



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 7, 2001**

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01-12

DMB:dmb

The meeting was called to order at 9:35 a.m., with all Members being present, and with Chairman Hanley presiding.

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

BOARD MATTER

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

Supervisor Hudgins wished Jane Gilmer Wilhelm, who has been ill, a speedy recovery. Ms. Wilhelm is a former educator in the Hunter Mill District.

AGENDA ITEMS

2. **PROCLAMATION TO DECLARE MAY 11 AS "PROVIDER APPRECIATION DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation declaring May 11 as "*Provider Appreciation Day*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

3. **PROCLAMATION TO DESIGNATE THE WEEK OF MAY 14 AS "GIRLS' RIGHTS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Frey moved approval of the Proclamation designating May 14 as "*Girls' Rights Week*" in Fairfax County. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION TO DESIGNATE MAY AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Connolly moved approval of the Proclamation declaring the month of May as "*Community Action Month*" in Fairfax County. Chairman Hanley seconded the motion and it carried by unanimous vote.

Carol A. Hawn, Chairman, Community Action Advisory Board, presented two 2001 Community Action Awards.

5. **PROCLAMATION TO DECLARE MAY AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation declaring May as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **PROCLAMATION TO PROCLAIM THE WEEK OF MAY 5 AS "SAFE KIDS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation proclaiming the week of May 5 as "*Safe Kids Week*" in Fairfax County. The motion was multiply seconded.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

7. **PROCLAMATION TO DESIGNATE MAY 4 - 11 AS "BIKE TO WORK WEEK" IN FAIRFAX COUNTY** (Tapes 1-2)

Supervisor Gross moved approval of the Proclamation designating May 4 - 11 as "*Bike to Work Week*" in Fairfax County. Supervisor Connolly seconded the

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

Following discussion, Supervisor Gross also presented a Proclamation from James S. Gilmore, III, Governor, Commonwealth of Virginia, proclaiming the month of May as *Bike Month* in Virginia.

ADDITIONAL BOARD MATTER

8. **RECOGNITION OF THE MAYOR AND TOWN COUNCILMAN OF THE TOWN OF VIENNA** (Tape 2)

Chairman Hanley recognized the presence of Jane Seeman, Mayor, Town of Vienna, and Bob McCormack, Town Councilman, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

9. **10 A.M. – PRESENTATION BY THE VOLUNTEER FIRE COMMISSION OF THE 2000 VOLUNTEER FIRE SERVICE AWARDS** (Tape 2)

William A. Schmidt, Chair, Volunteer Fire Commission, and Chief Edward L. Stinnette, Fire and Rescue Department, presented the 2000 Volunteer Fire Service Awards to the following individuals to recognize them for their service to the community:

- Volunteer Firefighter – Thomas Warnock, Burke Volunteer Fire and Rescue Department
- Volunteer Officer – Tim Fleming, Franconia Volunteer Fire and Rescue Department
- Volunteer EMS Provider – Stephan Winkler, Annandale Volunteer Fire Department
- Volunteer ALS Provider – Jennifer Hagood, Greater Springfield Volunteer Fire Department
- Volunteer BLS Provider – John F. Powers, Burke Volunteer Fire and Rescue Department
- Volunteer Rookie – Mark Servello, Fair Oaks Volunteer Fire and Rescue Company
- Administrative Officer – Andrew Eastman, Dunn Loring Volunteer Fire and Rescue

Department

- Administrative Member – Ronald Waller, Annandale Volunteer Fire Department
- Canteen Member – Shirley Binsky, Annandale Volunteer Fire Department

The following individual received recognition for exceptional service and received the Fire Chief's Award:

- Lawrence Bocknek – Burke Volunteer Fire and Rescue Department

The following individuals received recognition for exemplary support and assistance:

- Susan Herbert
- Lieutenant Jerry Smith

The following individuals received recognition for their many years of service to the department and the community:

- Bill Ellis
- Allan Caldwell

DS:ds

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

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

Supervisor Connolly called the Board's attention to Admin 6 – Designation of Plans Examiner Status Under the Expedited Plan Development Program and discussion ensued with input from Anthony H. Griffin, County Executive.

Supervisor Connolly called the Board's attention to Admin 7 – Authorization for the Fairfax-Falls Church Community Services Board to Apply for Substance Abuse Treatment Funds to Expand Treatment Capacity in Targeted Areas of Need and discussion ensued with input from Mr. Griffin, and Richard L. Kunkel, Director, Alcohol and Drug Services, Fairfax-Falls Church Community Services Board.

Supervisor Gross called the Board's attention to Admin 13 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District) That Would (1) Create New Election Precincts to Follow the Boundaries of the Newly Established Election Districts for the Members of the Virginia General Assembly; (2) Provide for the temporary relocation of two satellite absentee voting locations; and (3) Extend the Hours of Satellite Absentee Voting Locations Prior to the November General Election.

Following discussion, Supervisor Gross asked unanimous consent that the Board direct staff to make the following correction:

- On handwritten page 26 of the Memorandum to the Board dated May 7, 2001, change all instances of the word "Woolen Drive" to "Wooten Drive."

Without objection, it was so ordered.

Discussion ensued with input from Carol Ann Coryell, Electoral Board Secretary.

The question was called on the motion to approve the Administrative Items and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-D-023, HOLLADAY PROPERTIES SERVICES, INCORPORATED (DRANESVILLE DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 98-D-023 to November 16, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-M-028, LINCOLNIA EDUCATIONAL FOUNDATION, INCORPORATED (MASON DISTRICT)

- (AT) Approved the request for six months of additional time to commence construction for Special Exception Amendment Application SEA 98-M-028 to October 16, 2001, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application FS-P01-8 to July 13, 2001
- Application FSA-H00-45-1 to July 14, 2001
- FSA-B00-89-1 to July 14, 2001
- FS-M01-9 to July 15, 2001
- FSA-V00-47-1 to July 15, 2001

ADMIN 4 – RECOMMENDATION OF STREETS TO BE INCLUDED IN THE TRAFFIC-CALMING PROGRAM (TCP)

- Endorsed the selection of the following streets into the joint Fairfax County Department of Transportation/Virginia Department of Transportation (VDOT) TCP:
 - Chesapeake Drive (Dranesville District)
 - Freedom Lane (Dranesville District)
- Directed staff to request VDOT to develop traffic calming plans in conjunction with each community as soon as possible.

