



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 5, 2002**

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18-02

PW:pw

The meeting was called to order at 9:10 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 MATTERS

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

Supervisor Gross asked everyone to remember in thoughts and prayers Mr. Frank Mackey who died this past weekend. Mr. Mackey was part of Camelot Neighborhood Watch since 1985, an original member to save the Pine Ridge Park, and secretary to the Mason District Council, and also contributed significant volunteer work for Mason District.

Supervisor Gross asked everyone to remember in thoughts and prayers the family of the Honorable Carrington Williams who died this past weekend as a result of complications following an automobile accident. He represented Mason District and Fairfax County in the General Assembly for many years and was a delegate many years ago. He was a "Virginia Gentleman" who was a leader in the community. Chairman Hanley noted that he also was involved in ensuring that Dulles Airport was and is a vital part of the economy. It was also noted that there is an annual award at Dulles Airport named in his honor.

Supervisor Kauffman asked everyone to remember in thoughts and prayers the family of Ms. Helen Hester who recently died. Ms. Hester had been very active in the school and revitalization communities.

Supervisor Frey asked everyone to remember in thoughts and prayers the families of the four youths who were recently involved in a serious accident on Bennett Road. One of the youths was killed and one youth was seriously injured. Supervisor Frey asked that all young people in the community be reminded to drive safely and carefully.

Supervisor McConnell noted that there had been a fatal accident on the Fairfax County Parkway and Hooes Road last evening, killing two, one of whom was a 15 year old. Supervisor Gross also emphasized the dangers of driving and noted that speed was a contributing factor in the accident.

2. **SUPERVISOR MENDELSON'S FIFTIETH BIRTHDAY** (Tape 1)

Chairman Hanley noted that Supervisor Mendelsohn will be turning 50 years old this week and, on behalf of the Board, wished him a Happy Birthday.

AGENDA ITEMS

3. **PROCLAMATION DESIGNATING AUGUST 1 - 7, 2002, AS "BREASTFEEDING WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate August 1-7, 2002, as "*Breastfeeding Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a unanimous vote.

4. **PROCLAMATION DESIGNATING SEPTEMBER 6 - 14, 2002, AS "AMERICAN CHARACTER WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate September 6-14, 2002, as "*American Character Week*" in Fairfax County. Supervisor Gross and Supervisor Hudgins jointly seconded the motion and it carried by a unanimous vote.

Supervisor Connolly asked unanimous consent that the Board direct staff to obtain for distribution the week of September 6-14, 2002, the cards which Character Counts! prints that lists the principles.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. SEAN DOOLAN** (Tape 1)

Chairman Hanley moved approval of the Certificate to Recognition presented to Mr. Sean Doolan for his achievements as a student at Fairfax High School.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MADISON HIGH SCHOOL SOFTBALL TEAM** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Madison High School Softball Team for its season. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO MCLEAN HIGH SCHOOL GIRLS' AND BOYS' CREW TEAMS** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the McLean High School Girls' and Boys' Crew Teams for their accomplishments. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Kauffman being out of the room.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO STATE SPORTS CHAMPIONS** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the James Madison High School Baseball Team for winning the State Championship. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Robinson Secondary School Girls' Soccer Team for its accomplishments. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor McConnell moved approval of the Certificate of Recognition presented to the West Springfield High School Boys' Soccer Team for winning the State Championship. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Robinson Secondary School Boys' Lacrosse Team for winning the State Championship. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Gross moved approval of the Certificate of Recognition presented to the Thomas Jefferson High School Girls' and Boys' Swim and Dive Teams for

winning their respective State Championships. Chairman Hanley and Supervisor McConnell jointly seconded the motion, which carried by unanimous vote.

Chairman Hanley noted that the Woodson High School Girls' Lacrosse Team was also State Champion but its members were unable to attend today's meeting.

ADDITIONAL BOARD MATTER

9. **RED FOLDERS** (Tape 1)

Chairman Hanley noted that Admin 19 – Supplemental Appropriation Resolution AS 03039 for the Fairfax County Department of Family Services, on Behalf of the Northern Virginia Workforce Investment Board, to Accept Funds from the Virginia Employment Commission to Continue the Metro Tech Program for the Training and Employment of Dislocated Workers in High Technology Fields and Admin 20 – Authorization for the Fairfax County Police Department to Apply to the US Department of Justice, Office of Community Oriented Policing Services, for a "Creating a Culture of Integrity" Grant were included in the Board members' red folders.

AGENDA ITEMS

10. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 2)

(APPTS)
(BACs)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor Hudgins moved the appointment of Mr. Francis C. Steinbauer to fill the unexpired term of Mr. Jerome A. Geary as the Non-Profit Housing Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ANIMAL SERVICES ADVISORY COMMISSION

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

ATHLETIC COUNCIL

CONFIRMATION:

Supervisor Connolly moved the confirmation of the following appointment to the Athletic Council:

- Ms. Ernestine Heastie as the Fairfax County School Board Representative

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

The Board deferred the appointment of the Women's Sports Association Alternate Representative to the Athletic Council.

CHARACTER COUNTS! TASK FORCE

The Board deferred the appointments of the Braddock and Lee District Representatives to the Character Counts! Task Force.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Child Care Advisory Council.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

The Board deferred the appointment of the Sully District Representative to the Commission on Aging.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative, Lee, Springfield, and Sully District Representatives, and Donor Family Member Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointments of the Dranesville and Mason District Representatives to the Community Action Advisory Board.

COMMUNITY IMPROVEMENT COMMITTEE

The Board deferred the appointments of the At-Large Chairman's Representative, Braddock, Dranesville, Mason, Mason (Fairdale Community), Providence, Springfield, and Sully District Representatives to the Community Improvement Committee.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #7 Representative to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Mason District Representative to the Criminal Justice Advisory Board.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Chairman's Representative and Springfield District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

HEALTH SYSTEMS AGENCY BOARD

Supervisor Connolly moved the appointment of Mr. James E. Mazur as the Consumer #2 Representative to the Health Systems Agency Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Consumer #6 Representative to the Health Systems Agency Board.

HUMAN RIGHTS COMMISSION

The Board deferred the appointment of the At-Large #12 Representative to the Human Rights Commission.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Frey moved the appointment of Mr. Ronald Miner as the Sully District Representative to the Oversight Committee on Drinking and Driving. Supervisor Connolly seconded the motion, which carried by unanimous vote.

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

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #2 Representative to the Road Viewers Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Tenant Member #1 and #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative to the Transportation Advisory Commission.

TREE COMMISSION

The Board deferred the appointment of the Springfield District Representative to the Tree Commission.

AD HOC COMMITTEES**2002 FALL BOND REFERENDUM COMMITTEE**

Supervisor Bulova moved the appointment of Ms. Janyce N. Hedetniemi as the Braddock District Representative to the 2002 Fall Bond Referendum Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the appointment of Mr. Mark Emery as the Providence District Representative to the 2002 Fall Bond Referendum Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn clarified that the 2002 Fall Bond Referendum Committee would promote information on the two Fairfax County Bond Referendums.

Supervisor Bulova asked unanimous consent that the Board direct staff to determine whether the committee could also provide factual information regarding the State referendums. Without objection, it was so ordered.

The Board deferred the appointments of the At-Large Chairman's Representative, Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Springfield, and Sully District Representatives to the 2002 Fall Bond Referendum Committee.

(NOTE: Later in the meeting the Board took additional action regarding this committee. See Clerk's Summary Item CL#20.)

LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE

Chairman Hanley moved the appointments of:

- Ms. Irma Clifton as the At-Large Chairman's Representative #1 to the Laurel Hill Adaptive Reuse Plan Advisory Committee.
- Mr. Al Akers as the At-Large Chairman's Representative #2 to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

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

Supervisor Hudgins announced the nomination of Mr. William Lawson as the Hunter Mill District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

Supervisor Kauffman moved the appointment of Mr. Frank Strobel as the Lee District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointments of:

- Mr. Neal F. McBride as the Mount Vernon District Representative #1 to the Laurel Hill Adaptive Reuse Plan Advisory Committee.
- Mr. Timothy J. Sargent as the Mount Vernon District Representative #2 to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

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

The Board deferred the appointments of the Braddock, Dranesville, Hunter Mill, Mason, Providence, Springfield, and Sully District Representatives to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

SIGN TASK FORCE

The Board deferred the appointment of the Springfield District Representative to the Sign Task Force.

11. ADMINISTRATIVE ITEMS (Tapes 2-3)

Supervisor Connolly moved approval of the Administrative Items. The second to this motion was inaudible.

Supervisor Connolly called the Board's attention to Admin 2 – Authorization for the Fairfax County Police Department to Apply to the Bureau of Justice Assistance for a Grant under the Financial Crime-Free Communities Support Anti-Money Laundering Grant Program. He clarified that on page 11 of the Board Agenda, under "Recommendation" that the Police Department would be establishing an anti-money laundering task force. Supervisor Connolly additionally clarified that on handwritten page one, number 11, the descriptive title of the applicant's project indicates the Environmental Protection Agency and it should read the "Department of Justice."

Supervisor Gross noted that this application was submitted on July 3, 2002, and asked unanimous consent that the Board direct staff to provide these applications in a more timely fashion. Without objection, it was so ordered.

Chairman Hanley called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Section 82-1-6, Adoption of State Law. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff in the future to provide a detailed attachment as opposed to the list that was provided. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Chairman Hanley called the Board's attention to Admin 9 – Supplemental Appropriation Resolution AS 03034 for the Fire and Rescue Department (FRD) to Accept the Annual Two-for-Life Disbursement from the Virginia Department of Health, Office of Emergency Medical Services. Discussion ensued with input from Michael P. Neuhard, Assistant Chief, FRD.

Chairman Hanley called the Board's attention to Admin 10 – Notification of Award for Fiscal Year 2001 Public Housing Drug Elimination Program Technical Assistance Grant in the Amount of up to \$15,000 from the US Department of Housing and Urban Development. Discussion ensued with input from Michael J. Finkle, Director, Housing Management Division, Department of Housing and Community Development.

