



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
FEBRUARY 7, 2000**

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**03-00**

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### **AM:am**

The meeting was called to order at 9:40 a.m., with all Members being present, and with Chairman Hanley presiding.

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

### **BOARD MATTER**

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

Supervisor Connolly asked everyone to remember in thoughts and prayers the family of Mr. John Fox, a long time Providence District resident, who died recently.

### **AGENDA ITEMS**

3. **CERTIFICATE TO RECOGNIZE OFFICER JOHN BURDETTE OF THE POLICE DEPARTMENT** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Officer John Burdette for his years of service with the Fairfax County Police Department. Supervisor Gross seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE TO RECOGNIZE THE DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) FOR RECEIVING THE GOVERNOR'S TECHNOLOGY AWARD AND THE 1999 TECHNOLOGY ACHIEVEMENT AWARD FOR LARGE JURISDICTIONS** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to DIT for receiving the:

- Governor's Technology Award for outstanding achievement in applying technology to enhance public service.
- 1999 Technology Achievement Award for large jurisdictions from Public Technology, Incorporated.

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

5. **10 A.M. - PRESENTATION BY THE FAIRFAX COUNTY EMPLOYER CHILD CARE COUNCIL** (Tapes 1-2)

(BACs) Joyce Butler, Chairman, Employer Child Care Council, presented its report dated February 7, 2000.

Following discussion, with input from Dana W. Paige, Director, Department of Family Services, Supervisor Connolly moved that the Board refer this report to staff for recommendations. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

6. **10:15 A.M. - REPORT ON GENERAL ASSEMBLY ACTIVITIES** (Tape 2)

Supervisor Connolly briefly outlined the 2000 Legislative Report dated February 7, 2000.

Following a brief discussion, Supervisor Connolly moved adoption of the Legislative Report. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

Supervisor Connolly announced that the Legislative Committee would hold its next meeting on February 18, 2000.

**CM:cm**

7. **ADMINISTRATIVE ITEMS** (Tape 2)

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

Chairman Hanley called the Board's attention to Administrative Item 6 - Authorization for the Department of Community and Recreation Services to Apply for a Grant to the Commonwealth of Virginia for Funding Under the Federal Transit Administration (FTA) Section 5310 Program for Two Replacement Fastran Vehicles and Authorization for a Public Hearing to Review and Comment on the Grant Application. A brief discussion ensued with input from Steven R. Yaffe, Planning Manager, Fastran, Department of Community and Recreation Services.

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

**ADMIN 1 - STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, PROVIDENCE AND SULLY DISTRICTS)**

(R) Adopted the Resolution requesting that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Reston, Section 49, Block 9 and 10	Dranesville	Creekbend Drive, Route 8656
Barons Brook	Hunter Mill	Chamberlain Drive Chamberlain Woods Way, Hunter Mill Road, Route 674, Additional right-of-way only
Wolftrap Creek Estates	Hunter Mill	Foxstone Drive, Route 3985
Oakton Knoll Estates	Providence	Oakton Knoll Drive Oakton Knoll Court, Hibbard Street, Route 784, Additional right-of-way only Gray Street, Route 674, Additional right-of-way only
Centre Ridge, Section 12B-2	Sully	Picket Oaks Road, Route 8416 Outpost Court

**ADMIN 2 - ACCEPTANCE OF A PORTION OF BEDDOO STREET INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS (MOUNT VERNON DISTRICT)**

- (R) Adopted the Resolution requesting that a portion of Beddoo Street from the intersection of Richmond Highway (US Route 1) to a point approximately 555 linear feet (0.11 mile) to the southeast be accepted into the State Secondary System.

**ADMIN 3 - EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY (2232) REVIEW APPLICATIONS (SULLY DISTRICT)**

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

- Application 2232-Y99-19 to August 20, 2000
- Application 2232 FS-Y99-41 to August 20, 2000

**ADMIN 4 - ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 97-Y-002, AMOCO PETROLEUM PRODUCTS (SULLY DISTRICT)**

- (AT) Approved 18 months of additional time until July 7, 2001, to commence construction for Special Exception Application SE 97-Y-002, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 5 - AUTHORIZATION TO REIMBURSE REAL ESTATE TAXES TO BE PAID BY CASTELLANI MEADOWS LIMITED PARTNERSHIP (SULLY DISTRICT)**

Authorized the reimbursement to Castellani Meadows Limited Partnership of any real estate taxes to be paid.

