



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 29, 2004**

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07-04

PW:pw

The meeting was called to order at 9:44 a.m., with all Members being present, and with Chairman Connolly presiding.

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

BOARD MATTERS

1. **MOMENT OF SILENCE** (9:44 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Virginia Peters, who died last week. She was the founder of Wesley Housing and an advocate for affordable housing, especially for special needs individuals. Supervisor Gross also noted that Ms. Peters had served on the Human Rights Commission as well.

Supervisor Bulova asked everyone to keep in thoughts Reid Herlihy, Vice President for Facilities at George Mason University, and his family on the recent death of his wife, Cristina.

Chairman Connolly asked everyone to keep in thoughts the family of Michael Mohler, President, Fairfax County Professional Firefighters, on the death of his father last week.

AGENDA ITEMS**2. CERTIFICATE OF RECOGNITION PRESENTED TO LANGLEY HIGH SCHOOL GYMNASTICS TEAM (9:47 a.m.)**

Supervisor DuBois moved approval of the Certificate of Recognition presented to members of the Langley High School Gymnastics team for their accomplishments. Supervisor Bulova seconded the motion and it carried by unanimous vote.

3. PROCLAMATION DESIGNATING APRIL 2004 AS "CHILD ABUSE PREVENTION MONTH" IN FAIRFAX COUNTY (9:52 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 2004 as "*Child Abuse Prevention Month*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Supervisor Gross noted that Hispanics Against Child Abuse and Neglect are having its annual breakfast on April 16, 2004, at the Mason District Governmental Center and invited Chairman Connolly to attend.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the Child Protective Services hotline. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. PROCLAMATION DESIGNATING APRIL 4 – 10, 2004, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY (9:59 a.m.)

Supervisor Frey moved approval of the Proclamation to designate April 4 – 10, 2004, as "*Building Safety Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Staff presented representatives from Washington Gas Company with the 2004 Building Safety Community Partnership Award.

(NOTE: Later in the meeting, the Board noted International Building Safety Week. See Clerk's Summary Item CL# 18.)

5. PROCLAMATION DESIGNATING APRIL 22, 2004, AS "VOLUNTEER RECOGNITION DAY" IN FAIRFAX COUNTY (10:10 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 22, 2004, as "*Volunteer Recognition Day*" in Fairfax County. Supervisor Hyland seconded the motion

and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

The Volunteer Awards Breakfast is scheduled for Thursday, April 22, 2004.

6. **PROCLAMATION DESIGNATING APRIL 5 – 11, 2004, AS “PUBLIC HEALTH WEEK” IN FAIRFAX COUNTY** (10:15 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 5 – 11, 2004, as “*Public Health Week*” in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

Chairman Connolly moved approval of the following Certificates of Recognition for partnering with Fairfax County to build a healthy community by improving access to health care through the Community Access Program Grant:

- Northern Virginia Family Service
- The Community Health Resource Center
- George Mason University
- Hispanic Committee of Virginia
- Inova Health System
- Northern Virginia Area Health Education Center

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

7. **PROCLAMATION DESIGNATING APRIL 2004 AS “IMMUNIZATION MONTH” IN FAIRFAX COUNTY** (10:24 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 2004 as “*Immunization Month*” in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **PROCLAMATION DESIGNATING APRIL 2004 AS “FAIR HOUSING MONTH” IN FAIRFAX COUNTY** (10:27 a.m.)

Chairman Connolly and Supervisor Hudgins jointly moved approval of the Proclamation to designate April 2004 as “*Fair Housing Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING APRIL 2004 AS “DONATE LIFE MONTH” IN FAIRFAX COUNTY** (10:38 a.m.)

Chairman Connolly moved approval of the Proclamation to designate April 2004 as “*Donate Life Month*” in Fairfax County. Supervisor Hyland seconded the motion.

Chairman Connolly moved approval of a Certificate of Recognition presented to Ms. Toni Webb for eight years of dedication and service to the Fairfax County Commission on Organ and Tissue Donation and Transplantation representing the Washington Regional Transplant Consortium. Supervisor Hyland seconded the motion.

The question was called on the motions and they carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the website www.save7lives.org and any other information relating to organ donation as well as the current vacancies on the Commission on Organ and Tissue Donation and Transplantation. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **10 A.M. – PRESENTATION OF THE ADVISORY SOCIAL SERVICES BOARD ANNUAL REPORT** (10:48 a.m.)

(BACs) Alyce Pope, Chairman of the Advisory Social Services Board, presented the board’s annual report.

Brief discussion ensued with input from Dana Paige, Director, Department of Family Services.

Supervisor Hudgins asked unanimous consent that the Board direct staff to draft correspondence to the congressional delegation to support the reauthorization of Temporary Assistance to Needy Families, and related program. Supervisor Gross seconded the motion and it carried by vote of eight, Supervisor Frey and Chairman Connolly being out of the room.

11. **10:15 A.M. – PRESENTATION OF THE FAIRFAX COUNTY SMALL BUSINESS COMMISSION (SBC) 2003 ANNUAL REPORT** (11 a.m.)

(BACs) Joyce Bissonette, Chairman of the SBC, presented the commission’s annual report.

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

Supervisor Gross asked unanimous consent that the Board direct staff to refer the possible development of a website for the SBC to the Information Technology Policy Advisory Committee. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to schedule a joint meeting with the Economic Development Authority to further discuss the subject of the incubator model. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct the SBC to provide additional information such as demographics. Without objection, it was so ordered.

12. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:21 p.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Supervisor DuBois moved the appointment of Ms. Jeanne McChesney as the Dranesville District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ADVISORY SOCIAL SERVICES BOARD

Chairman Connolly moved the appointment of Mr. Marcus Simon to fill the unexpired term of Ms. Ellen Graves as the At-Large Chairman's Representative to the Advisory Social Services Board. Supervisor DuBois seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Providence and Springfield District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

Supervisor McConnell moved the appointment of Mr. Stephen Denes as the Springfield District Representative to the Airports Advisory Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor Hudgins moved the reappointment of Ms. Ava McDannell as the Hunter Mill District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock and Dranesville District Representatives to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

Supervisor Gross moved the appointment of Mr. Robert Wilson Mobley as the Related Professional Group #1 Representative to the Architectural Review Board. Supervisor DuBois seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

Chairman Connolly moved the reappointment of Ms. Elizabeth Bradsher as the At-Large Principal Representative to the Athletic Council. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

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

BOARD OF BUILDING CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor Smyth moved the appointment of Ms. Anne Ketcham Felder as the Freeholder #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Gross seconded the motion, which carried by unanimous vote.

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

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Chairman Connolly moved the appointment of Ms. Cheryl Berry-Gaines to fill the unexpired term of Ms. Shelly Park as the At-Large #4 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Bulova seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor McConnell moved the appointment of Mr. Robert Berman as the Springfield District Representative to the Child Care Advisory Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Chairman Connolly moved the appointment of Ms. Regina Fosstvedt to fill the unexpired term of Ms. Alta Newman as the At-Large Minority Representative to the Commission for Women. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Tania Hossain-Almaraz to fill the unexpired term of Ms. Regina Fosstvedt as the Providence District Representative to the Commission for Women. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to invite Ms. Alta Newman to appear before the Board to be recognized for her service to the Commission for Women. Without objection, it was so ordered.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large Chairman's and At-Large Minority Representatives and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

CONFIRMATION:

Supervisor Gross moved the confirmation of the following appointment to the Commission on Organ and Tissue Donation and Transplantation:

- Ms. Cindy Speas as the Washington Regional Transplant Consortium Representative

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

COMMUNITY ACTION ADVISORY BOARD

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

CONSUMER PROTECTION COMMISSION

Chairman Connolly moved the appointment of Mr. Hung Quoc Nguyen to fill the unexpired term of the late Mr. Larry Willner as the Fairfax County Resident #9 Representative to the Consumer Protection Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

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

ENGINEERING STANDARDS REVIEW COMMITTEE**CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Mr. William Putman as the National Association of Industrial and Office Properties Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Business Community Representative and the Dranesville and Mount Vernon District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

Supervisor Gross moved to disband the Fairfax County Construction Trades Advisory Board. Supervisor DuBois seconded the motion.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

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

HEALTH SYSTEMS AGENCY BOARD

Supervisor Hyland moved the appointment of Stephen Goldberger, M.D. as the Provider #1 Representative to the Health Systems Agency Board. Supervisor Kauffman seconded the motion.