Supervisor Hudgins called the Board's attention to Admin 14 – Installation of a Multi-Way Stop as Part of the Fairfax County Department of Transportation's (DOT) Residential-Traffic Administration Program and thanked staff of DOT, particularly Douglas Hansen, for their hard work. She indicated that the community requested this light be installed prior to the opening of school as it is critically located near a school.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to coordinate with the appropriate agencies to meet that goal. Without objection, it was so ordered.

Supervisor Kauffman called the Board's attention to Admin 15 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Appendix M, regarding the Establishment of the Penderbrook Restricted Parking District as Part of the Residential Traffic Administration Program. Discussion ensued with input from Douglas Hansen, Transportation Planner, Department of Transportation.

Supervisor Connolly called the Board's attention to Admin 16 – Authorization for the Fairfax-Falls Church Community Services Board to Resubmit a Previously Authorized Grant Application for Substance Abuse Treatment Funds Totaling \$1,395,649 Over a Three-Year Period to Expand Substance Abuse Treatment Capacity In Targeted Areas of Need. Discussion ensued with input from Anthony H. Griffin, County Executive, and Peggy Cook, Director, Adult Residential Services, Alcohol and Drug Services.

Supervisor Mendelsohn called the Board's attention to Admin 18 – Authorization to Advertise a Public Hearing to Amend the Appropriation Level in the Fiscal Year (FY) 2003 Revised Budget Plan. Discussion ensued with input from Edward L. Long, Jr., Chief Financial Officer.

Supervisor Mendelsohn moved to amend the main motion to direct staff to request from the School Board an explanation of each of the items being spent from its \$12 million surplus and why they are so critical as to be funded out of the surplus. Supervisor Connolly seconded the amendment to the motion.

Supervisor Mendelsohn noted that the requested information should address all of the items, but specifically include answers to the following questions:

- How does the action regarding the educational supplemental retirement system reduce the deficit for FY 2004?
- How does the set aside funds for 61 buses reduce the projected deficit and by how much?
- What is the scope of the proposed audit?

Following discussion, with input from Mr. Long, the question was called on the amendment to the motion, which carried by unanimous vote.

Discussion ensued with input from Anthony H. Griffin, County Executive.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide year-by-year information for the Sheriff's Office since FY 1997, regarding the number of inmates, guards, and other staff, so that the personnel changes could be viewed in relation to the inmate population growth. Without objection, it was so ordered.

Following discussion, with input from Mr. Long, Supervisor Connolly asked unanimous consent that the Board direct staff to provide in time for the public hearing additional information regarding the status of uncollected parking tickets. Without objection, it was so ordered.

Following further discussion, with input from Mr. Griffin and Mr. Long, Supervisor Frey asked unanimous consent that the Board direct staff to provide additional information regarding the last five years of the health insurance reserve fund and the requirements. Without objection, it was so ordered.

Supervisor Hudgins noted that on handwritten page 16 of the Board Agenda, there is an item in Fund 119 for water availability/meter fees for the Wolf Trap Foundation for the Performing Arts. She submitted a letter from the Foundation that reduced the requested amount from \$68,500 to \$34,800.

Following discussion, with input from Mr. Griffin, Chairman Hanley noted that today is a Code Red Alert/Ride Free Day. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide an accounting indicating the dollar cost to the County so far this year due to Code Red days. Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to provide an accounting of the costs to the County for the use of schools for community and recreation purposes. Discussion ensued with input from Anthony H. Griffin, County Executive. Without objection, the request was so ordered.

Chairman Hanley asked to amend the main motion to include \$51,318 as a Consideration Item for the FY 2002 Carryover Review for Volunteer Fairfax to add a dedicated information technology staff position as a result of its new response role as a support agency within the County's disaster operation plans, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following further discussion, the question was called on the motion to approve the Administrative Items, as amended, and it carried by a 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 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03036 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) GRANT FUNDING TO CONTINUE THE VICTIM WITNESS ASSISTANCE PROGRAM

- (SAR) Approved SAR AS 03036 for the FCPD to accept a DCJS grant in the amount of \$180,760 for Fiscal Year (FY)2003. No local cash match is required, however, due to the differential between State and local pay scales, a funding deficit of \$77,820 exists in FY 2003.

ADMIN 2 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE BUREAU OF JUSTICE ASSISTANCE (BJA) FOR A GRANT UNDER THE FINANCIAL CRIME-FREE COMMUNITIES SUPPORT ANTI-MONEY LAUNDERING GRANT PROGRAM

(NOTE: Earlier in the meeting there was clarification of this item. See page 9.)

Authorized the FCPD to apply to BJA for a grant in the amount of \$229,155 to establish an anti-money laundering task force in the County. These funds will support overtime expenses for seven sworn positions who will staff the task force, as well as funding fringe benefits, equipment, supplies, and other expenses associated with the establishment of the task force.

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03037 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPA) AND THE FAIRFAX COUNTY OFFICE OF THE SHERIFF (FCOS) TO ACCEPT BUREAU OF JUSTICE ASSISTANCE (BJA) GRANT FUNDING FOR THE PURCHASE OF BULLETPROOF VESTS

- (SAR) Authorized the FCPD and the FCOS to accept grant a Federal Fiscal Year 2002 grant in the amount of \$7,229 from BJA for the purchase of 29 ballistic vests under the Bulletproof Vest Partnership Grant Act of 2000. A local cash match of \$7,229 is required, for a total cost of \$14,458.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6, ADOPTION OF STATE LAW

- (A) (NOTE: Earlier in the meeting there was a brief comment on this item. See page #.)

Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 4 p.m.** to consider proposed amendments to the Code of

the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law.

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE AND SULLY DISTRICTS)

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

- Application FSA-Y99-15-1 to October 6, 2002
- Application 2232-Y02-15 to December 9, 2002
- Application 2232-Y02-18 to December 9, 2002
- Application FS-L97-24 to February 5, 2003

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 94-D-002, LEWINSVILLE CENTER (DRANESVILLE DISTRICT)

(AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 94-D-002 to July 18, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING PRIVATE ATHLETIC TRAINING/ADMINISTRATIVE FACILITY IN CONJUNCTION WITH A PUBLIC USE

(A)(R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Board on **October 7, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding private athletic training/administrative facility in conjunction with a public use in the R-C District.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03038 FOR THE FAIRFAX COUNTY OFFICE OF THE SHERIFF (FCOS) TO ACCEPT THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) GRANT FUNDING FOR THE TRIAD CRIME PREVENTION PROGRAM

(SAR) Approved SAR AS 03038 for the FCOS to accept a DCJS grant in the amount of \$6,699 to be used for publication and distribution of educational materials to benefit the older population of the County. Of the \$6,699 total, DCJS grant

funding of \$5,024 is available, and the remaining \$1,675 is the required 25 percent local cash match.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03034 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT THE ANNUAL TWO-FOR-LIFE DISBURSEMENT FROM THE VIRGINIA DEPARTMENT OF HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES (OEMS)

(SAR) (NOTE: Earlier in the meeting there was brief discussion of this item. See page 9.)

Approved SAR AS 03034 for the FRD to accept the annual Two-for-Life disbursement from OEMS in the amount of \$397,117 for the improvement of the delivery of emergency medical services within the Commonwealth of Virginia. No local cash match is required.

ADMIN 10 – NOTIFICATION OF AWARD FOR FISCAL YEAR (FY) 2001 PUBLIC HOUSING DRUG ELIMINATION PROGRAM TECHNICAL ASSISTANCE (DETAP) GRANT IN THE AMOUNT OF UP TO \$15,000 FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(NOTE: Earlier in the meeting there was a brief discussion of this item. See page 9.)

Authorized the Fairfax County Redevelopment and Housing Authority to accept the FY 2001 DETAP grant in an amount up to \$15,000. No local cash match is required.

ADMIN 11 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR HOLLINGER AVENUE AND FILLINGAME DRIVE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- Endorsed the traffic-calming plans for Hollinger Avenue and Fillingame Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:

Hollinger Avenue:

- Raised crosswalk installed on the east side at the intersection of Kernstown Court and the school entrance

- One speed hump installed between residences 13209 and 13207 near 13208

Fillingame Drive

- Speed table installed near addresses 4623 and 4625
 - One speed hump installed between residences 4607 and 4611
 - One speed hump installed near residence 4515 at the open area with drainage easement
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 12 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS AS PART OF THE FAIRFAX COUNTY RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Department of Transportation's R-TAP at the following locations:
 - John Thomas Drive (Lee District)
 - Thomas Grant Drive (Lee District)

ADMIN 13 – INSTALLATION OF "NO PARKING" SIGNS ON LORTON ROAD (SOUTH SIDE) BETWEEN ROUTE 1 AND ARMISTEAD ROAD (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution restricting parking along Lorton Road, south side, from Route 1 to Armistead Road.
 - Directed staff to install this sign at the earliest possible date.

ADMIN 14 – INSTALLATION OF A MULTI-WAY STOP AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (HUNTER MILL DISTRICT)

(NOTE: Earlier in the meeting there was a brief comment on this item. See page 9.)

- Endorsed the installation of a multi-way stop as part of DOT's R-TAP at Coppermine Road and Thomas Jefferson Drive.
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX M, REGARDING THE ESTABLISHMENT OF THE PENDERBROOK RESTRICTED PARKING DISTRICT (RPD) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)

(A) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 10.)

Authorized the advertisement of a public hearing to be held before the Board on **September 23, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix M, regarding the establishment of the Penderbrook RPD as part of the R-TAP, encompassing:

- Penderbrook Drive
- South Penderbrook Drive
- Pender Spring Drive
- Fairfax Farms Road

The parking prohibition for watercraft, boat trailers, motor homes, and camping trailers on the streets identified above for the Penderbrook RPD is proposed to be in effect 7 days per week, 24 hours per day.