**ADMIN 6 - AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES TO APPLY FOR A GRANT TO THE COMMONWEALTH OF VIRGINIA FOR FUNDING UNDER THE FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5310 PROGRAM FOR TWO REPLACEMENT FASTRAN VEHICLES AND AUTHORIZATION FOR A PUBLIC HEARING TO REVIEW AND COMMENT ON THE GRANT APPLICATION**

(NOTE: Earlier in the meeting there was a discussion regarding this item. See page 3.)

(A) Authorized:

- Staff to apply for FTA Section 5310 grant funds. Award of the grant will allow FASTRAN to replace two high-mileage vehicles at a substantially reduced cost to the community.
- The advertisement of a public hearing to be held before the Board on February 28, 2000, on the use of funds to be received through this grant application.

**ADMIN 7 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 00066 FOR ACCEPTANCE OF GRANT AWARDED TO THE  
MEDICAL CARE FOR CHILDREN PARTNERSHIP (MCCP) FROM THE  
ARLINGTON HEALTH FOUNDATION**

(SAR) Approved SAR AS 00066 for a grant award for \$42,681 from the Arlington Health Foundation to the MCCP for the purpose of providing additional case management services to the program. No local cash match is required from the County.

**ADMIN 8 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 00067 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO  
ACCEPT V-STOP GRANT FUNDING FROM THE DEPARTMENT OF  
CRIMINAL JUSTICE SERVICES TO CONTINUE THE SOMEPLACE  
SAFE PROGRAM**

(SAR) Approved SAR AS 00067 for the Fairfax County Police Department to accept grant funds in the amount of \$40,939 from the Department of Criminal Justice Services. This grant will support the Someplace Safe program through the continuation of one merit grant Probation Counselor II position (1/1.0 SYE) from January 1, 2000, through December 31, 2000. A local, in-kind match is required with the acceptance of this funding and will be met through the Police Department's continued contribution of rent and utilities at neighborhood satellite offices in the Mason District, as well as supervisory time.

**ADMIN 9 - SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 00068 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT AND  
THE FAIRFAX COUNTY SHERIFF TO ACCEPT ADDITIONAL  
FUNDING FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE  
PURCHASE OF BULLETPROOF VESTS**

(SAR) Approved SAR AS 00068 for the Fairfax County Police Department and the Fairfax County Sheriff to accept additional grant funding in the amount of \$10,000 for the purchase of 41 ballistic vests under the Bulletproof Vest Partnership Grant Act of 1998. This grant will require a local match of \$10,000, for a total cost of \$20,000. This local cash match is available from the Fiscal Year 2000 Reserve for Anticipated Local Cash Match.

**ADMIN 10 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE MILL CREEK PARK SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (BRADDOCK AND MASON DISTRICTS)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2000, at 3:30 p.m.** on the acquisition of certain land rights necessary for the construction of Project X000826 (M00055) - Mill Creek Park Sanitary Sewer Extension and Improvement.

**ADMIN 11 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO ABANDON A PORTION OF SMITH'S TRACE (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 13, 2000, at 4 p.m.** to consider abandonment of a portion of Smith's Trace.

**ADMIN 12 - AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT TO SUBMIT A CONTINUATION GRANT PROPOSAL TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES TO CONTINUE THE MAXIMIZE ATTENDANCE PROGRAM (MAP)**

Authorized the Juvenile and Domestic Relations District Court to submit a continuation grant proposal for funding of MAP in the amount of \$79,346. A local cash match of \$39,673 (50 percent) is required for the fourth year of this grant.