Supervisor Gross moved the appointment of Samer Ellahham, M.D., as the Provider #1 Representative to the Health Systems Agency Board. Supervisor Smyth seconded the motion.

Discussion ensued with input Nancy Vehrs, Clerk to the Board.

The question was called on the motion to appoint Dr. Ellahham and it **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "**AYE**," Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman voting "**NAY**."

HISTORY COMMISSION

Chairman Connolly moved the appointment of Ms. Randa Kayyali as the Citizen #8 Representative to the History Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Ms. Paula Elsey as the Citizen #5 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Archaeologist Representative to the History Commission.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Springfield District #2 Representative to the Human Services Council.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Information Technology Policy Advisory Committee:

- Mr. Thomas Mukai as the Fairfax County Federation of Citizens Associations Representative

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

LIBRARY BOARD

Supervisor Frey moved the reappointment of Mr. Flint Lewis as the Sully District Representative to the Library Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the appointment of Mr. Herbert Doyle to fill the unexpired term of Ms. Joyce Andrews as the At-Large Representative to the Library Board. Supervisor Bulova seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Chairman Connolly moved the appointment of Ms. Eileen Nelson to fill the unexpired term of Ms. Lee Lavinthal Forman as the At-Large Chairman's Representative to the Oversight Committee on Drinking and Driving. Supervisor Gross seconded the motion, which carried by unanimous vote.

Discussion ensued with input Nancy Vehrs, Clerk to the Board of Supervisors.

The Board deferred the appointment of the Braddock District Representative to the Oversight Committee on Drinking and Driving.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Resident/Owner #1 Representative to the Route 28 Highway Transportation District Advisory Board.

CONFIRMATIONS:

Supervisor Frey moved the confirmation of the following appointments to the Route 28 Highway Transportation District Advisory Board:

- Mr. John DeBell as an elected Resident/Owner Representative
- Mr. Jeffrey Saxe as an elected Resident/Owner Representative
- Mr. Peter Scholz as an elected Resident/Owner Representative

This motion, the second to which was inaudible, carried by unanimous vote.

TENANT LANDLORD COMMISSION

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

TRANSPORTATION ADVISORY COMMISSION

Supervisor McConnell moved the appointment of Mr. Eric Thiel to fill the unexpired term of Mr. Jerry Little as the Springfield District Representative to the Transportation Advisory Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

TREE COMMISSION

Supervisor Smyth moved the appointment of Ms. Penelope Firth to fill the unexpired term of Mr. Marco Greenberg as the Providence District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES**TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE-MONOPOLES**

The Board deferred the appointment of the Sully District Representative to the Telecommunication Land Use Regulations Task Force-Monopoles.

ADDITIONAL APPOINTMENT**BOARD OF THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

Chairman Connolly moved the appointment of Mr. Robert Stalzer, Deputy County Executive, as the Fairfax County Alternate Representative to the Board of the District of Columbia Water and Sewer Authority. Supervisor Bulova seconded the motion, which carried by unanimous vote.

DS:ds

13. **ADMINISTRATIVE ITEMS** (11:35 a.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 10. Supervisor Smyth seconded the motion.

Supervisor Smyth called the Board's attention to Admin 8 – Approval of Traffic-Calming Measures for the Mantua Subdivision as Part of the Department of

Transportation's Residential Traffic Administration Program (Providence District). A brief discussion ensued.

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

ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-V-023, LCOR/JC ACQUISITION, LLC (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Amendment Application SEA 88-V-023 to September 10, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – GALLOWS ROAD/ANNANDALE ROAD/HUMMER ROAD (MASON AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2004, at 4 p.m.** to consider the acquisition of certain land rights necessary for the construction of Project 006616 – Gallows Road/Annandale Road/Hummer Road, in Fund 300, Countywide Roadway Improvement Fund.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, LEE, AND MASON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 26, 2004, at 4:30 p.m.** to consider the following changes to small and local sanitary districts for refuse and leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District A3 within Small District 1 within Dranesville District (2205 Great Falls Street)	Enlarge	Refuse	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Dranesville District (Rosemont Subdivision Area)	Enlarge	Refuse	Approve
Small District 6 within Dranesville District (Langley Forest Area)	Enlarge	Refuse	Approve
Small District 7 within Dranesville District (Churchill Subdivision Area)	Enlarge	Refuse and Leaf	Approve
Small District 7 within Dranesville District (2124 Powhatan Street)	Enlarge	Refuse and Leaf	Approve
Small District 3 within Hunter Mill District (Somerset West)	Enlarge	Refuse	Approve
Local District C within Small District 1 within Lee District (Brookland Estates Area)	Enlarge	Refuse and Leaf	Approve
Small District 4 within Mason District (6479 Overlook Drive)	Enlarge	Refuse and Leaf	Approve

**ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 2002-MA-034, TEO
CHEW ASSOCIATION OF GREATER WASHINGTON,
INCORPORATED (MASON DISTRICT)**

(AT) Approved the request for four months of additional time to commence construction for Special Exception Application SE 2002-MA-034 to July 15, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ACCEPTANCE OF A PORTION OF LINTON LANE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)

- (R) Adopted the Resolution authorizing acceptance of a portion of Linton Lane into the secondary system of State highways from 70 linear feet north of centerline of Camden Street, Route 2052 to a point approximately 910 linear feet (0.17 miles) north to section line at existing Route 2192.

ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, AND SPRINGFIELD DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Macintosh Estates	Dranesville	Alvord Street Route 3176 Spring Hill Road Route 684 Additional ROW Only
Blueberry Farm	Hunter Mill	Blueberry Farm Lane
Glenmore	Springfield	Greentree Manor Lane Route 8668 Candish Court Pemberly Lane Silverbrooke Road Route 600 Additional ROW Only

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (SPRINGFIELD AND SULLY DISTRICTS)

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

- 2232-Y01-15 to September 27, 2004
- 2232-S04-3 to September 27, 2004
- 2232-S04-4 to September 27, 2004

ADMIN 8 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR THE MANTUA SUBDIVISION AS PART OF THE DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

(NOTE: Earlier in the meeting there was discussion regarding this item. See page 11.)

- Endorsed the traffic-calming plan for the Mantua Subdivision as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - Centerline rumble strip on northbound Barkley Drive approaching Arlington Boulevard
 - Raised crosswalk on Barkley Drive at the pedestrian trail south of Karen Drive
 - Speed hump adjacent to 3412, 3415, and 3416 Barkley Drive
 - Speed hump adjacent to 3822, 3823, 3824, and 3825 Prince William Drive
 - Raised island adjacent to 3624 Lido Place; 9120, 9212, and 9124 Horner Court
 - Curb modification to reduce the turning radius on northbound Prince William Drive at Horner Court
- Directed staff to request VDOT install the measures as soon as possible.

ADMIN 9 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, MASON, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of the R-TAP:
 - Sequoia Farms Drive (Sully District)
 - Olin Drive (Mason District)
 - Rock Canyon Drive (Sully District)

- Wolftrap Road (Providence District)
- Duncan Drive (Braddock District)
- Potomac Lane (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING CLUSTER SUBDIVISIONS

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#14.)

