



CLERK'S BOARD SUMMARY
REPORT OF ACTIONS OF THE
FAIRFAX COUNTY BOARD OF SUPERVISORS
MONDAY
August 1, 2005

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18-05

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, August 1, 2005, at 9:38 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock 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 Joan M. DuBois, Dranesville District, arrived at 9:39 a.m.

Supervisor Elaine McConnell, Springfield District, was absent from the entire meeting.

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

BOARD MATTERS

1. **SUPERVISOR KAUFFMAN WISHES HAPPY BIRTHDAY TO HIS SON** (9:39 a.m.)

Supervisor Kauffman announced that his son's birthday is August 2 and he wished him a happy birthday.

2. **INTRODUCTION OF STAFF AND INTERNS (BRADDOCK AND LEE DISTRICTS)** (9:39 a.m.)

Supervisor Bulova introduced two of her staff members, Diane Thompson, a senior staff aide, and Lynn Huang, an intern from Fairfax High School.

Supervisor Kauffman introduced Ms. Thao Do from West Potomac High School, who is interning in his office.

AGENDA ITEMS

3. **RESOLUTION COMMENDING THE ANNUAL "FILL THE BOOT" CAMPAIGN** (9:41 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution to commend the annual "Fill the Boot" campaign. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize this campaign. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MEL RIDDILE** (9:47 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Mr. Mel Riddile for being selected as the 2005 Principal of the Year by the Virginia Association of Secondary School Principals. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

5. **PROCLAMATION DESIGNATING AUGUST 1-6, 2005, AS "CLOWN WEEK" IN FAIRFAX COUNTY** (9:53 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate August 1-6, 2005, as "Clown Week" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

6. **RESOLUTION CONGRATULATING AMERICAN LEGION POST 176** (10:01 a.m.)

Supervisor Kauffman moved approval of the Resolution to congratulate American Legion Post 176 on the occasion of its fiftieth anniversary. Supervisor Bulova seconded the motion.

Chairman Connolly noted that Supervisor McConnell was a co-sponsor of this resolution and she was recuperating from surgery. He wished her a speedy recovery.

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

7. **CERTIFICATE OF RECOGNITION PRESENTED TO ISLAND WALK PARTNERSHIP OF RESTON** (10:07 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Island Walk Partnership of Reston for being selected as the best small homeowners association in the national capital area by the Community Associations Institute Washington Metropolitan Chapter. This motion was multiply seconded and it carried by a vote of nine, Supervisor McConnell being absent.

8. **RESOLUTION CONGRATULATING THE NORTHERN VIRGINIA SWIM LEAGUE** (10:14 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution to congratulate the Northern Virginia Swim League on the occasion of its fiftieth anniversary. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)** (10:19 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the FCRHA for receiving a High Performer rating by the US Department of Housing and Urban Development. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Paula C. Sampson, Director, Department of Housing and Community Development (HCD), recognized staff from HCD who were present in the audience and thanked them for their hard work resulting in this honor.

DS:ds

10. **ADMINISTRATIVE ITEMS** (10:27 a.m.)

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

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to consider Admin 11 separately, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hyland called the Board's attention to Admin 2 – Additional Time to Commence Construction for Special Exception Application SE 00-V-040, W and N Company (Mount Vernon District) and asked to amend the motion to permit an additional six months to commence construction for Special Exception Application SE 00-V-040, to October 8, 2005. This was NOT accepted.

Therefore, Supervisor Hyland moved to approve six months of additional time to commence construction for Special Exception Application SE 00-V-040, to October 8, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance. Supervisor Frey and Supervisor Hudgins jointly seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Gross voting "NAY," Supervisor McConnell being absent.

Supervisor Hudgins called the Board's attention to Admin 10 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Regarding Expanding the Membership of the Civil Service

Commission. Modifying the Employee Appeal Process and the Process for Review of Revisions to the Personnel Regulations and discussion ensued, with input from Edward Rose, Senior Assistant County Attorney, regarding the definitions in the language.

Supervisor Hudgins referred to handwritten page three, Personnel Regulations, and discussion ensued with input from Mr. Rose, regarding the role of the Civil Service Commission.

Supervisor Hudgins asked to amend the motion to reinstate the following text marked for deletion on handwritten page three, Personnel Regulations, "...after consideration of the recommendation of the County Civil Service Commission,..." and this was accepted.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the motion, and referred to handwritten page 18, previous item (c) and recommended that the paragraph remain marked for deletion.

Following discussion, with input from David P. Bobzien, County Attorney, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report, later in the meeting, with the revised item. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, to approve the Administrative Items, with the exception of Admin 10 and Admin 11, and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following Public Facility (2232) Review Applications:

- FS-B05-16 to October 9, 2005
- 2232-B05-13 to October 15, 2005
- FS-S05-13 to November 21, 2005

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-V-040, W AND N COMPANY (MOUNT VERNON DISTRICT)

(AT) (NOTE: Earlier in the meeting, action was taken regarding this item. See page 4.)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE DANBURY FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on September 12, 2005, at 4 p.m. to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Danbury Forest CPD, in accordance with current CPD restrictions.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE LANDSDOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on September 12, 2005, at 4 p.m. to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Landsdowne CPD, in accordance with current CPD restrictions.

ADMIN 5 – RESOLUTION FOR ENDORSEMENT OF MORNINGSIDE LANE AND LENORE LANE/TIMOTHY PLACE/JAMES DRIVE TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON AND LEE DISTRICTS)

(Rs) • Adopted the Resolutions endorsing the following streets to be considered for cut-through measures as part of R-TAP:

Mount Vernon District

- • Morningside Lane (between Fort Hunt Road and the George Washington Memorial Parkway)

Lee District

-

- Lenore Lane (between Telegraph Road and Timothy Place)
-
- Timothy Place (between James Drive and North Kings Highway)
-
- James Drive (between Lenore Lane and North Kings Highway)

- Directed staff to request the Virginia Department of Transportation to develop cut-through plans in conjunction with each community, as soon as possible.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE LENORE DRIVE AND A SEGMENT OF VIRGINIA DRIVE (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on September 12, 2005, to consider the vacation of Lenore Drive and a segment of Virginia Drive.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE A SEGMENT OF SOUTH RAILROAD STREET (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 12, 2005, at 4 p.m.** to consider the vacation of a segment of South Railroad Street.

ADMIN 8 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
	Dranesville	Trap Road (Turn Lane)
Windsor Meadows		Route 676
	Lee	Fleet Drive
Old Franconia Station		Route 635
		Additional Row Only
	Mount Vernon	Vernon View Drive
Grand View		Additional Row Only
	Mount Vernon	Lorton Road
Lorton Town Center		Route 642
Land Bay J		Additional Row Only
	Mount Vernon	Richmond Highway
Mount Zephyr Commons		Route 1
		Additional Row Only
	Mount Vernon	Mount Vernon Highway
Re-Subdivision of Lots 3 and 4		Route 235
Sunny View Sec-1		Additional Row Only

	Springfield	Monument Drive
Fairfax Center-		Government Center Parkway
Monument Drive		Lee Highway
		Route 29
		Additional Row Only

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE SPRING HILL ROAD PROJECT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 12, 2005, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project 064233 – Spring Hill Road, in Fund 304, Primary and Secondary Road Bond Construction.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING EXPANDING THE MEMBERSHIP OF THE CIVIL SERVICE COMMISSION, MODIFYING THE EMPLOYEE APPEAL PROCESS AND THE PROCESS FOR REVIEW OF REVISIONS TO THE PERSONEL REGULATIONS

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#62.)