**ADMIN 13 - AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT TO SUBMIT A CONTINUATION GRANT PROPOSAL TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO CONTINUE THE PROGRAM OF INTENSIVE AFTERCARE SUPERVISION FOR THE TRANSITIONAL LIVING PROGRAM AT THE BOYS PROBATION HOUSE AND FOR THE ALPHA AND BETA POST-DISPOSITIONAL TREATMENT PROGRAMS AT THE JUVENILE DETENTION CENTER**

Authorized the Juvenile and Domestic Relations District Court to submit a continuation grant proposal for funding of intensive aftercare supervision components for the Boys Probation House Transitional Living Program and for the post-dispositional treatment program in the Juvenile Detention Center in the amount of \$75,000. No local cash match is required. However, the Court will be absorbing an additional \$20,989 in salary and operating expenses within current appropriations.

**ADMIN 14 - AUTHORIZATION FOR DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION FOR FOSTER/ADOPTIVE PARENT RECRUITMENT, TRAINING, AND RETENTION**

Authorized DFS to submit a grant application to apply for grant funding in the amount of \$320,121 for recruitment, training and retention of foster and adoptive parents. A local cash match of \$80,031 (25 percent) is required.

8. **A-1 EXPANSION OF THE APPROVED SANITARY SEWER SERVICE AREA, SOUTH RUN WATERSHED (SPRINGFIELD DISTRICT)** (Tape 3)

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

- Expansion of the Sanitary Sewer Service Area to include that area identified in Attachment I of the Memorandum to the Board dated February 7, 2000.
- Inclusion of those properties identified in Attachment II, and more specifically listed by parcel number on Attachment III, as properties covered by the Resolution adopted by the Board on April 8, 1991, pursuant to Board Item A-19 of that date for uses outside of the Approved Sewer Service Area.

9. **I-1 - PLANNING COMMISSION ACTION OF PUBLIC FACILITIES APPLICATION 2232-Y99-2, FAIRFAX COUNTY PARK AUTHORITY (SULLY DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated February 7, 2000, announcing the Planning Commission's approval of Public Facilities Application 2232-Y99-2.

10. **I-2 - CONTRACT AWARD FOR ENVIRONMENTAL DESIGN AND PERMITTING SERVICES, TO WETLAND STUDIES AND SOLUTIONS, INCORPORATED (COUNTYWIDE)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated February 7, 2000, requesting authorization for staff to award a contract to Wetland Studies and Solutions, Incorporated, in the amount of \$250,000 for consultant engineering services to provide environmental design and permitting services on County projects which are being designed by County staff and/or when environmental engineering services are not part of a design contract with an outside consulting firm.

The staff was directed administratively to proceed as proposed.

11. **I-3 - CONTRACT AWARD TO HELLMUTH, OBATA AND KASSABAUM, P.C. FOR THE PROGRAMMING, FEASIBILITY STUDY, AND SCHEMATIC DESIGN OF THE PROPOSED FORENSICS FACILITY FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (SULLY DISTRICT)** (Tape 3)

Chairman Hanley stated that this item had been withdrawn by staff.

12. **I-4 - CONTRACT AWARD - ATHLETIC FIELD GRADING AND RELATED SITE WORK AT GREAT FALLS NIKE PARK (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated February 7, 2000, requesting authorization for staff to award a contract to R.L. Rider and Company in the amount of \$282,000 for athletic field grading and related site work at Great Falls Nike Park as part of Project 474188, Athletic Field Development in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

### **BOARD MATTERS**

13. **PROCLAMATION TO DECLARE APRIL 1, 2000, AS "CENSUS DAY" IN FAIRFAX COUNTY** (Tape 3)

Chairman Hanley informed the Board that the Fairfax County Complete Count Committee is requesting that the Board proclaim April 1, 2000, as "Census Day" in Fairfax County. The Complete Count Committee is implementing strategies to educate all County residents on the importance of participating in the Census Count. From the 1990 Census it is estimated that the County lost over 7.5 million dollars over the ten years due to under counting.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite members of the Complete Count Committee, and the appropriate staff members, to appear before the Board on March 27, 2000, to receive a Proclamation declaring April 1, 2000, as "Census Day" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Connolly\* being out of the room.