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO ADOPT THE SOLID WASTE MANAGEMENT PLAN

- (A) Authorized the advertisement of a public hearing to be held before the Board on May 10, 2004, to discuss the Solid Waste Management Plan.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST CABLEVISION OF VIRGINIA, INCORPORATED, UNTIL NO LATER THAN DECEMBER 31, 2004 (RESTON FRANCHISE AREA)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 10, 2004, at 4 p.m.** to consider the adoption of an Ordinance to extend the Comcast cable franchise agreement until no later than December 31, 2004.

14. **ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND PUBLIC FACILITIES MANUAL (PFM) REGARDING CLUSTER SUBDIVISIONS** (11:38 a.m.)

- (R) (A) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#13.)

Discussion ensued with input from Regina C. Murray, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ).

Supervisor Frey moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on April 22, 2004, and before the Board on **May 24, 2004, at 3:30 p.m.** to consider the following proposed amendments to the Code of the County of Fairfax, regarding cluster subdivisions:

- Revised Chapter 112 (Zoning Ordinance), dated March 29, 2004
- Chapter 101 (Subdivision Ordinance)
- PFM

Supervisor Bulova seconded the motion.

Further discussion ensued with input from Karen J. Harwood, Deputy County Attorney; Barbara Byron, Director, Zoning Evaluation Division, DPZ; and Michael Knapp, Director, Urban Forestry Division, Department of Public Works and Environmental Services.

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

15. **A-1 – SEWER REVENUE REFUNDING BONDS, SERIES 2004**
(12:07 p.m.)

(BONDS)

(R)

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

- Adopt the Series Resolution authorizing the issuance of the Sewer Revenue Refunding Bonds, which also:
 - Authorizes the execution and delivery of an Escrow Agreement and a Continuing Disclosure Agreement for the Sewer Revenue Refunding Bonds.
 - Delegates the County Executive or the Chief Financial Officer authority to award the bonds to the bidder offering to purchase the bonds at the lowest true interest cost to the County (which must not exceed six percent).
 - Approves the form of the Notice of Sale and the Official Statement.

- Authorizes the Chairman to sign the Official Statement.

Supervisor Hudgins seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

16. **A-2 – APPROVAL OF A PROJECT AGREEMENT FOR THE "SEVEN INTERSECTION IMPROVEMENTS" AS IDENTIFIED IN THE GOVERNOR'S CONGESTION RELIEF PROGRAM** (12:08 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve execution of an agreement between the County and the Commonwealth of Virginia to initiate the transportation improvement projects as identified as part of the "Governor's Congestion Relief Program - Seven Intersection Improvements." Supervisor Smyth seconded the motion.

Following discussion, with input from Charlie Strunk, Chief, Capital Projects Section, Department of Transportation, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

17. **C-1 – AUTHORIZATION TO NEGOTIATE UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR ESTATES AT FAIRFAX (SPRINGFIELD DISTRICT)** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda Item dated March 29, 2004, requesting authorization to negotiate under the Private Developer Assistance Program at the request of Equity Homes, LLC, for a certain street dedication on the property identified as Tax Map Number 055-4-01-0004 owned by James R. Crouch and Linda K. Crouch.

Supervisor McConnell moved that the Board authorize staff to negotiate under the Private Developer Assistance Program, for a certain street dedication owned by James R. Crouch and Linda K. Crouch. Supervisor Bulova seconded the motion and it carried by unanimous vote.

18. **I-1 – INTERNATIONAL BUILDING SAFETY WEEK** (12:10 p.m.)

(NOTE: Earlier in the meeting, the Board proclaimed April 4–10, 2004, as "*Building Safety Week*" in Fairfax County. See Clerk's Summary Item CL#4.)

The Board next considered an item contained in the Board Agenda dated March 29, 2004, announcing that the Department of Public Works and Environmental Services, in observance of International Building Safety Week, April 4–10, 2003, is conducting a campaign to promote public awareness of building safety week in the County.

19. **I-2 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON CHANTILLY MEWS APARTMENTS (SULLY DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2004, requesting authorization for staff to sign a letter of support for the Chantilly Mews Apartments and forward it to VHDA for consideration with the tax credit application.

Following a brief discussion, the staff was directed administratively to proceed as proposed.

20. **I-3 – 2003 ANNUAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) REPORT FOR FAIRFAX COUNTY, VIRGINIA** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2004, requesting authorization for staff to forward the 2003 Annual MS4 Report for the County to the Department of Environmental Quality.

Following discussion, the staff was directed administratively to proceed as proposed.

21. **I-4 – CONTRACT AWARD – ATHLETIC FIELDS AND RELATED WORK AT WAKEFIELD PARK (BRADDOCK DISTRICT)** (12:11 p.m.)

The Board next considered an item contained in the Board Agenda dated March 29, 2004, requesting authorization for staff to award a contract to Tessa Construction and Tech Company, LLC in the amount of \$1,392,000 for the construction of athletic fields and related work at Wakefield Park.

Following discussion, the staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

22. **NIGHTTIME FLASHING SIGNALS** (12:12 p.m.)

- (P) Chairman Connolly stated that as part of the Board's Transportation Plan adopted in February, staff from the County's Department of Transportation was charged to coordinate with the Virginia Department of Transportation (VDOT) and investigate intersections where signals could be set to flash during nighttime hours.

Chairman Connolly said that VDOT announced that it selected six intersections to serve as a two-year pilot for this program. All intersections meet the criteria of having good sight distance and speed limits on both roads of 35 mph or less. Signals at the following intersections have been set to flash (yellow for the primary road, red for the approach road) from midnight until 5 a.m.:

- Route 123 at Miller Road
- Route 123 at Hunter Mill Road
- Route 123 at Oakton Manor/Oakton Shopping Center
- Stringfellow Road at Point Pleasant Drive
- Stringfellow Road at Melville Lane
- Stringfellow Road at Fair Lakes Parkway/Northbourne Drive

Chairman Connolly also noted that one of the trails projects adopted under the Board's Transportation Plan, the sidewalk along Government Center Parkway, between the Government Center and Monument Drive, has been completed. He commended County and VDOT staff for their timely work in implementing this. He circulated copies of the VDOT news release.

With the understanding that this can now be considered Policy, Supervisor Hudgins asked unanimous consent that the Board direct staff to resubmit to VDOT prior requests that were not honored. Without objection, it was so ordered.

23. **SUPPORTING ARTS IN TRANSIT** (12:13 p.m.)

Jointly with Supervisor Hudgins and Supervisor Kauffman, Chairman Connolly reminded the Board that the County lost a champion for the arts this year when Ms. Toni McMahan passed away in January. In her capacity as Director of the Arts Council of Fairfax County, she worked to promote the integration of the arts

into citizens' everyday lives. One of the ways in which she and the Arts Council hoped to accomplish this goal was through supporting Metro's "Arts in Transit" program.

Chairman Connolly said that the Arts Council has been working with Metro on the installation of an artwork at the Franconia-Springfield Metro station. This installation will be the first in the County's "Arts in Transit" program. Additionally, with the extension of Metrorail to Dulles Airport, the County has an opportunity to have additional artworks in all of its rail stations. The preliminary engineering phase of this project has, as a component, the investigation of "Arts in Transit" possibilities at these new stations.

Accordingly, jointly with Supervisor Hudgins and Supervisor Kauffman, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Endorse paying tribute to Ms. McMahon's support for the arts in Fairfax County through a plaque or other commemoration attached to the planned "Arts in Transit" installation at the Franconia-Springfield Metro Station.
- Direct staff to contact the Virginia Department of Rail and Public Transportation and the Washington Metropolitan Area Transit Authority to show the Board's support for inclusion of stations in the Dulles Corridor in the "Arts in Transit" program.

Supervisor Hudgins seconded the motion.

Supervisor Kauffman asked to amend the motion to request that the Arts Council provide the funding necessary to realize this action, and this was accepted.