ADMIN 5 – INSTALLATION OF A MULTI-WAY STOP AT MIDDLEFORD DRIVE AND THORNCLIFF LANE (SPRINGFIELD DISTRICT)

- Endorsed the installation of a multi-way stop at Middleford Drive and Thorncliff Lane (Springfield District).
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

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

(NOTE: Earlier in the meeting this item was discussed. See page 4.)

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

- Gary P. Bowman (31)
- C. Robert Pitera (54)
- Joseph Monaco (56)
- Timothy W. Vaughan (77)
- Thomas L. Fitzpatrick (97)
- David M. Shacochis (160)
- Thomas J. Ford, Jr. (172)
- Karyn L. Moreland (179)

ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR SUBSTANCE ABUSE TREATMENT FUNDS TO EXPAND TREATMENT CAPACITY IN TARGETED AREAS OF NEED

(NOTE: Earlier in the meeting this item was discussed. See page 4.)

Authorized CSB's application to the Center for Substance Abuse Treatment for grant funds totaling \$488,193 annually for three years. These funds support the expansion of case management services for clients with co-expansion of case management services for clients co-occurring mental health and substance abuse disorders. No local cash match is required.

ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY TO THE GOVERNOR'S OFFICE ON SUBSTANCE ABUSE PREVENTION FOR STATE INCENTIVE GRANT FUNDS TO PROVIDE AFTER-SCHOOL PROGRAMMING FOR MIDDLE SCHOOL STUDENTS

Authorized CSB's application to the Governor's Office on Substance Abuse Prevention for State Incentive grant funds totaling approximately \$360,000 over three years. These funds will provide for middle school after-school

programming in collaboration with the Fairfax County Public Schools Safe and Drug-Free Youth Office and the School-Community Coalitions which include additional organizations. No local cash match is required.

ADMIN 9 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR THE GOVERNOR'S OFFICE ON SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PREVENTION GRANT FUNDS FOR THE GIRL POWER PARTNERSHIPS PROGRAM

Authorized CSB's application to the Governor's Office for evaluation funds for a maximum of \$15,000 to contract for a formal, third party evaluation to measure outcomes and program effectiveness for the Girl Power Partnership Program. A local in-kind match of \$1,500 is required.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 01068 FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES' (CRS) 2001 SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

- (SAR) Approved SAR AS 01068 in the amount of \$93,716 for CRS' 2001 Summer Food Service Program for Children. This funding includes \$86,436 in US Department of Agriculture funds and \$7,280 in local cash match.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED CHANGES TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-11-2 "ADMINISTRATIVE HEARING FOR RELEASE OF MOTOR VEHICLE; DETERMINATION"

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 11, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-11-2 "Administrative Hearing for Release of Motor Vehicle; Determination."

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE QUITCLAIM OF A SANITARY SEWER EASEMENT ON LAND OWNED BY EISENHOWER LIMITED LIABILITY COMPANY

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **June 11, 2001, at 4 p.m.** regarding the proposed quitclaim of a sanitary sewer easement on land owned by Eisenhower Limited Liability Company.
 - Directed staff to notify adjacent property owners by certified mail of the public hearing.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), THAT WOULD (1) CREATE NEW ELECTION PRECINCTS TO FOLLOW THE BOUNDARIES OF THE NEWLY ESTABLISHED PRECINCT DISTRICTS FOR THE MEMBERS OF THE VIRGINIA GENERAL ASSEMBLY; (2) PROVIDE FOR THE TEMPORARY RELOCATION OF TWO SATELLITE ABSENTEE VOTING LOCATIONS; AND (3) EXTEND THE HOURS OF SATELLITE ABSENTEE VOTING LOCATIONS PRIOR TO THE NOVEMBER GENERAL ELECTION

(A) (NOTE: Earlier in the meeting the Board took additional action on this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **May 21, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), that would:

- Create new election precincts to follow the boundaries of the newly established precinct districts for the members of the Virginia General Assembly.
- Provide for the temporary relocation of two satellite absentee voting locations.
- Extend the hours of satellite absentee voting locations prior to the November general election.

ADMIN 14 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR A COPS IN SCHOOLS GRANT FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

Authorized the FCPD to apply to the US Department of Justice for a COPS in School Grant in the amount of \$750,000 to hire, train, and support 6/6.0 additional sworn law enforcement officers. A local cash match of \$1,238,603 over a three-year period is required, for a total program cost of \$1,988,603.

11. **A-1 – AUTHORIZATION TO IMPLEMENT THE PROPOSED FISCAL YEAR (FY) 2002 BUS FARE BUYDOWN PROGRAM (LEE, MASON, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (Tape 3)

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

- Approved the proposed FAIRFAX CONNECTOR bus routes in the FY 2002 Bus Fare Buydown Program, as presented in Attachment I of the Memorandum to the Board dated May 7, 2001, contingent upon notification from the State that necessary funds for the Bus Fare Buydown Program shall be available in FY 2002.
- Authorized the Director of Transportation to execute a grant agreement to receive funding for the FY 2002 program from the Virginia Department of Rail and Public Transportation.

Supervisor Hyland seconded the motion.

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

12. **A-2 – DESIGNATION OF SUPPLEMENTAL VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2001 REVENUE SHARING PROGRAM FUNDS (SULLY DISTRICT)** (Tape 3)

- (R) On motion of Supervisor Frey, seconded by Chairman Hanley, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution designating a maximum of \$100,000 in unused VDOT FY 2001 Revenue Sharing Program funds and a maximum of \$100,000 in matching County funds for a maximum of \$200,000, to continue the design of the widening of Lee Highway (Route 29) to six lanes between Shirley Gate Road (Route 655) and Old Centreville Road (Route 898).

