



CLERK'S BOARD SUMMARY  
REPORT OF ACTIONS OF THE  
FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY**  
**March 21, 2005**

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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, March 21, 2005, at 9:36 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District

- Supervisor Linda Q. Smyth, Providence District

Supervisor Michael Frey, Sully District, arrived at 9:37 a.m.

Supervisor Joan M. DuBois, Dranesville 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. **ABSENCE OF DRANESVILLE DISTRICT SUPERVISOR JOAN DUBOIS** (9:36 a.m.)

Chairman Connolly announced that Supervisor DuBois, Dranesville District, will be absent from the meeting today because she is tending to family matters in Massachusetts.

2. **MOMENT OF SILENCE** (9:36 a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women in uniform serving the country overseas.

## **AGENDA ITEMS**

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ELLENA SOULE** (9:37 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Ms. Ellena Soule for her timely response in an emergency situation. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JEFF KARATZ** (9:42 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to Mr. Jeff Karatz for nearly two decades of work in the community. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

5. **PROCLAMATION DESIGNATING MARCH 24, 2005, AS "TUBERCULOSIS AWARENESS DAY" IN FAIRFAX COUNTY** (9:48 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate March 24, 2005, as "*Tuberculosis Awareness Day*" in Fairfax County. Supervisor Gross and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION DESIGNATING APRIL 2, 2005, AS “CLEAN STREAM DAY” IN FAIRFAX COUNTY** (10:01 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 2, 2005, as “*Clean Stream Day*” in Fairfax County. Supervisor Bulova seconded the motion.

Chairman Connolly noted that each Board Member had received a blue bag which he said was their “clean-up kit” complete with gloves, so that they could all spend some time volunteering in cleaning up the streams and watersheds. On behalf of the Board, he thanked the Fairfax Watershed representatives for the bags.

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

The Alice Ferguson Foundation presented each Board Member with a certificate of appreciation in recognition of their outstanding support of the Potomac River Watershed Clean-Up and their leadership role in promoting Countywide trash cleanup initiatives.

Following discussion, regarding the cleanup efforts, it was noted that additional volunteers are still needed and further information is available on the website at [www.potomaccleanup.org](http://www.potomaccleanup.org).

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to publicize on Channel 16 the need for volunteers to help with the cleanup efforts. Without objection, it was so ordered.

(NOTE: Later in the meeting, action was taken regarding the Potomac River Watershed. See Clerk’s Summary Item CL#30.)

7. **PROCLAMATION DESIGNATING APRIL 2005 AS “CHILD ABUSE PREVENTION MONTH” IN FAIRFAX COUNTY** (10:09 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 2005 as “*Child Abuse Prevention Month*” in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

On behalf of the Advisory Social Services Board (ASSB) and the Department of Family Services, Ryan Kelly, Chairman, ASSB, presented Board Members with a blue ribbon lapel pin which represents the Blue Ribbon Campaign “Keeping Kids Safe” and a basket with samples of some of the public information material and encouraged them to display it in their district offices.

8. **PROCLAMATION DESIGNATING MARCH 28–APRIL 3, 2005, AS “COMMUNITY DEVELOPMENT WEEK” IN FAIRFAX COUNTY** (10:15 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate March 28–April 3, 2005, as “*Community Development Week*” in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Audrey Spencer-Horsley, Associate Director, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, noted that Northern Virginia communities have been working together to highlight how important Community Development Block Grant funding is to the community. She distributed a video card, which was produced by the Northern Virginia communities as an educational tool, to Board Members.

(NOTE: Later in the meeting, the Board took action regarding funding for the block grants. See Clerk’s Summary Item CL#34.)

9. **10 A.M. – PRESENTATION OF THE ADVISORY SOCIAL SERVICES BOARD (ASSB) ANNUAL REPORT** (10:22 a.m.)

Ryan P. Kelly, Chairman, ASSB, presented its annual report.

Supervisor Gross called the Board's attention to page four of the report, Adult Protective Services, and asked unanimous consent that the Board direct staff to report with whether any new approaches are being explored for the care and guardianship of senior adults. Without objection, it was so ordered.

Following discussion, regarding language barrier issues with the Seniors-on-the-Go program, Supervisor Hudgins asked unanimous consent that the Board direct staff to review this issue and explore ways to make better use of the program. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to work with the Department of Systems Management for Human Services to try to complete some of the trends analysis to have them in time for the budget deliberations.

10. **10:15 A.M. – PRESENTATION OF THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) ANNUAL REPORT** (10:42 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulvoa and asked unanimous consent that the Board direct staff to, in the future, provide the EDA report to the Board in advance, so that it can be reviewed prior to the meeting. Without objection, it was so ordered.

Vice-Chairman Bulvoa returned the gavel to Chairman Connolly.

Steven Davis, Chairman, EDA, presented its annual report.

Supervisor Kauffman complimented the EDA on its latest advertising campaign, noting that it was likely to bring the most success.

Discussion ensued, with input from Mr. Davis and Gerald L. Gordon, President, EDA, regarding the value of the dollar/business return for foreign offices and job growth.

PW:pw

11. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:07 a.m.)

(APPTS)

(BACs)

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

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The Board deferred the appointment of the Sully District Representative to the A. Heath Onthank Memorial Award Selection Committee.

**ADVISORY PLANS EXAMINER BOARD**

**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Advisory Plans Examiner Board:

- Mr. Jack Rinker as the Professional Engineer/ Surveyor #1 Representative
- Mr. James Scanlon as the Professional Engineer/ Surveyor #3 Representative

Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

#### **ADVISORY SOCIAL SERVICES BOARD**

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

#### **AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointments of the Mason and Sully District Representatives to the Airports Advisory Committee.

#### **ANIMAL SERVICES ADVISORY COMMISSION**

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

#### **ATHLETIC COUNCIL**

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On behalf of Supervisor DuBois, Chairman Connolly moved the appointment of Mr. Anthony LaManna as the Dranesville District Alternate Representative to the Athletic Council. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Hudgins moved the reappointment of Ms. Mary de la Fe as the Hunter Mill District Alternate Representative to the Athletic Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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Supervisor Hyland moved the following reappointments:

- Mr. Wesley Viilo, Jr. as the Mount Vernon District Principal Representative
- Mr. Henry Russo as the Mount Vernon District Alternate Representative

Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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Supervisor Frey moved the following reappointments:

- Mr. David Lacey as the Sully District Principal Representative

- Mr. Mark Abbott as the Sully District Alternate Representative

Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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The Board deferred the appointment of the Hunter Mill District Principal Representative to the Athletic Council.

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#### **BOARD OF BUILDING CODE APPEALS**

Supervisor Bulova moved the reappointment of Mr. Thomas Schroeder as the Alternate #2 Representative to the Board of Building Code Appeals. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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Chairman Connolly moved the reappointment of Mr. Marvin Cantor as the Design Professional #3 Representative to the Board of Building Code Appeals. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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Supervisor Kauffman noted that because Mr. Cantor wished to continue to serve, he withdrew his nomination of Mr. Mark Drake for appointment to the Board of Building Code Appeals.

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#### **BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

Chairman Connolly moved the appointment of Mr. John Yeatman from the Freeholder #3 Representative to fill the unexpired term of Mr. Richard Mortimer as the Appraiser #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Chairman Connolly moved the appointment of Ms. Noelle Maynard to fill the unexpired term of Mr. John Yeatman as the Freeholder #3 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

The Board deferred the appointments of the Appraiser #2 and Builder Representatives to the Board of Equalization of Real Estate Assessments.

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#### **COMMISSION FOR WOMEN**

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The Board deferred the appointment of the Dranesville District Representative to the Commission for Women.

#### **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

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

Chairman Connolly suggested that Supervisor Bulova contact the Faith in Action community and ask them to provide a nomination for the Religious Community Representative to the Commission on Organ and Tissue Donation and Transplantation.

## **COMMUNITY ACTION ADVISORY BOARD**

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

### **CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment to the Community Action Advisory Board:

- Ms. Marcia McDevitt as the League of Women Voters of the Fairfax Area Representative

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

## **COMMUNITY CRIMINAL JUSTICE BOARD**

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The Board deferred the appointment of the Fairfax County At-Large #1 Representative to the Community Criminal Justice Board.