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

24. **VIETNAMESE REMEMBRANCE DAY** (12:16 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim April 30, 2004, as "*Vietnamese Remembrance Day*" in Fairfax County and direct staff to invite representatives from the Vietnamese American community to appear before the Board to be recognized with the proclamation at the April 26, 2004, Board meeting. Without objection, it was so ordered.

25. **ASIAN/PACIFIC AMERICAN HERITAGE MONTH** (12:16 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 2004, as "*Asian/Pacific American Heritage Month*" in Fairfax County and direct staff to invite appropriate representatives from the Office of Equity Programs to appear

before the Board to receive the proclamation at the April 26, 2004, Board meeting. Without objection, it was so ordered.

26. **FOSTER CARE MONTH** (12:17 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 2004, as "*Foster Care Month*" in Fairfax County and direct staff to invite appropriate representatives from the Department of Family Services and non-profit organizations to appear before the Board to receive the proclamation at the April 26, 2004, Board meeting. Without objection, it was so ordered.

27. **NURSES MONTH** (12:17 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 2004, as "*Nurses Month*" in Fairfax County and direct staff to invite appropriate representatives from Inova Health Systems, the largest employer of nurses in Northern Virginia, to appear before the Board to receive the proclamation at the April 26, 2004, Board meeting. Without objection, it was so ordered.

28. **COMMUNITY ACTION MONTH** (12:17 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 2004, as "*Community Action Month*" in Fairfax County and direct staff to invite appropriate representatives from the Department of Family Services, to appear before the Board to receive the proclamation at the April 26, 2004, Board meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

29. **FIFTIETH ANNIVERSARY OF THE MOUNT VERNON-LEE CHAMBER OF COMMERCE (LEE AND MOUNT VERNON DISTRICTS)** (12:18 p.m.)

Supervisor Hyland noted that Supervisor Kauffman presented a joint Board Matter in recognition of the fiftieth anniversary of the Mount Vernon-Lee Chamber of Commerce at a previous Board meeting.

30. **SHIRLEY ACRES COMMUNITY REQUESTS "THROUGH TRUCKS PROHIBITED" SIGNAGE (MOUNT VERNON DISTRICT)** (12:18 p.m.)

With reference to his written Board Matter on the subject, Supervisor Hyland noted that the Shirley Acres community is having issues with trucks passing through its streets. As a result of all the truck traffic, the Shirley Acres community submitted a petition requesting signs be installed stating "Through Trucks Prohibited."

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to:

- Perform a preliminary analysis of the roads located within the Shirley Acres community.
- Review the petition contained in his written Board Matter.
- Report with its findings and recommendations regarding a prohibition on through trucks.

Without objection, it was so ordered.

31. **BOARD MATTERS TO BE PRESENTED BY SUPERVISOR MCCONNELL (SPRINGFIELD DISTRICT)** (12:19 p.m.)

Chairman Connolly announced that Supervisor McConnell's Board Matters would be presented later in the meeting.

(NOTE: Later in the meeting, Chairman Connolly presented Supervisor McConnell's Board Matter. See Clerk's Summary Item CL#47.)

32. **GREEN ROOFS** (12:19 p.m.)

Supervisor Smyth asked unanimous consent that the Board direct staff to provide a status report on the subject of "green roofs" as requested in a Board Matter presented by Chairman Connolly last fall [September 23, 2003]. Following a brief discussion, without objection, it was so ordered.

DS:ds

33. **SALVATION ARMY REHABILITATION CENTER CELEBRATES TWENTIETH ANNIVERSARY (MASON DISTRICT)** (12:19 p.m.)

Supervisor Gross said that the Salvation Army Adult Rehabilitation Center will be celebrating its twentieth anniversary serving the needs of the community at a special dinner on May 26, 2004.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a certificate of recognition with signatures from the Chairman and herself, for presentation at the dinner. Without objection, it was so ordered.

34. **NEIGHBORHOOD WATCH DAY** (12:20 p.m.)

Supervisor Gross said that the Camelot Neighborhood Watch, in the Mason District, has been in existence officially for 25 years, and some of its crime watch activities date back even further. Two original members are still serving Camelot,

and the entire organization will be honored, along with other Neighborhood Watches, at a ceremony on Tuesday, April 13, 2004, at the Mason District Governmental Center.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Declare April 13, 2004, as "*Neighborhood Watch Day*" in Fairfax County.
- Direct staff to prepare a proclamation for presentation at the celebration on April 13, 2004.

Without objection, the request was so ordered.

35. **COMMUNITY ASSOCIATION MANUAL** (12:20 p.m.)

Supervisor Gross said that a constituent pointed out that the Community Association Manual, distributed by the Office of Public Affairs, has not been updated to include amendments to the Virginia Property Owner's Association Act passed during the 2003 legislative session. These changes are important because they cause more associations to qualify as homeowner associations due to the fact that the legislation removed the \$150 minimum annual dues level.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to make the necessary updates and ensure that the new information is properly disseminated.

Merni Fitzgerald, Director, Office of Public Affairs, clarified that the manual is distributed by the Division of Consumer Protection.

Without objection, the request was so ordered.

36. **RETIREMENT SYSTEMS** (12:21 p.m.)

Supervisor Gross said that under current regulations retired County staff may participate in only one retirement system if they are hired to positions covered by another Fairfax County retirement system. In such cases, retirees retain their annuity, but there is a cap on their combined salary and retirement benefits. Exceeding the cap results in reduced retirement benefits.

Supervisor Gross said that the Board and staff have been trying to address staffing shortages at the Public Safety Communications Center, and it has been brought to her attention that a number of highly qualified applicants could be drawn from various public safety retirees, but the restrictions on retirement benefits may be a barrier to potential applicants.

Supervisor Gross moved that the Board direct staff to:

- Review what steps would have to be taken to resolve any legal and/or legislative issues pertaining to this matter, especially as it relates to Police Department retirees and possible employment at the Public Safety Communications Center.
- Report its findings, along with any recommendations.

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

37. **AIR QUALITY** (12:23 p.m.)

Supervisor Gross said that meeting air quality standards in the County and the Washington metropolitan area is becoming more difficult, and more tools are needed to help meet these challenges. Following the 2000 Annual Report on the Environment by the Environmental Quality Advisory Council, a recommendation was made to integrate air quality planning directly into the County planning process. One way to do this is to create a staff position to coordinate the effort, with sufficient staff support to do the job.

Supervisor Gross said that the County used to have an air quality planning staff, but budget cutbacks trimmed and then eliminated the positions. She stated that those actions may have helped the budget, but not air quality.

Therefore, Supervisor Gross moved that the Board add an \$80,000 consideration item, an Air Quality Planner position, in the Fiscal Year 2005 Budget. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

38. **GOODWIN HOUSE WEST ADULT LIVING FACILITY (MASON DISTRICT)** (12:24 p.m.)

Supervisor Gross said that her Board Matter concerns a proposal to study the improvement of Goodwin House West, a non-profit retirement community located on South Jefferson Street in the Bailey's Crossroads area. Its existing campus opened in 1987 and offers independent living, assisted living, and skilled nursing care for senior citizens. Goodwin House West's property is zoned to the C-3 District, and its use is governed by an existing Special Exception Application, SE 84-M-088.

Supervisor Gross said that representatives of Goodwin House West contacted her to express interest in expanding the permitted uses and intensity of its site to help satisfy the increasing demand for adult living care services in the area. Goodwin House West is assessing options such as providing additional residential units, establishing a unit to care for persons afflicted with memory-impaired disorders,

and improving its physical facilities for its present and future residents. However, any expansion plans would require an amendment to the Comprehensive Plan, as the current plan text for the property states that use of the facility should not exceed its existing density.