13. **A-3 – APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY FOR APPROVAL OF A FUNCTIONAL SEPARATION PLAN UNDER THE VIRGINIA ELECTRIC UTILITY RESTRUCTURING ACT, VIRGINIA STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE000584** (Tape 3)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize the Department of Telecommunications and Consumer Services and the County Attorney's Office to file a Notice of Protest with the SCC in Case

Number PUE000584, with the understanding that staff would return with testimony, if any, for decision. Supervisor Connolly seconded the motion.

Discussion ensued with input from Steve Sinclair, Utilities Analyst, Department of Telecommunications and Consumer Services.

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

14. **A-4 – APPROVAL OF RETENTION INCENTIVE PAY FOR PUBLIC SAFETY COMMUNICATION CENTER EMPLOYEES** (Tape 3)

On motion of Supervisor Gross, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed financial incentive for the retention of Public Safety Communication Center staff.

A brief discussion ensued.

15. **A-5 – APPROVAL OF THE MEMORANDUM OF AGREEMENT (MOA) PERTAINING TO THE TRANSFER OF THE LORTON CORRECTIONAL COMPLEX OUT OF FEDERAL OWNERSHIP** (Tape 3)

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

- Authorized the County Executive to execute the MOA on behalf of the County.
- Directed the County Executive to report with proposed legislation to create an historic overlay district which encompasses the approximately 552 acres which is National Registry eligible (Eligible District).
- Directed the County Executive to prepare a proposed scope and format for feasibility studies pertaining to the reuse of structures in the Eligible District to be brought back to the Board for approval no later than November 7, 2001, as required by Section 8(a) of the MOA.

16. **A-6 – SALE OF GENERAL OBLIGATION BONDS AND REFUNDING BONDS, SERIES 2001A** (Tape 3)

(BONDS)

(R)

On motion of Supervisor Connolly, seconded by Supervisor Bulova, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman,

Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," the Board concurred in the recommendation of staff and:

- Adopted the Resolution authorizing the issuance of the General Obligation Bonds and Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement. This Resolution delegates to the County Executive or the Chief Financial Officer, authority to award the bonds to the best bidder. Bond Counsel has advised that this form of authorization is acceptable and consistent with previous bond sales. The winning bid must offer the lowest true interest cost, and the true interest cost rate must not exceed six percent per annum. The Series 1992C, 1993A, 1995A, and 1996A bonds will be refunded provided that the present value of the debt service savings, as calculated by the County's financial advisor, obtained from the refunding of the refunded bonds is not less than four percent of the principal amount of the refunded bonds. This Resolution also approves the form of notice of sale and the Official Statement, and authorizes the Chairman to sign the Official Statement.
- Approved the form of the Escrow Agreement for the General Obligation Refunding Bonds.

17. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-S00-38, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (SPRINGFIELD DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 7, 2001, announcing the Planning Commission's approval of Public Facilities Application 2232-S00-38.

18. **I-2 – CONTRACT AWARD – NEWINGTON MAINTENANCE FACILITY EXPANSION (MOUNT VERNON DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 7, 2001, requesting authorization for staff to award a contract to Vista Contracting, Incorporated, in the amount of \$2,460,000 for the construction of the Project 88A014, Newington Maintenance Facility Expansion, in Fund 311, County Bond Construction. This includes all mechanical, electrical, plumbing, structural, architectural, and other related work.

The staff was directed administratively to proceed as proposed.

19. **I-3 – PUBLIC MEETINGS REGARDING THE INITIATION OF A NEW FAIRFAX CONNECTOR BUS ROUTE SERVING FAIR OAKS AND RESTON (HUNTER MILL AND SULLY DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 7, 2001, requesting authorization for staff from the Department of Transportation to:

- Initiate the public involvement phase for the proposed new bus service.
- Hold the following planned public meetings:
 - May 22, 2001, at 7 p.m. at Reston Community Center
 - May 24, 2001, at 7 p.m. at Chantilly Regional Library

The staff was directed administratively to proceed as proposed.

20. **I-4 – PUBLIC MEETINGS ON PROPOSED ENHANCEMENTS AND ADJUSTMENTS TO THE FAIRFAX CONNECTOR DULLES CORRIDOR BUS SERVICE (DRANESVILLE, HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 7, 2001, requesting authorization for staff to solicit public comments on proposed enhancements and adjustments to the FAIRFAX CONNECTOR bus service in the Dulles Corridor. The public involvement process will include:

- Public meetings to be held at the:
 - Reston Community Center at Hunters Wood, May 22, 2001, from 7 p.m. to 9 p.m.
 - Neighborhood Resource Center in Herndon, May 23, 2001, from 7 p.m. to 9 p.m.
- Distribution of informational literature on buses and at transit facilities
- Meetings with interested parties

Discussion ensued with input from Thomas N. Black, Transportation Planner III, Department of Transportation.

The staff was directed administratively to proceed as proposed.

21. **I-5 – REACCREDITATION OF THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) BY THE VIRGINIA LAW ENFORCEMENT PROFESSIONAL STANDARDS COMMISSION (VLEPSC)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated May 7, 2001, announcing that the FCPD has received reaccreditation from the VLEPSC.

ADDITIONAL BOARD MATTERS

22. **FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) RECEIVES HUMAN RIGHTS AWARD** (Tape 3)

Chairman Hanley said that on Thursday, May 3, 2001, she attended the Human Rights Commission Awards Banquet. She noted that there were several very deserving recipients of the Fairfax County Human Rights Award, one being the FCPD.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff from the Office of Public Affairs to publicize that the FCPD had received a Human Rights Award in recognition of its efforts to prevent biased crimes. Without objection, it was so ordered.

23. **NATIONAL PUBLIC WORKS WEEK** (Tape 3)

Chairman Hanley said that the Department of Public Works and Environmental Services has requested that the County designate May 21 - 27, 2001, as National Public Works Week in Fairfax County.