## **COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE**

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Chairman Connolly moved the appointment of Mr. Gregory Galligan to fill the unexpired term of Mr. Harry Glasgow as the At-Large Chairman's Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

The Board deferred the appointment of the Mason District Representative to the Countywide Non-Motorized Transportation (Trails) Committee.

## **ENGINEERING STANDARDS REVIEW COMMITTEE**

### **CONFIRMATIONS:**

Supervisor Bulova moved the confirmation of the following appointments to the Engineering Standards Review Committee:

- Mr. Keith Sinclair as the Engineers and Surveyors Institute Representative
- Ms. Jean Packard as the League of Women Voters of the Fairfax Area Representative
- Mr. Paul Johnson as the Northern Virginia Building Industry Association Representative
- Mr. Robert Kohnke as the Northern Virginia Soil and Water Conservation District Representative

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

## **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointments of the At-Large Business Community #1, Hunter Mill, Providence, and Springfield District Representatives to the Fairfax Area Disability Services Board.

## **HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Provider #4 Representative to the Health Systems Agency Board.

## **HISTORY COMMISSION**

Supervisor Hyland moved the appointment of Ms. Sallie Lyons to fill the unexpired term of Mr. Nichols Ajay, Jr., as the Citizen

#2 Representative to the History Commission. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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**HUMAN SERVICES COUNCIL**

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The Board deferred the appointment of the Springfield District #1 Representative to the Human Services Council.

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**INDUSTRIAL DEVELOPMENT AUTHORITY**

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Supervisor Smyth moved the appointment of Mr. Charles Watson as the At-Large #7 Representative to the Industrial Development Authority. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

The Board deferred the appointment of the At-Large #3 Representative to the Industrial Development Authority.

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**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

The Board deferred the appointments of the Dranesville, Lee, Providence, and Springfield District Representatives 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**

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

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**TENANT LANDLORD COMMISSION**

Chairman Connolly moved the reappointment of Mr. Antonio Gomez as the Citizen Member #2 Representative to the Tenant Landlord Commission. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

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

(NOTE: Later in the meeting, the Board took additional action regarding BACs. See Clerk's Summary Item's CL#40 and CL#45.)

**DET:det**

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

Chairman Connolly called the Board's attention to Admin 7 – Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year 2005 Revised Budget Plan and discussion ensued concerning recurring revenue, with input from Susan W. Datta, Director, Department of Management and Budget.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to determine the cost to reinstitute a tax deferral program for senior citizens. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor McConnell called the Board's attention to Admin 3 – Installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine Signs. Discussion ensued concerning the enforcement of pedestrian walkways in shopping centers as well as on public streets with input from Christopher D. Wells, Pedestrian Program Manager, Traffic Operations Section, Transportation Planning and Operations Division, Department of Transportation, and Anthony H. Griffin, County Executive.

Supervisor Bulova returned the discussion to Admin 7 referencing a meeting earlier in the day with the Library Board. Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Bulova asked unanimous consent that:

- The scheduled completion of the Burke Community Library be moved up to the same schedule as the Oakton Community Library.
- A Consideration Item be advanced for the book buy for the Burke Library.
- The source of funding be identified as either coming out of carryover, or, if needed, third quarter, to meet the schedule, and information be returned to the Board as an Information Item.

Without objection it was so ordered.

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

**ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (LEE DISTRICT)**

Approved the extension of review period for Public Facility (2322) Review Application FS-L04-73 to May 21, 2005.

**ADMIN 2 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO ACCEPT A GRANT AWARD FOR THE FISCAL YEAR 2004 HOUSING CHOICE VOUCHER FAMILY SELF SUFFICIENCY PROGRAM**

Authorized FCRHA to accept \$63,000 for the Housing Choice Voucher Family Self-Sufficiency program from the US Department of Housing and Urban Development.

**ADMIN 3 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE SIGNS**

(Note: Earlier in the meeting, the Board discussed this item. See page 11.)

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine signs at the 50 subject locations, as shown in Attachment 1 of the Board Agenda Item dated March 21, 2005.

**ADMIN 4 – INSTALLATION OF A MULTI-WAY STOP AT DALLAS STREET AND ELMWOOD STREET (SULLY DISTRICT)**

- Endorsed the installation of a multi-way stop at Dallas Street and Elmwood Street.
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO APPROVE REVISIONS TO TWO LONG TERM LEASES WITH BIRMINGHAM GREEN ADULT CARE RESIDENCE, INCORPORATED, IN CONNECTION WITH HOUSING AND URBAN DEVELOPMENT (HUD) FUNDING TO REPLACE THE EXISTING ADULT CARE RESIDENCE AT MANASSAS, VIRGINIA**

(A) Authorized the advertisement of a public hearing to be held before the Board on **April 25, 2005, at 4 p.m.** to consider approval of revisions to two long term leases with Birmingham Green Adult Care Residence in connection with a grant application for HUD funding to replace the existing adult care facility in Manassas, Virginia, pursuant to Virginia Code Section 15.2-1800 (2003).

**ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, MASON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)**

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

| <u>Subdivision</u>   | <u>District</u> | <u>Street</u>       |
|----------------------|-----------------|---------------------|
| -                    | Braddock        | Braddock Road       |
| The Preserve         |                 | Route 620           |
|                      |                 | Additional ROW Only |
|                      |                 | Powell Road         |
|                      |                 | Route 832           |
|                      |                 | Additional ROW Only |
| Overlook Edsall Road | Mason           | Edsall Road         |
|                      |                 | Route 648           |
|                      |                 | Additional ROW Only |
|                      |                 | Timber Forest Drive |
|                      |                 | Route 10620         |
|                      | Providence      | Jermantown Road     |

Flint Hill Upper School

Route 655

Additional ROW Only

Oakton Road

Route 664 Court

Additional ROW Only

Springfield

Burke Street

Burke Mill Cove

Route 652

Additional ROW Only

Springfield

Woodvale Pond Drive

Woodvale Pond Estates

Route 8663

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**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2005 REVISED BUDGET PLAN**

(Note: Earlier in the meeting, the Board discussed this item. See pages 10–11.)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 4, 5, and 6, 2005, at 7 p.m.** to consider increasing the FY 2005 appropriation level.

13. **A-1 – AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT AND TESTIMONY IN APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR APPROVAL OF AN EXPERIMENTAL WEATHER NORMALIZATION ADJUSTMENT** (11:29 a.m.)

On motion of Supervisor Bulova, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation as a Respondent and testimony concerning the application of Washington Gas Light Company for an Experimental Weather Normalization Adjustment, SCC Case Number PUE-2005-00010.

14. **A-2 – REVISIONS TO PERSONNEL REGULATIONS UPDATING LANGUAGE TO REFLECT CHANGES IN TERMINOLOGY AND CLARIFYING POLICY REGARDING PERFORMANCE REVIEWS AND REDUCTION IN FORCE REEMPLOYMENT PROCEDURES** (11:29 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and approved the proposed revisions to the Personnel Regulations.

15. **A-3 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND AUTHORIZATION OF CORRESPONDING RATE ADJUSTMENTS IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:30 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and:

- Adopted the revised Procedural Guidelines for the Annual Review Process including 6.0 percent adjustment of the existing

contribution rate in the Fairfax Center Area from \$4.48 to \$4.75 per gross square foot on non-residential building structure and from \$993 to \$1,053 per residential unit, with the new rate to become effective March 21, 2005.

- Approved the recommended rates used in other areas of the County for similar purposes (e.g. Centreville and Tysons) also be increased by 6.0 percent, also to become effective March 21, 2005.

#### **ADDITIONAL BOARD MATTER**

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#### 16. **TRANSPORTATION SUMMIT** (11:31 a.m.)

Chairman Connolly congratulated Supervisor McConnell for a successful Transportation Summit.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide written copies of the presentations. Without objection, it was so ordered.

(Note: Later in the meeting, this issue was discussed. See Clerk's Summary Item CL#55.)

#### **AGENDA ITEMS**

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#### 17. **A-4 – APPROVAL OF ADDITIONAL PEDESTRIAN PROJECTS FOR THE BOARD'S FOUR-YEAR TRANSPORTATION PROGRAM TO BE FUNDED WITH COUNTY GENERAL OBLIGATION FUNDS FOR TRANSPORTATION** (11:31 a.m.)

On motion of Supervisor Bulova, the second to which was inaudible, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and endorsed the pedestrian projects contained in Attachment 1 of the Board Agenda Item dated March 21, 2005, for funding with available County general obligation funds for transportation.