Therefore, Supervisor Gross moved that the Board authorize an Out-of-Turn-Plan-Amendment for the Goodwin House West property, identified in the County land records as parcel 62-1 ((1)) 16G, to study the feasibility of changing the existing plan text to allow for an increase in the planned intensity of this site up to 1.65 floor area ratio. This motion should not be construed as a favorable recommendation by the Board on the proposed plan amendment or any subsequent development applications. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

39. **EARTH DAY/ARBOR DAY** (12:27 p.m.)

Supervisor Bulova announced that this year's Earth Day/Arbor Day celebration will be held at the Annandale Campus of Northern Virginia Community College on Saturday, April 24, 2004, from 11 a.m. to 4 p.m.

Accordingly, Supervisor Bulova asked unanimous consent that the Board direct staff to:

- Assist the Earth Day/Arbor Committee with the planning of this event where County involvement is needed.
- Draft a press release for this event and provide the Committee with a proclamation declaring April as "*Earth Day/Arbor Day*" in Fairfax County.
- Invite the appropriate individuals and sponsors to appear before the Board, following the event, to receive a Certificate of Recognition.

Without objection, the request was so ordered.

40. **HAPPY BIRTHDAY TO CHAIRMAN CONNOLLY** (12:29 p.m.)

Supervisor Bulova announced that March 30 is Chairman Connolly's birthday. On behalf of the Board, she wished Chairman Connolly a happy birthday.

PMH:pmh

41. **ADDITIONAL BUDGET QUESTION** (12:29 p.m.)

Supervisor Hudgins asked unanimous consent that the following questions be added to the list of budget questions:

- How would the revenue generated by the proposed recreation user fee be used to support field maintenance costs and provide a portion of funding for athletic organizations' referees and umpires?

Without objection, it was so ordered.

42. **REQUEST FOR PROCLAMATION FOR ROBERT E. SIMON, JR. DAY IN FAIRFAX COUNTY** (12:30 p.m.)

Supervisor Hudgins said that for over 40 years, Robert E. Simon, Jr. has been a New Town pioneer. In 1961, when he purchased 6,750 acres of land in the County he made both a financial investment and personal commitment to a residential planned community which would become Reston. Recognized across the County and around the world, Reston is the standard against which all other planned communities are judged. With the formation of Reston, Mr. Simon created a place where all people could live, work, and play.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare the proclamation, as contained in her written Board Matter, to be presented at a Reston community-wide birthday celebration to proclaim April 17, 2004, as "*Robert E. Simon, Jr. day*" in Fairfax County. The second to the motion was inaudible.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to include his name on the proclamation, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

43. **RECOGNITION FOR MS. MARTHA V. PENNINO (HUNTER MILL DISTRICT)** (12:31 p.m.)

Supervisor Hudgins said that when speaking of Reston, two people played pivotal roles in moving from the theory of "New Town" to the reality of Reston. One was Mr. Robert Simon; the other was Martha V. Pennino, former Centreville District Supervisor.

Supervisor Hudgins noted that Mrs. Pennino was first enthused by the concept of a New Town and then became a passionate advocate for it. In the April 12, 1995, issue of the *Connection* community newspaper, Ms. Pennino quoted, "I always felt it was Bob Simon's dream and his symphony, but I got to play in it." Furthermore, without her support, Reston would look very different than it does today.

Supervisor Hudgins said that during her 24 years (1968-1992) representing Centreville District - now Hunter Mill District - as member of the Board, Ms. Pennino thoughtfully shepherded Reston's growth and development projects through the Board. Among the more recognizable projects might be Reston Town Center, the Embry Rucker Shelter, and the Wiehle Avenue Bridge. Less familiar might be her efforts on behalf of Reston's master plan. In 1978 when the developer Mobil Land took over from developer Gulf Reston, she strongly encouraged Mobil Land to remain faithful to the Comprehensive Plan and that they employ people familiar with it.

On behalf of a grateful community and the Board, Supervisor Hudgins moved to direct staff to prepare a proclamation to be presented at the Reston community wide celebration on April 17, 2004, to recognize Ms. Pennino for her outstanding commitment and service to the community. Chairman Connolly seconded the motion.

Supervisor Hudgins noted that Ms. Pennino is recuperating at Reston Hospital and, on behalf of the Board, Supervisor Hudgins wished her well.

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

44. **BIKE TO WORK DAY AND EARLY START FOR APRIL 26, 2004, BOARD MEETING** (12:33 p.m.)

Jointly with Supervisor Smyth, Supervisor Hudgins stated that on Friday, May 7, 2004, bicycle commuters from around the Metropolitan Washington area will celebrate Bike to Work Day. The County is participating in the event with rallies at Reston, the Government Center, and Vienna. Each of the rally sites will have free breakfast and prizes.

Supervisor Hudgins noted that events are being organized by the Washington Area Bicyclist Association, the Metropolitan Washington Council of Governments, County government, LINK of Reston, and others.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a proclamation designating Friday, May 7, 2004, as "*Bike to Work Day*" in Fairfax County and invite representatives of the Bike to Work Day committee to appear before the Board to accept the proclamation on Monday, April 26, 2004. Supervisor Smyth seconded the motion.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, Chairman Connolly announced that the Board will begin its meeting on April 26, 2004, at 9 a.m.

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

45. **CERTIFICATE OF RECOGNITION FOR LANGSTON HUGHES MIDDLE SCHOOL (HUNTER MILL DISTRICT)** (12:35 p.m.)

Supervisor Hudgins stated that Langston Hughes Middle School is one of four County schools to be designated by the National Parent Teacher Association as a Parent Involvement School of Excellence. This certification acknowledges the successful completion of the year long process of self assessment to demonstrate the highest standards of parent participation.

Supervisor Hudgins moved that the Board direct staff to prepare and send a certificate of recognition to the Langston Hughes Middle School for its outstanding accomplishment. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

46. **WAIVER OF FEES FOR THE TOWN OF VIENNA - PARKS AND RECREATION (HUNTER MILL DISTRICT)** (12:36 p.m.)

Supervisor Hudgins stated that the Town of Vienna Parks and Recreation Department is preparing to start interior renovation of the maintenance building located at the Nutley Street Property Yard in Vienna. The cost of applicable permit and inspection fees is approximately \$2,000. She noted that in the past the Board has waived building permit fees.

Therefore, Supervisor Hudgins moved waiver of the permit and inspection fees for the Town of Vienna Parks and Recreation. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

47. **BUSINESS APPRECIATION WEEK** (12:37 p.m.)

Chairman Connolly announced that Business Appreciation Week will be celebrated nationally from May 16-22, 2004. In recognition of County businesses that provide valuable work opportunities and make beneficial contributions to the communities in which they operate

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and on behalf of Supervisor McConnell moved that the Board direct staff to prepare a proclamation declaring May 16-22, 2004, as "*Business Appreciation Week*" in Fairfax County to be sent to the Greater Springfield Chamber of Commerce. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

48. **GOVERNING BOARD OF THE MCLEAN COMMUNITY CENTER
(DRANESVILLE DISTRICT)** (12:37 p.m.)

(BACs) Supervisor Dubois stated that the following residents of Small District #1 within the Dranesville District have been successfully petitioned to become candidates and to have their names placed on the ballot for election to the Governing Board of the McLean Community Center at the election to be held on Saturday, May 15, 2004, from 9 a.m. to 5 p.m., at Lewinsville Park, 1659 Chain Bridge Road.

Adult candidates:

- Holly Clement
- Edward Eitches
- Laurie Hilburg
- Caethe Richardson
- Edwina Rogers
- Michael Schlesinger
- Pat Velander
- Charles Willmott

Youth candidates:

Langley High School area:

- Amanda McCarty
- Emily Newman
- Joshua Segal

McLean High School area:

- Esabel Khoury
- John White

49. **WESTFIELD'S TRACK AND FIELD TEAM (SULLY DISTRICT)**
(12:38 p.m.)