Accordingly, Chairman Hanley moved that the Board direct staff to invite the appropriate representatives to appear before the Board at the May 21, 2001, meeting to receive a proclamation declaring the week of May 21 - 27, 2001, as "*Public Works Week*" in Fairfax County. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

24. **PRISONER OF WAR/MISSING IN ACTION (POW/MIA) FLAG** (Tape 3)

Chairman Hanley said that Public Law 105-85 designates the federal observance schedule for flying the POW/MIA flag. The Commonwealth of Virginia has designated that the flag be flown on the same six designated days at the State facilities. Chairman Hanley reminded the Board that at its June 22, 1992, meeting the Board voted to fly the POW/MIA flag on Memorial Day, Independence Day, and Veterans Day. In the Board's 1992 discussion, it was

suggested that when the federal and State schedule coincided that the County would consider adhering to the same schedule, which would add May 16, June 14, and September 21.

Therefore, Chairman Hanley moved that the POW/MIA flag be flown at the Government Center on the Federal/State schedule. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hanley returned the gavel to Chairman Hanley.

DMB:dmb

25. **RETIREMENT OF JUDGE F. BRUCE BACH AS CHIEF JUDGE OF THE CIRCUIT COURT OF FAIRFAX COUNTY** (Tape 4)

Supervisor Mendelsohn stated that Judge F. Bruce Bach has announced his retirement as Chief Judge of the Circuit Court of Fairfax County, effective June 30, 2001. Judge Bach has had a distinguished career as both a practicing attorney and as a jurist. His myriad contributions to the Circuit Court, including his initiatives for improving the efficiency and the effectiveness of that court system and for the courthouse expansion project, are note-worthy and have been recognized beyond this jurisdiction. Under his leadership, the Fairfax County Circuit Court has gained a reputation unparalleled in the Commonwealth. Judge Bach has raised the profile of the Fairfax County Circuit Court and the associated Fairfax Bar Association through his own dedication and example and through the community outreach that he has fostered. Throughout his career, he has mentored countless young lawyers, many of whom regard him as a personal friend as well as a professional colleague.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite Chief Judge Bach to appear before the Board at a date to be determined to recognize his significant accomplishments and contributions to Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

PMH:pmh

26. **PINE SPRING ELEMENTARY SCHOOL PRINCIPAL ANDREA WARNER RETIRES** (Tape 4)

Supervisor Connolly announced that Andrea Warner, principal of Pine Spring Elementary School for the last ten years, has announced her retirement.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Ms. Warner to appear before the Board to be recognized for her

many years of service to the children of Pine Spring Elementary and Fairfax County. Without objection, it was so ordered.

27. **FALLS CHURCH HIGH SCHOOL SPECIAL EDUCATION TEACHER WINS FREIDA J. REILLY AWARD** (Tape 4)

Supervisor Connolly noted a feature story on the cover of this week's *Washington Post* Metro section. Wendy Shugol, a special education teacher at Falls Church High School, was presented this week with the 2001 Freida J. Reilly Teacher Award at a ceremony at the National Air and Space Museum.

Therefore, Supervisor Connolly moved that the Board direct staff to invite Ms. Shugol to appear before the Board to be honored for her extraordinary career in Fairfax County Public Schools and to recognize her unique ongoing role in the lives of many classes of very special Fairfax County students over the last 25 years. This motion, the second to which was inaudible, carried by unanimous vote.

28. **ABANDONMENT AND VACATION OF PORTIONS OF CYRANDALL VALLEY ROAD AND THISTLE LANE RELATED TO REZONING APPLICATION RZ 2000-PR-010** (Tape 4)

Supervisor Connolly said that on November 20, 2000, the Board approved Rezoning Application RZ 2000-PR-010 in the name of Winchester Homes to permit redevelopment of certain property off Cyrandall Valley Road. As part of that application a public hearing is needed on an abandonment and vacation of a portion of Cyrandall Valley Road and Thistle Lane.

Therefore, Supervisor Connolly moved that the Board direct staff to schedule a public hearing to be held before the Board on June 11, 2001, on the abandonment and vacation requests. This action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

29. **KRASNOW AND MACKALL PROPERTIES CONCURRENT PROCESSING** (Tape 4)

Supervisor Connolly said that an application is currently pending before the City of Fairfax to rezone properties located on the east side of Pickett Road, known as the Krasnow and Mackall properties. Approximately, but not less than, 15 acres of the Krasnow property will be dedicated to the County for park use.

Therefore, Supervisor Connolly moved that the Board direct the Director of the Department of Public Works and Environmental Services to permit the public improvement plan to be processed expeditiously and concurrently with the application which is pending in the City of Fairfax. Supervisor Bulova seconded the motion and it carried by unanimous vote.

30. **REQUEST FOR CERTIFICATE OF APPRECIATION FOR MR. TOM BARTELT** (Tape 5)

Supervisor Hudgins said that Mr. Tom Bartelt's career with Reston's Community Television Station began as a volunteer more than 30 years ago. When Mr. Bartelt heard cable was coming to Reston, he immediately called the local cable company, then known as the Reston Transmission Company. He was one of the first volunteers of a neophyte community television station. A year later Mr. Bartelt left his full time job at a well known television station to become the community programming manager of Reston's Community Television. After 30 years of community television of festivals, meetings, sports events, and debates, Mr. Bartelt is retiring. Over the years he found his work to be truly unique, providing opportunities for members of the community to speak out through cable.

Supervisor Hudgins said that Mr. Bartelt has also encouraged young people to volunteer at the station and has taught them everything from running cameras to editing. His involvement with youth has spanned over several generations of high school students.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Mr. Bartelt to appear before the Board to be recognized for his many years of service and dedication to the youth and the Reston community as the Programming Manager of Reston Cable. Supervisor McConnell seconded the motion and it carried by a unanimous vote.