(\*NOTE: Later in the meeting, Supervisor Connolly asked to be recorded as voting "AYE" on this item. See Clerk's Board Summary Item CL#25.)

14. **PROCLAMATION TO DECLARE MARCH AS "FAIRFAX GENEALOGICAL SOCIETY MONTH" IN FAIRFAX COUNTY** (Tape 3)

Chairman Hanley noted that the Fairfax Genealogical Society is celebrating its twenty-fifth anniversary and will be hosting Conference 2000 on March 18, 2000.



In recognition of this milestone, Chairman Hanley moved that the Board direct staff to prepare and send a Proclamation declaring March as **“Fairfax Genealogical Society Month”** in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Connolly\* being out of the room.

(\*NOTE: Later in the meeting, Supervisor Connolly asked to be recorded as voting “AYE” on this item. See Clerk’s Board Summary Item CL#25.)

15. **PROCLAMATION TO DECLARE MARCH AS “RED CROSS MONTH” IN FAIRFAX COUNTY** (Tape 3)

Chairman Hanley stated that March is nationally recognized as American Red Cross Month. The National Capital Chapter of the American Red Cross has requested recognition for its 95 years of service and commitment to the community.

Chairman Hanley moved that the Board direct staff to prepare and send a Proclamation declaring March as **“Red Cross Month”** in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Connolly\* being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(\*NOTE: Later in the meeting, Supervisor Connolly asked to be recorded as voting “AYE” on this item. See Clerk’s Board Summary Item CL#25.)

16. **SEEDLING PLANTINGS AROUND STORM WATER MANAGEMENT PONDS** (Tape 3)

(BACs) Supervisor Mendelsohn informed the Board of the importance of plantings around storm water management ponds to reduce the negative visual impact of those facilities and stated that the Board has endorsed a policy to allow such plantings when they do not interfere with the functioning of the dams which are a part of those ponds. Recently, however, the minutes of the Northern Virginia Soil and Water Conservation District (NVSWCD) meeting of November 23, 1999, reported that the Franklin Farm Foundation planted 200 trees in the Franklin Farm community in water management ponds and that the trees had been mowed down by County staff several weeks later.

Supervisor Mendelsohn stated that although the seedlings did not have tree protectors, the Foundation had worked with County staff on this project and staff should have been aware of the location of the seedlings. The Foundation was, of course, disappointed and dismayed by this result.

Supervisor Mendelsohn stated that a copy of the portion of the NVSWCD minutes reporting these events was distributed with his Board Matters for Board Members’ information.

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

- Review the policies and procedures regarding maintenance in and around storm water management ponds and report with recommendations on how to implement those policies in such a manner to prevent future problems similar to the one encountered by the Franklin Farm Foundation.
- Provide that recommendation to the Tree Preservation Task Force for its review.

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

17. **WALKWAY SAFETY ISSUES FOLLOWING SNOWSTORMS** (Tape 3)

Supervisor Mendelsohn stated that the snowstorms of the last few weeks brought to his attention a safety issue for students walking to school. With the completion of a sidewalk on one side and a hike/bike trail on the other side of Dranesville Road last June, Fairfax County Schools' Transportation Department discontinued bus service to Herndon High School students who lived within one mile of the school and could use the new trail as access to school.

Supervisor Mendelsohn stated that during the recent snowfalls no one cleared the sidewalks or trails of snow on Dranesville Road. It appears that no one is accepting responsibility for clearing this trail and sidewalk and that this same problem may be present along major roads in Fairfax County. Neither VDOT, the Schools, nor Public Works has offered a solution to this issue.

Therefore, Supervisor Mendelsohn moved that the Board direct the County Executive to address the issues of who owns the sidewalks and who is responsible for the maintenance of these walkways along major roads and report his findings as soon as possible.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to also work with the School Division, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Hudgins noted safety issues for senior citizens as well as students and asked to amend the motion to direct staff to publish and identify with the School Division the responsibility for clearing the walkways to inform the community and ensure that the snow is removed, and this was accepted.