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX H, TO GRANT A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO VERIZON VIRGINIA INCORPORATED

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#11.)

ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06017 FOR THE FAIRFAX COUNTY COORDINATING COUNCIL ON GANG PREVENTION TO ACCEPT STATE FUNDS FROM THE GANGS IN VIRGINIA GRANT PROGRAM TO PROVIDE GANG PREVENTION AND TRAINING

- (SAR) Approved SAR AS 06017 in the amount of \$146,997 for the Fairfax County Coordinating Council on Gang Prevention to accept State funds from the Gangs in Virginia Grant Program to provide gang prevention programs and training. No local cash match is required.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2006 REVISED BUDGET PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 12, 2005, at 10 a.m.** to consider increasing the FY 2006 appropriation level.

11. **ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX H, TO GRANT A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO VERIZON VIRGINIA INCORPORATED** (10:38 a.m.)

- (A) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#10.)

Supervisor Gross referred to handwritten page 10 of the Board Agenda Item, (c)(5) Prior experience of the applicant in cable system ownership, construction and operation, and communities in which applicant has a cable franchise, and asked unanimous consent that the Board direct staff to report with details on the size of the jurisdictions.

Following discussion, with input from Gail Eskew, Director, Department of Cable Communications and Consumer Protection (DCCCP), and Erin Ward, Assistant County Attorney, regarding the status of the applications for the other jurisdictions, without objection, the request was so ordered.

Chairman Connolly noted that, with the completion of negotiations with Verizon, this brings competition in cable services to the County, and it is good for County constituents because it provides more choice and offerings, and will help bring down the cost of the provision of cable services.

Discussion ensued, with input from Skip Munster, Director, Communications Policy and Regulations Division, DCCCP, regarding franchise requirements.

Chairman Connolly referred to a Verizon advertisement regarding taxes and expressed his displeasure and said that it was very misleading.

The Board moved to authorize the advertisement of a public hearing to be held before the Board on **September 26, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix H, to grant a non-exclusive cable television franchise to Verizon Virginia Incorporated. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being absent.

BUDGET GUIDELINES AND CARRYOVER REVIEW CONSIDERATION ITEMS (10:48 a.m.)

(NOTE: Earlier in the meeting, the Board authorized the advertisement of a public hearing to amend the current appropriation level in the Fiscal Year 2006 Revised Budget Plan. See page 8, Admin 13.)

Supervisor Bulova moved:

- In accordance with Guidelines approved when the Board adopted the County's Fiscal Year (FY) 2006 Budget, that the Board re-affirm that the County Executive maximize real estate tax relief in his FY 2007 Advertised Budget Recommendation.
- In accordance with the Board's Guidelines for the FY 2007 Budget, to contain the rate of growth in County and School spending, that the Board direct that increases in County Spending, excluding School Operating, County and School Debt Service, Metro Transfer, New Facilities and the pennies dedicated to Stormwater Management and the Affordable Housing Fund, be held to no more than 5 percent over the *FY 2006 Adopted Budget Plan*.
- That the School Board and the Superintendent of Schools be provided with a target for limiting an increase in the FY 2007 County's Transfer to the School Operating Fund to no more than 6 percent over the *FY 2006 Adopted Budget Plan*. This motion assumes that the School Board and Board of Supervisors continue to work together to identify and implement strategies to achieve and maintain excellent quality for County and School services. Consideration will be given in order to accommodate growth and funding requirements driven by State and/or Federal mandates.
- That the Board direct that balances at the *FY 2005 Carryover Review* and during FY 2006 that are of a non-recurring nature be used to fund non-recurring requirements of both the County and the Schools.

Supervisor Hyland seconded the motion, and noted that, in the last bullet of the Proposed FY 2007 Budget Development Guidelines which was distributed to Board Members, the word "Boar" should be "Board."

Discussion ensued, with input from Susan M. Datta, Director, Department of Management and Budget, and Anthony H. Griffin, County Executive, regarding the motion.

Chairman Connolly noted that approximately \$.33 of the existing \$1.00 tax rate is unfunded State and Federal mandates.

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

CONSIDERATION ITEMS**Athletic Fields**

Supervisor Kauffman, called the Board's attention to its red folders and said that the Board should have the Walk on Use Report, which was in response to a Board Matter presented on October 18, 2004, by Supervisor Hyland and himself. At that time, the Board directed staff and representatives from the Athletic Council to investigate practices and policies that could be changed or implemented to protect the County's athletic fields. Staff has been working closely with senior School Board staff and the Director of the Park Authority.

The report highlights the significant investments made by both the County and the community-based sports organizations in the maintenance and improvement of athletic fields.

The committee's recommendations focused on four key areas: control measures, enforcement/monitoring, outreach/education, and the provision of additional amenities at school fields. Supervisor Kauffman asserted that it is clear that a comprehensive approach is necessary to protect athletic fields from extensive damage. Although the committee proposed many recommendations, of paramount importance is the adoption of a County-wide policy requiring "organized" users of athletic field to obtain usage permits from the Department of Community and Recreation Services (CRS). Since the Park Authority and Schools own most of the athletic fields in the County, both Boards require adoption of such a policy.

Therefore, jointly with Supervisor Hyland, Supervisor Kauffman moved that the Board:

- Request the Park Authority Board and the School Board take necessary steps to review and consider adoption of a regulation that requires permitted use of all athletic fields for large organized groups.
- Direct the County Executive place on the *FY 2005 Carryover Review* consideration list appropriate funds that would support the most critical enforcement, outreach, and amenity recommendations noted in the report.

Supervisor Hyland seconded the motion.

Supervisor Kauffman said that implementation of these recommendations would require an annual appropriation of \$536,288 and a one-time allotment of \$84,900.

Discussion ensued, with input from Patricia Franckewitz, Director, CRS, regarding the motion and athletic fields.

Chairman Connolly noted that citizens can email, fax, or write to Members of the Board and request that something be added to the *Carryover Consideration List*.

The question was called on the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Environmental Plan

Supervisor Gross, Chair of the Board's Environment Committee, moved that the Board include a consideration item in the amount of \$2,045,000 in the *FY 2005 Carryover Review* to continue to support the Board approved Environmental Excellence 20-year Vision Plan. This funding represents the second phase of requirements to implement critical environmental initiatives. Funding focuses on information dissemination, outreach, foliage plantings, and environmental studies. All projects support the Agenda's six topic areas, including growth and land use; air quality and transportation; water quality; solid waste; parks, trails and open space; and environmental stewardship. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Dulles Corridor Metrorail Project

Supervisor Hudgins said Phase I of the Dulles Corridor Metrorail Project will extend rail into the Dulles Corridor, terminating at Wiehle Avenue in Reston. This project has been a long-term goal of residents of the corridor as well as the Reston community.