ADMIN 16 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO RESUBMIT A PREVIOUSLY AUTHORIZED GRANT APPLICATION FOR SUBSTANCE ABUSE TREATMENT FUNDS TOTALING \$1,395,649 OVER A THREE-YEAR PERIOD TO EXPAND SUBSTANCE ABUSE TREATMENT CAPACITY IN TARGETED AREAS OF NEED

(NOTE: Earlier in the meeting there was a brief discussion of this item. See page 10.)

Approved CSB's application to the Center for Substance Abuse Treatment for funds in the amount of \$1,395,649 to expand substance abuse treatment capacity in targeted areas of need.

ADMIN 17 – APPROVAL OF AGREEMENTS BETWEEN FAIRFAX COUNTY AND THE BAILEY'S CROSS ROADS VOLUNTEER FIRE DEPARTMENT (VFD) AND BETWEEN FAIRFAX COUNTY AND THE GREATER SPRINGFIELD VFD FOR THE PROVISION OF FIREFIGHTING SERVICES

Approved agreements for the provision of firefighting services between the County and the:

- Bailey's Cross Roads VFD
- Greater Springfield VFD

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2003 REVISED BUDGET PLAN

(A) (NOTE: Earlier in the meeting additional action was taken on this item. See page 10.)

Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 10 a.m.** regarding increasing the FY 2003 appropriation level. The advertisement encompasses both the County and the Schools' FY 2002 Carryover Reviews.

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03039 FOR THE FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES (DFS), ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), TO ACCEPT FUNDS FROM THE VIRGINIA EMPLOYMENT COMMISSION (VEC) TO CONTINUE THE METRO TECH PROGRAM FOR THE TRAINING AND EMPLOYMENT OF DISLOCATED WORKERS IN HIGH TECHNOLOGY FIELDS

(SAR) Approved SAR AS 03039 in the amount of \$368,334, for DFS, on behalf of NVWIB, to accept funds from the VEC to continue the metro tech program for the training and employment of dislocated workers in high technology fields.

ADMIN 20 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR A "CREATING A CULTURE OF INTEGRITY" GRANT

Authorized the FCPD to apply to the DOJ, COPS for a "Creating a Culture of Integrity" grant in the amount of \$75,000. No Local Cash Match is required.

DMB:dmb

12. **A-1 – APPROVAL OF THE NORTHERN VIRGINIA LAW ENFORCEMENT MUTUAL AID AGREEMENT OF 2002** (Tape 4)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the signing of the Northern Virginia Law Enforcement Mutual Aid Agreement of 2002 between the Fairfax County Police Department and various other law enforcement agencies in the Northern Virginia area. Supervisor Connolly seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by unanimous vote.

13. **A-2 – FISCAL YEAR (FY) 2002 YEAR END PROCESSING** (Tape 4)

(SAR) (NOTE: Earlier in the meeting the Board authorized the advertisement of the FY 2002 Carryover Review. See Clerk's Summary Item CL#11.)

On motion of Supervisor Hyland, 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:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2002 for the interim period July 1 until the Board approves the *FY 2002 Carryover Review*, which is scheduled for action on September 9, 2002.
- Approved Supplemental Appropriation Resolution (SAR) AS 02099 for the General Fund agency and one other fund requiring additional appropriations for FY 2002.

14. **A-3 – APPLICATION OF WASHINGTON GAS LIGHT COMPANY AND SHENANDOAH GAS DIVISION OF WASHINGTON GAS LIGHT COMPANY FOR A GENERAL INCREASE IN NATURAL GAS RATES AND CHARGES AND APPROVAL OF PERFORMANCE-BASED RATE REGULATION METHODOLOGY PURSUANT TO VIRGINIA CODE 56-235.6, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2002-00364** (Tape 4)

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 Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation in the matter of the application of Washington Gas Light Company and Shenandoah Gas Division of Washington Gas Light Company for a general increase in natural gas rates and charges and approval of performance-based rate regulation methodology pursuant to Virginia Code Section 56-235.6, SCC Case Number PUE-2002-00364.

15. **A-4 – AUTHORIZATION TO CONDUCT A TEST OF TOUCH SCREEN VOTING MACHINES IN THE NOVEMBER 5 GENERAL AND SPECIAL ELECTION (HUNTER MILL DISTRICT)** (Tape 4)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize a test for the general and special elections on November 5, 2002, of the:

- Advanced Voting Solutions WINvote™ touch screen voting machines in the Dogwood, Glade, and Hunters Woods precincts of the Hunter Mill District.
- Election Systems and Software iVotronic™ touch screen voting machines in the Vienna #1, Vienna #2, and Vienna #4 precincts of Hunter Mill District.

Chairman Hanley seconded the motion.

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

16. **A-5 – FAIRFAX COUNTY'S COMMENTS REGARDING THE VIRGINIA RAILWAY EXPRESS' PHASE I STRATEGIC PLAN** (Tape 4)

Supervisor Bulova moved that the Board concur in the recommendation of staff and endorse the comments as outlined in the Board Agenda Item dated August 5, 2002. Supervisor McConnell seconded the motion.

Following discussion with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, Supervisor McConnell moved to defer action until later in the meeting. Supervisor Bulova seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#65.)

17. **A-6 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO FORM A LIMITED LIABILITY COMPANY TO PURCHASE AND HOLD TITLE TO A CONDOMINIUM UNIT AT WESTBRIAR CONDOMINIUM FOR RENTAL IN THE FAIRFAX COUNTY RENTAL PROGRAM AND A REQUEST TO ALLOCATE FUNDS TO THE FCRHA EQUAL TO THE AMOUNT OF REAL ESTATE TAXES TO BE PAID BY THE LIMITED LIABILITY COMPANY FOR THE WESTBRIAR CONDOMINIUM (PROVIDENCE DISTRICT)** (Tape 4)

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

- Formation by the FCRHA of a limited liability company to act as owner and lessor of the Westbriar Condominium unit.
- Allocation of funds, subject to annual appropriations, to the FCRHA equal to the amount of real estate taxes to be paid by the limited liability company on the Westbriar Condominium unit.

Supervisor McConnell seconded the motion.

Discussion ensued with input from Robert A. Counts, Director, Development and Real Estate Finance Division, Department of Housing and Community Development (HCD), and Gordon Goodlett, Development Officer, Development and Real Estate, HCD.

Following additional discussion, Supervisor Connolly moved to defer decision on this item for further interpretation of the proffers. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#66.)

18. **A-7 – RESOLUTION APPROVING LOCAL CONTRACT PERTAINING TO ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT FINANCING AND CONSTRUCTION PLANS** (Tape 4)

(R) Supervisor Hudgins moved that the Board concur in the recommendation of staff and:

- Adopt the Resolution approving the Amended and Restated Local Contract by and among the State Route 28 Highway Transportation Improvement District Commission, the Board of Supervisors of Fairfax County, and the Board of Supervisors of Loudoun County.
- Endorse the financing and construction plan substantially as set forth in the District Contract contained in the Board Agenda Item dated August 5, 2002.

Supervisor McConnell seconded the motion.

Following discussion with input from James V. McGettrick, Assistant County Attorney, the question was called on 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."

19. **A-8 – APPROVAL OF A SEWER SERVICE AGREEMENT BETWEEN FAIRFAX COUNTY AND THE LOUDOUN COUNTY SANITATION AUTHORITY (LCSA), AND APPROVAL OF AN ACKNOWLEDGEMENT AND CONSENT AGREEMENT BETWEEN FAIRFAX COUNTY, LCSA, AND THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SULLY DISTRICT)** (Tape 4)

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

- Approved the following agreements:
 - A Sewer Service Agreement between the County and LCSA
 - An Acknowledgement and Consent Agreement between Fairfax County, LCSA, and UOSA.

- Authorized the County Executive to sign the Agreements on behalf of the Board.

20. **A-9 – APPROVAL OF BOND REFERENDUM CITIZEN COMMITTEE, INFORMATION PAMPHLET, AND EXPLANATION OF REFERENDUM QUESTIONS** (Tape 4)

(BACs) (NOTE: Earlier in the meeting the Board appointed members to this committee. See Clerk's Summary Item CL#10, page 7.)

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

- Appoint a citizen committee to assist in informing the voters about the two Fairfax County bond referendum questions to be placed before voters on November 5, 2002.
- Approve the wording of the informational pamphlet to be mailed to voters in October.
- Direct the County Attorney to prepare statements describing each bond question.

Supervisor Connolly seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by unanimous vote.

21. **A-10 – ENDORSEMENT OF DESIGN PLANS FOR THE IMPROVEMENT OF LEE HIGHWAY (ROUTE 29) AND GALLOWS ROAD (ROUTE 650) (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly moved to amend staff comments and recommendations outlined in the Board Agenda Item dated August 5, 2002, to the Virginia Department of Transportation (VDOT) regarding the proposed improvements to Lee Highway from Easana Court to the Capital Beltway, and Gallows Road from Gatehouse Road to north of Providence Forest Drive, as presented at the December 5, 2002, Location and Design public hearing, to include the following two changes.

- On the second to the last bullet under "Recommendations" on page 77, correct terminology to state "...to provide for safe crossings by pedestrians."
- Add a bullet under "Recommendations," to include language regarding the proposed improvements stating that the Board is

endorsing this proposal to encourage VDOT to do it in conjunction with the new Merrifield plan.

Chairman Hanley seconded the motion.

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

22. **A-11 – AUTHORIZATION TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) FOR DEVELOPMENT AND MAINTENANCE OF A REGIONAL EMERGENCY COORDINATION PLAN FOR THE NATIONAL CAPITAL REGION AND FOR UTILIZATION OF THE REGIONAL INCIDENT COMMUNICATIONS AND COORDINATION SYSTEM** (Tape 4)

Supervisor Connolly moved that the Board concur in the recommendation of staff and authorize the Chairman to sign on behalf of the County the MOU developed at the Washington Metropolitan Council of Governments to improve the region's ability to respond to significant emergency events which have impacts across municipal boundaries. Supervisor McConnell seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by unanimous vote.

23. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2003** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting approval of the holiday schedule for calendar year 2003.

The staff was directed administratively to proceed as proposed.

24. **I-2 – CONTRACT AWARD – OLD TELEGRAPH ROAD STORM DRAINAGE IMPROVEMENT (LEE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated July 1, 2002, requesting authorization for staff to:

- Award a contract to R. L. Rider and Company in the amount of \$122,870 for the construction of Project Z00018, Subproject Z1290, Old Telegraph Road Storm Drainage Improvement in Fund 308, Public Works Construction. The construction consists of approximately 200 linear feet of stream bank stabilization adjacent to a portion of Old Telegraph Road located in the Lee District.

- Reallocate funds in the amount of \$18,587.63 from Project Z00018, Subproject Z10ZZ, Storm Drainage Projects Contingency, in Fund 308.

The staff was directed administratively to proceed as proposed.

25. **I-3 – CONTRACT AWARD – MCLEAN STREETSCAPE DEMONSTRATION PROJECT CROSSWALK (DRANESVILLE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting authorization for staff to award a contract to A&M Concrete Corporation in the amount of \$100,030 for the construction of McLean Streetscape Demonstration Project Crosswalk, in Project 008912, McLean Streetscape, in Fund 315, Commercial Revitalization Program. The construction consists of five crosswalks as a demonstration project on Chain Bridge Road at Cedar Avenue, Spring Vale Road, and Westmoreland Street in the Dranesville District.

The staff was directed administratively to proceed as proposed.

26. **I-4 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS RECESS** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting authorization for the County Executive, the appropriate Deputy County Executive, or the Chief Financial Office to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

27. **I-5 – CONTRACT AWARD – ANNUAL CONTRACT FOR UNDERGROUND UTILITY LOCATING AND DESIGNATING SERVICES** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting authorization for staff to award a contract to So-Deep, Incorporated, in an amount not to exceed \$950,000 to provide underground utility locating and designating services for authorized projects.

The staff was directed administratively to proceed as proposed.

28. **I-6 – ARCHITECTURAL/ENGINEERING CONTRACT FOR A NEEDS ASSESSMENT AND FEASIBILITY STUDY – POLICE DEPARTMENT PUBLIC SAFETY OPERATIONS FACILITY** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting authorization for staff to award a contract to Hellmuth, Obata, and Kassabaum, PC, in the amount of \$175,000 for full design and construction administration services for a new Public Safety Operations Center consisting of a Public Safety Communications Center, Emergency Management Center, and Operations Support Bureau.

The staff was directed administratively to proceed as proposed.

29. **I-7 – CONTRACT AWARD – SECURITY CONSULTANT SERVICES** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, requesting authorization for staff to award a contract to SAKO and Associates, Incorporated, in the amount of \$214,972 to assist the County in developing an overall security program by providing the following services:

- Developing a security training and awareness program for County employees to enlist them as the "eyes and ears" of the security program.
- Conducting risk and threat assessment analysis of a sample set of the various types of County work sites.
- Reviewing the security guard contract services, security equipment, and agency operating procedures. Making recommendations to assure these elements are working in concert to provide effective countermeasures to specific areas of vulnerability.

The staff was directed administratively to proceed as proposed.

30. **I-8 – FAIRFAX COUNTY SENIOR CITIZEN TRANSPORTATION INITIATIVE** (Tape 4)

The Board next considered an item contained in the Board Agenda dated August 5, 2002, reporting the update of efforts to improve senior transportation during Fiscal Years 2001 and 2002.

ADDITIONAL BOARD MATTERS

NV:nv

31. **ORDERS OF THE DAY** (Tape 5)

Noting that he would have to leave the Board meeting to attend another meeting, Supervisor Connolly asked unanimous consent to present his Board Matters first. Without objection, it was so ordered.

(NOTE: Later in the meeting Chairman Hanley provided details about the meeting. See Clerk's Summary Item CL#34.)

32. **SUCCESSFUL COMPLETION OF ROUTE 123 WIDENING PROJECT (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly announced that the Board would be celebrating the widening of Route 123 in Tysons Corner which was completed in record time and \$1 million under budget. This success story was the result of a public-private partnership. Accordingly, he asked unanimous consent that the Board direct staff to invite the appropriate members of the Department of Public Works and Environmental Services, Department of Transportation, West*Group Association, and State Delegate James Scott to appear before the Board to be honored for their success in the widening of Route 123 at Tysons Corner. Without objection, it was so ordered.

33. **SPECIAL EXCEPTION AMENDMENT APPLICATION FOR INOVA HEALTHCARE SERVICES (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that Inova Healthcare Services has filed a special exception amendment application. He moved that the Board:

- Direct staff to schedule the public hearing for this recently-filed application to be held before the Board on January 6, 2003.
- Authorize the concurrent processing of the site plan and building plans from the Inova Fairfax Hospital project while the special exception amendment application is pending.

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

34. **REGIONAL MEETING ON EMERGENCY PREPAREDNESS** (Tape 5)

(NOTE: Earlier in the meeting, Supervisor Connolly indicated that he would be leaving the Board meeting. See Clerk's Summary Item CL#31.)

Chairman Hanley explained that Supervisor Connolly would be attending a regional meeting regarding homeland security to be held at Fort McNair at 1 p.m. She noted that in addition to Supervisor Connolly, both she and the County Executive were to attend, but they declined because of the Board meeting. Supervisor Connolly will represent the County.

35. **LETTER FROM RICHARD TREMAINE REGARDING THE OCCOQUAN WATERSHED** (Tape 5)

Chairman Hanley called the Board's attention to a letter she had distributed from Richard Tremaine regarding the twentieth anniversary of the Occoquan Watershed decision, which was celebrated by the Board at its meeting on July 22, 2002.

Supervisor Mendelsohn noted that former Springfield District Supervisor Marie Travesky had made the original motion in 1982 and that former Dranesville District Supervisor Nancy Falck had seconded it. The motion carried unanimously.

36. **OUT OF DARKNESS WALK** (Tape 5)

Chairman Hanley stated that more than 1000 Virginians will join thousands of Americans to make the first *Out of Darkness Walk* from sunset to sunrise on August 17 and 18, 2002, to raise money and awareness for the American Foundation for Suicide Prevention. She noted that the walk begins on the Annandale campus of Northern Virginia Community College and ends at the Lincoln Memorial in the District of Columbia.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the necessary assistance to enhance community awareness for the first *Out of Darkness Walk* by publicizing the event and giving assistance. Without objection, it was so ordered.

37. **FIRE PREVENTION WEEK** (Tape 5)

Chairman Hanley announced that the week of October 6-12, 2002, will be celebrated nationally as Fire Prevention Week. The Department of Fire and Rescue (DFR) will host open houses at all of its 35 stations on Saturday, October 12, 2002, as they promote the theme "Team Up for Fire Safety."

Accordingly, Chairman Hanley moved that the Board direct staff to invite representatives from the DFR to appear before the Board on September 23, 2002,

to receive a proclamation declaring the week of October 6-12, 2002, as "*Fire Prevention Week*" in Fairfax County. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

38. **LETTER TO STATE SENATOR LINDA T. ("TODDY") PULLER REGARDING THE "COMMUNITY CHARACTER ACT"** (Tape 5)

Chairman Hanley called the Board's attention to a letter to State Senator Linda T. ("Toddy") Puller from Congressman Donald A. Manzullo (R-IL) regarding the federal "Community Character Act" (HR 1433 and SB 975) which would affect local land use control - zoning and planning.

Noting that Supervisor Hyland also had a written Board Matter regarding this matter, Chairman Hanley asked unanimous consent that the Board refer this letter to the County Attorney and the Board's Legislative Committee to determine the possible impact on land use authorities in the County. Without objection, it was so ordered.

(NOTE: Later in the meeting Supervisor Hyland acknowledged that his written matter on this subject had been presented. See Clerk's Summary Item CL#60.)

39. **CHILDHELP USA** (Tape 5)

Chairman Hanley called the Board's attention to a letter from Michael Caplin, Childhelp USA Director of East Coast Operations, regarding endorsement of the Childhelp USA Children's Center of Virginia (CCCV) which provides a platform from which the County can more effectively respond to reports of child abuse. Congressman Thomas M. Davis III is pursuing a Federal grant to support the launch of CCCV and Congressman Frank Wolf has indicated his support for the project.

Accordingly, Chairman Hanley moved that the Board support the efforts of the CCCV. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

40. **VOLUNTEERS FOR OPPORTUNITIES, ALTERNATIVES, AND RESOURCES (OAR)** (Tape 5)

Chairman Hanley announced that OAR of Fairfax County has requested assistance in promoting its need for volunteers. She noted that volunteer orientation training is scheduled for September 28 and October 5, 2002. She also indicated that she had a copy of the OAR flyer.

41. **RESOLUTION FROM THE MECKLENBURG COUNTY BOARD OF SUPERVISORS** (Tape 5)

Chairman Hanley stated that she received a copy of a resolution from the Mecklenburg County Board of Supervisors on the Pledge of Allegiance and she indicated that she would refer it to the Virginia Association of Counties Board.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

42. **SCHEDULING OF PUBLIC HEARING ON DEVELOPMENT CRITERIA** (Tape 5)

- (A) Chairman Hanley said that on July 24, 2002, the Planning Commission recommended the development criteria revisions. Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to schedule the public hearing for the development criteria revisions (including "cash proffers") to be held before the Board on **September 9, 2002, at 6 p.m.** Without objection, it was so ordered.