Supervisor Frey stated announced that the Westfield High School Track and Field Team won both team and individual races at the Virginia AAA State indoor track finals. David Groff won the individual 1000 meter run and the boys 4 x 400 and 4 x 800 relay teams captured State championship titles as well. In fact, the 4 x 800 team also set a new state record in winning the relay title and went on to become national champions. In addition, three girls on the team placed in the top eight in the State in other categories.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite all the members of the Westfield High School Track and Field team to appear before the Board on Monday, April 26, to be recognized for their outstanding accomplishments at both the State and national competitions. Without objection, it was so ordered.

50. **AUTHORIZATION TO INCLUDE ADDITIONAL RIGHT-OF-WAY REGARDING REZONING APPLICATION (NATIONAL CAPITAL LAND AND DEVELOPMENT INCORPORATED) (SULLY DISTRICT)**
(12:40 p.m.)

Supervisor Frey stated that National Capital Land and Development Incorporated (applicant) is the Contract Purchaser of Tax Map 034-2-((1)) parcel 18; Tax Map 034-4-((1)) parcels 4-6; Tax Map 034-4 ((2)) parcels 1-12; 034-4-03 parcels 1-4 and 6-12, which is approximately 17.0392 acres.

Therefore, Supervisor Frey moved that the Board authorize the inclusion of a total of approximately 2.68 acres of Right-of-way of Louise Avenue (Route 2530), Lowe Street (Route 2528), and Armfield Street (Route 2529) adjacent to Tax Maps: 34-2 ((1)) 18, 34-4 ((1)) 4, 5, 6; 34-4 ((2)) 1-12; 34-4 ((3)) 1-4, 6-12 within the land area of the National Capital Land and Development, Incorporated rezoning application. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning applications or future abandonment/vacation requests in any way. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

51. **GEORGE MASON UNIVERSITY (GMU) PATRIOTS** (12:42 p.m.)

Supervisor Frey noted that when he recently checked the *Washington Post* sports phone information line he discovered that the GMU Patriots were not included in the list of options for local teams.

Therefore, Supervisor Frey moved that the Board direct staff to prepare a letter to be signed by the Chairman, on the Board's behalf, to the owner/publisher of the *Washington Post* expressing its outrage at the Post for its failure to recognize GMU in the "sports arena." Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

52. **SIMULTANEOUS PROCESSING OF PLANS ASSOCIATED WITH PROFFERED CONDITION AMENDMENT PLANS PCA 84-L-020-21, PCA 84-L-020-22 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-L-020-2-12 (LEE DISTRICT)** (12:45 p.m.)

Supervisor Kauffman stated that the Wal-Mart store in Kingstowne has had an outstanding zoning violation that poses a general nuance for years. When the original Wal-Mart land use case was approved, there was specific proffer language prohibiting outdoor storage of merchandise. For years, Wal-Mart has ignored that proffer. After several actions by the Zoning Enforcement Division of the County, the powers to be at Wal-Mart are finally responding to the violation by proposing a store expansion to accommodate its needs and discontinue all outdoor storage.

Supervisor Kauffman noted that the store expansion plan has been filed with the County and the Kingstowne community would like the Board to proceed as expeditiously as possible. Therefore, Supervisor Kauffman moved that Board allow the applicant to simultaneously process site plans and building plans associated with Proffered Condition Amendment Applications PCA 84-L-020-21, PCA 84-L-020-22 and Final Development Plan Amendment Application FDPA 84-L-020-2-12. This motion should in no way prejudice the Board's consideration of this application in anyway and should not relieve the applicant of compliance with all applicable standards. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

53. **REQUEST FOR OUT-OF-TURN PLAN AMENDMENT (LEE DISTRICT)** (12:46 p.m.)

Supervisor Kauffman asked unanimous consent that the Board authorize an Out-of-Turn Plan Amendment for the Richmond Highway Corridor property located in the area bounded by Janna Lee Drive and the northern intersection of Buckman Road and Richmond Highway. The redevelopment potential of this area is currently recognized by the Comprehensive Plan.

Supervisor Kauffman said that most of the area has been consolidated and additional work has been done to estimate the density needed to bring about quality redevelopment including significant transportation improvements. A preliminary proposal suggests a mixture of mid-rise multifamily and townhouse units including age restricted senior housing. He added that this density range

merits exploration as redevelopment would facilitate revitalization and provide a variety of housing, both of which are Comprehensive Plan objectives established for the Richmond Highway Corridor.

Therefore, Supervisor Kauffman moved that the Board authorize an Out-of-Turn Plan Amendment for the area bounded by Richmond Highway, Buckman Road and Janna Lee Drive, in the area referenced by the Comprehensive Plan as Recommendation 4 of the "Suburban Neighborhood Areas between Hybla Valley/Gum Springs and South County CBCs" to allow consideration of mixed use development to include retail and/or office use and residential use up to 25 dwelling units per acre. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

54. **RECESS/CLOSED SESSION** (12:47 p.m.)

At 12:47 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. *William E. Shoup, Fairfax County Zoning Administrator v. Ira and Virginia Cox, Limited Partnership, LLP*, At Law No. 210690, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *William E. Shoup, Fairfax County Zoning Administrator v. Michael G. Kuhn and Sonja A. Kuhn*, In Chancery No. 187213 (Fx. Co. Cir. Ct.) (Dranesville District)

3. *William E. Shoup, Fairfax County Zoning Administrator v. Masood Ahmed and Rafit Yasmin*, In Chancery No. 187581 (Fx. Co. Cir. Ct.) (Lee District)
4. *Courtyard Management Corporation, et al. v. Board of Supervisors of Fairfax County, et al.*, In Chancery No. 185405 (Fx. Co. Cir. Ct.) (Providence District)
5. *Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkenstorfer, Donald N. Huff, and Robert F. Rosenbaum*, At Law No. 218175 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *County of Fairfax, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid, Rashid Khalid, GMAC Mortgage Corporation, and Specialized, Inc. of Virginia*, In Chancery No. 185680 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 and 185927 (Fx. Co. Cir. Ct.) (Lee District)
8. *Gary L. Dalton and Regina D. Dalton v. County of Fairfax, Virginia*, In Chancery No. 183002 (Fx. Co. Cir. Ct.) (Springfield District)
9. *Board of Supervisors of Fairfax County, Virginia and John Wesley White, Director, Fairfax County Department of Public Works and Environmental Services v. Board of Zoning Appeals of Fairfax County, Virginia, Young K. Lee and Young A. Lee*, At Law No. 221391 (Fx. Co. Cir. Ct.) (Providence District)

10. *William E. Shoup, Fairfax County Zoning Administrator v. Thecla C. Schulz and Coletta L. Schulz*, In Chancery No. 175110 (Fx. Co. Cir. Ct.) (Mason District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Rosita Lim Ong Chang*, In Chancery No. 188799 (Fx. Co. Cir. Ct.) (Braddock District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Kyle P. May*, In Chancery No. 189919 (Fx. Co. Cir. Ct.) (Mason District)
13. Claims Presented by Former State Employees in the Fairfax County Health Department

And in addition:

- Ordinance to extend the cable television franchise held by Comcast Cablevision of Virginia, Incorporated
- The grievance appeal of Major E. Clemens; Fairfax County Civil Service Commission
- William E. Shoup, Fairfax County Zoning Administrator versus Haji M. Ahmad, et al., In Chancery Number 188637
- Donald H. Cochran, et al. versus Michael R. Bratti, et al., At Law Number 207043

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

PW:pw

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

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which

closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor DuBois seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

DMB:dmb

56. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-036 (DALEVIEW NURSERY, LLC AND MAISON ET JARDIN, LTD)(DRANESVILLE DISTRICT)** (3:59 p.m.)

