAVID YOUNG) (PROVIDENCE DISTRICT)** (5:54 p.m.)

- (O) The application property is located on the north and south sides of Rainbow Road, approximately 200 feet west of Woodford Road, Tax Map 39-1 ((1)) 46 and 49.

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

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

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

Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-PR-007, from the R-1 District to the R-3 District, subject to the proffers dated September 15, 2004. Supervisor Hyland 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 Smyth submitted items for the record.

91. **4:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-CW-3CP, REGARDING UPDATES TO THE PUBLIC FACILITIES PLANNING DISTRICT TABLES AND RECOMMENDATIONS** (5:59 p.m.)

Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S04-CW-3CP until **November 15, 2004, at 3 p.m.** Supervisor Frey

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

92. **4:30 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S04-CW-2CP, REGARDING ASSISTED HOUSING CHARTS AND TEXT** (5:59 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 September 30 and October 7, 2004.

A question-and-answer period ensued between Chairman Connolly and Fred Selden, Director, Planning Division, Department of Planning and Zoning (DPZ), regarding the Area Plans Review process.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Planning Commission to review the issue of an increasing number of Out-of-Turn Plan Amendments. Without objection, it was so ordered.

Lindsay Mason, staff, DPZ, presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Hudgins moved approval of Out-of-Turn Plan Amendment S04-CW-2CP, as set forth in the staff report. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

Following input from Mr. Selden, Supervisor Hudgins clarified that the dates on the tables shown in Attachment One of the Board Agenda Item should be October 2004, not October 2003.

93. **4:30 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S04-CW-4CP, REGARDING COMMUNITY IMPROVEMENT AND CONSERVATION AREAS** (6:02 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 September 30 and October 7, 2004.

Lindsay Mason, staff, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Ms. Mason and Fred Selden, Director, PD, DPZ, regarding the descriptions provided in the general locator maps.

Following the public hearing, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S04-CW-4CP, as recommended by staff and set forth in the

staff report. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

94. **4:30 P.M. – PH REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT 3300 GALLOWS ROAD TO APC REALTY AND EQUIPMENT COMPANY (PROVIDENCE DISTRICT)**
(6:06 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 September 30 and October 7, 2004.

Robert Morgan, Leasing Manager, Facilities Management Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Smyth moved authorization for staff to execute a lease, substantially in accordance with the proposed lease for a portion of County-owned property at 3300 Gallows Road, Merrifield, Virginia [Tax Map 59-2 ((1)) 1A] for the purpose of installing a telecommunications base station. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

95. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-060/FDP 2003-MV-060 (D. R. HORTON, INCORPORATED) (MOUNT VERNON DISTRICT)** (6:09 p.m.)

Supervisor Hyland moved to defer indefinitely the public hearing on Rezoning/Final Development Plan Application RZ 2003-MV-060/FDP 2003-MV-060. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor McConnell, and Chairman Connolly being out of the room.

96. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-062 (EASTWOOD PROPERTIES, INCORPORATED) (MOUNT VERNON DISTRICT)** (6:11 p.m.)

- (O) The application property is located on the south side of Nalls Road, 1000 feet west of Old Mount Vernon Road, Tax Map 101-4 ((1)) 60 and 61.

Ms. Lisa Chiblow reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Lindsay Shulenberg, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding flood plain issues.

Further discussion ensued with input from Ms. Chiblow and Ms. Shulenberg regarding the hours of construction.

Further discussion ensued with input from Ms. Shulenberg; Donald Demetrius, staff, Stormwater Planning Division, Department of Public Works and Environmental Services; and Barbara Byron, Director, ZED, DPZ, regarding flood plain issues.

Ms. Shulenberg 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-062, from the R-2 District to the PDH-2 District, and approval of the Conceptual Development Plan, subject to the proffers dated September 16, 2004. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Frey, Supervisor McConnell, and Supervisor Smyth being out of the room.

PW:pw

97. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-HM-046 (TST WOODLAND, LLC)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 2000-HM-044, PCA 80-C-028-07, AND PCA 77-C-098-05 (TST WOODLAND, LLC) (HUNTER MILL DISTRICT) (6:29 p.m.)