As an indicator of the increasing use and demand of transit in the corridor, Fairfax Connector average weekday ridership in the Dulles Corridor broke the 17,000 barrier for the second month this year, with 17,091 average riders. Supervisor Hudgins compared this number to the 6,000 a day in 1999. She said that this bus service data can be used not only as an indicator of the need and demand for rail, but also as a reminder of the need to coordinate bus service with rail, to work seamlessly together as critical components of the area's transportation network.

Therefore, Supervisor Hudgins moved that the Board:

- Include a consideration item for the *FY 2005 Carryover Review* in the amount of \$500,000 for study of necessary bus, road, and pedestrian improvements for the surrounding and supporting transportation network of the Wiehle Avenue Station in the Reston community.
- Direct staff to draft a plan to determine the impact of Phase I of the Dulles Corridor Metrorail Project on the Reston community, and proposed solutions to address these future needs.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Senior and Disabled Real Estate Tax Relief

Chairman Connolly said that taxes need to be cut for senior and disabled citizens and the County should go to the State permitted maximum of \$72,000 in income and \$340,000 in assets.

Following discussion, with input from Ms. Datta, regarding the recurring cost, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board include as a consideration item for the *FY 2005 Carryover Review* to cut taxes for senior citizens by \$5.8 million, which is the maximum allowed by State. Supervisor Kauffman seconded the motion.

Following discussion, with input from Ms. Datta, Chairman Connolly asked unanimous consent that the Board direct staff to provide information regarding the number of seniors who would qualify for tax relief. Without objection, it was so ordered.

Should this item be approved by the Board in September, Chairman Connolly asked unanimous consent that it be treated like the rainy day fund, as a automatic priority. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide statistical data regarding the income levels for seniors in the County, as well as national levels. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

13. **A-1 – EXPANSION OF THE APPROVED SEWER SERVICE AREA (ASSA) TO INCLUDE A PORTION OF THE FOX LAKE COMMUNITY PLANNING SECTOR (PROVIDENCE DISTRICT)** (11:17 a.m.)

On motion of Supervisor Smyth, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor McConnell being absent, the

Board concurred in the recommendation of staff and authorized the expansion of the ASSA to include the portion of the Fox Lake (F4) Community Planning Sector as shown in Attachment 1 of the Board Agenda Item dated August 1, 2005.

14. **A-2 – FISCAL YEAR (FY) 2005 YEAR-END PROCESSING** (11:17 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize staff to process payment vouchers for items previously approved and appropriated in FY 2005 for the interim period from July 1 until the Board approves the *FY 2005 Carryover Review*, which is scheduled for action on September 12, 2005. Supervisor Gross seconded the motion.

Following a brief discussion, regarding the budget, the question was called on the motion, and it carried by a vote of nine, Supervisor McConnell being absent.

15. **A-3 – ENDORSEMENT OF RECOMMENDATIONS ON THE PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA) PROPOSALS FOR HIGH OCCUPANCY TOLL (HOT) LANES ON I-95/I-395 (LEE, MOUNT VERNON, AND MASON DISTRICTS)** (11:19 a.m.)

Supervisor Kauffman moved the Board concur in the recommendation of staff and approve the draft letter from Chairman Connolly to Secretary Homer transmitting the comments and recommendation to the Virginia Department of Transportation on the PPTA proposals by Clark/Shirley and Fluor/Transurban for the development, financing, design, construction, operation, and maintenance of the I-95/I-395 HOT lanes with the considerations outlined in the Board Agenda Item dated August 1, 2005. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Following discussion regarding transportation issues, Supervisor Gross asked unanimous consent that the Board direct staff to, on page three of the letter, bulleted item, sentence number two, change the word "should" to "must." Without objection, it was so ordered.

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

16. **A-4 – REALLOCATION WITHIN FUND 142, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), FOR AN AFFORDABLE HOUSING PARTNERSHIP PROGRAM LOAN TO CHESTERBROOK RESIDENCES, INCORPORATED (DRANESVILLE DISTRICT)** (11:23 a.m.)

On motion of Supervisor DuBois, jointly seconded by Supervisor Bulova and Supervisor Hudgins, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the reallocation within Fund 142, CDBG as a loan from the Affordable Housing Partnership Program, Tier Three, to Chesterbrook Residences, Incorporated for the purpose of developing Chesterbrook, an affordable assisted living facility.

17. **A-5 – ISSUANCE AND SALE OF BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE FINANCING OF THE ACQUISITION AND REHABILITATION OF 98-UNITS IN THE HOLLYBROOKE II CONDOMINIUM COMPLEX BY AHC, INCORPORATED (MASON DISTRICT)** (11:23 a.m.)

(BONDS) On motion of Supervisor Gross, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved the issuance and sale of bonds by the FCRHA for the financing of the acquisition and rehabilitation of the Hollybrooke II condominium units by AHC, Incorporated.

Supervisor Hudgins noted that the County is halfway to its goal of 500 units.

18. **A-6 – INCREASE IN RETIREE HEALTHCARE SUBSIDY RELATED TO MEDICARE PART D** (11:25 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve a \$540 annual increase in the retiree healthcare subsidy which is directly related to the rebate the County expects to receive from the Centers for Medicare and Medicaid Services. Supervisor Hyland seconded the motion.

Supervisor Gross noted that this is only a one year program, for calendar year 2006.

Discussion ensued, with input from Peter Schroth, Director, Department of Human Resources, and Anthony H. Griffin, County Executive, regarding plans for calendar year 2007 and beyond.

The question was called on the motion and it carried by a vote of nine, Supervisor McConnell being absent.

19. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS** (11:28 a.m.)

The Board next considered an item contained in the Board Agenda dated August 1, 2005, requesting authorization for the County Executive or the appropriate Deputy County Executive or the Chief Financial Officer to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

20. **NEW TRANSPORTATION POLL CONDUCTED ON BEHALF OF THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA)** (11:29 a.m.)

Chairman Connolly called attention to the results of a new transportation poll conducted on behalf of the NVTA, copies of which he distributed to the Board. Noting that he is a representative on the NVTA, he said that the NVTA conducted the poll as part of public outreach as it updated the 2020 plan for 2030. The NVTA strove to tap public sentiment as it makes funding decisions. He said that the poll showed broad support for many of the facilities under consideration, with rail to Dulles being chief among them, and that support for public transportation was uniform irrespective of whether respondents lived in an inner or outer suburb. He noted that there is public support for new and expanded transportation facilities throughout the Northern Virginia region and a willingness to pay for them.

Discussion ensued regarding the poll results, use of public transportation, rail to Dulles, and a congressional initiative for Metro funding. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to disseminate this information. Without objection, it was so ordered.

21. **RETIREMENT OF MS. SANDRA LOWE** (11:39 a.m.)