(NOTE: At its February 9, 2004, meeting the Board deferred the public hearing on this item until March 29, 2004.)

Supervisor DuBois moved to defer the public hearing on Special Exception Application SE 2002-DR-036 until **May 10, 2004, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell being out of the room.

57. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING STORMWATER MANAGEMENT FACILITY SUBMISSION REQUIREMENTS** (4 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Regina C. Murray, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), and Noel Kaplan, Senior Environmental Planner, Planning Division, DPZ, and Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ.

Following additional discussion, Supervisor Frey moved approval of the submission requirements for stormwater management facilities as advertised and shown in the staff report dated January 26, 2004, with an effective date of July 1, 2004. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor DuBois, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Frey moved that the Board direct staff to require the submission of Stormwater Management Facility information for all lot width variance

applications that result in one or more additional lots being added to the list for prioritization at the time of consideration of the 2005 Zoning Ordinance Amendment Work Program. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Hyland, and Supervisor McConnell being out of the room.

58. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING EDITORIAL AND OTHER MINOR REVISIONS**
(4:10 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, which included input from John E. Reale, Assistant to the Zoning Administrator, Department of Planning and Zoning, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial and other minor revisions, as contained in the staff report dated March 3, 2004. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Gross, Supervisor Hyland, and Supervisor McConnell being out of the room.

59. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, CHARGES, TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES**
(4:13 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, with input from Edgar Jones, Financial Manager, Wastewater Management Program, Department of Public Works and Environmental Services, Chairman Connolly closed the public hearing; however, keeping the record open until the Board takes action at the appropriate time.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#74.)

60. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO INCREASE THE ELIGIBILITY REQUIREMENT FOR ASSETS IN ORDER TO QUALIFY FOR THE ELDERLY AND DISABLED REAL ESTATE TAX RELIEF PROGRAM AND TO PERMIT THE PRORATION OF BENEFITS DURING THE YEAR** (4:14 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, which included input from Kevin C. Greenlief, Director, Department of Tax Administration, Supervisor Bulova moved that the Board close the public hearing regarding the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to increase the eligibility requirement for assets in order to qualify for the Elderly and Disabled Real Estate Tax Relief Program and to permit the proration of benefits during the year for elderly and disabled real estate tax relief while leaving the record open for oral and written testimony until April 19, 2004. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

61. **3:30 P.M. – PH ON THE FISCAL YEAR 2005 EFFECTIVE TAX RATE INCREASE** (No Time)

(NOTE: The public hearing on the FY 2005 Effective Tax Rate Increase will be held on **March 31, 2004, at 5 p.m.**)

62. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-040 (FAIRFAX PLAZA COMPANY, A VIRGINIA LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)** (4:17 p.m.)

The application property is located at 2960 – 2988 Gallows Road, Tax Map 49-4 ((1)) 13 pt.

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

Mr. Thomas 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 Smyth disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Richard A. Bacas

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

- In excess of \$200 from Mr. Richard A. Bacas

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

- In excess of \$200 from Mr. Bernard M. Fagelson

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

- In excess of \$200 from Mr. Bernard M. Fagelson

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

Supervisor Smyth moved approval of Special Exception Amendment Application SEA 2002-PR-040, subject to the development conditions dated March 24, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

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

63. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-031 (WINCHESTER HOMES, INCORPORATED) (DRANESVILLE DISTRICT)** (4:27 p.m.)

Supervisor DuBois moved to defer the public hearing on Rezoning Application RZ 2003-DR-031 until **April 26, 2004 at 4 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

64. **4 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY'S) 2005 THROUGH 2010 AND CONSTRUCTION BUDGET FOR FY 2005** (4:28 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Leonard Seigel, Fairfax County Preliminary Engineer Manager, VDOT; Richard Burke, VDOT; and Charlie Strunk, Chief, Capital Projects Section, Fairfax County Department of Transportation.

Supervisor Hyland moved approval of the Secondary System Construction Program for FYs 2005 through 2010 and the Secondary System Construction Budget for FY 2005. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

65. **ADDITIONAL ACTION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-040 (FAIRFAX PLAZA COMPANY, A VIRGINIA LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)**
(4:42 p.m.)

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

Regarding Special Exception Amendment Application SEA 2002-PR-040, Supervisor Smyth moved approval of a waiver of the additional standards 5a and 5d, set forth in Section 9-505 of the Zoning Ordinance. The motion, the second of which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

66. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA A-689-2 (NOVUS, LLC) (HUNTER MILL DISTRICT)** (4:43 p.m.)

The application property is located at 1800 Michael Faraday Court, Tax Map 18-3 ((5)) 9.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record.

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

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

- Mr. Jorge A. Kfoury, a member and Co-Manager of NOVUS, LLC, the Title Holder Applicant made contributions in excess of \$200 to her campaign through Spatium Development LLC, which is an entity not associated with this applicant.

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

- In excess of \$200 from Mr. Jorge A. Kfoury, a Member and Co-Manager of NOVUS, LLC, and a Title Holder Applicant made contributions in excess of \$200 to her campaign through Spatium Development LLC, which is an entity not associated with this applicant.

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

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA A-689-2, subject to the proffers dated February 10, 2004. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

67. **4 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY, TAX MAP NUMBER 48-3 ((25)) LOT A, TO JAMES S. AUDIA AND MANUEL G. SERRA (PROVIDENCE DISTRICT)**
(4:49 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 22, 2004.

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

Following the public hearing, Supervisor Smyth moved adoption of the Resolution authorizing the conveyance of County-owned property, Tax Map Number 48-3 ((25)) Lot A, to James S. Audia and Manual G. Serra with a restricted covenant in the deed that will run with the land for the benefit of the grantor and will indicate that there will be no use of the subject property at any time unless the subject property and the parcel adjoining that property are zoned in accordance with Rezoning Application RZ-2003-PR-037. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

(NOTE: Later in the meeting the Board took action relating to this property. See Clerk's Summary Item CL#71.)

68. 4 P.M. – PH REGARDING ON REZONING APPLICATION RZ 2003-PR-037 (JAMES S. AUDIA AND MANUEL G. SERRA, TRUSTEE) (PROVIDENCE DISTRICT) (No time)

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Item CL#71.)

ADDITIONAL ACTION FROM CLOSED SESSION

69. OAK HILL OPEN SPACE AND CONSERVATION EASEMENTS
(4:54 p.m.)

Supervisor Bulova moved that the Board:

- Authorize the temporary advance of \$729,250 that the Board received from the Northern Virginia Conservation Trust as reimbursement for the purchase of the Hunter-Haycor property to purchase open-space and conservation easements jointly with the Fairfax County Park Authority and the Northern Virginia Conservation Trust on a property known as Oak Hill in Fairfax County, Tax Map Number 70-1 ((16)) parcel 285.
- Authorize staff to enter into the necessary agreements, provided that such agreements contain a right of first refusal for the Board and the Fairfax County Park Authority in the event the subject property is offered for sale in the future. The purpose of these easements will be to preserve open space and the historic character of the residence and grounds in keeping with the adopted policy plan of the Fairfax County Comprehensive Plan.
- Direct staff to make the appropriate funding adjustments at the Third Quarter Review with the understanding that the authorization for reimbursement of the \$729,250 to the Board will be included in the next park bond referendum.

Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell voting "NAY."

AGENDA ITEMS70. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7724 GUNSTON DRIVE (MOUNT VERNON DISTRICT)** (4:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 11 and March 18, 2004.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved:

- Adoption of the Ordinance to declare 7724 Gunston Drive [Tax Map Number 113-4-((04))-0056] blighted, constituting a nuisance.
- Approval of the blight abatement plan for 7724 Gunston Drive and the Ordinance contained in Attachments 2 and 3 of the staff report.