31. **REQUEST FOR CERTIFICATE OF APPRECIATION FOR MS. BONNIE WHITE RUPP** (Tape 5)

Supervisor Hudgins said that Ms. Bonnie White Rupp has been named the Virginia State Reading Teacher Association's Teacher of the Year. Ms. Rupp has taught reading at Aldrin Elementary School since 1984. She has been the recipient of many awards including being the Greater Washington Reading Council Teacher of the Year last year and the Virginia Technology Teacher of the Year in 1995.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Ms. Rupp to appear before the Board to be recognized for her outstanding accomplishment. This motion, the second to which was inaudible, carried by unanimous vote.

32. **RENTAL HOUSING LOANS AT RISK** (Tape 5)

Supervisor Hudgins referred to a news article from the *Washington Post*, dated May 4, 2001, page A23, noting that \$3.5 billion in federally backed loans to build approximately 51,000 affordable rental apartments will evaporate unless Congress

and the Bush administration reverse a shutdown of the Federal Housing Administration rental housing loan program.

Supervisor Hudgins expressed concern about how this will impact states around the nation. She asked unanimous consent that the Board direct staff to report with the loss and the risk to the projects in Fairfax County. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a status report at the May 21, 2001, meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

A brief discussion ensued.

33. **APPRECIATION TO THE BOARD AND THE COUNTY ATTORNEY'S OFFICE** (Tape 5)

Supervisor Hudgins referred to the McDonald's case that was before the Supreme Court in which a lower court had rescinded an action by the Fairfax County Board. She said that constituents expressed appreciation to the Board and the County Attorney's office for the job that was done in supporting the interests of the citizens in that case.

34. **SPRINGFIELD DAYS** (Tape 5)

Jointly with Supervisor McConnell, Supervisor Kauffman said that this year will be the Thirteenth Annual Springfield Days celebration, running from Thursday, May 31 through Sunday, June 3.

Supervisor Kauffman pointed out that each year the celebration that is sponsored by the Greater Springfield Chamber of Commerce grows bigger and better and this year is no exception.

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

- Prepare a proclamation declaring Springfield Days on May 31, June 1-3, 2001.
- Invite Ms. Darcey Whalen and her Springfield Days committee to the May 21, 2001, Board meeting to be recognized and to receive the proclamation.

Supervisor McConnell seconded the motion and it carried by unanimous vote.

35. **EXPEDITIOUS PROCESSING REGARDING KINGSTOWNE REGIONAL LIBRARY** (Tape 5)

Supervisor Kauffman moved that the Board direct staff to expedite the public hearing for the proffered condition amendment application and the final development plan amendment application for the future site of the Kingstowne regional library located at Tax Map 90-1 ((1)) 10B by scheduling a public hearing to be held before the Board on **August 6, 2001, at 4:30 p.m.** This motion should not be construed as a favorable recommendation from the Board and does not relieve the applicant from complying with applicable regulations, policies and standards. Supervisor McConnell seconded the motion and it carried by unanimous vote.

36. **REQUEST FROM THE WILLOW CREEK COMMUNITY ASSOCIATION** (Tape 5)

Supervisor Kauffman said that several years ago, the Board of Directors of the Willow Creek Community Association expressed an interest in having Fairfax County deed to the association the strip of land that runs between the current property line for Willow Creek and the chain link fence that surrounds the adjacent storm water detention pond. This land transfer would allow Willow Creek to maintain the area next to the pond and improve it without having to request permission to enter County property.

Supervisor Kauffman said that at the time the original request for the transfer was made, the Virginia Department of Transportation (VDOT) was still in the process of constructing the storm water management facility. VDOT has completed its work and Willow Creek would like to pursue the land transfer.

Therefore, Supervisor Kauffman moved that the Board direct staff to research this request and report with a possible action plan for the conveyance. Supervisor Hyland seconded the motion and it carried by unanimous vote.

37. **POSSIBLE CONSOLIDATION OF RISK MANAGEMENT OFFICES** (Tape 5)

Supervisor Kauffman referred to a position advertisement that appeared in yesterday's *Washington Post*. The Fairfax County Public Schools are seeking a Director for Risk Management Services with a hiring salary range of \$58,129 to \$83,895.

Supervisor Kauffman said that for all the talk of possible consolidation of services between the County and the School System, this is yet another position and another area that screams for detailed investigation and action. Why should taxpayers fund two risk management offices, especially given the difficult budget decisions facing the Board today and in the years ahead? For the "price" of the

school position, the School Board could fund two starting teachers at "higher than Loudoun" salaries.

Supervisor Kauffman moved that the Board request that the School Board delay filling this position until the County Executive and the Superintendent have the opportunity to review the possible consolidation of the Risk Management offices. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

A brief discussion ensued.

38. **CONCURRENT PROCESSING OF SITE PLAN ASSOCIATED WITH REZONING APPLICATION RZ 2000-MA-055** (Tape 5)

Supervisor Gross said that Mr. John Thillmann and Landmark Property Development have filed Rezoning Application RZ 2000-MA-055. To facilitate the process, the applicant has requested that the site plan be reviewed concurrently.

Therefore, Supervisor Gross moved that the Board direct staff to process the site plan associated with this application concurrently. This motion should not be construed as a favorable recommendation in the rezoning application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Connolly seconded the motion and it carried by unanimous vote.

39. **STATE HISTORICAL MARKERS DEDICATION CEREMONY** (Tape 5)

Supervisor Gross said that on May 8, 2001, Civil War reenactment actors will gather in Mason District, much as Union and Confederate soldiers did 140 years ago, this time to peacefully dedicate three State historical markers commemorating local Civil War events. The three markers to be dedicated are Mason's Hill, Civil War Engagements, and Fort Buffalo. They will join three existing markers in the Baileys Crossroads area which also commemorate the Civil War: J.E.B. Stuart at Munson's Hill, Baileys Crossroads, and Lincoln Reviews the Troops at Baileys Crossroads.

Supervisor Gross said that the event will be held at the Mason District Governmental Center located at 6507 Columbia Pike in Annandale, providing adults and children another opportunity to learn about history. Reenactment actors representing Virginia and Maine companies will put on a "living history" display beginning at 1 p.m. The dedication ceremony for the three historical markers will start at 3 p.m. featuring Ed Bearss, Chief Historian Emeritus of the National Park Service and one of the foremost experts on the Civil War. Mason District residents and all who are interested in history are invited to this special event.