Chairman Connolly announced the recent retirement of Sandra Lowe, Director, Office for Partnerships, after 26 years of service to the County. He asked unanimous consent that the Board direct staff to invite Ms. Lowe to appear before the Board at an appropriate time for recognition. Without objection, it was so ordered.

22. **“IN CASE OF EMERGENCY (ICE)” CAMPAIGN** (11:39 a.m.)

Chairman Connolly said that following recent terrorist incidents in London, the ambulance service there launched a national ICE campaign asking residents to store the word “ICE” in their mobile telephone address books and enter the names and addresses of the persons they want to be contacted in case of an emergency. Emergency workers could then locate the emergency contact information if the person were unable to do so. For more than one contact, London officials suggest ICE1, ICE2, et cetera.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to meet with public safety staff and representatives of the Office of Public Affairs about the suggestion for a similar campaign in the County and report with his findings. Supervisor Hudgins seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with whether the emergency contact telephone number should be outside the immediate area. Without objection, it was so ordered.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

23. **ANIMAL CONTROL ISSUES** (11:41 a.m.)

Supervisor Bulova said that during the past months, her office received a number of complaints from constituents who were unhappy with the way calls to the Animal Control Division were handled. She recounted a case where a caller reported an aggressive, belligerent raccoon to the police, yet was told that she had to contact a pest control company or buy a trap, capture the animal, and deliver it to the animal shelter. She described another case where constituents filed a formal complaint with the Police Department after their daughter was bitten by a cat inside her high school. The constituent said that Animal Control representatives never contacted her family. The family had to initiate all contacts and subsequent follow up with the Health Department for rabies testing results, which took more than seven days.

Supervisor Bulova expressed her displeasure with the responses to these and other complaints. She said that it is unclear what Animal Control officials will and will not do. She also asserted that citizens who call the non-emergency telephone number can receive misinformation. She noted that if Animal Control expects citizens to rent their own traps and transport a potentially rabid animal to Animal Control themselves, she cannot accept that policy.

Accordingly, Supervisor Bulova asked unanimous consent that the Board direct the County Executive to examine this situation and report regarding Animal Control’s policies dealing with rabid, or potentially rabid, animals. If those policies are what she previously described, she further asked that the Board direct staff to provide some options to better serve constituents.

Discussion ensued regarding wildlife cases, the State’s responsibility, guidance given to citizens regarding wildlife, trapping of feral cats, disposal of dead crows, removal of snakes, and a balance in the coexistence of people and wildlife in suburbia, with input from Anthony H. Griffin, County Executive.

Chairman Connolly recapped the request as a request for the following information:

- Current guidance to residents.
- Current procedures.
- The location of the resources available to this effort.
- A clear delineation of the State responsibility in relation to the County’s responsibility.

- Proposals as to what can or should be done to provide better service and guidance to residents.

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

24. **NATIONAL ASSOCIATION OF COUNTIES (NACo) LEGISLATIVE ALERT** (11:53 a.m.)

Supervisor Hyland distributed to the Board copies of a NACo Legislative Alert regarding legislation introduced by Senator Ensign (R-NV), S-1504, a bill that would eliminate the local franchising and video services and put in place a system of national franchising. Accordingly, Supervisor Hyland moved that the Board:

- Oppose this legislation.
- Direct the County's federal lobbyist to follow this legislation and take appropriate action.

Chairman Connolly seconded the motion.

Supervisor Gross noted that she and Supervisor DuBois participated in a recent retreat with the Washington Metropolitan Area Council of Governments (COG). One of the issues from the results was the need for local governments to encourage the provision of broadband access to their constituency. Supervisor Gross asked unanimous consent to take this to COG for it to also respond in opposition to this legislation. Without objection, it was so ordered.

The question was called on the motion to oppose the legislation and direct the federal lobbyist accordingly, which carried by a vote of nine, Supervisor McConnell being absent.

25. **FEDERAL FUNDING FOR ROADS** (11:55 a.m.)

Supervisor Hyland stated that he had received a telephone call from a representative of Senator George Allens's office who indicated that \$5 million will be set aside for the Old Mill Road Extension, the replacement road for Woodlawn Road at Fort Belvoir. He also indicated that \$10 million will be set aside for widening Interstate I-95, between Route 123 and the Fairfax County Parkway.

Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a letter to local congressional leaders from the Board commending them for their effort. Without objection, it was so ordered.

26. **OUT-OF-TURN PLAN AMENDMENT FOR LORTON HEALTHPLEX (MOUNT VERNON DISTRICT)** (11:57 a.m.)

Supervisor Hyland announced that he recently learned that Inova has pending contracts to purchase an approximate 14-acre site in Lorton immediately adjacent to the old Lorton Elementary School site that is now used by the School Board as an administrative center. Inova plans to use the site for a HealthPlex office building that will serve the southern end of the County. However, the proposed use is not in conformance with the Comprehensive Plan recommendation for mixed use on this property at an intensity of up to .5 floor area ratio, subject to several site-specific conditions.

Because Inova representatives are eager to rezone the property appropriately, then commence construction of the HealthPlex as soon as possible to serve the southern portion of the County, Supervisor Hyland moved that the Board direct staff to:

- Prepare an out-of-turn plan amendment for this property that will accommodate the proposed use.
- Schedule the public hearing for the requisite rezoning application at the earliest opportunity following the Comprehensive

Plan amendment.

- Approve concurrent processing for both the site plan and building plans while the rezoning application is being processed.

Supervisor Hyland noted that he made these motions with the understanding that, if adopted, they will in no way prejudice the merits of the Comprehensive Plan amendment or the rezoning application.

Chairman Connolly seconded the motion.

Supervisor Gross disclosed that she represents the County on the Inova Health Care Services Board.

Supervisor Hyland disclosed that he represents the County on the Inova Health Care Services Board.

Chairman Connolly noted that Supervisor McConnell represents the County on the Inova Health Systems Board.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell being absent.

PW:pw

27. **FANNIE MAE FOUNDATION AND URBAN INSTITUTE REPORT “HOUSING IN THE NATION’S CAPITAL 2004”** (11:59 a.m.)

Supervisor Hudgins noted that the topic of a wage gap was discussed at the joint meeting of the School Board and Board of Supervisors and distributed the cover page and a table from the report “Housing in the Nation’s Capital 2004” prepared by the Fannie Mae Foundation and Urban Institute. She pointed out that the report provides good wage and housing, and it can be found online as well.

28. **RECOMMENDATION FOR REFERRAL OF AMENDMENTS TO THE VIRGINIA SEX OFFENDER REGISTRY TO THE LEGISLATIVE COMMITTEE FOR INCLUSION IN THE COUNTY’S LEGISLATIVE AGENDA** (12 noon)

Supervisor Smyth said that her office has received a number of calls from alarmed constituents concerning convicted sex offenders who are now residing in their neighborhoods and were identified either through the Virginia Sex Offender Registry, the National Sex Offender Public Registry, or by other means. While Virginia's sex offender registry information is available to the public, individuals must know that it exists, be equipped and knowledgeable enough to access the information, and proactively pursue it. The research must be done on a continual basis as the registry is subject to change. In addition, the Virginia State Police estimate that at any given time up to 12 percent or more of the information on the registry is inaccurate. There is no community notification other than to specifically authorized organizations that themselves undertake to register for notification and to the police when a registered sex offender moves into a neighborhood. Convicted sex offenders moving into Virginia are required to register, but the State is wholly reliant on the offender to both comply and provide accurate information. Supervisor Smyth stated her belief that the County should review the issue of convicted sex offenders who move into County neighborhoods and the protections that should be afforded the citizens.