43. **RETIREMENT OF ANN MARLOW** (Tape 5)

Supervisor Mendelsohn announced that Ann Marlow, County Cooperative Extension Unit Coordinator and 4-H Extension Agent, is retiring after 27 years of dedicated service. He outlined the programs that she supervised and the extensive use of volunteers to carry out those programs.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite Ms. Marlow to appear before the Board, at a date to be determined, to be recognized and congratulated for her outstanding accomplishments. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

44. **COMMENDATION BY THE CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT (CBLAD)** (Tape 5)

Supervisor Mendelsohn said that as a member of the Chesapeake Bay Local Assistance Board, he received a newsletter published by CBLAD entitled *Bay Act News*. He distributed copies of page seven, which focused on the County. It commended the County for taking the initiative and adopting standards regarding a number of studies and projects undertaken related to watershed protection and restoration.

45. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENNY GROSS** (Tape 5)

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

DMB:dmb

46. **REQUEST THAT THE BOARD SEND A LETTER TO THE FEDERAL DELEGATION URGING SUPPORT OF A \$5 MILLION FEDERAL APPROPRIATION TO THE WASHINGTON AREA HOUSING TRUST FUND** (Tape 6)

Supervisor Hudgins said that as startling numbers continue to highlight the affordable housing problem not only in Fairfax County, but also in the entire metropolitan Washington region, it is important to maintain a focus on this issue. The annual income necessary to qualify for a new single family home and townhouse in Fairfax County is \$158,000 and \$91,000 respectively. In addition, the US Department of Housing and Urban Development estimates that more than 54,000 households in the region pay over half their income in rent and earn less than 50 percent of the median income. The needs are great and the resources limited. The Washington Area Housing Partnership is supporting a \$5 million federal appropriation to the Washington Area Housing Trust Fund as a way of launching support for a regional housing trust fund. The regional trust would flexibly and significantly augment local housing dollars while maintaining neutrality with regard to local land use policy.

Therefore, Supervisor Hudgins moved that the Board send a letter to the federal delegation urging its support of a \$5 million federal appropriation to the Washington Area Housing Trust Fund. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

47. **REQUEST TO WAIVE THE FILING FEES FOR THE EXPANSION OF THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)** (Tape 6)

Supervisor Bulova said that student parking on residential streets around Annandale High School continues to be a serious problem and expansion of the Annandale RPPD is needed. Consequently, she forwarded to the Department of Transportation (DOT) a petition for the expansion of the Annandale RPPD on Mayfield Court. To proceed with the request, DOT needs Board approval to waive the filing fees.

Therefore, Supervisor Bulova moved that the Board waive the fees and to proceed as expeditiously as possible. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

48. **REQUEST TO WAIVE THE FILING FEES FOR THE EXPANSION OF THE LAKE BRADDOCK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)** (Tape 6)

Supervisor Bulova said that student parking on residential streets around Lake Braddock Secondary School continues to be a serious problem and expansion of the Lake Braddock RPPD is needed. Consequently, she has forwarded to the Department of Transportation (DOT) a petition for the expansion of the Lake Braddock RPPD on Lake Braddock Drive from Old Burke Lake Road to Bakersville Lane. To proceed with the request, DOT needs Board approval to waive the filing fees. Therefore, Supervisor Bulova moved that the Board to waive the fees and to proceed as expeditiously as possible. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

PMH:pmh

49. **NO BOARD MATTERS FOR SUPERVISOR ELAINE McCONNELL** (Tape 7)

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

50. **FIRST ANNUAL KINGSTOWNE FAITH 5K RUN/WALK (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman announced that runners and walkers are invited to the first annual Kingstowne Faith 5K Run/Walk on October 5, 2002, 8:30 a.m., rain or shine, at 5725 Castlewellan Drive (1.5 miles south of the South Van Dorn Street exit off I-95) in Kingstowne, Virginia. This community event is sponsored by Faith Evangelical Presbyterian Church of Kingstowne and Inova HealthPlex at Franconia-Springfield. Proceeds from the race will benefit the Koinonia Foundation and United Community Ministries, two charitable organizations that serve the needy in southern Fairfax County.

Supervisor Kauffman said that the race will start and finish at Faith Church on Castlewellan Drive. The course will wind through the scenic streets and greenbelt trails of Kingstowne. Organizers emphasize that both runners and walkers of all ages are welcome. They may register on-line at www.signmeupsports.com, visit the race web page at www.faith5K.org for complete information and a printable registration form, or call (703) 922-0734.

Supervisor Kauffman noted that the registration fee until September 20 is only \$15. The fee until October 4 is \$20. Race day registration is \$22. Pre-registered runners and walkers will receive a colorful race T-shirt, post-race refreshments, and chances at door prizes provided by Kingstowne businesses. The top three overall males and females will receive merchandise awards from Pacers running

store in Alexandria. The top two males and females in seven age categories will also receive awards.

Therefore, Supervisor Kauffman moved that the Board direct staff to invite the organizers of the Kingstowne race to appear before the Board at its September 23, 2002, meeting to receive a resolution of support for this community event. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

51. **WAIVER OF FEES REGARDING THE EXPANSION OF THE GREATER SPRINGFIELD CHAMBER OF COMMERCE OFFICES (LEE DISTRICT)**
(Tape 7)

Supervisor Kauffman said that the Greater Springfield Chamber of Commerce is planning to expand its offices, located in the Tower Center at 6434 Brandon Avenue in the Springfield revitalization district. The Chamber is a nonprofit with a long record of service to the community. An architect is preparing the plans and the Chamber hopes to begin renovations this month.

Therefore, Supervisor Kauffman moved waiver of all County fees associated with plan review and permit issuance. This request has been coordinated with the County Attorney. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

52. **WAIVER OF FEES FOR THE LEE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) 32 (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that the residents of Crozet Court have submitted petitions to his office for the expansion of the Lee RPPD 32. He noted that Crozet Court meets all the requirements for RPPD.

Therefore, Supervisor Kauffman moved that the Board waive the \$10 per petition signature RPPD application fee. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

53. **SOUTH VAN DORN STREET/CAPITAL BELTWAY INTERCHANGE AND THE SALES TAX REFERENDUM** (Tape 7)

Supervisor Kauffman said that on July 22, 2002, the Board provided comments to the Virginia Department of Transportation regarding the Location Study and Environmental Impact Statement (EIS) for the widening of the Capital Beltway (I-495) from the American Legion Bridge to the Springfield Interchange. He noted that he had raised the concern that the South Van Dorn Street/Capital Beltway Interchange is the only interchange on the Virginia Beltway which has not been studied or included within the Capital Beltway Study, the Springfield Interchange construction project, or the Woodrow Wilson Bridge replacement. With the improvements being done immediately to the east and west of the Van

Dorn Street interchange, this interchange becomes a major choke point on the Beltway.

Therefore, Supervisor Kauffman moved that the Board support designating a portion of the funding included in this November's Sales Tax Referendum and earmarked for "improvements to the Capital Beltway" to develop a project to address the capacity issues for traffic at this interchange. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

Chairman Hanley noted that there have been some inaccurate reports in the press regarding the Board's comments and recommendations to the Virginia Department of Transportation regarding the Location Study EIS for the widening of the Capital Beltway from the American Legion Bridge to the Springfield Interchange. She clarified that the Board made several suggestions and does not oppose the consideration of occupancy toll "hot" lanes.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to distribute a copy of the letter to the Honorable Whittington Clement, Secretary of Transportation, regarding the Location Study and EIS for the widening of I-495 from the American Legion Bridge to the Springfield Interchange. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

A brief discussion ensued.

54. **I-66 MULTIMODAL TRANSPORTATION AND ENVIRONMENTAL STUDY AND THE INTERSECTION OF ROUTE 28 AND WALNEY ROAD (SULLY DISTRICT)** (Tape 7)

(NOTE: Earlier in the meeting this item was discussed. See Clerk's Summary Item CL#18.)

Supervisor Frey noted that this morning the Board approved the local contract for the Route 28 Highway Transportation Improvement District financing and construction plans. This contract is a necessary step toward securing the appropriate financing and to permit construction of six interchanges along Route 28. Concurrently, the Virginia Department of Transportation (VDOT) initiated the I-66 Multimodal Transportation and Environmental Study that includes the interchange of I-66 and Route 28.

Supervisor Frey noted that it is important that any plan to improve the I-66/Route 28 interchange should fully consider the critical movements at the intersection of Route 28 and Walney Road/Braddock Road.

Therefore, Supervisor Frey moved that the Board direct staff to work closely with VDOT to ensure that the critical movements at this intersection are fully analyzed and addressed as part of the I-66 Multimodal Transportation and Environmental Study, and to process any necessary out-of-turn Plan amendments to ensure that the County's Comprehensive Plan remains consistent with the design of this intersection. Supervisor Hudgins seconded the motion.

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

55. **CERTIFICATE OF RECOGNITION FOR MR. BRUCE ARENA** (Tape 7)

Supervisor Frey said that earlier this summer many people disrupted their sleep patterns by spending the early morning hours watching the World Cup Soccer matches that were played in Korea and Japan.

Supervisor Frey said that many watched with great pride as the US Team advanced to the quarterfinals. Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Bruce Arena, a Sully District Resident and the Coach of US Soccer Team, to appear before the Board to be recognized for his stewardship of the US Team during this year's World Cup Tournament. Without objection, it was so ordered.

56. **REQUEST FOR PUBLIC HEARING AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION AND SPECIAL EXCEPTION AMENDMENT APPLICATION (SULLY DISTRICT)** (Tape 7)

- (A) Supervisor Frey said that the Inova Health Care Services has filed a proffered condition amendment application and a special exception amendment application for the Inova Fair Oaks Hospital Campus located in the Sully District. These applications request a vertical expansion to the hospital facilities that are under construction at the campus at this time. The Planning Commission public hearing had been scheduled for November 2002. The vertical expansion is consistent with the recommendations of the recently adopted Comprehensive Plan amendment for the campus. To allow construction of the proposed improvements to meet with the construction schedule for the ongoing improvements, the applicant has requested that the Board authorize a certain Board date and concurrent processing of the site plan.