40. **CRIME PREVENTION SAFETY DAY** (Tape 5)

Supervisor Gross said that on Friday, May 11, 2001, the Mason District Station of the Fairfax County Police will hold a Crime Prevention Safety Day. The event will be held in the Sears parking lot near Seven Corners located at 6211 Leesburg Pike, from 10 a.m. until 2 p.m. Information will be provided on such subjects as auto theft prevention, new methods of marking personal belongings, care for senior citizens, and installation of child safety seats. All residents of Mason District are encouraged to attend Crime Prevention Safety Day this Friday. Many thanks to the Mason District Station, especially MPO Chip Conner and MPO Josh Brown, for putting together this important educational event.

41. **REQUEST FOR CERTIFICATE OF APPRECIATION FOR MPO JOSH BROWN** (Tape 5)

Supervisor Gross asked unanimous consent that the Board direct staff to invite MPO Josh Brown to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

NV:nv

42. **EXPANSION OF THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)** (Tape 6)

Supervisor Bulova stated that student parking on residential streets around Annandale High School continues to be a serious problem and she asserted that expansion of the Annandale RPPD is needed. She said that she had forwarded to the Department of Transportation (DOT) a petition for the expansion of the Annandale RPPD on Manion Street from Erie Street to Arlen Street Drive.

To proceed with the request, Supervisor Bulova said that DOT needs Board approval to waive the minimum number of parking spaces and the filing fees. Therefore, she moved that the Board waive the fees and proceed as expeditiously as possible. Supervisor McConnell seconded the motion, which carried by unanimous vote.

43. **NEWS TO USE - AN EXCELLENT RESOURCE FROM THE OFFICE OF PUBLIC AFFAIRS** (Tape 6)

Supervisor Hyland acknowledged that while he was aware that the Office of Public Affairs publishes a quarterly compilation of press releases, he recently received and reviewed the spring 2001 edition of *News to Use* and was impressed with the wealth of information the booklet contained. He noted that the information was both well written as well as graphically appealing. The publication is mailed to the presidents of the County's civic associations and provides camera-ready copy for those who may wish to include the contents in association newsletters.

Supervisor Hyland noted that the text of the publication is available to all interested citizens on the County's website or may be requested by sending a 3.5 inch computer disk to:

Office of Public Affairs
12000 Government Center Parkway, Suite 551
Fairfax, VA 22035

Supervisor Hyland also said that visitors to the County's home page on the web may click on the "Community" box, scroll down to "Community Associations" and find a line entitled *News to Use* under the heading. This text is the same as that in the booklet. Topics fill a wide range and include infill and residential development, rabies, malfunctioning streetlights, and mosquitoes.

Accordingly, on behalf of the Board, Supervisor Hyland commended the Office of Public Affairs for the production of an excellent vehicle for keeping the citizens well informed through print and technology.

44. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2000-MV-019** (Tape 6)

Supervisor Hyland announced his intent to defer, at the appropriate time later in the meeting, the public hearing on Rezoning Application RZ 2000-MV-019 until May 21, 2001.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#68.)

45. **INTENT TO DEFER THE PUBLIC HEARINGS ON OUT-OF-TURN PLAN AMENDMENTS S00-III-UP3 AND S00-III-UP4, RESPECTIVELY** (Tape 6)

Supervisor Frey announced his intent to defer, at the appropriate time later in the meeting, the public hearings for Out-of-Turn Plan Amendments S00-III-UP3 and S00-III-UP4, respectively.

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#60 and CL#61.)

46. **REAFFIRMATION OF THE BOARD'S POSITION ON A REFERENDUM FOR A ONE CENT INCREASE TO THE SALES TAX** (Tape 6)

Supervisor McConnell reminded the Board that the General Assembly is in session again. She stated that she had conversed with Delegate Dillard regarding the proposal for a referendum for a one cent sales tax increase for education and transportation projects. She said that some members of the General Assembly

want to eliminate the educational portion of the proposal for a referendum from the pending bill.

Accordingly, Supervisor McConnell moved that the Board reaffirm its support for both education and transportation components in the proposed bill. Supervisor Connolly seconded the motion.

Following discussion, Supervisor McConnell publicly commended Delegate Dillard for his efforts on this issue.

Following further discussion, the question was called on the motion, which **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor Mendelsohn abstaining.

Following further discussion, Supervisor Connolly asked unanimous consent that the Board direct staff to send the Board's position regarding the aforementioned issue to the head of the Fairfax delegation as well as all other members of that delegation. Without objection, it was so ordered.

47. **DREDGING THE OCCOQUAN BASIN** (Tape 6)

Supervisor McConnell stated that she recently attended an event on the Occoquan River. She said that the basin is beautiful, but is filled with silt, making river navigation difficult.

Accordingly, Supervisor McConnell moved that the Board direct staff to send a letter to the Army Corps of Engineers supporting the action to dredge that basin. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Connolly and Supervisor Mendelsohn being out of the room.

48. **BRIDGE OVER THE OCCOQUAN RIVER** (Tape 6)

Supervisor McConnell stated that she had the opportunity to speak with the mayor of the Town of Occoquan to discuss the construction of the new bridge over the Occoquan River for Route 123. They discussed the formation of an inter-county committee to communicate on construction and traffic issues, similar to what had been created for the Mixing Bowl (I-95/I-395/I-295) interchange project.

Accordingly, Supervisor McConnell asked unanimous consent that the Board direct staff to establish such a committee with the Virginia Department of Transportation with representation by Supervisor Hyland and Supervisor McConnell. Without objection, it was so ordered.

49. **FAIRFAX COUNTY PARKWAY ACCIDENT** (Tape 6)

Citing the recent traffic fatalities resulting from an accident on the Fairfax County Parkway, Supervisor McConnell expressed deep concerns about the speed on that road. She asked unanimous consent that the Board direct staff to:

- Review the speed limit on that road.
- Address the possibility of additional Police Department patrols there.

Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to also direct staff to re-circulate the crossing guard vacancy information, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

50. **PRIVATE ROADS** (Tape 6)

Supervisor McConnell stated that she held a meeting earlier in the morning regarding private roads that do not conform to Virginia Department of Transportation (VDOT) standards being built by developers. The maintenance and reconstruction of those roads are a major problem as they deteriorate. She asked unanimous consent that the Board direct staff to address this issue.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the request to direct staff to provide information regarding how the private road standards are different from the VDOT road standards, and this was accepted.

Following discussion, without objection, the request, as amended, was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

51. **NATIONAL NURSING HOME WEEK** (Tape 6)

Supervisor McConnell announced that next week is "*National Nursing Home Week*." She said that she will be participating in a ceremony marking this event at the Burke Healthcare Center on May 14, 2001.

Accordingly, Supervisor McConnell moved that the Board direct staff to prepare the proclamation for the Chairman's signature declaring the week of May 13-19, 2001, as "*National Nursing Home Week*" in Fairfax County to be presented at the

ceremony. She noted that this is a time to recognize and remember in a special way the millions of older adults who reside in nursing homes and long-term care facilities throughout the country. The proclamation is one way to remember this group of people in the community. Supervisor Connolly seconded the motion, which carried by unanimous vote.

52. **INTENT TO DEFER THE PUBLIC HEARINGS ON OUT-OF-TURN PLAN AMENDMENTS S00-III-UP3 AND S00-III-UP4, RESPECTIVELY**
(Tape 6)

Supervisor Frey announced his intent to defer, at the appropriate time later in the meeting, the public hearings for Out-of-Turn Plan Amendments S00-III-UP3 and S00-III-UP4, respectively.

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#60 and CL#61.)

53. **CLOSED SESSION** (Tape 6)

At 12:15 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.1-344 (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 § 2.1-344(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 § 2.1- 344(A)(7).
 - *Alfred F. Head, Adm'r v. INOVA Health Care Services, INOVA Health Care Services D/B/A INOVA Fairfax Hospital, INOVA Health Care Services D/B/A INOVA Health System Services, INOVA Fairfax Hospital, INOVA Health System Foundation, Individually and D/B/A Fairfax Hospital, John F. Heath, M.D., Tony A. Tsitos, M.D, and Stephanie M. Heidelberg, M.D., At*

Law No. 198605 (Fx. Co. Cir. Ct.) (Hunter Mill District)

- *Alfred Lateef Head v. INOVA Health Care Services, INOVA Health Care Services D/B/A INOVA Fairfax Hospital, INOVA Health Care Services D/B/A INOVA Health System Services, INOVA Fairfax Hospital, INOVA Health System Foundation, Individually and D/B/A Fairfax Hospital, John F. Heath, M.D., Tony A. Tsitos, M.D., and Stephanie M. Heidelberg, M.D.,* At Law No. 198616 (Fx. Co. Cir. Ct.) (Hunter Mill District)
- *Jane W. Gwinn, Fairfax County Zoning Administrator v. William G. Neville,* In Chancery No. 169196 (Fx. Co. Cir. Ct.) (Mason District)
- *Jane W. Gwinn, Fairfax County Zoning Administrator v. Pedro E. Torres, Blanca C. Torres, and Cenia E. Torres,* In Chancery No. 169612 (Fx. Co. Cir. Ct.) (Lee District)
- *Jane W. Gwinn, Fairfax County Zoning Administrator v. Emma C. Whitney, Duane Whitney, Edward Whitney, and Leslie Whitney,* In Chancery No. 152580 (Fx. Co. Cir. Ct.) (Providence District)
- *Jane W. Gwinn, Fairfax County Zoning Administrator v. Juan Carlos Cadima and Wilby Sonia Cadima,* In Chancery No. 172041 (Fx. Co. Cir. Ct.) (Mason District)

and in addition:

- Jane W. Gwinn, Fairfax County Zoning Administrator versus John M. Thoburn, et al., In Chancery Number 161908
- Tax System Modernization Project; Contract Number RQ-96-0011716
- James M. and Olga Brocco versus Ricky Savage, Civil Action Number 00-1685-A

The second to the motion was inaudible.

Chairman Hanley announced that should the motion carry, closed session would convene at 1:30 p.m.

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

54. **INTRODUCTION OF MS. KARA GREEN** (Tape 6)

Chairman Hanley introduced Ms. Kara Green, a new employee in her office for the summer who is a student at James Madison University.

55. **RECESS** (Tape 6)

At 12:15 p.m., the Board recessed and at 3:50 p.m., reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

SBE:sbe

ACTIONS FROM CLOSED SESSION

56. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

57. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 1, AMENDING THE MERIT SYSTEM ORDINANCE TO REFLECT THE CONTINUOUS SCALE TO BE USED FOR PERFORMANCE INCREASE AND BONUSES IN YEAR TWO AND TO CLARIFY THE COUNTY'S AUTHORITY TO GRANT OTHER TYPES OF INCENTIVE PAY** (Tape 7)

(O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 19 and April 26, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 1, amending the Merit System Ordinance to reflect the continuous scale to be used for performance increases and bonuses in year two of pay for performance and to clarify the County's authority to grant other types of incentive pay. Supervisor Connolly seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hudgins voting "NAY," Supervisor Mendelsohn being out of the room.

58. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-112-2 (SEVEN OAKS II HOMEOWNERS ASSOCIATION) (MASON DISTRICT)** (Tape 7)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 76-M-112-2 until **May 21, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

59. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-S-039-4 (SUMMIT PROPERTIES PARTNERSHIP LP) (SULLY DISTRICT)** (Tape 7)

The application property is located on the south side of Random Hills Road, approximately 2,500 feet east of Monument Drive, Tax Map 56-2 ((1)) 75.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 87-S-039-4, subject to the proffers dated April 2, 2001, and Conceptual Development Plan Amendment Application 87-S-039-4, subject to the development conditions dated March 23, 2001, with the following modification to condition number seven which should read:

- "At time of site plan approval, the applicant shall demonstrate satisfactorily to the Department of Public Works and Environmental Services that no living areas within residential buildings shall be subject to interior noise levels above 45 dBA Ldn."
- Waiver of the loading space requirements for a multifamily residential development.