Therefore, Supervisor Smyth moved that the Board refer the items, as outlined in her Board Matter, to the Legislative Committee to be considered for inclusion in the County’s legislative agenda for next year’s General Assembly session. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

29. **CONCURRENT PROCESSING OF SPECIAL EXCEPTION AMENDMENT APPLICATION FOR FLINT HILL SCHOOL UPPER SCHOOL CAMPUS (PROVIDENCE DISTRICT)** (12:05 p.m.)

Supervisor Smyth stated that recently Flint Hill School filed a special exception amendment application and it was accepted for processing by staff. No public hearing dates have been assigned as of this date. Among other changes to the existing development program on its Upper School Campus located at Jermantown and Oakton Roads, the school is proposing an additional athletic field on an expanded area of the campus. It is the school’s desire to have this new athletic field ready for play for the school year commencing in September 2006. Given this timeframe, the school has concluded that it will need to process its requisite site plan and related building plans while the zoning approvals are still pending.

Therefore, Supervisor Smyth moved that the Board direct staff to concurrently process the site and building plans concurrently with the processing of the special exception amendment application. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

Supervisor Smyth noted that the motion will not prejudice the merits of the pending special exception amendment application.

30. **INCLUSION OF TAX MAP NUMBER 48-2 ((1))1 IN FUTURE SPECIAL EXCEPTION APPLICATIONS TO AMEND SPECIAL EXCEPTION APPLICATION SE 82-P-032-4 (PROVIDENCE DISTRICT)** (12:06 p.m.)

Supervisor Smyth moved that the Board authorize the inclusion of real property owned by Fairfax County and identified as Tax Map Number 48-2((1))1 in any future special exception applications or applications to amend the Special Exception Application SE 82-P-032-4 for the Washington Metropolitan Area Transit Authority facilities at the Vienna Transit Station to facilitate, among other things, the provision of access and infrastructure improvements to the transit station, such as improved bus and parking facilities, including a third garage, and improved or new trails for pedestrians and bicycle access.

Supervisor Smyth noted that this motion does not relieve the applicants in any future special exception applications or existing approved amendments, including Special Exception Application SE 82-P-032-4, from compliance with the provisions of all applicable ordinances, regulations, and adopted standards and does not prejudice in any way the consideration of those special exception applications or amendments.

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

McConnell being absent.

Discussion ensued regarding the temporary parking lot at the Vienna Transit Station which is privately owned and can be closed with 30 days notice to the Washington Metropolitan Area Transit Authority. In May, the Board authorized funding for a study and preliminary engineering for a third garage at the Vienna Transit Station.

PMH:pmh

31. **INTENT TO DEFER DECISIONS AND PUBLIC HEARINGS (MASON AND SPRINGFIELD DISTRICTS)** (12:12 p.m.)

Supervisor Gross announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2004-MA-038.

Chairman Connolly announced his intent, later in the meeting at the appropriate time, to defer Board decision on Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 84-P-007-03 and PCA/FDPA 87-P-052-02.

(NOTE: Later in the meeting, the public hearing and the Board decisions were formally deferred. See Clerk's Summary Items CL#46 and CL#48.)

32. **ANNUAL DISCLOSURES OF PERSONAL FINANCIAL INTERESTS** (12:13 p.m.)

(BACs) Supervisor Gross said that the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-5-2.1, requires many officers and employees, and hundreds of citizens members of Board-appointed boards, authorities, and commissions (BACs) to file annual reports disclosing their personal financial interests. Most of those disclosures are appropriate and important, but this section was last amended five years ago, and now some of the disclosure requirements need to be updated to reflect organizational changes and new position titles. Also, this section imposes disclosure requirements on all Board-appointed members of many BACs. That requirement may be more intrusive than necessary to protect the public from conflicts of interest.

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

- Review the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-5-2.1 and to prepare staff recommended changes to update the titles and designations of those County officers and employees who are required to submit annual financial disclosures.
- In conducting that review, staff should also review the disclosure requirement as it pertains to Board appointed members of BACs and to provide the Board with staff recommendations on which BACs should have members who are required to file annual reports of their personal financial interests.
- Review the penalties that may be imposed on those members who are required to file but fail to do so after an initial filing.

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

33. **US DEPARTMENT OF DEFENSE BASE AND REALIGNMENT AND CLOSURE (BRAC) RELATED COMPREHENSIVE PLAN CHANGES (LEE AND MOUNT VERNON DISTRICTS)** (12:16 p.m.)

(BACs) Jointly with Supervisor Hyland, Supervisor Kauffman said that the recent BRAC recommendations could result in the relocation of an estimated 18,000 workers to Fort Belvoir. The influx of these jobs will have a significant effect on the economy of the County and especially the Richmond Highway Corridor.

Supervisor Kauffman said that the County has requested additional information from the Army as it develops its investment and implementation plan to accommodate the relocation and realignment proposed in the BRAC recommendations. He said that it is prudent to begin an evaluation of how the comprehensive plan might need to be amended to create a land use vision for the Richmond Highway Corridor that appropriately responds to the BRAC recommendations. Given that the timing of the South County Annual Plan Review cycle does not match the BRAC deadlines, the Board will need the ability to consider plan changes that are related to the BRAC announcement at a separate time.

Supervisor Kauffman noted that to start this work, the Board will be appointing a committee to consider possible BRAC-related comprehensive plan changes. The committee will be facilitated by Lee District Planning Commissioner Rodney Lusk and Mount Vernon District Planning Commissioner John Byers. The Economic Development Authority will also be represented. Specifically the group has been asked to suggest where plan changes might be desirable to accommodate and maximize the opportunities that may be afforded by BRAC.

Therefore, jointly with Supervisor Hyland, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide appropriate staff resources to this special study effort. Without objection, it was so ordered.

A brief discussion ensued regarding possible comprehensive plan changes and Supervisor Frey asked unanimous consent that the Board direct staff to include the School Board in discussions and future plans. Without objection, it was so ordered.

34. **CONCURRENT PROCESSING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ/FDP 2005-SU-011 AND RZ/FDP 2005-SU-013 (SULLY DISTRICT)** (12:22 p.m.)

Supervisor Frey said that pending Rezoning/Final Development Plan Applications RZ/FDP 2005-SU-011 and RZ/FDP 2005-SU-013 propose residential development on the north side of Route 50, in the vicinity of Rugby Road. These applications are scheduled for

Planning Commission public hearings on September 28, 2005. He said that the applicant has requested that the Board authorize concurrent processing for the site and/or subdivision plans and any other engineering approvals associated with the pending rezonings.