#### 18. **A-5 – AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH EARTH SANGHA AND THE VIRGINIA DEPARTMENT OF FORESTRY FOR IMPLEMENTING A COUNTYWIDE BUFFER RESTORATION PROJECT** (11:32 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and authorized an agreement with Earth Sangha and the Virginia Department of Forestry to implement a countywide buffer restoration project.

#### 19. **I-1 – CONSOLIDATION PLAN CERTIFICATION FOR THE PUBLIC HOUSING AND HOUSING CHOICE VOUCHER 5-YEAR PLAN UPDATE FOR FISCAL YEAR (FY) 2006-2010 AND ANNUAL PLAN UPDATE FOR FY 2006 OF THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA)** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, requesting authorization for staff to sign the Consolidated Plan certification and provide it to the FCRHA for inclusion in the Public Housing and Housing Choice Voucher 5-Year Plan Update for FY 2006-2010 and Annual Plan Update for FY 2006 submitted to the US Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AWARD – OPEN END CONTRACTS FOR CIVIL ENGINEERING AND RELATED SERVICES** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, requesting authorization for staff to award the open end contracts for civil engineering and related services in an amount not to exceed \$400,000 per firm, as follows:

- Bowman Consulting Group, Limited
- Burgess and Niple, Incorporated
- Greenhorne and O'Mara Incorporated
- Patton, Harris, Rust, and Associates, PC

The staff was directed administratively to proceed as proposed.

21. **I-3 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY ON HUNTING CREEK TOWNHOMES (MOUNT VERNON DISTRICT)** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, requesting authorization for staff to sign a letter of support for the Hunting Creek Townhomes and forward it to the Virginia Housing Development Authority for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

22. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY REVIEW APPLICATION 2232-Y05-2, FAIRFAX COUNTY PARK AUTHORITY (SULLY DISTRICT)** (11:32 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, announcing the Planning Commission's approval of Public Facility Review Application 2232-Y05-2, Fairfax County Park Authority.

23. **I-5 – CONTRACT AWARD – PHYSICAL EXAMS AND MEDICAL EVALUATIONS** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, requesting authorization for staff to award a contract to INOVA Workplace Health Services for Physical and Medical Examinations.

The staff was directed administratively to proceed as proposed.

24. **I-6 – CONTRACT AWARD – ALCOHOL/DRUG TESTING AND MEDICAL REVIEW OFFICER MANAGEMENT SERVICES** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, requesting authorization for staff to award a contract to ChoicePoint Services, Incorporated for Alcohol/Drug Testing and Medical Review Officer Management Services.

The staff was directed administratively to proceed as proposed.

25. **I-7 – QUARTERLY STATUS REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PLAN** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated March 21, 2005, reporting on the quarterly Board’s Four-Year Transportation Plan.

Supervisor Gross asked unanimous consent that the Board direct staff to correct the district designations of Item 6 and Item 7 on handwritten page 2 of the Quarterly Status Report on the Board’s Four-Year Transportation Plan when the chart is updated. Without objection, it was so ordered.

Chairman Connolly reminded the County Executive that the Board has requested that Agency heads be available when they have items before the Board when the Board is in session.

Discussion ensued concerning four projects that have delays, with input from Katherine D. Ichter, Chief, Transportation Planning and Operations Division, Department of Transportation, and Christopher Reed, Four Year Plan and Fairfax County Parkway EPG Coordinator, Virginia Department of Transportation.

Chairman Connolly noted that there were unacceptable delays to the Route 29 and Gallows Road project which has been delayed until June 2012.

Supervisor Smyth expressed concern about HOT lanes on the Beltway and specifically a proposal that has been put forth for a ramp to Lee Highway. She also expressed concern over the possible prospect of either more traffic at this intersection or work being done on both the ramp and the intersection at the same time.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct Department of Transportation staff to:

- Contact Katherine K. Hanley, the County’s representative to the Commonwealth Transportation Board (CTB), to ascertain the status of potential funding coming out of the CTB.
- Revise the June 2012 time estimate and report to the Board at the earliest possible opportunity.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

NV:nv

**ADDITIONAL BOARD MATTERS**

26. **CLERK AWARD** (11:44 a.m.)

Chairman Connolly announced that Nancy Vehrs, Clerk to the Board, was named “Clerk of the Year” for Region VII of the Virginia Municipal Clerks Association.

27. **WOMEN’S VOICES FORUM** (11:45 a.m.)

To emphasize the County’s efforts to provide information in multiple languages, Chairman Connolly announced in Spanish that on April 6, 2005, the Office for Women will be hosting the 2005 “Women’s Voices Forum” at the Government Center. This is a chance for women to hear from a panel of experts about key issues affecting women in the community including affordable housing, domestic violence, financial independence, wellness, and more. As part of this event, the Office for Women also created a “Living Healthy 2005” calendar with tips for women to maintain healthy lifestyles. He noted that this calendar is dual-sided to include both English and Spanish languages, and he provided copies to the Board.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Direct the Office of Public Affairs to help promote the 2005 Women’s Voices Forum through all appropriate media outlets including in other languages.
- Commend the Office for Women for organizing this event and creating the bilingual calendar.

Supervisor McConnell seconded the motion and discussion ensued.

Chairman Connolly credited Catherine Lunsford of his staff for the Spanish translation, and he noted that she is bilingual.

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

28. **MEDICAL RESERVE CORPS (MRC)** (11:47 a.m.)

Chairman Connolly said that the MRC is a Fairfax County Citizen Corps volunteer program designed to augment the capacity of the public health system to respond to large scale events such as a bioterrorism incident or widespread epidemics. Despite the program’s name, the majority of volunteers needed for MRC are individuals without a medical background.

Chairman Connolly added that in the event of an incident or a public health emergency, MRC volunteers would be called upon to staff vaccination or medication dispensing sites. In a worst case scenario, this could mean providing for all residents in the County, more than 1.2 million people, in three to five days.

In light of the recent anthrax scare at the Pentagon and the Skyline buildings, Chairman Connolly moved that the Board direct the Office of Public Affairs to give the recruitment campaign of the MRC special attention and advertisement through appropriate media outlets. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

29. **DANGEROUS DOGS** (11:48 a.m.)

Chairman Connolly said that he learned that there are 39 dogs in the County that the Courts have determined fit the criteria for “Dangerous Dog.” He noted a recent tragic incident elsewhere in the Commonwealth where a woman was killed by a dangerous dog.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to examine measures that can be taken to alert the public to the presence of dangerous dogs in the community including, but not limited to, providing information on a County web page. Vice-Chairman Bulova seconded the motion, and a brief discussion ensued regarding State enabling legislation.

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

30. **POTOMAC RIVER WATERSHED TRASH TREATY** (11:50 a.m.)

(NOTE: Earlier in the meeting, the Board recognized groups regarding the stream cleanup planned for April 2. See Clerk's Summary Item CL#6.)

Chairman Connolly noted that in addition to the stream cleanup scheduled for April 2, the Potomac River Watershed Cleanup Alice Ferguson Foundation has a "Potomac River Watershed Trash Treaty" that requires a regional approach. The District of Columbia and most of the Maryland suburbs have signed it and the group is asking the County to sign. Chairman Connolly said that in coordination with Supervisor Gross, he has discussed with the group the expansion of the treaty to other Virginia jurisdictions.

Accordingly, Chairman Connolly moved that the Board commit to a "Trash Free Potomac by 2013" by signing the Potomac River Watershed Trash Treaty. This pledges the County, along with other local governments in the metropolitan Washington region to:

- Support and implement regional strategies aimed at reducing trash and increasing recycling.
- Increase education and awareness of the trash issue throughout the Potomac Watershed.
- Reconvene annually to discuss and evaluate measures and actions addressing trash reduction.

Chairman Connolly noted that this action was coordinated with the staff.

Supervisor Gross seconded the motion and said that she would take this issue to the Potomac Watershed Roundtable meeting in early April if this motion carries.

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

31. **LETTER REGARDING LEGISLATION REQUIRING PROOF OF LEGAL PRESENCE FOR CERTAIN STATE OR LOCAL MEDICAL/PUBLIC ASSISTANCE SERVICES** (11:51 a.m.)