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

60. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-III-UP3, MURRAY FARMS (RUGBY ROAD) (SULLY DISTRICT)** (Tape 7)

Supervisor Frey moved to defer the public hearing on Out-of-Turn Plan Amendment S00-III-UP3 until **August 6, 2001, at 4 p.m.** This motion, the seconded to which was inaudible, carried by a vote of eight, Supervisor Mendelsohn and Chairman Hanley being out of the room.

61. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-III-UP4, CHANTILLY PARK (SULLY DISTRICT)** (Tape 7)

Supervisor Frey moved to defer the public hearing on Out-of-Turn Plan Amendment S00-III-UP4 until **August 6, 2001, at 4 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Mendelsohn and Chairman Hanley being out of the room.

62. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-3 AND SPECIAL EXCEPTION APPLICATION SE 01-P-011 (WEST*GROUP PROPERTIES LLC)** (Tape 7)

The Proffered Condition Amendment Application PCA 92-P-001-3 property is generally bound by Dolley Madison Boulevard, Anderson Road, Magarity Road, and Scotts Run Park, Tax Map 30-3 ((1)) 6A, 6B, 6C, 6D; 30-3 ((28)) A, B2, B3 (formerly B1), 3A, and 4A.

The Special Exception Application SE 01-P-011 property is located on the east side of the terminus of Colshire Drive, Tax Map 30-3 ((28)) pt. 4A.

Mr. Thomas D. Fleury reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Ms. Kathryn A. MacLane
- In excess of \$200 from Mr. Gerald T. Helpin

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

- In excess of \$200 from Ms. Kathryn A. MacLane

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Ms. Kathryn A. MacLane

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

Supervisor Connolly moved approval of Proffered Condition Amendment Application PCA 92-P-001-3, subject to the proffers dated April 5, 2001. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

Supervisor Connolly moved:

- Approval of Special Exception Application SE 01-P-011, subject to the development conditions dated April 19, 2001.
- Waiver of the front yard requirement for the proposed building per Section 2-418 of the Zoning Ordinance to permit a 20 degree angle of bulk plane.
- Modification of the transitional screening and waiver of the barrier requirement along the east property line to that shown on the Special Exception plat.

Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

63. **4 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-3-37.2, REGARDING SERVICE-CONNECTED DISABILITY**
(Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 19 and April 26, 2001.

Following the public hearing, which included testimony by two speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3–3-37.2, regarding revisions to the Uniformed Retirement System. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

Following discussion, with input from Don A. McCorry, Retirement Administrator, Retirement Administration Agency, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information on the benefits for Volunteer Firefighters when they are injured or disabled on the job. Without objection, it was so ordered.

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REGARDING PENSION PORTABILITY** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said publication was duly advertised in that newspaper in the issues of April 19 and April 26, 2001.

Following the public hearing, Supervisor Gross moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding changes to the Retirement Systems to permit agreements to provide for cost-neutral portability of service between the Virginia Retirement System and/or other local jurisdictions.
- Authorization for the County Executive to execute the agreements.

Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

65. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2000-SP-058 (IVY DEVELOPMENT, LC) (SPRINGFIELD DISTRICT)** (Tape 7)

- (O) The Rezoning Application RZ 2000-SP-058 property is located adjacent to the Fairfax County Parkway with frontage on Hooes Road at its terminus, east of its intersection with Eggar Woods Lane, Tax Map 89-4 ((1)) 63.

Mr. Paul R. Jeannin, Jr. reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-SP-058, from the R-1 District to the R-8 District, subject to the proffers dated March 23, 2001.
- Waiver of the minimum district size in the R-8 District.

Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

66. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-L-034-2 (SPRINGFIELD CAMPUS LLC) (LEE DISTRICT)** (Tape 7)

The Special Exception Amendment Application SEA 96-L-034-2 property is located generally north and south of the Franconia-Springfield Parkway, east and west of its intersection with Spring Village Drive, Tax Map 90-1 ((1)) pt. 63 and 64.

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

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

Following the public hearing, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning,, presented the staff and Planning Commission recommendations on behalf of Peter Braham.

Supervisor Kauffman moved:

- Approval of Special Exception Amendment Application SEA 96-L-034-2, subject to the development conditions contained in Appendix 1 of the Memorandum to the Board dated April 18, 2001.
- Reaffirmation of the previously approved transitional screening modifications around the periphery of Greenspring Village and the modification of the 50 foot setback required by Section 9-306.

Supervisor Hyland seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

67. **HAPPY BIRTHDAY TO MS. SUSAN ERSKINE OF THE OFFICE OF CLERK TO THE BOARD** (Tape 7)

Chairman Hanley and the Board wished Ms. Susan Erskine, of the Office of Clerk to the Board, a very happy birthday.

AGENDA ITEM

68. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-019 (WASHINGTON HOMES, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2000-MV-019 until **May 21, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

NV:nv

69. **RECESS/CLOSED SESSION** (Tape 7)

At 4:45 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting. This motion, the second to which was inaudible, carried by unanimous vote.

At 5:10 p.m., the Board reconvened in the Board Auditorium, with all Members being present, and with Chairman Hanley presiding.

ADDITIONAL ACTIONS FROM CLOSED SESSION70. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 8)

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 Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

71. **ACQUISITION OF PROPERTY** (Tape 8)

Supervisor Frey moved that the Board authorize the County Executive to execute all necessary documents on behalf of the Board with the Fairfax County Park Authority to effectuate the acquisition of the approximately 246 acre property on the west side of Pleasant Valley Road owned by Cardinal Forest LC in accordance with the terms and conditions as outlined in closed session. Supervisor Connolly seconded the motion, which **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn voting "NAY."

72. **BOARD ADJOURNMENT** (Tape 8)

At 5:10 p.m., the Board adjourned.

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