Supervisor Frey said that the applicant understands that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the applications in any way.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing for Rezoning/Final Development Plan Applications RZ/FDP 2005-SU-011 and RZ/FDP 2005-SU-013 with their associated engineering approvals. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell being absent.

35. **MOTION TO INITIATE BOARD'S OWN MOTION – PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-054 (CHANTILLY GREEN) (SULLY DISTRICT)** (12:23 p.m.)

(R) Supervisor Frey said that the proffers governing Chantilly Green (Rezoning Application RZ 1999-SU-054) provided for the installation of a barrier adjacent to the cul-de-sac at the end of Lowe Street to restrict access from the Chantilly Green community to Lowe Street. The proffer was written to address concerns raised by the former residents of Lowe Street during the public hearing process on the rezoning. The Chantilly Green development has been built and the barrier at Lowe Street has been installed and remains in place. Subsequent to the development of Chantilly Green, the properties along Lowe Street were consolidated by National Capital Land and rezoned (Rezoning Application RZ 2004-SU-015) on January 10, 2005. It was anticipated that the barrier would be removed when the properties along Lowe Street were redeveloped. The proffers for National Capital Land provide for the reconstruction of Lowe Street and the removal of the barrier at the Lowe Street cul-de-sac. The Chantilly Green Homeowners Association (HOA) has requested that the barrier be removed. However, the Chantilly Green proffers do not designate the barrier as temporary or otherwise provide for its removal. To remove the barrier, it was determined that a proffered condition amendment application to amend the Rezoning Application RZ 1999-SU-054 proffers would be required.

Therefore, Supervisor Frey moved adoption of a Resolution that:

- The Board initiate a Board's Own Motion Proffered Condition Amendment application for that part of the land area subject to Rezoning Application RZ 1999-SU-054 controlled by the Chantilly Green HOA to include the barrier adjacent to Lowe Street [Tax Map 34-4 ((21))(2)D].
- This action be expeditiously scheduled and authorize the County Executive to act as the agent for the Board in connection with such proffered condition amendment application.

Supervisor Bulova seconded the motion.

Following discussion and input from David P. Bobzien, County Attorney, regarding the motion, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

36. **QUARTERLY STATUS REPORT FROM THE BOARD AUDITORS** (12:30 p.m.)

(BACs) Supervisor DuBois said that Audit Committee receives Quarterly Status Reports from the Board Auditors that must then be accepted by the full Board. At the Committee's July 27 meeting, the Committee approved the July 28, 2005, Quarterly Status Report.

Therefore, Supervisor DuBois moved that the Board accept the Auditors' July 28, 2005, Quarterly Status Report. Supervisor Bulova seconded the motion.

Following discussion, regarding the report, Chairman Connolly commended the Auditors to the Board for their work.

Following additional discussion regarding the Countywide review of potential surplus properties, Supervisor Kauffman asked unanimous consent that the Board direct the Auditor to meet with each Board Member prior to reporting his recommendations as the list becomes more refined. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide the Board with the list. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

37. **FIRE STATION (DRANESVILLE DISTRICT)** (12:35 p.m.)

Supervisor DuBois said that the County is the owner of a 12 acre parcel at the intersection of Route 7 and Beulah Road in Vienna. This site is currently planned for an approximately 9,500 square foot, three-bay fire station. An increase of 4,500 square feet is required to provide a four-bay fire station to meet current Fire and Rescue Department (FRD) requirements for fire station design and to support the response time needs in the service area. The fire station will occupy approximately five acres of the site. The site is currently zoned for housing (Rezoning Application RZ-78-D-060) which includes proffer conditions and was the subject of Public Facilities Application 456-D-89-27. The use of the remainder of the property continues to be evaluated by the County.

Supervisor DuBois said that to build the station, the Board must authorize staff to file an application for both a Proffered Condition Amendment and a 2232 public facility determination on its behalf. The application has been assigned a temporary identification of 2005-0193 pending the Board's action on this Board Matter.

Therefore, Supervisor DuBois moved that the Board direct staff to take the following actions on its behalf:

- The Chief of the Fire and Rescue Department or his designee shall act as the agent of the Board to process these land use applications.
- Direct staff of the Department of Planning and Zoning to expedite the applications to assure the first available public hearing date before the Planning Commission and the Board.
- Direct staff of the Department of Public Works and Environmental Services to concurrently process the appropriate site plan.

Supervisor DuBois said that by approving this motion, the Board shall not prejudice in any way the normal review of this application.

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

38. **13-YEAR-OLD MCLEAN/GREAT FALLS BABE RUTH ALL STARS (DRANESVILLE DISTRICT)** (12:36 p.m.)

Supervisor DuBois announced that the 13-year-old McLean/Great Falls Babe Ruth All Stars recently won the Virginia State Championship, outscoring their opponents by a 43-7 run differential. Overall, in District and State play, the All Stars outscored their opponents by a 72-11 margin. Through the seven tournament games, McLean/Great Falls had 43 stolen bases and a .470 team batting average, allowed only one earned run, and made only seven errors.

Supervisor DuBois noted that the team is currently playing in the National Division of the Southeast Regional Tournament which ends later today. If the All-Stars win this region title, they will advance to the World Series in Jamestown, New York later in August.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite this outstanding team, its coach, Steve Money and its manager, Rob Hahne to appear before the Board at the first available date to be recognized and honored for its achievements. Without objection, it was so ordered.

39. **DRANESVILLE DISTRICT NEWSLETTER** (12:37 p.m.)

Supervisor DuBois distributed the Dranesville District newsletter to Board Members.

40. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR McCONNELL** (12:37 p.m.)

Chairman Connolly announced that Supervisor McConnell had no Board Matters to be presented today.

41. **RECESS/CLOSED SESSION** (12:38 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 2.2-3711 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 Fonner and Samuel Durie v. Fairfax County, Virginia, et al.*, No. 03-1068 (4th Cir.)
2. *Oakcrest Properties, LLC v. Board of Supervisors of Fairfax County, et al.*, In Chancery No. CL-2005-0002669 (Fx. Co. Cir. Ct.) (Dranesville District)
3. *William E. Shoup, Fairfax County Zoning Administrator v. Charles S. Cauley, et al.*, In Chancery No. CH-2004-0191533 (Fx. Co. Cir. Ct.) (Springfield District)
4. *William E. Shoup, Fairfax County Zoning Administrator v. James H. McCalla, et al.*, In Chancery No. CH-2004-0193339 (Fx. Co. Cir. Ct.) (Braddock District)
5. *William E. Shoup, Fairfax County Zoning Administrator v. Kathy M. Tilden*, In Chancery No. CH-2005-0001148 (Fx. Co. Cir. Ct.) (Lee District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, In Chancery No. CH-2003-0187208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, In Chancery No. CH-2005-0003299 (Fx. Co. Cir. Ct.) (Sully District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Bristow Shopping Center Limited Partnership LLP and Twochez and Company, Inc.*, In Chancery No. CH-2005-0003363 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- Christa A. Harrison, Administratrix of the Estate of Robert Shawn Harrison, Deceased v. Albert T. Ventzek, M.D., et al., CL-2003-0218014
- Health Department Employees Who Are Grandfathered Members of the Virginia Retirement System;

- Virginia Code Section 15.2-2308 (D)
- Appeal by Trust Communities, Incorporated, to the State Sewage Handling Review Board.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

DS:ds

At 3:59 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

42. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 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 DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

43. **APPOINTMENT OF DIRECTOR FOR FACILITIES MANAGEMENT DEPARTMENT (FMD)** (3:59 p.m.)