Chairman Connolly said that during the 2005 Session of the General Assembly, the Board opposed, unless amended, House Bill 1798 (Delegate Albo) and Senate Bill 1143 (Senator Hangar). As passed, these identical bills amend the Virginia Code to require anyone applying for certain State or local medical or public assistance services to prove legal presence within the United States. Despite several amendments made to the bills during the session, the resulting legislation imposes a new requirement of affirmative proof of citizenship on all Virginians and imposes that same requirement upon certain local public assistance services created to address local needs and paid for entirely with local funds. He noted that this is an unfunded State mandate.

Accordingly, Chairman Connolly moved that the Board endorse the letter he circulated to the Board recommending that the Governor adopt the specific critical amendments to this piece of legislation. Supervisor Hyland seconded the motion which carried by a vote of nine, Supervisor DuBois being absent.

32. **CASH PROFFER LEGISLATION** (11:52 a.m.)

Chairman Connolly called the Board's attention to another letter recommending to the Governor an amendment to House Bill 2888 (Delegate Lingamfelter) regarding cash proffers. One recommendation to the Governor is to extend from seven to ten years the timeframe regarding the forfeiture provision. He noted that it may take a number of years to amass cash proffers for such projects as schools.

Accordingly, Chairman Connolly moved that the Board endorse the circulated letter recommending that the Governor adopt the proposed amendment that would change the seven-year forfeiture period to ten years.

Following discussion, Supervisor Kauffman and Supervisor McConnell jointly seconded the motion, which carried by a vote of nine Supervisor DuBois being absent.

33. **RIVERSIDE MANOR WATER PIPELINE (DRANESVILLE DISTRICT)** (11:55 a.m.)

Chairman Connolly said that he received a letter signed by former Board Members John F. ("Jack") Herrity, Lilla Richards, and Rufus Phillips regarding the Water Authority's decision to install a 12 inch pipeline in the Riverside Manor subdivision. He circulated copies of this letter around the dais.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to review the issues raised in this letter and provide the Board with his guidance. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

34. **LETTER REGARDING CONCERN OVER THE LOSS OF COMMUNITY SERVICE BLOCK GRANTS** (11:56 a.m.)

(NOTE: Earlier in the meeting, during presentation of a proclamation, discussion ensued regarding Community Development Block Grants. See Clerk's Summary Item CL#8.)

Chairman Connolly said that he received a letter from the Community Action Advisory Board (CAAB) regarding its concern over the potential loss of Community Services Block Grant funds dispersed annually to local non-profit organizations. This represents approximately \$7.2 million for the County. It would have a profound effect on the Community Consolidated Funding Pool as well as affordable housing.

Accordingly, Chairman Connolly moved that the Board authorize staff to prepare a letter for the Chairman's signature on behalf of the Board urging the County's respective federal representatives to oppose the total loss of funding or reductions in funding to the Community Services Block Grants. Supervisor Kauffman and Supervisor Smyth jointly seconded the motion.

Chairman Connolly noted that he met with representatives of the CAAB and this is a recommendation they put forward for presentation.

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

35. **BUDGET CONSIDERATION ITEM FOR CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (11:57 a.m.)

Chairman Connolly noted that he recently met with the Alliance for Human Services where he was told that it would take an additional \$376,000 to fully fund the second year of the CCFP.

Chairman Connolly moved that, if the CCFP is not fully funded in the County Executive's budget request, the Board direct staff to add to the Fiscal Year 2006 Budget Consideration Item List an amount of \$376,000. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding additional funds only for inflation and not expansion of the program.

36. **LEADERSHIP FAIRFAX, INCORPORATED (LFI) DAY** (11:58 a.m.)

Chairman Connolly reminded the Board that LFI is a not-for-profit organization established in 1987 to provide programs and opportunities that enhance the quality of life in the County by developing its current and emerging leaders at the county, state, and regional level. On April 20 LFI will be reaching out to the community to encourage residents to join the organization and help develop future leaders for the County during "Ask Me About LFI Day."

Therefore, Chairman Connolly moved that the Board proclaim April 20, 2005, as "*Ask Me About LFI Day*," in Fairfax County and direct staff to invite appropriate representatives from LFI to be recognized with the proclamation at the April 4, 2005, Board meeting. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

37. **MISSION OF MERCY (MOM) DENTAL CARE CLINIC** (11:59 a.m.)

Chairman Connolly noted that dental care is one of the hardest resources to find in the County. On April 17, 2005, MOM will provide a one-day dental clinic for low-income residents of Northern Virginia who do not have dental insurance or otherwise may not have access to dental care at all. During this clinic, individuals may receive cleanings, extractions, fillings, and diagnosis.

Accordingly, Chairman Connolly moved that the Board direct the Office of Public Affairs to help promote the MOM Dental Care Clinic by issuing a press release, including it on Channel 16, and using any other appropriate media outlets to inform the public of this benefit. Vice-Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

38. **FAIR HOUSING MONTH** (12 noon)

Chairman Connolly noted that April is traditionally celebrated throughout the nation as Fair Housing Month. Therefore, he moved that the Board proclaim April 2005 as "*Fair Housing Month*" in Fairfax County and invite appropriate representatives from the Human Rights Commission and housing advocacy groups to appear before the Board to receive the proclamation at the April 4, 2005, Board meeting. Vice-Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

39. **VIENNA TRANSIT STATION CAPACITY STUDY (PROVIDENCE DISTRICT)** (12 noon)

Supervisor Smyth said that during the community dialogue, leading up to the changes to the Vienna Transit Station Area Plan, as a result of approval of the Fairlee-Metro West Out-of-Turn Plan Amendment Plan, the existing and future capacity of the Vienna Metrorail station became a primary concern. As a result, the approved Plan specifically requires that a capacity study be completed. It is anticipated that the cost of this study will be repaid by potential future proffer commitments.

To ensure that capacity issues are resolved, Supervisor Smyth said that she and Supervisor Kauffman, a joint sponsor of this Board Matter, have continued to work with the community, adjacent property owners, the Department of Transportation, and the Washington Metropolitan Area Transit Authority. As with nearly all planning issues, she said that the key to facilitating public improvements becomes an issue of timing. This equally applies to capacity improvements to the Vienna Station. It has become readily apparent that a capacity study of the station is needed sooner rather than later.

Therefore, jointly with Supervisor Kauffman, Supervisor Smyth moved that the Board request the County Executive to include funding for a capacity study of the Vienna Transit Station on the list of Consideration Items for the Fiscal Year 2006 Budget. Supervisor Kauffman seconded the motion.

Following a brief discussion regarding the flow of riders through the Vienna Station, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

40. **ESTABLISHMENT OF THE COORDINATING COMMITTEE FOR THE TYSONS CORNER TRANSPORTATION AND URBAN DESIGN SPECIAL STUDY (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (12:02 p.m.)

(BACs)

(APPTS) Supervisor Smyth said that in July 2004, the Planning Commission, at the Board's request, deferred all rail-related Area Plan Review nominations in Tysons Corner pending a special study to evaluate the area's transportation system and review Tysons Corner rail-related Plan recommendations. During the Fiscal Year (FY) Carryover Budget Review, the Board provided funding (\$400,000) to obtain technical assistance for traffic modeling and urban design for this special study. Over the past few months, County staff defined the scope of this study and a contract for a consultant has recently been executed.

Supervisor Smyth said that the scope of the study requires public involvement at several stages. With the interest in Tysons Corner, she proposed the establishment of a committee to work with staff during the special study to help coordinate public outreach and input. The coordinating committee would be comprised primarily of members of Board-appointed commissions and committees including the Planning Commission, the Transportation Advisory Commission, the Environmental Quality Advisory Council, and the Fairfax Area Disability Services Board. They would represent the Providence, Hunter Mill, and Dranesville Districts, the Town of Vienna, and the County at large. In addition, the Board member offices from the three Supervisor Districts and the Chairman's Office will have non-voting representatives on the coordinating committee.

Accordingly, Supervisor Smyth moved that the Board:

- Endorse the establishment of a Coordinating Committee for the Tysons Corner Transportation and Urban Design Special Study consisting of the members of the groups she just noted.
- Direct staff to work with the committee to set up a schedule for meetings.