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

71. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-037 (JAMES S. AUDIA AND MANUEL G. SERRA, TRUSTEE) (PROVIDENCE DISTRICT)** (5:04 p.m.)

- (O) (NOTE: Earlier in the meeting, additional action was taken on this property. See Clerk's Summary Item CL#67.)

The application property is located on the south side of Kingsbridge Drive, southwest of Blake Lane, Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A.

Supervisor Smyth said that there was an unusual affidavit circumstance. Based on the conveyance and sale earlier today, of Tax Map 48-3 ((1)) 25 and 48-3 ((25)) A, by the Board to James S. Audia, Trustee, and Manuel G. Serra, Trustee, a new date application has to be filed for Rezoning Application RZ 2003-PR-037 to reflect the Board as being the former owner and Mr. Audia and Mr. Serra as being the new owners as trustees. She said that the Board has a Policy that requires new affidavits to be submitted at least seven days before the Board public hearing, which can provide that the Board can approve a motion to allow the new affidavit less than seven days before the public hearing. The Board conducted the public hearing for the conveyance of Parcel A, and the Board is now the former title owner of that parcel.

Based on the forgoing unique circumstances, Supervisor Smyth moved that the Board waive the seven-day deadline to allow the revised filing of the affidavit for

Rezoning Application RZ 2003-PR-037 today to reflect the names of the new owners of Parcel A and the identification of the Board as the former owner of the parcel. Supervisor DuBois seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, and J. Patrick Taves, Deputy County Attorney, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Supervisor Smyth voting "AYE " Chairman Connolly voting "NAY," Supervisor Kauffman being out of the room.

Ms. Hillary K. Zahm reaffirmed the validity of the affidavit for the record.

Ms. Zahm 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 Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-037, from the I-5 and R-20 Districts to the PDH-20 District, subject to the proffers dated March 29, 2004. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor Kauffman being out of the room.

Supervisor Smyth moved:

- Waiver of the requirement for a 200 square foot privacy yard for each dwelling unit.
- Waiver of Section 6-0303.8 of the Public Facilities Manual to allow underground stormwater management facilities as depicted on the CDP/FDP and as outlined in the Proffers.

Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

72. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-SU-040-02 (WEGMANS FOOD MARKETS, INCORPORATED) (SPRINGFIELD DISTRICT)** (5:19 p.m.)

The application property is located at the northeast quadrant of the intersection of Lee Highway and Monument Drive, Tax Map 56-2 ((1)) 70A.

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

Mr. Walsh 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.

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

- In excess of \$200 from Mr. T. Eugene Smith

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

- In excess of \$200 from Mr. William J. McMenammin, Fairfax Center Commercial, LLC

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

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 1998-SU-040-02, subject to the proffers dated January 30, 2004.
- Waiver of the sign regulations to permit an increase of allowed sign area from 475 square feet to 592 square feet, pursuant to Section 9-620 of the Zoning Ordinance.

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

73. **BOARD RECESS** (5:26 p.m.)

At 5:26 p.m., the Board recessed, and, at 7:30 p.m., reconvened for the first of three nights of public hearings on Fiscal Year 2005 Budget in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

74. **CLARIFICATION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, CHARGES, TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES**

(7:31 p.m.)

(NOTE: Earlier in the meeting, the Board held a public hearing on this item and left the record open. See Summary Item CL#59.)

Supervisor Bulova referenced the earlier public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 67.1, (Sanitary Sewers and Sewage Disposal) Article 10, Charges, to revise the sewer service charges and the availability fees, and moved:

- To leave the record open for oral and written testimony until April 19, 2004.
- Defer decision on the proposed amendments to revise the sewer service change and the availability fees until April 19, 2004, at 7:30 p.m.

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

(NOTE: Later in the meeting, the Board revised this action. See Clerk's Summary Item CL#77.)

75. **7:30 P.M. – PH ON THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), REGARDING THE IMPOSITION OF TRANSIENT OCCUPANCY TAXES AND PENALTIES** (No Time)

(NOTE: Later in the meeting, the public hearing was held. See Clerk's Summary Item CL#77.)

76. **7:30 P.M. - PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2005 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE FY'S 2005-2009 (WITH FUTURE FY'S TO 2014), AND THE CURRENT APPROPRIATION IN THE FY 2004 REVISED BUDGET PLAN** (7:32 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- County Executive's proposed FY 2005 advertised Budget Plan and the CIP for the FYs 2005-2009 (with future FYs to 2014) on March 16 and March 18, 2004.
- The current appropriation in the FY 2004 revised Budget Plan on March 18, 2004.

Chairman Connolly opened the first of three nights of public hearings on the Fiscal Year 2005 Budget as proposed by the County Executive.

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#78.)

77. **CORRECTION TO PRIOR MOTION REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, CHARGES, TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (7:34 p.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Clerk's Summary Item CL#74.)

Supervisor Bulova moved that the prior motion should read defer to **April 19, 2004, at 10 a.m.** Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

78. **7:30 P.M. - PH ON THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2005 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE FY'S 2005-2009 (WITH FUTURE FY'S TO 2014) AND THE CURRENT APPROPRIATION IN THE FY 2004 REVISED BUDGET** (7:34 p.m.)

(NOTE: Earlier in the meeting, this public hearing was called. See Summary Item CL#75.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- County Executive's proposed FY 2005 advertised Budget Plan and the CIP for the FYs 2005-2009 (with future FYs to 2014) on March 16 and March 18, 2004.
- The current appropriation in the FY 2004 revised Budget Plan on March 18, 2004.

Chairman Connolly continued the Fiscal Year 2004 Budget public hearings and testimony was presented by one speaker.

(NOTE: Later in the meeting, this public hearing was continued. See Clerk's Summary Item CL#79.)

79.

7:30 P.M. -PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), REGARDING THE IMPOSITION OF TRANSIENT OCCUPANCY TAXES AND PENALTIES AND CONTINUATION OF THE COUNTY EXECUTIVE'S PROPOSED FISCAL YEAR (FY) 2005 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR THE FY'S 2005-2009 WITH FUTURE FY'S TO 2014) AND THE CURRENT APPROPRIATION IN THE FY 2004 REVISED BUDGET

(NOTE: This is a continuation of the public hearing which was called earlier in the meeting. See Clerk's Summary Item CL#78.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- The proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), regarding the imposition of transient occupancy taxes and penalties on March 12 and March 19, 2004.

Chairman Connolly announced the public hearing regarding the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), regarding the imposition of transient occupancy taxes and penalties will be heard concurrently with the FY 2005 Budget public hearing.

(10:11 p.m.)

Following the testimony of Michael Mohler, Representative, Fairfax County Professional Firefighters and Paramedics, Local 2068 (Speaker 38), Supervisor Gross asked unanimous consent that the Board direct staff to provide the Board with a chart to supplement the information on market augmented pay that was provided to the Board in his handout. Without objection, it was so ordered.

(10:15 p.m.)

Following the testimony of Mr. John Walker, Representative, Election Officers (Speaker 39), Supervisor Frey asked unanimous consent that the Board direct staff to provide the cumulative total cost for increasing the daily stipend paid to

precinct election officers who work on election day at Fairfax County polls. Without objection, it was so ordered.

The public hearing was held with testimony presented by 55 speakers.

Supervisor Bulova moved that the Board close the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) regarding the imposition of transient occupancy taxes and penalties while leaving the record open for testimony until **April 19, 2004**. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

80. **BOARD RECESS** (11:15 p.m.)

At 11:15 p.m., Chairman Connolly announced that the Board would recess until March 30, 2004, at 6 p.m., at which time there will be continuation of the public hearings regarding the:

- Proposed Adoption of the County Executive's Fiscal Year (FY) 2005 Advertised Budget Plan.
- Capital Improvement Program for FY 2005 - 2009 (with future FYs to 2014).
- Current Appropriation Level in the FY 2004 Revised Budget Plan.

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