Following further discussion, regarding public transit bus stops and public walkways, Chairman Hanley seconded the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

PMH:pmh

18. **NO BOARD MATTERS FOR SUPERVISOR BULOVA** (Tape 4)

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

19. **SEVEN OAKS II LEAF COLLECTION** (Tape 4)

Supervisor Gross said that the Seven Oaks II Homeowners Association has requested removal from the County's leaf collection program. The community wishes to be included in the next public hearing for changes to the leaf collection districts.

Therefore, Supervisor Gross asked unanimous consent that the Board forward this request to staff and direct them to proceed with the consideration process for removal from a leaf collection district. Without objection, it was so ordered.

20. **APPOINTMENT TO THE CHARACTER COUNTS TASK FORCE**  
(Tape 4)

(APPT) Supervisor Frey moved the appointment of Ms. Greta J. Rice as the Sully District Representative to the Character Counts Task Force. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

21. **REQUEST FOR CONCURRENT PROCESSING OF THE SITE PLANS WITH SPECIAL EXCEPTION APPLICATION SE 00-Y-005** (Tape 4)

Supervisor Frey referred to Special Exception Application SE 00-Y-005 and said that he had received a request for concurrent processing of the site plans.

Therefore, Supervisor Frey moved that the Board direct staff to concurrently process the site plan and any plans associated with Special Exception Application SE 00-Y-005. This motion does not prejudice the application in any way. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

22. **REQUEST FOR CONCURRENT PROCESSING OF SITE PLANS ASSOCIATED WITH SPECIAL PERMIT APPLICATION SP 99-Y-038**  
(Tape 4)

Supervisor Frey said that he had received a request for concurrent processing of the site plan while Special Permit Application SP 99-Y-038 is being considered by the Board of Zoning Appeals.

Therefore, Supervisor Frey moved that the Board direct staff to concurrently process the site plans associated with Special Permit Application SP 99-Y-038. This motion does not prejudice the application in any way. Supervisor Bulova

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

23. **UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)** (Tape 4)

(BACs) Supervisor Frey said that Millard H. Robbins, Jr., Executive Director of UOSA, is retiring after 26 years of service. Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Robbins to appear before the Board to receive the Board's thanks and congratulations for his years of service. Without objection, it was so ordered.

24. **PROPOSED ANIMAL SERVICES SUBCOMMITTEE OF THE METROPOLITAN WASHINGTON AREA COUNCIL OF GOVERNMENTS (COG)** (Tape 4)

Supervisor Frey said that he was contacted by a Public Safety Planner at the COG regarding the establishment of an animal services subcommittee. Supervisor Frey moved that the Board:

- Endorse the concept of the creation of an animal services subcommittee under the public safety committee at COG.
- Forward the Board's endorsement to COG.

Chairman Hanley seconded the motion and it carried by unanimous vote.

25. **REQUEST TO RECORD VOTE** (Tape 4)

Supervisor Connolly asked unanimous consent that he be recorded as voting "AYE" on all of Chairman Hanley's Board Matters. Without objection, it was so ordered.

26. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 1999-PR-031 (WALLACE B. BOWMAN AND LOUISE E. BOWMAN) (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly announced his intent, later in the meeting, to defer Rezoning Application RZ 1999-PR-031 until February 28, 2000, at 5 p.m.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Board Summary Item CL#62.)

27. **RECOGNITION OF MR. JOHN PAUL MACIAS** (Tape 4)

Supervisor Connolly said that on January 7, 2000, there was a three alarm fire at the three story apartment complex on Persimmon Drive. About 25 fire and rescue units responded from Fairfax County and Fairfax City, and firefighters battled a blaze for 40 minutes before bringing it under control.

During this time, an 18-year old Woodson High School Senior, John Paul Macias, ensured the evacuation of his mother and grandmother. He then went back inside, risking his own well-being to assist a neighbor, Mr. Warren Kelly, who is wheelchair bound. Mr. Macias made sure he was in a secure area in the hall, standing by until the firefighters arrived on the floor. He then continued to assist the firefighter in carrying Mr. Kelly down a flight of stairs.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Mr. Macias to appear before the Board to be recognized for his courageous act. Without objection, it was so ordered.