She distributed the list of members as follows:

- Mr. Ken Lawrence, Providence District
- Mr. Frank de la Fe, Hunter Mill District
- Mr. Bob Adams, Providence District
- Mr. George Barker, Countywide
- Mr. Wade Smith, Dranesville District
- Mr. Bruce Wright, Hunter Mill District
- Mr. George Lamb, Providence District

- Ms. Stephanie Mensh, Countywide
- Mr. Irv Auerbach, Dranesville District
- Delegate Jim Scott, Countywide
- Mr. Clark Tyler, Dranesville District
- Ms. Michelle Krockner, Hunter Mill District
- Planning Commissioner (to be named), Town of Vienna
- Staff from Supervisor Offices (Chairman and Providence, Hunter Mill, and Dranesville District Offices) will be non-voting members of the committee.

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

41. **PROVIDENCE PLAYERS OF FAIRFAX** (12:04 a.m.)

Supervisor Smyth said that she joined Chairman Connolly to recognize the Providence Players of Fairfax. The Players, originally formed in 1998, is a "community theater troupe" in the truest sense. The Providence Players of Fairfax was incorporated in 2001 as a nonprofit organization in the Commonwealth of Virginia. The organization's mission is to provide entertaining and affordable quality theater experience in the greater Fairfax community while providing an opportunity for Fairfax area residents to participate in all aspects of theater production. She noted the strengths of this organization.

Supervisor Smyth said that in the spring of 2004, the Providence Players of Fairfax entered into a partnership agreement with the Fairfax County Department of Community and Recreation Services and became the resident theater company at the newly renovated James Lee Community Center Theater. In that same year, the Players joined WATCH, a larger non-profit theater community in the Washington area, to become better connected with the greater theater community in the metropolitan Washington area. The Player's production of *The Man Who Came To Dinner* has been recognized with eight WATCH nominations in both performance and technical categories. The Providence Players of Fairfax is the recipient of three 2004 WATCH Awards including *Outstanding Cameo Role*, *Outstanding Set Design*, and *Outstanding Set Decoration* categories.

Supervisor Smyth added that in its relatively short history, the Player's accomplishments and commitments to community theater, by providing quality and affordable theater, is highly commendable and noteworthy. Furthermore, their sense of fellowship and desire to entertain will encourage and engage other visionaries, which include the youth and seniors, to the various performing arts venue in communities.

Therefore, Supervisor Smyth moved that the Board recognize the Providence Players and invite them to appear before the Board for an encore ovation to their 2004-2005 season on April 4. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for that day (ten), Chairman Connolly announced that the April 4 meeting will begin at 9 a.m.

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

42. **SIXTH ANNUAL PROVIDENCE DISTRICT ENVIRONMENTAL WORKSHOP** (12:07 p.m.)

Supervisor Smyth announced that her office will host the Sixth Annual Providence District Environmental Workshop, focusing on low impact development, on Saturday, April 2, at Luther Jackson Middle School from 9 a.m – 12 noon. She asked Board Members to post her flyer.

43. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (12:07 p.m.)

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

DMB:dmb

44. **JOINT MOTION REGARDING AUTHORIZATION OF A SPECIAL STUDY OF THE HUNTER MILL ROAD AREA (HUNTER MILL AND DRANESVILLE DISTRICTS)** (12:09 p.m.)

Jointly with Supervisor DuBois, Supervisor Hudgins said that several Area Plan Review items (APR 04-III-1UP, 2UP, and 4UP, and related items), relating to the area in the vicinity of Hunter Mill Road and Sunset Hills Road were deferred by the Planning Commission on January 26, 2005, to allow ample time for their consideration. She said that an approach to review these items has been formulated, which are shared by the Hunter Mill and Dranesville Districts. As a first step, a task force will be appointed representing both districts to guide this effort and to make a recommendation to the Planning Commission and Board. Supervisor Hudgins said that it is anticipated that the joint task force will hold approximately five meetings beginning in May and ending in October or November of this year. It hopes to initiate the effort by inviting the task force and the surrounding community to participate in a collaborative process, which will foster community discussion on its vision for the area within the framework of the current Comprehensive Plan and the 2004 APR nominations.

Supervisor Hudgins said that to comprehensively consider the possibilities for amending the Plan for the area and to address a more logical planning area, the subject area should be expanded to include the Equestrian Park subdivision and all of the residentially planned area west of Hunter Mill Road and south of Lake Fairfax Park. Expanding the area under review will provide flexibility to the task force and staff in their consideration of any changes to the Comprehensive Plan for the area.

Therefore, jointly with Supervisor DuBois, Supervisor Hudgins moved that the Board authorize a special study of the Hunter Mill Road area to include the properties nominated in APR 04-III-1UP, 2UP, and 4UP, as well as the other land planned for residential use located west of Hunter Mill Road and south of Lake Fairfax Park as outlined on the map that she distributed around the dais. Supervisor Hudgins said that, in addition, the special study should examine transportation issues including the planned realignment of Sunset Hills Road. Supervisor Kauffman seconded the motion.

Following a brief discussion, Supervisor Gross asked unanimous consent that the Board direct staff to distinguish between items that are distributed around the dais that are part of the Board Agenda Package and those items that citizens sent to the Clerk's Office requesting to be circulated. Without objection, it was so ordered.

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

45. **APPROVAL OF MEMBERS OF THE SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (HUNTER MILL DISTRICT)** (12:13 p.m.)

(APPTS)

(BACS)

Supervisor Hudgins said that the Board and the Reston Association entered into a Memorandum of Agreement (MOA) to provide and operate social, recreational, and educational programs and activities, at the Southgate Community Center (SCC). Further, the MOA created the SCC Advisory Council, whose purpose will be to advise, make recommendations, and assist the County, through the Department of Community and Recreation Services, with the ongoing programmatic operation of the SCC. She said that the Advisory Council consists of 13 members: 9 representatives from Fairfax County, including a youth representative, and 4 members representing the Reston Association. The initial term of office for seven of the original members, including two members representing the Reston

Association, shall extend for one year. The initial term for the remaining six original members shall be two years. Thereafter, members shall serve regular terms of two years.

Supervisor Hudgins said that on February 7, 2005, the Board approved the contract for the construction of the SCC. The construction of the Center began March 2005, and is to be completed by February 2006. As the construction phase is now underway, with a completion date in sight, it is now time to move forward with the work of the advisory council. She said that the first meeting has been scheduled for May 17, 2005, from 7 p.m. to 9 p.m. at the Reston Community Center at Hunters Woods.

Supervisor Hudgins said that following are the names of the SCC Advisory Council members, with two open seats remaining to be filled, one by the County and one by the Reston Association. The prior member identified for the County seat is unavailable due to an armed services commitment. Both seats will be brought to the Board upon being filled.

Therefore, Supervisor Hudgins moved the appointment of the following members to the Southgate Community Center Advisory Council:

- \*Ms. Janet E. Bradshaw, as a Fairfax County Representative
  
- Mr. Lawrence Bussey, as a Fairfax County Representative
  
- \*Mr. Roosevelt Calbert, as a Fairfax County Representative
  
- Mr. John Coleman, as a Fairfax County Representative
  
- \*Mr. Bob Dim, as a Fairfax County Representative
  
- \*Ms. Kelli Gilmore, as a Fairfax County Representative
  
- Mr. Gabriel Itoka, as a Fairfax County Representative
  
- \*Ms. Petherree Norman, as a Fairfax County Representative
  
- Ms. Bertha Hoskins, as a Reston Association Representative
  
- \*Ms. Ella Lee, as a Reston Association Representative
  
- \*Mr. John L. Lovaas, as a Reston Association Representative

\* One Year Term

Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

(BACs) Supervisor Hudgins said that she circulated the nomination of Ms. Linda Rubinstein for the Alcohol Safety Action Program Local Policy Board; however she did not circulate the resignation of Ms. Judith Ratliff, which she will forward. She noted her intent to nominate Ms. Rubinstein when appointments are next on the Board's agenda.

47. **PROCLAMATION OF "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY** (12:16 p.m.)

Supervisor Frey said that for many years International Building Safety Week has been observed in this nation to increase public awareness of the importance of building codes and construction safety. Code officials across the country actively endorse Building Safety Week as a good way to improve communication between their building departments and community residents, local builders and developers, and to increase public awareness on a wide range of issues including safety devices such as smoke detectors, carbon monoxide detectors, and arc-fault circuit interrupters, which protect property and save lives. He said that this year, International Building Safety Week will be observed during the week of May 8-14, 2005. To mark the event, the Department of Public Works and Environmental Services has scheduled public outreach efforts in several building material supply retail stores.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to prepare a proclamation for the Board's meeting on May 9, 2005, declaring the week of May 8-14, 2005, as "*Building Safety Week*" in Fairfax County.