(O) The Rezoning Application RZ 2003-HM-046 property is located in the northeast quadrant of Sunrise Valley Drive and Corporate Park Drive, Tax Map 16-4 ((1)) 42 Pt., 43, 44 Pt., 45 Pt., and 46 Pt.

The Proffered Condition Amendment Application PCA 2000-HM-044 property is located in the southwest quadrant of the Dulles Airport Access and Toll Road and Monroe Street, Tax Map 16-4 ((1)) 42 Pt., 44 Pt., 45 Pt., and 46 Pt.

The Proffered Condition Amendment Application PCA 80-C-028-07 property is located in the northeast quadrant of the intersection of Sunrise Valley Drive and Corporate Park Drive, Tax Map 16-4 ((1)) 42 Pt., 43 Pt., and 46 Pt.

The Proffered Condition Amendment Application PCA 77-C-098-05 property is located on the east side of Corporate Park Drive, approximately 600 feet north of Sunrise Valley Drive, Tax Map 16-4 ((1)) 42 Pt., 43 Pt., 44 Pt., 45 Pt., and 46 Pt.

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

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

- In excess of \$200 from Mr. Hank Gordon of William H. Gordon and Associates and 4501 Daly Limited Partnership

Discussion ensued with input from William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding a letter from the Town of Herndon dated October 15, 2004, outlining its concerns on the project, and the letter was submitted into the record.

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

Additional discussion ensued with input from Ms. Baker regarding pedestrian access to the Herndon-Monroe Park-and-Ride.

Following the public hearing, Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Applications PCA 77-C-098-05 and PCA 80-C-028-07.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-HM-046, from the I4 District to the PDC District, subject to the proffers dated October 18, 2004.

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

Supervisor Hudgins moved:

- Waiver of the 75-foot minimum setback requirement and the service drive requirement along the Dulles Airport Access Road.
- Modification of the loading space requirement for Tax Map 16-4 ((1)) 42 to permit the four loading spaces as shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP) and waiver of the 600 foot maximum length requirement for private streets for the area associated.
- Modification of the transitional screening requirements and waiver of the barrier requirements along Sunrise Valley Drive in accordance with the landscaping depicted on the CDP/FDP for the area associated with Rezoning Application RZ 2003-HM-046.

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 2000-HM-044, subject to the proffers dated October 18, 2004.

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

Supervisor Hudgins moved:

- Modification of the use limitation for the PDC District to permit the gross floor area of residential use associated with Rezoning Application RZ 2000-HM-044 to exceed 50 percent of the principal uses to allow 599,976 square feet of residential use.
- Waiver of the 75-foot minimum setback requirement and the service drive requirement along the Dulles Airport Access Road for the area associated with Proffered Condition Amendment Application PCA 2000-HM-044.
- Modification of the transitional screening requirements and waiver of the barrier requirements between the uses on site and in accordance with the landscaping depicted on the CDP/FDP for Proffered Condition Amendment Application PCA 2000-HM-044.

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

On Thursday, September 9, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-HM-046 and Final Development Plan Amendment Application FDPA 2000-HM-044, subject to the final development plan conditions dated August 25, 2004.

98. **5 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY**
(6:43 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 30 and October 7, 2004.

Luis Lopez, staff, Facilities Management Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution authorizing the conveyance of County-owned property to the Park Authority as contained in Attachment B of the Board Agenda Item dated October 18, 2004. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hyland, and Supervisor McConnell being out of the room.

99. **5 P.M. – PH FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND LEE DISTRICTS)**
(6:46 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 30 and October 7, 2004.

Terry Czarny, staff, Division of Solid Waste Collection and Recycling, Department of Public Works and Environmental Services presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Marilyn L. McHugh, Assistant County Attorney, regarding Virginia Code Section 15.2-934, Displacement of Private Waste Companies.

Chairman Connolly stated that he had items for the record.

Supervisor Kauffman moved adoption of the proposed Resolutions for the Dranesville and Lee Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/ Withdrawal of Small or Local Sanitary Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
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

Supervisor Kauffman, on behalf of Supervisor DuBois, further moved to defer decision on Small District 4 within the Dranesville District (Rosemont Subdivision Area) until **November 15, 2004, at 3 p.m.**

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

(NOTE: Later in the meeting, the Board further discussed small and local sanitary districts. See Clerk's Summary Item CL#102.)

100. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTIONS 82-5A, 82-5B, AND 82-5-7 (RESIDENTIAL PERMIT PARKING, COMMUNITY PARKING, AND COMMERCIAL PARKING IN RESIDENTIAL DISTRICTS)** (6:55 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 September 30 and October 7, 2004.

Bruce Taylor, Transportation Planner, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Sections 82-5A, 82-5B, and 82-5-7, regarding residential permit parking, community parking, and commercial parking in residential districts. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hyland, and Supervisor Kauffman being out of the room.

101. **ORDERS OF THE DAY** (7:02 p.m.)

Chairman Connolly announced that there would be a change in the Orders of the Day and that Public Comment would follow the next public hearing.

ADDITIONAL BOARD MATTER

102. **PROPOSED MORATORIUM ON THE CREATION AND/OR ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE** (7:03 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding small and local sanitary districts. See Clerk's Summary Item CL#99.)

Supervisor Hudgins moved that the Board impose a moratorium on the creation and/or enlargement of small and local sanitary districts for refuse/recycling, and/or leaf collection service until the Solid Waste Management Program Task Force has presented its findings and recommendations. Supervisor Frey seconded the motion.

Following discussion, with input from Jeffrey Smithberger, Director, Division of Solid Waste Collection and Recycling, Department of Public Works and Environmental Services, the question was called on the motion and it **FAILED** by

a recorded vote of five, Supervisor Frey, Supervisor Hudgins, Supervisor McConnell voting "AYE," Supervisor DuBois and Supervisor Hyland being out of the room.

(NOTE: Later in the meeting, during Public Comment, solid waste issues were raised. See Clerk's Summary Item CL#105.)

AGENDA ITEMS

103. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-35, COMPLIANCE WITH CHAPTER; PENALTY FOR VIOLATION OF CHAPTER** (7:16 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 September 30 and October 7, 2004.

David Ferris, Acting Director, Information and Policy Services Bureau, Fairfax County Police Department, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-35, Compliance with Chapter; Penalty for Violation of Chapter. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room.

104. **5:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V2 FOR LAND UNIT C OF THE VIENNA TRANSIT STATION AREA, LOCATED SOUTH OF I-66 AND THE VIENNA METRO STATION (PROVIDENCE DISTRICT)** (No time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#106.)

105. **5:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:18 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 September 30 and October 7, 2004.

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except:

issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

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

- Ms. Kery Nunez regarding good news about Falun Gong.
- Ms. Tiny Tang regarding good news about Falun Gong.
- Ms. Joann McCoy regarding trash removal and the Solid Waste Task Force.

106.

5:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V2 FOR LAND UNIT C OF THE VIENNA TRANSIT STATION AREA, LOCATED SOUTH OF I-66 AND THE VIENNA METRO STATION (PROVIDENCE DISTRICT) (7:27 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 September 30 and October 7, 2004.

Fred R. Selden, Director, Planning Division (PD), Department of Planning and Zoning (DPZ), and Denise M. James, Planner III, PD, DPZ, presented the staff report and Planning Commission recommendations.

(8:07 p.m.)

Following the testimony of the Honorable Laurie Genevro Cole, Town of Vienna Council Member and Vice-Mayor (Speaker 2), regarding the Town's concerns, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Council's letter of objection dated October 18, 2004, be entered into the record. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(9:18 p.m.)

Following the testimony of Jennifer Harding (Speaker 19), discussion ensued with input from Gary Chevalier, Director, Office of Facilities Planning Services, Fairfax County Public Schools regarding the analysis of school facilities in the attendance areas and modular classrooms.

(11:10 p.m.)

Following the testimony of Ms. Ann-Marie Pastorkovich (Speaker 55), additional discussion ensued with input from Ms. James regarding the inclusion of a turn lane from Lee Highway onto Nutley Street.

Following the public hearing, which included testimony by 82 speakers, Supervisor Smyth moved to defer decision on Out-of-Turn Plan Amendment S02-II-V2 until **November 15, 2004, at 3 p.m.** Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

107. **BOARD ADJOURNMENT** (12:34 a.m.)

Supervisor McConnell moved that the Board adjourn. Supervisor Frey seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

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