28. **ARCHAEOLOGICAL WORK ON TINNER HILL HISTORIC SITE**  
(Tape 4)

Supervisor Connolly said that as a part of an ongoing effort to honor the African-American historical culture in the community, Fairfax County and the City of Falls Church each purchased adjoining quarter-acre lots on historic Tinner Hill in the City and the Providence District. The property is the site of the first rural branch of the NAACP which first met in 1915. A ceremony marking the signing of the deed was held at the Galloway Methodist Church on Annandale Road. The Tinner Hill Heritage Foundation now is moving forward with plans to design and construct the Tinner Hill Cultural Center and History Museum on the site. Because of the rich history of this site and its importance to the community, it is crucial that steps are taken to move ahead on the archeological work on this important property.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to designate the Fairfax County Park Authority's County Architectural Services as the oversight agency for the archeological work on the Tinner Hill Historic Site. Archeological Services' work should involve assessing the archeological potential for the site, developing plans and budgets for recovering important archeological information and coordinating the archeological work with the Tinner Hill Heritage Foundation's construction timeline. Supervisor Gross seconded the motion and it carried by unanimous vote.

29. **WINCHESTER HOMES, INCORPORATED/CYRANDALL VALLEY ROAD REZONING INCLUSION OF RIGHT-OF-WAY** (Tape 4)

Supervisor Connolly said that Winchester Homes recently submitted an application to the County to rezone approximately 6.3839 acres of land north of I-66 near Cyrandall Valley Road. The assemblage includes ten lots that were originally created as part of the Cyrandall Valley subdivision. The applicant proposes to incorporate portions of the existing streets into the new development and create new permanent turnarounds.

Supervisor Connolly moved that the Board authorize inclusion of up to approximately .4083 acres of right-of-way for Cyrandall Valley Road, up to approximately .4055 acres for right-of-way for Thistle Lane, up to approximately

.0233 acres of right-of-way for Platten Drive and approximately .0523 acres of a public walkway located between Tax Map Parcels 48-3 ((18)) 9 and 10 within the land area of the rezoning application. This action does not prejudice the consideration of this review in any way. Chairman Hanley seconded the motion and it carried by unanimous vote.

30. **FLINT HILL UPPER SCHOOL** (Tape 4)

- (A) Supervisor Connolly said that on November 23, 1999, the Flint Hill School filed Special Exception Application SE 99-P-046 to permit construction of the Flint Hill Upper School. The proposed 189,812 square foot facility would serve secondary students in grades 9-12. The school will ultimately include a two-story school structure with administrative offices, classrooms, cafeteria, gymnasium, library, laboratory space and a fine arts facility, tennis courts, athletic fields and a track facility.

Supervisor Connolly moved that the-Board direct staff to schedule a public hearing to be held before the Board on Special Exception Application SE 99-P-046 for **May 8, 2000, at 3:30 p.m.** This action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

31. **APPOINTMENT TO THE SMALL BUSINESS COMMISSION** (Tape 4)

- (APPT) Supervisor Connolly announced the resignation of Ms. Mary Green from the Small Business Commission and he moved the appointment of **Mr. Mubin Peshiman** as the Providence District Representative on the Small Business Commission. Chairman Hanley seconded the motion and it carried by unanimous vote.

32. **ROUTE 50 CORRIDOR COMMUNITY SAFETY AND ACCESSIBILITY PROJECT** (Tape 4)

On behalf of Supervisor Gross and himself, Supervisor Connolly said that in Fiscal Year 2001, \$25 million will be available under the Transportation System and Community Preservation Program (TCSP) "to allocate to worthy projects that address the relationship between transportation and the community." Last year the TCSP grant application deadline was in July. However, staff was surprised to discover that this year's deadline was January 31, 2000. In response to a request from Providence District, the Department of Transportation examined pedestrian accessibility problems in the Route 50 corridor. The portion of the Route 50 corridor located in the Providence and Mason Supervisor Districts has the highest pedestrian fatality accident rates in the County. The area meets all of the criteria listed to determine eligibility for the program. Staff agrees that the TCSP represents a promising opportunity to utilize federal funds to improve pedestrian accessibility in the Route 50 corridor.