Supervisor Frey also asked unanimous consent that the Board direct staff to invite this year's recipient of the Building Safety Community Partnership Award and staff from Land Development Services of the Department of Public Works and Environmental Services who have made particular contributions to building safety this past year be recognized before the Board at that time. Without objection, it was so ordered.

48. **REQUEST TO SCHEDULE A PUBLIC HEARING FOR REZONING APPLICATION RZ 2002-SU-042 IVY DEVELOPMENT LC (SULLY DISTRICT)** (12:17 pm.)

Supervisor Frey said that Ivy Development LC submitted a nomination as part of the 2004 North County Area Plans Review Cycle (APR) for properties identified among the Fairfax County Tax Map Records as 6501 ((1)) 15 and 16. The property is located on the west side of Old Centreville Road near its intersection with Old Mill Road, and it consists of three acres, which are zoned R-1 and are planned at between one to two dwelling units per acre (du/ac). The nomination proposes a density of up to three du/ac.

The property was the subject of a Plan Amendment APR 01-III-7BR during the 2001 North County Cycle with the same proposed density, but was withdrawn prior to consideration by the Planning Commission and Board. However, another Plan Amendment (APR 01-III-8BR) was adopted by the Board during the 2001 North County Cycle, in an adjacent area, and the applicant believed that this site was covered under that amendment. In fact, the applicant was not aware that development at 2-3 du/ac did not apply to the property until after a rezoning application had been filed and partially processed. As a result, on May 2, 2003, the applicant requested that the proposed rezoning be deferred indefinitely.

The Board is scheduled to consider the 2004 North County Cycle Plan nominations in June-July of 2005. In the meantime, the applicant intends to reactivate Rezoning/Final Development Plan Application RZ/FDP 2002-SU-042 for the nominated property this fall so that it may be evaluated to coincide with the Board's action on the APR nominations. Given the amount of time it has already invested in the development of the nominated property, the applicant has requested that the Board request a date certain for the rezoning public hearing.

Therefore, Supervisor Frey moved that the Board direct staff to schedule the public hearing to be held before the Board on Rezoning Application RZ 2002-SU-042 to occur as soon as practicable after the Planning Commission public hearing.

Supervisor Frey said that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning applications or future abandonment/vacation request in any way.

The motion, the second to which was inaudible, carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Gross said that she circulated the *Mason Matters* newsletter around the dais and reminded the Board and the community-at-large of the Mason District Spring Town Meeting on the budget which will be held Tuesday, March 29, 2005, from 7-9 p.m. at the George Mason Regional Library. It is an open meeting, and County Executive Anthony H. Griffin and Chief Financial Officer Edward Long, will serve as panelists.

Supervisor Gross said that while it is a little early to be discussing the Mason District summer concerts, the preliminary summer concert schedule for Mason District Park is in the newsletter. She said that the amphitheatre footings have been poured and it will be rebuilt for the opening concert on June 5, 2005.

Chairman Connolly requested assistance from Board Members in getting their newsletter information on the Chairman's Office electronic newsletter in respect to District newsletters. He said that Matthew Graham, in his office, will be contacting Supervisors District offices for advertisements so that citizens will be informed regarding accessing the Chairman's newsletter electronically.

PMH:pmh

50. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-L-070 AND SPECIAL EXCEPTION APPLICATION SE 2004-MV-020 (MOUNT VERNON DISTRICT)** (12:22 p.m.)

Supervisor Hyland said that on January 24, 2005, the Board approved Proffered Condition Amendment Application PCA 80-L-070 concurrent with Special Exception Application SE 2004-MV-020 both in the name of Commonwealth Construction Management to permit industrial uses and the establishment of a concrete batching plant on Tax Map 107-4 ((1)) 68A. At the time of the approval of these cases there were two associated waiver motions approved by the Board. The waiver motions related to the transitional screening and to the barrier requirements along certain perimeters of proposed lot 1 and lot 2. During the staff review of the Clerk's letter for the proffered condition amendment application dated February 18, 2005, it was discovered that the actual motion for the transitional screening waiver cited lot 2, but did not explicitly cite lot 1.

Therefore, Supervisor Hyland moved that the Board approve a modification of transitional screening along the northern, southern, and western property boundaries of proposed Lot 1 and Lot 2 to that shown on the special exception plat and that the clerk's letter for the proffered condition amendment application be amended. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

51. **ANNIVERSARY FOR THE ROUTE ONE TASK FORCE FOR HUMAN SERVICES (MOUNT VERNON DISTRICT)** (12:22 p.m.)

Supervisor Hyland said that Anne A. Andrews is the citizen advocate *par excellence* for the human services in the southeastern corner of the County. For 30 years, she has raised her voice, and awareness, for the needs of the most vulnerable residents.

Supervisor Hyland referred to his written Board Matter which outlined Ms. Andrews many accomplishments.

Therefore, Supervisor Hyland moved that the Board direct staff to invite Ms. Andrews to appear before the Board on April 25 to be recognized for the 30 year anniversary of the Route One Task Force for Human Services. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

52. **"NO PARKING, NO IDLING, NO DUMPING – VIOLATORS WILL BE PROSECUTED" SIGNS (MOUNT VERNON DISTRICT)** (12:24 p.m.)

Supervisor Hyland said that for many years tractor-trailers, loaded trash containers, transfer boxes, half vehicles, inoperable dump trucks,

household appliances, gas tanks and other derelict materials have been deposited and abandoned along 10100 - 10180 Richmond Highway. Offenders have been ticketed by the police and the Department of Public Works and Environmental Services.

Supervisor Hyland noted that the property located in a Virginia Department of Transportation (VDOT) right-of-way may be owned by the County.

Therefore, Supervisor Hyland moved that the Board direct staff to determine the ownership of this pull off area and, if permitted, install signs that read:

“NO PARKING, NO IDLING, NO DUMPING  
VIOLATORS WILL BE PROSECUTED”

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

53. **FRESH EGGS** (12:25 p.m.)

Supervisor Hyland announced that for those interested he brought fresh eggs.

54. **APPRECIATION TO BOARD MEMBERS (MOUNT VERNON DISTRICT)** (12:26 p.m.)

Supervisor Hyland expressed his appreciation to Board Members for extending their thoughts to him and helping him meet the challenge of the loss of his mother.

55. **TRANSPORTATION SUMMIT** (12:26 p.m.)

(NOTE: Earlier in the meeting, this issue was discussed. See Clerk’s Summary Item CL#16.)

Supervisor McConnell expressed her appreciation to all those who helped with the recent Transportation Summit. She particularly noted the efforts of Dianne Peikin of her staff.

56. **AFFORDABLE HOUSING** (12:27 p.m.)

Supervisor Kauffman said that historically, housing advocacy and neighborhood preservation have occupied two different universes. This was certainly the case in the mid-90s when lax enforcement made the Section 8 housing certificate program the bane of neighborhoods in the Richmond Highway Corridor. The certificate program was seen as a right, not as a responsibility, and landlords frequently let their properties deteriorate to the point that neighboring homes lost value. Equally important, was the damage that such deterioration did to the social fabric of the community – pitting neighbor against neighbor.

Supervisor Kauffman said that the Board effectively responded to this challenge by linking requests for additional certificates to more strict enforcement of federal guidelines and local ordinances. The Board went beyond finding a match between willing landlords and tenants. It also established a match between preserving affordable housing and protecting neighborhood standards.

Supervisor Kauffman noted that the Board recently accepted the report of the Affordable Housing Task Force. This group's key recommendation is that the Board set aside the revenue from one cent of the real estate tax to fund the preservation of affordable housing.

Supervisor Kauffman pointed out that Countywide, many older, single-family homes are being illegally converted into boarding houses.

While such housing may well be affordable, it often violates zoning ordinance standards for neighborhood preservation. Even more importantly, such housing frequently fails to meet the most basic safety codes. Homes built 60 years ago for family living are not equipped to handle the demand of multiple renters who overload electrical outlets, wear down floor supports, and live in spaces from storage spaces to wet basements--that were never designed for living. Streets and driveways are not equipped to hold cars driven by multiple renters. It is not only adults who are at risk while living in over-crowded conditions. Of even more concern, is the safety of children who are living in these makeshift surroundings.

Supervisor Kauffman said that if the Board is going to ask taxpayers to make an investment in preserving affordable housing, it must clearly link this policy commitment with a service commitment to better protect neighborhoods from the kind of "affordable housing" that can drag a community down and put even those benefitting from it at risk.