Supervisor Gross moved the appointment of Mr. Jose A. Comayagua to the position of Director, FMD, at Grade E-9 – Salary of \$89,000 effective August 23, 2005. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

44. **SETTLEMENT OF CHRISTA A. HARRISON, ADMINISTRATRIX OF THE ESTATE OF ROBERT SHAWN HARRISON, DECEASED VERSUS ALBERT T. VENTZEK, M.D. ET AL., AT LAW NUMBER CL-2003-0218014** (4 p.m.)

Supervisor Gross moved that the Board authorize the settlement of *Christa A. Harrison, Administratrix of the Estate of Robert Shawn Harrison, Deceased versus Albert T. Ventzek, M.D., et al.*, At Law Number CL-2003-0218014, 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 McConnell being absent.

45. **HEALTH DEPARTMENT EMPLOYEES WHO ARE GRANDFATHERED MEMBERS OF THE VIRGINIA RETIREMENT SYSTEM** (4:01 p.m.)

Supervisor Gross reminded the Board that the Virginia General Assembly in its 1994 session passed a bill authorizing the transfer of the Fairfax County Health Department from the State Department of Health to Fairfax County. This transfer was implemented by a contract between the Board and the State Health Department in 1995. In recent years a number of the transferred employees have expressed dissatisfaction with the differences in retirement benefits between the two systems. These issues have been extensively discussed and studied over the last few months by County staff and these employees. The Board has been considering the demands of the Health Department employees and the recommendations of the County Executive. Supervisor Gross said that she was prepared to make a motion to address the issues raised with the Carryover Budget package in September. Unfortunately, based on correspondence from the employees' attorney the Board is not comfortable that the compromise that has been developed will bring this issue to closure. Therefore, Supervisor Gross recommended that the Board take no action at this time.

AGENDA ITEMS

DET:det

46. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-052-02/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 87-P-052-02 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT)**

AND

BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-007-03/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-P-007-03 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT) (4:02 p.m.)

(NOTE: On July 25, 2005, the Board held a public hearing on these items and deferred decision until August 1, 2005.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to defer the Board's decision on Proffered Condition Amendment/Final Development Plan Amendment Applications PCA/FDPA 87-P-052-02 and PCA/FDPA 84-P-007-03 until **September 12, 2005, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

47. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2005-MV-018 (COMMERCE BANK, NA) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MV-012 (COMMERCE BANK, NA) (MOUNT VERNON DISTRICT) (4:03 p.m.)

The Proffered Condition Amendment Application PCA 2005-MV-018 is located on the east side of Richmond Highway approximately 300 feet south of Dawn Drive and north of Beddoo Road, Tax Map 93-1 ((1)) 25.

The Special Exception Application SE 2005-MV-012 is located on 6615 Richmond Highway, Tax Map 93-1 ((1)) 25 pt.

Mr. Frederick R. Taylor reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Mr. Frederick R. Taylor

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

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 2005-MV-018, subject to the proffers dated July 21, 2005.
- Approval of Special Exception Application SE 2005-MV-012, subject to the development conditions dated July 21, 2005.
- Waiver of the service drive requirement along Richmond Highway for Special Exception SE 2005-MV-012.
- Modification of the transitional screening and waiver of the barrier requirement between the R-4 and C-8 portions of Proffered Condition Amendment Application PCA 2005-MV-018.

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

48. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MA-038 (MOON SIK PARK) (MASON DISTRICT)** (4:08 p.m.)

(NOTE: On July 25, 2005, the Board deferred the public hearing on this item until August 1, 2005.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2004-MA-038 until **October 17, 2005, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

49. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-003 (DUNN LORING METRO APARTMENT PARTNERSHIP) (PROVIDENCE DISTRICT)** (4:09 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2005-PR-003 until **September 26, 2005, at 4 p.m.** Supervisor Bulova and Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Dubois and Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-042 (IVY DEVELOPMENT, INCORPORATED) (SULLY DISTRICT)** (4:10 p.m.)

(O) The application property is located on the west side of Old Centreville Road, approximately 500 feet south of its intersection with Centreville Drive, Tax Map 65-1 ((1)) 15 and 16.

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

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

Following the public hearing, which included testimony by one speaker, Kristen Crookshanks, Senior Staff Coordinator, Zoning

Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Kris Abrahamson, Chief, Rezoning and Special Exception Branch, ZED, DPZ, concerning the construction of an off-site trail.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SU-042, from the R-1 and WS Districts to the PDH-3 and WS Districts, subject to the proffers dated July 22, 2005.
- Waiver of the sidewalk requirement along the Old Centreville Road frontage.

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

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-013 (FEDERAL REALTY PARTNERS, LP) (LEE DISTRICT)** (4:20 p.m.)

The application property is located on the west side of Fordson Road at its intersection with Richmond Highway, Tax Map 101-2 ((1)) 12A, 12A1, 12D, 12E, and 12F.

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

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

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

Supervisor Kauffman moved approval of Special Exception Application SE 2005-LE-013, subject to the development conditions dated July 29, 2005. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-B-010 (TRINITY CHRISTIAN SCHOOL) (BRADDOCK DISTRICT)** (4:28 p.m.)

The application property is located at 11204 Braddock Road, Tax Map 56-4 ((12)) A1 and 68-1 ((1)) 1B.

Ms. Sara E. 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, which included testimony by four speakers, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Approval of Special Exception Amendment Application SEA 96-B-010, subject to the development conditions dated July 14, 2005.
- Reaffirmation of a waiver of the barrier requirements along all property lines.
- Reaffirmation of a modification of the transitional screening requirements along all property boundaries in favor of existing vegetation.
- Reaffirmation of a waiver of the requirement for interparcel access to Forest Drive to the north.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-011 (JENNINGS MOTOR COMPANY, INCORPORATED) (LEE DISTRICT)** (4:44 p.m.)

Supervisor Kauffman moved to defer the public hearing on Special Exception Application SE 2005-LE-011 until **September 26, 2005, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

54. **4 P.M. – PH ON REZONING APPLICATION RZ 2004-LE-021 (LANDMARK PROPERTY DEVELOPMENT, LLC) (LEE DISTRICT)** (4:44 p.m.)

- (O) The application property is located in the northeast quadrant of Janna Lee Avenue and Richmond Highway and south of Buckman Road, Tax Map 101-2 ((1)) 22 and 24; 101-2 ((5)) (2) 1, 2, 5, 6, 7, 8A, 8B, 9, 10, 11, 12, 13, 14, 15, and 16; 101-2 ((5)) (3) 1, 2A, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 and Rolling Hills Avenue, public right-of-way to be vacated and/or abandoned.