Accordingly, Supervisor Frey moved that the Board authorize staff to schedule:

- A public hearing to be held before the Board on December 9, 2002.
- Concurrent processing of the site plan with the pending proffered condition amendment and special exception amendment applications for Fair Oaks Hospital.

The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the applications in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

57. **REQUEST FOR EXPEDITIOUS PROCESSING OF PUBLIC FACILITIES (2232) APPLICATIONS REGARDING THE INSTALLATION OF LIGHTS AT BULL RUN ELEMENTARY SCHOOL AND RACHEL CARSON INTERMEDIATE SCHOOL (SULLY DISTRICT)** (Tape 7)

Supervisor Frey said that the Southwest Youth Association (SYA) and the Department of Community and Recreation Services (CRS) are proposing to install lights at Bull Run Elementary School and Rachel Carson Intermediate School, respectively. In working with the County Attorney, Supervisor Frey said that it has been determined that the installation of lights at each school will require approval of 2232 applications. Unfortunately, neither SYA nor CRS was aware that 2232 applications were necessary and had not factored the review process into their timetable. Applications for both sites will be filed shortly.

Supervisor Frey noted that lighting these fields would help address the severe shortage of fields in the Sully District by allowing longer use of these fields.

Therefore, Supervisor Frey moved that the Board authorize and direct staff to expedite the processing of the 2232 requests by SYA and CRS regarding the installation of lights at Bull Run Elementary School and Rachel Carson Intermediate School. The applicants understand that approval of this motion does not relieve them of the obligation of complying with all necessary standards and processes and will not prejudice the consideration of the applications in any way. Chairman Hanley seconded the motion.

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

58. **REQUEST FOR ENABLING LEGISLATION AS RECOMMENDED BY THE FAIRFAX COUNTY HUMAN RIGHTS COMMISSION** (Tape 7)

Supervisor Hyland said that he recently received an e-mail from the Executive Director of the Fairfax County Human Rights Commission pointing out that the General Assembly had passed two bills prohibiting discrimination due to genetic information. Bills Number SB 102 and HB 1307 became effective on July 1, 2002.

Supervisor Hyland noted that these bills prohibit employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an

employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators would be subject to actual or punitive damages, including back pay with interest, or injunctive relief.

Supervisor Hyland said that SB 102 and HB 1307 do not allow for any administrative complaints or investigations. The Commission at its latest meeting voted to ask the Board to seek enabling legislation to amend the Ordinance to include the authority to receive and investigate complaints alleging discrimination on the basis of genetic discrimination since it is already outlawed across the State.

Accordingly, Supervisor Hyland moved that this matter be referred to the Legislative Committee for review and recommended action. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

59. **BOARD RECOGNITION REQUESTED FOR PAUL BALDINO, EXECUTIVE DIRECTOR, PARK AUTHORITY** (Tape 7)

Supervisor Hyland said that he learned recently that Paul Baldino, Executive Director, Park Authority, submitted a letter to the Park Authority Board indicating his intent to retire from the County effective Friday, September 6, 2002.

Supervisor Hyland asked unanimous consent that the board direct staff to invite Mr. Baldino to appear before the Board to be recognized for his significant efforts and many contributions to Fairfax County, its employees and citizens. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

60. **REQUEST REVIEW OF PROPOSED FEDERAL LAW "COMMUNITY CHARACTER ACT" (CCA)** (Tape 7)

(Earlier in the meeting action was taken on this item. See Clerk's Summary Item CL#38.)

Supervisor Hyland noted that the request for review of the proposed Federal law known as the CCA was discussed earlier in the meeting.

61. **REQUEST THAT G. T. HALPIN BE ACKNOWLEDGED FOR BEING NAMED "MASTER ENTREPRENEUR OF THE YEAR"** (Tape 7)

Supervisor Hyland said that recently, G.T. Halpin, President and CEO of West*Group, was selected to receive a special "Master Entrepreneur of the Year" award at the Ernst and Young Greater Washington Entrepreneur of the Year Banquet. Mr. Halpin was chosen for his extraordinary commitment to business, community, and philanthropy.

Supervisor Hyland referred to his written Board Matter and outlined Mr. Halpin's accomplishments.

Supervisor Hyland asked unanimous consent that the Board direct staff to invite Mr. Halpin to appear before the Board to acknowledge his being named "Master Entrepreneur of the Year" and to recognize his many generous contributions to Fairfax County. Without objection, it was so ordered.

62. **REQUEST INFORMATION ABOUT TRAFFIC SIGNAL AT FENWICK DRIVE AND HUNTINGTON AVENUE (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland said that residents of the Huntington Community have asked that a traffic signal be installed at the intersection of Fenwick Drive and Huntington Avenue. They believe that a signal was "proffered by the Washington Metropolitan Area Transit Authority (WMATA) in the 1980s when it located the Metro Station in Huntington. Supervisor Hyland said that staff indicates that there appears to be no knowledge of such a commitment on the part of WMATA.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to research and determine if there was ever any legal requirement that WMATA install a traffic signal at Fenwick Drive and Huntington Avenue as a condition of the approval and, if so, what it will take to have the light installed. Without objection, it was so ordered.

63. **CLOSED SESSION** (Tape 7)

At 12:10 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 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. Authorization to File Suit Against the Commonwealth of Virginia to Obtain a Judicial Determination as to Whether the County's Director of Finance is Covered Under the State's Faithful Performance of Duty Bond Plan for the Fraudulent Acts of Former Investment Analyst Nicolo Topacio and to Determine Whether That Bond Coverage is Primary or Secondary to the County Insurance Coverage with Kemper Insurance. Authorization to Enter Into a Settlement Agreement with Kemper Insurance for the Amount of Claim over the Disputed \$1,000,000 Coverage Amount
2. *HMC Diversified American Hotels, L.P. v. Board of Supervisors of Fairfax County*, At Law No. 200918 (Fx. Co. Cir. Ct.) (Providence District)
3. *Herndon Lodge General Partnership v. Board of Supervisors*, At Law No. 199870 (Fx. Co. Cir. Ct.) (Dranesville District)
4. *Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, and the Building Official of Fairfax County, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid*, In Chancery No. 179443 (Fx. Co. Cir. Ct.) (Braddock District)
5. *Fairfax County Park Authority v. George A. Fath, et al.*, At Law No. 196661 (Fx. Co. Cir. Ct.) (Springfield District)
6. *William E. Houston v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. 199960 (Fx. Co. Cir. Ct.) (Braddock District); *Jane W. Gwinn, Fairfax County Zoning Administrator v. William E. Houston*, In Chancery No. 176291 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Mohammad H. Sultany, Gulmakai Sultany, and Gul M. Sultany*, In

- Chancery No. 178034 (Fx. Co. Cir. Ct.) (Lee District)
8. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Hyung K. Kim and Eun H. Kim*, In Chancery No. 176469 (Fx. Co. Cir. Ct.) (Braddock District)
 9. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Earl T. Puckett and Janet L. Puckett*, In Chancery No. 177747 (Fx. Co. Cir. Ct.) (Mason District)
 10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
 11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson*, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 12. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Juan C. Rojas and Gihovana Valda*, In Chancery No. 179173 (Fx. Co. Cir. Ct.) (Mason District)
 13. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Brian J. Leary*, In Chancery No. 178068 (Fx. Co. Cir. Ct.) (Springfield District)

And in addition:

- Payment by American Management Systems, Incorporated, of \$2,000,000 Due Pursuant to Settlement Agreement of August 1 2001
- Health Insurance Portability and Accountability Act of 1996
- The Board of Supervisors of Fairfax County, Virginia v. Governors Run, LP, aka Governors Run L.P., and Airston Group III, Incorporated, At Law Number 201904

- Public Improvement Trail Plan Modification
Proposed by Eugene T. and Camille S. Klein

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

DS:ds

At 2:55 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

64. **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 Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Connolly being out of the room.

(NOTE: Later in the meeting Chairman Hanley noted that Supervisor Connolly was not present for closed session. See Clerk's Summary Item CL#72.)

65. **A-5 – FAIRFAX COUNTY'S COMMENTS REGARDING THE VIRGINIA RAILWAY EXPRESS' PHASE I STRATEGIC PLAN** (Tape 8)

(NOTE: Earlier in the meeting the Board deferred decision on this item. See Clerk's Summary Item CL#16.)

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

- Endorse the comments as outlined in the Board Agenda Item dated August 5, 2002, with the exception of the last bulleted item.
- Direct staff to transmit the comments to the Northern Virginia Transportation Commission and the Virginia Railway Express.

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

66. **A-6 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO FORM A LIMITED LIABILITY COMPANY TO PURCHASE AND HOLD TITLE TO A CONDOMINIUM UNIT AT WESTBRIAR CONDOMINIUM FOR RENTAL IN THE FAIRFAX COUNTY RENTAL PROGRAM AND A REQUEST TO ALLOCATE FUNDS TO THE FCRHA EQUAL TO THE AMOUNT OF REAL ESTATE TAXES TO BE PAID BY THE LIMITED LIABILITY COMPANY FOR THE WESTBRIAR CONDOMINIUM (PROVIDENCE DISTRICT)** (Tape 8)

(NOTE: Earlier in the meeting the Board deferred decision on this item. See Clerk's Summary Item CL#17.)

Chairman Hanley stated that the Zoning interpretation and the letter of the proffer interpretation had been received from staff. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and authorize:

- Formation by the FCRHA of a limited liability company to act as owner and lessor of the Westbriar Condominium unit.
- Allocation of funds, subject to annual appropriations, to the FCRHA equal to the amount of real estate taxes to be paid by the limited liability company on the Westbriar Condominium unit.