Supervisor Kauffman said that the Board must adopt new standards that range from something as simple as limiting the installation of second kitchens to as complex as crafting an enforceable cap to the number of occupants of a single family home. The current limiting standard of "relationship by blood or marriage" has been stretched to include virtually the entire family of man. The Town of Herndon has already taken such action.

Supervisor Kauffman said that the Board needs to fundamentally re-evaluate how it investigates and enforces over-occupancy violations. The enforcement practices have not basically changed since the late 70s. Over the intervening three decades and into a new century, there has been a change in the neighborhoods.

Accordingly, Supervisor Kauffman moved that any effort to expand or preserve affordable housing as a part of the budget be clearly linked to focused efforts to better protect the communities from the steady growth of over-crowding in neighborhood homes. Supervisor Gross seconded the motion.

Following discussion of the motion, Supervisor Smyth asked unanimous consent that the motion also include the Health Department. Without objection, it was so ordered.

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

57. **SPRINGFIELD SWIMMING AND RACQUET CLUB CELEBRATES ANNIVERSARY (LEE DISTRICT)** (12:39 p.m.)

Supervisor Kauffman said that this year, the Springfield Swimming and Racquet Club is celebrating its fiftieth year of operation in the heart of the Crestwood community in central Springfield.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite members of the Springfield Swimming and Racquet Club to appear before the Board at a future meeting for formal recognition. Without objection, it was so ordered.

58. **BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD (LEE DISTRICT)** (12:39 p.m.)

(BACs) Supervisor Kauffman said each year since 1998, residents and homeowners in the Burgundy Village community elect candidates to the Burgundy Village Community Center Operations Board. As directed in its bylaws, the Operations Board holds the annual elections in May with assistance from the Department of Community and Recreation Services (CRS). CRS often contracts with the League of Women Voters to ensure the annual preference poll is conducted in a fair manner.

Therefore, Supervisor Kauffman moved that the Board direct CRS to make up to a \$1,000 contribution from the Burgundy Village Community Center budget to the League of Women Voters to cover the expenses associated with conducting the preference poll. Supervisor McConnell seconded the motion.

Following discussion regarding the motion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

59. **SPRINGFIELD DAYS (LEE AND SPRINGFIELD DISTRICTS)** (12:40 p.m.)

Jointly with Supervisor McConnell, Supervisor Kauffman announced that this year will be the seventeenth annual Springfield Days celebration, running from Friday, June 3 through Sunday, June 5.

Therefore, Supervisor Kauffman moved that the Board direct staff to invite those who work on “*Springfield Days*” to appear before the Board to commend them for their efforts. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

60. **SPECIAL EXCEPTION APPLICATION SE 2004-DR-031 (DRANESVILLE DISTRICT)** (12:41 p.m.)

On behalf of Supervisor DuBois, Supervisor Kauffman said that Riverbend Golf and Country Club, Incorporated, has submitted Special Exception Application SE 2004-DR-031 to increase its membership level. This application has received a favorable recommendation from staff, the Great Falls Citizens Association, and the Planning Commission.

Therefore, on behalf of Supervisor DuBois, Supervisor Kauffman moved that the Board direct staff to schedule a public hearing to be held before the Board on Special Exception Application SE 2004-DR-031 for the first available Board meeting. This motion does not relieve the applicant from complying with the provisions of any applicable regulations, ordinances, or adopted standards, and does not prejudice the consideration of this special exception application in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

61. **OLDER AMERICANS MONTH IN FAIRFAX COUNTY** (12:42 p.m.)

On behalf of Supervisor DuBois, Supervisor Kauffman said that seniors are the fastest growing segment of the population. The month of May will be designated nationally as Older Americans Month with the theme “Celebrate Long Term Living.” He added that the County is home to more than 80,000 residents aged 60 plus.

Therefore, on behalf of Supervisor DuBois, Supervisor Kauffman asked unanimous consent that the Board:

- Designate May as “*Older Americans Month*” in Fairfax County.
- Direct staff to invite representatives of the Commission on Aging, the Long Term Care Coordinating Council, the Area Agency on Aging, and any other appropriate group to appear before the Board on April 25 to receive the proclamation and the Board’s thanks for all they do for senior citizens.

Without objection, it was so ordered.

62. **RECESS/CLOSED SESSION** (12:43 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. *Patricia E. McDougall v. Christopher Michael Huber*, At Law No. CL-2004-0223376 (Fx. Co. Cir. Ct.)
2. *BT-NEWYO, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*; At Law No. CL-2005-0000026 (Fx. Co. Cir. Ct.) (Sully District)
3. *The Ira and Virginia Cox Limited Partnership, LLP, et al. v. Board of Zoning Appeals, et al.*, At Law No. CL-2002-0210690 (Fx. Co. Cir. Ct.); *William E. Shoup, Fairfax County Zoning Administrator v. The Ira and Virginia Cox Limited Partnership, LLP*, In Chancery No. CH-2003-0183107 (Fx. Co. Cir. Ct.); Record No. 042782 (Sup. Ct. Va.) (Sully District)
4. *West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkensdorfer, Donald N. Huff, and Robert F. Rosenbaum v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042274; *Board of Zoning Appeals of Fairfax County v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042326 (Sup. Ct. Va.) (Dranesville District)
5. *William E. Shoup, Fairfax County Zoning Administrator v. Patricia DeLisio and John Aidonis*, In Chancery No. CH-2004-0199371 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Dolores L. Lewis*, In Chancery No. CH-2003-0181989 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Daniel E. Carpenter and Phyllis A. Carpenter v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, In Chancery No. CH-1984-0089823 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. CH-2004-0189092 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- Gas Mart Corporation, et al. versus Board of Supervisors of Loudoun County, et al.; Virginia Supreme Court Record Number 041455
- Virginia Code Annotated Section 15.2-2308(0)
- Title 5 Virginia Administrative Code Section 5-20-80(A)

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor DuBois being absent.

**DET:det**

At 3:28 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**

#### 63. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:28 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 Frey seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being absent.

64. **AUTHORIZATION OF THE SETTLEMENT OF PATRICIA E. MCDUGALL VERSUS CHRISTOPHER MICHAEL HUBER, AT LAW NUMBER CL-2004-0223376** (3:29 p.m.)

Supervisor Hyland moved that the Board authorize the settlement of *Patricia E. McDougall versus Christopher Michael Huber*, At Law Number CL-2004-0223376, Fairfax County Circuit Court, 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 absent.

65. **REMOVAL OF VEGETATION BY DOMINION VIRGINIA POWER ALONG THE W&OD TRAIL** (3:29 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct staff to explore legal and/or administrative options regarding the issue of vegetation removal by Dominion Virginia Power along the W&OD Trail, as outlined by the County Attorney in closed session.

Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

66. **AUTHORIZATION TO SEND THE BOARD OF ZONING APPEALS (BZA) A LETTER RELATING TO THE BOARD'S POLICY WITH REGARD TO AN APPROPRIATION OF FUNDS TO THE BZA FOR RETENTION OF PRIVATE LEGAL COUNSEL** (3:29 p.m.)

Supervisor Hyland moved that the Board authorize the County Executive to send the BZA a letter relating to the Board's Policy with regard to an appropriation of funds to the BZA for the retention of private legal counsel for limited purposes in accordance with the terms and conditions outlined by the County Attorney in closed session. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

PW:pw

**AGENDA ITEMS**

67. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-IV-LP1, LOCATED EAST OF CRANFORD STREET/GUNSTON COVE ROAD INTERSECTION (MOUNT VERNON DISTRICT)** (3:30 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 December 23 and December 30, 2004.

(NOTE: On January 10, 2005, the Board deferred the public hearing on this item until January 24, 2005. On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005. On February 7, 2005, the Board deferred the public hearing on this item until February 28, 2005. On February 28, 2005, the Board deferred the public hearing on this item until March 21, 2005.)

Denise James, Planner III, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of Out-of-Turn Plan

Amendment S04-IV-LP1 as proposed in the recommended plan text as contained in the handout entitled "Proposed 3/21/05 Revision" provided to the Board during the hearing. Following input from David P. Bobzien, County Attorney, this motion, the second to which was inaudible, carried by a vote of nine, Supervisor DuBois being absent.

68. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-P-038 (NEVZAT KANSU AND HACER K. KANSU) (PROVIDENCE DISTRICT) (No time)**

The public hearing on Proffered Condition Amendment Application PCA 79-P-038 was indefinitely deferred.

69. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MA-034 (ENTERPRISE LEASING COMPANY D/B/A ENTERPRISE RENT-A-CAR) (MASON DISTRICT) (3:37 p.m.)**

The application property is located at 6288 Arlington Boulevard, Tax Map 51-3 ((1)) 35A and 35B.

Ms. Sheri Hoy reaffirmed the validity of the affidavit for the record.

Ms. Hoy 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, Kristen Crookshanks, 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-034, subject to the development conditions dated March 8, 2005. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

70. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-V-106-02 (OURISMAN DODGE, INCORPORATED) (MOUNT VERNON DISTRICT) (3:40 p.m.)**

The application property is located at 5900 Richmond Highway, Tax Map 83-2 ((1)) 2C.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Ms. Kelsey 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.

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

- In excess of \$200 from Mr. John Ourisman who is not a party to this application

Catherine Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, identified the property.

Supervisor Hyland stated that the two letters referred to by Ms. Kelsey during her presentation will be made a part of the record.

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 Gross being out of the room, Supervisor DuBois being absent.

Supervisor Hyland moved approval of Special Exception Amendment Application SEA 87-V-106-02, subject to the proffers dated March 17, 2005. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Gross being out of the room, Supervisor DuBois being absent.

Supervisor Hyland further moved:

- Modification of the Richmond Highway streetscape and trail requirements to that shown on the SEA Plat.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the peripheral parking lot landscaping requirement along the southern and western property lines to that shown on the SEA Plat.

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

#### **ADDITIONAL BOARD MATTER**

71. **LENGTH OF SERVICE AWARD PRESENTATIONS TO SUPERVISOR MCCONNELL AND SUPERVISOR FREY (SPRINGFIELD AND SULLY DISTRICTS)** (3:50 p.m.)

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Chairman Connolly presented Springfield District Supervisor McConnell with a Length of Service Award for 20 years of service to the County.

Chairman Connolly presented Sully District Supervisor Frey with a Length of Service Award for 25 years of service to the County.

#### **AGENDA ITEMS**

72. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-III-FC1, FOR PROPERTY LOCATED ON LEGATO ROAD ACROSS FROM FAIR OAKS MALL (SPRINGFIELD DISTRICT)** (4 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 March 3 and March 10, 2005.

Fred Selden, Director, Planning Division (PD), Department of Planning and Zoning (DPZ), introduced new staff member Leanna Hush, Planner II, Public Facilities Planning Branch, PD, DPZ, and she presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved approval of Out-of-Turn Plan Amendment S04-III-FC1, as recommended in the handout dated March 21, 2005. The effect of the amendment would be to delete the Comprehensive Plan language that specifies the location of a future parking structure, and to add Plan language to address the impacts of any parking structure on the adjacent residential land uses. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hyland, and Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

73. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S01-CW-15CP TO CONSIDER REVISING INFORMATION, OBJECTIVES, AND POLICIES FOR THE PARKS AND RECREATION SECTION OF THE POLICY PLAN ELEMENT IN THE 2003 EDITION OF THE COMPREHENSIVE PLAN** (No time)

The public hearing on Out-of-Turn Plan Amendment S01-CW-15CP was deferred to **May 9, 2005, at 3:30 p.m.**

74. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-SU-039 (NORTHERN VIRGINIA ELECTRIC COOPERATIVE) (SULLY DISTRICT)** (4:09 p.m.)

The application property is located at 6309 Bull Run Post Office Road, Tax Map 52-2 ((1)) 11C pt. (formerly 11A pt.)

Ms. Sarah 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, Kristen Crookshanks, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2004-SU-039, subject to the proffers dated March 15, 2005. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

Supervisor Frey further moved:

- Waiver of the transitional screening requirements on all four property lines.
- Modification of the barrier requirements on all four property lines in accordance with the SE Plat.

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

75. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS), RELATING TO ELECTION PRECINCTS** (4:13 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 March 8 and March 14, 2005.

Margaret Luca, Electoral Board Secretary, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to extend the temporary polling place relocation for Colvin precinct and to establish the hours and dates of operation for the absentee voting satellites for the November 8, 2005, general election. Supervisor Gross 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 Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING THE MAXIMUM COMBINED COMPENSATION FOR A REHIRED RETIREE** (4:16 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 March 3 and March 10, 2005.

Laurz A. Swartz, Executive Director, Retirement Administration Agency, presented the staff report and discussion ensued.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Sections 3-2-43, 3-3-43, and 3-7-40 to modify the definition of the maximum combined compensation for a rehired retiree. Supervisor Bulova seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins voting "NAY," Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

**ADDITIONAL BOARD MATTER**

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77. **WELCOME TO JUAN PACHECO OF BARRIOS UNIDOS AND FRIENDS** (4:26 p.m.)

Supervisor Bulova recognized the presence of Mr. Juan Pacheco of Barrios Unidos and friends and welcomed them to the Board Auditorium.

**AGENDA ITEMS**

78. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-031 (IVY DEVELOPMENT, LC) (MOUNT VERNON DISTRICT)** (4:30 p.m.)

- (O) The application property is located on the south side of Alban Road, approximately 550 feet west of I-95, Tax Map 99-3 ((1)) 3.

Ms. Lynne 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, Regina Murray, Branch Chief, Rezoning/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-031, from the R-1 District to the PDH-3 District, subject to the proffers dated March 18, 2005.
- Approval of the Conceptual Development Plan associated with the rezoning.
- Modification of the Comprehensive Plan recommendation to provide right-of-way 56 feet from the centerline of Alban Road to that shown on the Conceptual and Final Development Plans.
- Waiver of fence height limitation to permit the proposed sound mitigation wall along Alban Road to be a maximum of six feet in height and the wall at the rear of lots 7 and 8 to be a maximum of eight feet in height.

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

On February 17, 2005, the Planning Commission approved Final Development Plan Application FDP 2004-MV-031.

79. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE WEST HAMPTON COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT) (4:30 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 March 3 and March 10, 2005.

Paul Mounier, Transportation Planner II, Department of Transportation, presented the staff report.

Supervisor Kauffman stated that he had an item for the record.

Following the public hearing, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the West Hampton CPD, to be in effect seven days per week, 24 hours per day. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois being absent.

80. **4:30 P.M. – PH REGARDING THE PROPOSED LEASING FOR THE CONTINUED USE OF COUNTY-OWNED PROPERTY AT 6400 SEVEN CORNERS PLACE, UNIT 1B, FALLS CHURCH, VIRGINIA TO HISPANOS UNIDOS DE VIRGINIA (MASON DISTRICT) (4:36 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 March 3 and March 10, 2005.

Patrick Ryan, Management Analyst II, Leasing and Property Management, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Gross moved that the Board authorize staff to execute a lease, substantially in accordance with the proposed lease, for the continued use of County-owned property at 6400 Seven Corners Place, Unit 1B, Falls Church, Virginia, Tax Map Number 51-3-34-0001B1 to Hispanos Unidos de Virginia for the purpose of providing a variety of human and social services to the Hispanic community in the Falls Church area of the County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

81. **4:30 P.M. – PH AUTHORIZING THE COUNTY EXECUTIVE TO SIGN A LICENSE AGREEMENT ON BEHALF OF THE**

**BOARD PERMITTING THE TEMPORARY USE OF RIGHT-OF-WAY (SULLY DISTRICT)** (4:38 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 March 3 and March 10, 2005.

Luis Lopez, Property Analyst, Property Management Branch, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the Resolution authorizing the County Executive to sign a license agreement on behalf of the Board permitting the temporary use of right-of-way that is currently part of Tax Map Number 34-4-1-parcel 43. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being absent.

82. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING SIGNAGE FOR ACCESSIBLE PARKING SPACES, CASH DEPOSITS, AND NATURAL DRAINAGE DIVIDES** (4:42 p.m.)

Supervisor Frey moved to defer the public hearing on proposed amendments to the PFM concerning signage for accessible parking spaces, cash deposits, and natural drainage divides until **April 4, 2005, at 4 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

83. **BOARD ADJOURNMENT** (4:42 p.m.)

Supervisor Bulova moved to adjourn. Supervisor Hudgins seconded the motion, and it carried by a vote of nine, Supervisor DuBois being absent.