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

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application
- In excess of \$100 from Mr. John H. Thillmann

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application
- In excess of \$100 from Mr. John H. Thillmann

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application

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

- In excess of \$100 from Mr. Scott M. Herrick through Cherokee Management, a company not a party to this application

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

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

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to refer the speaker's recommendations to the Environmental Committee and Kambiz Agazi, County Environmental Coordinator, Office of the County Executive. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly closed the public hearing, but kept the record open to receive written testimony from Mr. Sidney Martin.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-LE-021, from the R-3, C-5, C-8, and HC Districts to the PDH-30 and HC Districts, subject to the proffers dated July 29, 2005.
- Approval of the Conceptual Development Plan, subject to the proffers dated July 29, 2005.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the Comprehensive Plan requirement for dedication of right-of-way and frontage improvements along Richmond Highway to that shown on the CDP/FDP.
- Modification of the Richmond Highway streetscape and trail requirements to that shown on the CDP/FDP.

- Waiver of Paragraph 5D of Section 2-802 which requires that affordable dwelling units be of the same unit type as the market rate units.
- Waiver of the 600-foot maximum length requirement for private streets.
- Waiver of the 200 square foot privacy yard requirements for single-family attached dwellings.
- Variance of the limitation on fence height in the front yard pursuant to Section 16-401 be granted in order to permit the proposed wall along Richmond Highway to be up to six feet in height.
- Waiver of Public Facilities Manual Section 6-0303.8 to permit the use of an underground water quality control facility in a residential area subject to Waiver Number 8972-WPFM-001-1 Conditions, dated July 1, 2005, and contained in the staff report.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell being absent.

Supervisor Kauffman submitted items for the record.

55. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-HM-042 (ROBERT A. YOUNG OF TYSONS 89, LLC) (HUNTER MILL DISTRICT)** (5:17 p.m.)

(O) The application property is located at the northern terminus of Irvin Street, Tax Map 28-4 ((1)) 22B, 23, and property identified as Ashgrove Lane.

Mr. Robert A. Young reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-HM-042, from the R-1 District to the R-2 District, subject to the proffers dated July 11, 2005.
- That the Board direct the Department of Public Works and Environmental Services to permit the two modified infiltration areas as shown on the proffered Generalized Development Plan.

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

Supervisor Hudgins submitted items for the record.

56. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-043, PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-5, AND SPECIAL EXCEPTION APPLICATION SE 2002-HM-046 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST, DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN, TRUSTEES, AND MEISELMAN FAMILY LLC) (HUNTER MILL DISTRICT)** (5:28 p.m.)

Supervisor Hudgins moved to defer the public hearing on:

- Rezoning Application RZ 2002-HM-043
- Proffered Condition Amendment Application PCA 79-C-037-5
- Special Exception Application SE 2002-HM-046

until **December 5, 2005, at 3:30 p.m.** Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

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57. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2921 SUMMERFIELD ROAD (PROVIDENCE DISTRICT)** (5:29 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 July 14 and July 21, 2005.

Christina M. Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor Smyth moved:

- Adoption of the Ordinance to declare 2921 Summerfield Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 2921 Summerfield Road.

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

Supervisor Smyth submitted items for the record.

58. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-035 (LEANDER McCORMICK-GOODHART, HENRIETTA McCORMICK-GOODHART BURKE) (MOUNT VERNON DISTRICT)** (5:45 p.m.)

(O) The application property is located on the east side of East Boulevard Drive approximately 100 feet south of its intersection with Herbert Spring Road, Tax Map 102-4 ((1)) 72.

Ms. Lisa M. 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, Regina Coyle, Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-035, from the R-2 District to the R-E District, subject to the proffers dated June 26, 2005. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room, Supervisor McConnell being absent.

59. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-032 (CRANFORD STREET, LLC) (MOUNT VERNON DISTRICT)** (5:49 p.m.)

(O) The application property is located south of Gunston Cove Road, approximately 400 feet west of its intersection with Richmond Highway, Tax Map 113-2 ((1)) 17; 113-2 ((2)) 1B pt., 2, 2A, 3, 5-15 and portions of Cranford Street and Marion Place public right-of-way to be vacated and/or abandoned.

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

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

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-032, from the R-1 District to the PDH-5 District, subject to the proffers dated July 5, 2005.
- Approval of the Conceptual Development Conditions dated July 29, 2005.
- Waiver of the 600-foot limitation on the maximum length of private streets.

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

On June 29, 2005, the Planning Commission approved Final Development Plan Application FDP 2004-MV-032, subject to the development conditions dated June 29, 2005, with condition 2[G] deleted and remaining items renumbered.

60. **4:30 P.M. – JOINT PH ON THE REVISED VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX YEAR SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2006 THROUGH 2011** (5:54 p.m.)

Tom Biesiadny, Department of Transportation, presented the staff report.

Chairman Connolly recognized the presence of former Board Chairman Katherine K. "Kate" Hanley, Northern Virginia's Representative on the Commonwealth Transportation Board, and warmly welcomed her to the auditorium.

Leonard "Bud" Siegel, Fairfax Preliminary Engineering Manager for Arlington and Fairfax County, VDOT, provided details on the revised VDOT Six Year Secondary System Construction Program for FY 2006 - 2011.

Following discussion, Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Meet with him to review the parameters of the section of Telegraph Road from Hayfield Road to South Kings Highway.
- Change the proposal for the bridge replacement over Pike Run on the Comprehensive Plan from the proposed two lanes with a reversible center to three lanes and shoulders as opposed to a two-lane bridge replacement.

Without objection, it was so ordered.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved approval of the revised VDOT Six Year Secondary System Construction Program for FY 2006 – 2011, as outlined in the Board Agenda Item dated August 1, 2005. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

61. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:04 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 July 14 and July 21, 2005.

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 speaker:

- Mr. John Moser regarding cat feces in neighborhood yards.

Discussion ensued with input from Edward E. Rose, Senior Assistant County Attorney. Supervisor Frey noted that the County does not have state-enabling authority to impose a cat leash law.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Attorney's office to explore this issue and report with recommendations. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

62. **ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING EXPANDING THE MEMBERSHIP OF THE CIVIL SERVICE COMMISSION, MODIFYING THE EMPLOYEE APPEAL PROCESS AND THE PROCESS FOR REVIEW OF REVISIONS TO THE PERSONEL REGULATIONS** (6:12 p.m.)

(BACs) (NOTE: Earlier in the meeting, action on this item was deferred. See Clerk’s Summary Item CL#10.)

Supervisor DuBois moved that the Board authorize the advertisement of a public hearing to be held before the Board on **September 12, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) regarding the following:

- Expansion of the Civil Service Commission from five to twelve members.
- Panels of three members to hear employee appeals during the business day.
- Changes to the review process for revisions to the Personnel Regulations.

Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

63. **BOARD ADJOURNMENT** (6:13 p.m.)

The Board adjourned.