Vice-Chairman Hyland seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

67. **SETTLEMENT IN HMC DIVERSIFIED AMERICAN HOTELS, LP VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, ET AL, AT LAW NUMBER 200918** (Tape 8)

Supervisor Bulova moved that the Board authorize settlement in *HMC Diversified American Hotels, L.P. versus Board of Supervisors of Fairfax County, et al.*, At Law Number 200918, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

68. **SETTLEMENT IN HERNDON LODGE GENERAL PARTNERSHIP VERSUS BOARD OF SUPERVISORS, AT LAW NUMBER 199870** (Tape 8)

Supervisor Bulova moved that the Board authorize settlement in *Herndon Lodge General Partnership versus Board of Supervisors*, At Law Number 199870, according to the terms and conditions outlined by the County Attorney in closed

session. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

69. **DENIAL OF CLAIM OF GOVERNORS RUN LP AND AIRSTON GROUP, III, INCORPORATED** (Tape 8)

Supervisor Frey moved that the Board deny the claim of Governors Run LP and Airston Group, III, Incorporated, for the reasons stated by the County Attorney in closed session. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

70. **TRAIL EXTENSION AGREEMENT FOR PROPERTY LOCATED AT 1657 BEULAH ROAD** (Tape 8)

Supervisor Hudgins moved that the Board direct the County Executive to enter into an agreement, on behalf of the Board, with Eugene Klein regarding a trail extension at property located at 1657 Beulah Road pursuant to the terms and conditions set forth by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

71. **AUTHORIZATION TO FILE SUIT AGAINST THE COMMONWEALTH OF VIRGINIA AND SETTLEMENT WITH KEMPER INSURANCE COMPANY REGARDING THE COUNTY'S CLAIM IN THE MATTER OF NICOLO TOPACIO** (Tape 8)

Supervisor Hyland moved that the Board authorize:

- The filing of a suit against the Commonwealth of Virginia to determine the applicability of the State's Faithful Performance of Duty Bond Plan to Fairfax County and the coverage to which the County is entitled.
- Settlement with Kemper Insurance Company regarding the County's claim in the matter of Nicolo Topacio, 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 Connolly being out of the room.

72. **ABSENCE OF SUPERVISOR GERALD CONNOLLY FROM CLOSED SESSION** (Tape 8)

(NOTE: Earlier in the meeting Supervisor Connolly departed to attend another meeting. See Clerk's Summary Item CL#31.)

Chairman Hanley noted that Supervisor Connolly was not present for closed session.

AGENDA ITEMS

SBE:sbe

73. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 97-L-041 (SHURGARD STORAGE CENTERS, INCORPORATED) (LEE DISTRICT)** (Tape 9)

The application property is located at 7212 Richmond Highway, Tax Map 92-4 ((1)) 48 and 49A.

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

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

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

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 97-L-041, subject to the development conditions dated July 25, 2002.
- Modification of the transitional screening requirements along the western lot line and waiver of the barrier requirement along the northwestern and western lot lines.

Supervisor McConnell seconded the motion and it **CARRIED** by a recorded vote of six, Vice-Chairman Hyland voting “NAY,” Supervisor Connolly, Supervisor Hudgins, and Chairman Hanley being out of the room.

74. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-041 (KFC OF AMERICA, INCORPORATED) (MASON DISTRICT)** (Tape 9)

The application property is located within Willston Shopping Center at the northwest corner of the intersection of Arlington Boulevard and Patrick Henry Drive, Tax Map 51-3 ((18)) 4 pt.

Mr. Glenn E. Braswell reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Glenn E. Braswell

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

Supervisor Gross moved to **DENY** Special Exception Application SE 01-M-041. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

ADDITIONAL BOARD MATTER

75. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2001-PR-050 (STANLEY-MARTIN HOMEBUILDING, LLC) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Gross stated that Supervisor Connolly requested that the public hearing on Rezoning Application RZ 2001-PR-050 be deferred until he returned to the Board Auditorium later in the meeting.

Supervisor Gross stated her intent to defer this public hearing at the scheduled time in the meeting.

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item CL# 91.)

AGENDA ITEMS

76. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-S-099 (Q-U PARTNERSHIP) (SULLY DISTRICT)** (Tape 9)

The application property is located at 13701 – 13707 Lee Jackson Memorial Highway, Tax Map 34-4 ((1)) 57A.

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

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

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

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 87-S-099, subject to the revised development conditions dated June 20, 2002.
- **DENIAL** of the proposed waiver of sign regulations.

Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hyland, Supervisor Hudgins, and Supervisor McConnell being out of the room.

77. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-050 (STANLEY-MARTIN HOMEBUILDING, LLC) (PROVIDENCE DISTRICT)** (Tape 9)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2001-PR-050 until **4:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting this public hearing was held. See Clerk's Board Summary Item CL#91.)

78. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-BR-003 (ANDREW J. KIM) (BRADDOCK DISTRICT)** (Tape 9)

- (O) The application property is located on the west side of Ravensworth Road, approximately 200 feet south of its intersection with Fountain Head Drive, Tax Map 71-1 ((1)) 52.

Mr. Peter L. Rinek reaffirmed the validity of the affidavit for the record.

Mr. Rinek 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, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-BR-003, from the R-4 District to the R-5 District, subject to the proffers dated June 28, 2002.
- Waiver of the minimum R-5 district size requirement.

Supervisor Mendelsohn seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Mendelsohn voting "AYE," Chairman Hanley abstaining, Supervisor Connolly, Supervisor Hyland, Supervisor McConnell being out of the room.

79. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 84-D-004-2 (CHARLES F. AND LAURA L. NICHOLS) (DRANESVILLE DISTRICT)** (Tape 9)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

The application property is located at the west terminus of Hidden Spring Road, on the west side of River Bend Road, Tax Map 8-3 ((9)) 13V/Z; 8-4 ((1)) 33V/Z, 34 V/Z; 8-4 ((9)) 10V/Z, 14V/Z.

Mr. Charles F. Nichols reaffirmed the validity of the affidavit for the record.

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

Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F, Agricultural and Forestal District Application AR 84-D-004-2, to renew the Hidden Springs Farm Local Agricultural and Forestal District, subject to the proposed Ordinance provisions dated July 10, 2002, listed in Appendix One of the staff report. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor

Connolly, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

80. **BOARD RECESS** (Tape 9)

At 3:50 p.m. the Board recessed briefly, and at 4 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly, Supervisor Hyland, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

81. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 93-S-003 (JOHN L. AND RITA J. BOLEY) (SPRINGFIELD DISTRICT)** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

The application property is located at 13442 Compton Road, Tax Map 75-1 ((1)) 8 V/Z.

Ms. Donna J. Knauff reaffirmed the validity of the affidavit for the record.

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

Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F, Agricultural and Forestal District Application AR 93-S-003, to renew the Boley Local Agricultural and Forestal District, subject to the Ordinance provisions dated July 10, 2002, listed in Appendix One of the staff report. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting “AYE,” Supervisor Connolly, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

82. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-016-3 (CHANTILLY 50-28 ASSOCIATES LIMITED PARTNERSHIP) AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-Y-024-2 (SULLY DISTRICT)** (Tapes 9-10)

The Proffered Condition Amendment Application PCA 95-Y-016-3 property is located in the southeast quadrant of the intersection of Lee Jackson Memorial Highway and Lee Road, Tax Map 34-3 ((1)) 7B pt. and 19 pt.

The Special Exception Amendment Application SEA 95-Y-024-2 application property is located at 14409 Lee Jackson Memorial Highway, Tax Map 34-3 ((1)) 7B pt. and 19 pt.

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

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

Chairman Hanley disclosed the following campaign contribution through Marlo Plaza I and II that she had received:

- In excess of \$200 from Mr. Louis L. Glickfield

Supervisor Kauffman disclosed the following campaign contribution through Marlo Plaza I and II that he had received:

- In excess of \$200 from Mr. Louis L. Glickfield

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 95-Y-016-3, subject to the proffers dated July 26, 2002. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 95-Y-024-2, subject to the development conditions dated July 26, 2002, with the following modification to development condition number five:

- "The maximum height of the free standing sign shall not exceed a height of 25 feet from grade with a total sign area of 250 square feet as previously approved."

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

83. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-005 (JOHN MILTON COLTON HAND, II, ALEXANDRA H. MATEER AND VICTORIA B. HAND) (DRANESVILLE DISTRICT)** (Tape 10)

The application property is located at 1340, 1342, and 1344 Ballantre Lane, Tax Map 31-1 ((2)) 1A, 7A, and 24A.

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

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

Following the public hearing, which included testimony by two speakers, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Application SE 2002-DR-005, subject to the development conditions dated July 25, 2002.
- Waiver of the requirement for one acre of open space with a width greater than 50 feet be provided outside of the floodplain.
- That the Board direct the Department of Public Works and Environmental Services to waive the street light requirement for the subdivision entrance on Ballantre Lane.

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

84. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON OLD CENTREVILLE ROAD/CENTREWOOD DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)** (Tape 10)

(Verbatim)

(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 July 18 and July 25, 2002.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the Resolution endorsing Old Centreville

Road/Centrewood Drive between Compton Road and New Braddock Road to be included in the Fairfax County Department of Transportation's R-TAP for a through truck traffic restriction. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

DS:ds

85. **4:30 P.M. – PH ON PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING LETTERS OF CREDIT, POND ACCESS BARRICADES, AND THE ABANDONMENT AND REMOVAL OF SANITARY SEWER PIPES AND THE VACATION OF THE ASSOCIATED EASEMENTS** (Tape 11)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

Jan Leavitt, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to the PFM related to letters of credit, pond access barricades, and the abandonment and removal of sanitary sewer pipes, and the vacation of the associated easements. Supervisor Bulova seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room.

86. **4:30 P.M. – PH TO CONSIDER AN ORDINANCE TO TEMPORARILY RELOCATE THE POLLING PLACE FOR FORT BUFFALO PRECINCT (PROVIDENCE DISTRICT)** (Tape 11)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 23 and July 30, 2002.

Margaret K. Luca, Electoral Board Secretary, presented the staff recommendation.

Following the public hearing, Supervisor Connolly moved adoption of the Ordinance that would temporarily move the polling place for Fort Buffalo precinct from the James Lee Community Center to the Second Baptist Church. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room.

87. **4:30 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT S02-CW-1CP, ADDRESSING POLICY PLAN RECOMMENDATIONS ON OPEN SPACE/CONSERVATION EASEMENTS AND PARK POLICIES** (Tape 11)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

Discussion ensued with input from Alison F. Kriviskey, Planner III, Policy and Plan Development Branch, Department of Planning and Zoning.

Chairman Hanley clarified that the Planning Commission's recommendation is in regard to open space only. The portion regarding Park Policies has been deferred. Discussion ensued with input from Ms. Kriviskey.

Following the public hearing, which included testimony by 3 speakers, Ms. Kriviskey presented the staff and Planning Commission recommendations.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and moved approval of the proposed Policy Plan Amendment S02-CW-1CP as set forth in the Planning Commission's recommended text as outlined in the Board Agenda Item dated August 5, 2002. Supervisor Connolly seconded the motion.

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

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

88. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-D-027-2 (EXXON MOBIL CORPORATION) (DRANESVILLE DISTRICT)** (Tapes 11-12)

The application property is located at 6720 and 6724 Old Dominion Drive, Tax Map 30-2 ((1)) 52 and 53.

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

Discussion ensued with input from Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning.

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

Following the public hearing, which included testimony by four speakers, Ms. Johnson presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Amendment Application SEA 93-D-027-2, subject to the development conditions dated August 5, 2002.
- In accordance with Section 9-622 of the Zoning Ordinance - Approval of Modifications/Waivers/Increases in a Commercial Revitalization District, waiver of the minimum lot width requirement and modification of the minimum front yard setback requirement of 20 feet to permit a trellis in the minimum front yard area and to permit the car wash to be located five feet from Corner Lane.
- Waiver of the service drive requirement along Old Dominion Drive; waiver of the barrier requirement along Corner Lane in favor of the brick wall depicted on the SE plat; and waiver of the trail requirement along Chain Bridge Road and Old Dominion Drive in favor of the streetscape plan depicted on the SE plat.

Supervisor Kauffman seconded the motion and it **CARRIED** by a recorded vote of eight, Chairman Hanley voting "NAY," Supervisor Hyland being out of the room.

89. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-S-094-3 (THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE [SAINT TIMOTHY'S PARISH]) (SULLY DISTRICT)** (Tape 12)

The application property is located at 13807 Poplar Tree Road, Tax Map 44-4 ((1)) 8.

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

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

- In excess of \$200 from William H. Gordon Associates, Incorporated

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

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

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 84-S-094-3, subject to the development conditions dated July 19, 2002.
- Modification of the transitional screening and waiver of the barrier requirements in accordance with the special exception amendment plat.
- Waiver of the frontage improvement requirements for Poplar Tree Road, subject to the implementation of the development condition to provide a raised median to restrict left turns into the westernmost entrance or the provision of a left turn lane for the westernmost entrance.

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

90. **5 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-054 (D. R. HORTON, INCORPORATED) (PROVIDENCE DISTRICT)**
(Tape 12)

Supervisor Connolly moved that the Board:

- Defer the public hearing on Rezoning Application RZ 2001-PR-054 until **September 9, 2002, at 3 p.m.**
- Direct staff to provide concurrent processing of the site plan for Rezoning Application RZ 2001-PR-054. This motion will not

relieve the applicant of any obligation, ordinance, or standards and will not prejudice the consideration of the application in any way.

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

91. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-050 (STANLEY-MARTIN HOMEBUILDING, LLC) (PROVIDENCE DISTRICT)** (Tape 12)

(O) (NOTE: Earlier in the meeting this public hearing was deferred. See Clerk's Summary Item CL#77.)

The application property is located on the south side of Lee Highway, approximately 600 feet east of its intersection with Nutley Street, Tax Map 48-4 ((1)) 15 and 16.

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

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

Discussion ensued with input from Mr. Lawrence.

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

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-PR-050, from the R-1 and HC Districts to the PDH-12 and HC Districts, and approval of the Conceptual Development Plan, subject to the proffers dated August 1, 2002.
- Modification of the transitional screening and barrier requirements along the northern property line to the ten-foot wide strip of landscaping and the barrier depicted on the CDP/FDP.
- Waiver of the limitation on fence height, pursuant to Paragraph 8 of Section 16-401 to permit the proposed wall along Lee Highway to be up to eight feet in height.

- Waiver of the construction of that portion of the service drive that will connect to the Pan Am Shopping Center, as shown on the CDP/FDP.

Supervisor Kauffman seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

92. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-S-087-3 (MERRIFIELD GARDEN CENTER CORPORATION) (SPRINGFIELD DISTRICT)** (Tape 12)

The application property is located at 12101 and 12039 Lee Highway, Tax Map 56-3 ((1)) 13 and 14.

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

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

- In excess of \$200 from Merrifield Garden Center Corporation

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.

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

- In excess of \$200 from William H. Gordon Associates, Incorporated

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

Supervisor McConnell moved:

- Approval of Special Exception Amendment Application SEA 82-S-087-3, subject to the development conditions dated July 25, 2002.

- Modification of the transitional screening requirement along the eastern, western, and southern property boundaries as shown on the SE Plat.
- Waiver of the barrier requirement on the eastern, western, and southern property boundaries.
- Modification of Additional Standard Nine for Plant Nurseries to allow a reduction of the parking requirement to that shown on the SE Plat.
- That the item of a footbridge be added back into those things allowed to be sold at this facility.
- Waiver of the service drive on parcel 56-3 ((1)) 14.

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

93. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING CHANGES TO THE LOCAL TAX ABATEMENT PROGRAM** (Tapes 12-13)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 23 and July 30, 2002.

Discussion ensued with input from Michael Long, Senior Assistant County Attorney, and Kevin C. Greenlief, Director, Department of Tax Administration.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved that the Board adopt the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) outlined in Attachment A of the Board Agenda Items dated August 5, 2002, as follows:

- Commercial Properties Countywide: Repealed
- Multi-Family Apartment Complexes:
 - Minimum Age - 20 plus, instead of current 25 plus.
 - Valuation Increase - 25 percent, instead of current 40 percent.
 - Abatement Period - 10 years, flat 100 percent, instead of current 10 years graduated

- Commercial Properties within Revitalization Districts:
 - Minimum Age - Remain at 25 plus
 - Valuation Increase - Remain at 25 percent
 - Abatement Period - 12 years, flat 100 percent, instead of current 14 years graduated

- Residential Properties Countywide:
 - Minimum Age - 35 plus, instead of current 25 plus
 - Valuation Increase - Remain at 20 percent
 - Abatement Period - 10 years, flat 100 percent, instead of current 14 years graduated

Supervisor Hyland seconded the motion.

Following discussion with input from Mr. Greenlief, Supervisor Hudgins moved to amend the motion and change the Residential Properties Countywide to the "B-1 option - Dedicate funds otherwise used for Tax Abatement to the Fairfax County Home Improvement Loan Program."

Following discussion with input from Mr. Greenlief, Supervisor Connolly seconded the motion.

Supervisor Mendelsohn moved to amend the amendment to the motion to allow the Residential Properties Countywide to expire and have staff report in 60 days with other alternatives. Supervisor McConnell seconded the motion.

The question was called on the amendment to the amendment to the motion and it **FAILED** by a recorded vote of seven, Supervisor McConnell and Supervisor Mendelsohn voting "AYE," Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "NAY," Supervisor Frey being out of the room.

Further discussion ensued with input from Mr. Greenlief and Paula C. Sampson, Director, Department of Housing and Community Development.

The question was called on Supervisor Hudgins' amendment to the main motion and it **FAILED** by a recorded vote of six, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Connolly voting "AYE," Supervisor Bulova, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "NAY", Supervisor Frey being out of the room.

Supervisor Connolly moved to reconsider Supervisor Mendelsohn's amendment to the amendment to the motion. Supervisor McConnell seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Hyland voting "NAY," Supervisor Frey being out of the room.

Following Chairman Hanley's clarification of Supervisor Mendelsohn's amendment to the amendment motion to allow the Residential Properties Countywide to expire and return to the Board in 60 days with a targeted proposal, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey being out of the room.

The question was called on the main motion, as amended, to:

- Repeal commercial properties Countywide
- Defer residential properties Countywide to return to the Board in 60 days
- Include Commercial Properties within Revitalization Districts and Multi-Family Apartment Complexes as proposed by staff

and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey being out of the room.

94. **5:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 13)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

The public hearing was called but there were no speakers.

95. **BOARD RECESS** (Tape 13)

At 6:40 p.m. the Board recessed briefly, and at 7:05 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross and Supervisor Kauffman, and with Chairman Hanley presiding.

96. **7 P.M. – PH ON DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED GENERAL PLANS FOR THE DULLES CORRIDOR RAPID TRANSIT PROJECT** (Tapes 13-15)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 18 and July 25, 2002.

Chairman Hanley stated that public comments received at this public hearing would be submitted to the Virginia Department of Rail and Public Transportation as part of the hearing record. She also stated that the Board would not be taking any action since this public hearing was to allow citizens to comment on the Draft Environmental Impact Statement and the proposed general plans for the Dulles Corridor Rapid Transit Project.

Ik Pyo Hong, Director, Office of Extensions, Washington Metropolitan Area Transit Authority (WMATA) and John Dittmeier, PE, Acting Project Manager, WMATA, gave a presentation regarding the Draft Environmental Impact Statement.

The public hearing was held and included testimony by 31 speakers.

Following discussion, Chairman Hanley stated that written and electronic statements may be submitted until 5 p.m. on Wednesday, August 28, 2002, to the following:

- Written statements and exhibits:

Mr. Corey W. Hill, Northern Virginia Regional Manager
Virginia Department of Rail and Public Transportation
1550 Wilson Boulevard, Suite 300
Arlington, Virginia 22209

- Electronic (e-mail) statements: dullescorridor@aol.com

97. **BOARD ADJOURNMENT** (Tape 15)

At 9:20 p.m., the Board adjourned.

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