Therefore, Supervisor Connolly along with Supervisor Gross, moved that the Board endorse an application to be submitted to the Federal Highway

Administration for a grant request of \$430,000 to implement the Route 50 Corridor Community Safety and Accessibility Project. Supervisor Gross seconded the motion.

Following discussion and input from Angela F. Jacobs, Transportation Planner, Department of Transportation, the question was called on the motion and it carried by unanimous vote.

**NV:nv**

33. **APPEARANCES** (Tape 5)

Supervisor Hyland made references to his change in appearance and expressed appreciation to Board Members for their understanding.

34. **REQUEST FOR OUT-OF-TURN PLAN AMENDMENT FOR THE INTERSECTION OF BUCKMAN ROAD/MOUNT VERNON HIGHWAY AND ROUTE ONE** (Tape 5)

Supervisor Hyland called the Board's attention to a resolution adopted by the Mount Vernon Council requesting an out-of-turn amendment to the Comprehensive Plan to designate the intersection of Buckman Road/Mount Vernon Highway and Route One as an intersection requiring special study. He said that the Virginia Department of Transportation has also been requested to initiate a study of the feasibility and desirability of an overpass as part of the Route One widening study. The request is based on the large number of accidents and the dangerous nature of this intersection.

Accordingly, Supervisor Hyland moved that the Board direct staff to proceed with the processing of the Mount Vernon Council's request for an out-of-turn plan amendment to the Comprehensive Plan designating the intersection of Buckman Road/Mount Vernon Highway and Route One as one requiring special study with consideration given to an overpass at this location. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

35. **REQUEST FOR AN AMENDMENT TO THE SIGN ORDINANCE** (Tape 5)

Supervisor Hyland raised the issue of the sign provisions of the Zoning Ordinance (Chapter 112 of the County Code) regarding individual signage on commercial vehicles. He said that he recently received a memorandum from the County Attorney stating that this is not a violation as long as there is only one commercial vehicle per dwelling unit in a residential district.

Supervisor Hyland stated that the individuals involved with the issue in question have been cited several times by the Zoning Enforcement Branch of the Department of Planning and Zoning for a number of violations pertaining to parking multiple commercial vehicles in their residential community. He expressed his belief that the crudely lettered signs on the vehicles are tantamount to blight and graffiti in an area where the residents are concerned with

maintaining their neighborhood. The County Attorney's memorandum concludes that the cited individual would not be in violation if he were to park only one commercial vehicle at his home.

Accordingly Supervisor Hyland moved that the Board refer this matter to staff with the recommendation that the Zoning Ordinance be amended to prohibit commercial vehicles from containing and displaying sloppy, hand-painted signs and using them as portable signs. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

36. **INTENT TO DEFER DECISION FOR REZONING APPLICATION RZ 1997-MV-049** (Tape 5)

Supervisor Hyland announced his intent to defer decision on Rezoning Application RZ 1997-MV-049, scheduled for 3:30 p.m. later in the day until March 13, 2000, at the request of the applicant, Robert L. Travers.

(NOTE: Later in the meeting, decision was formally deferred. See Clerk's Board Summary Item CL#56.)

37. **NEIGHBORHOOD WATCH WORKS** (Tape 5)

Supervisor Hyland called attention to his written Board Matter that described how, with the assistance of Neighborhood Watch members on Hagel Circle, the police were able to arrest a suspect who had fled from a crime scene in that neighborhood. Accordingly, he moved that the Board direct staff to invite Mr. Guy Etter, Ms. Rita Chambers, Neighborhood Watch Captain Len Parks, and members of the Franconia Police Station, including the K-9 dog, to appear before the Board to be recognized for their superb efforts. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

38. **THREE YEARS, 65 CRASHES, AND STILL WAITING FOR A SPOT ROAD IMPROVEMENT ALONG HOOES ROAD** (Tape 5)

Supervisor Hyland called the Board's attention to a letter he had received from the South Run Coalition concerning the fact that there have been three years of accidents, yet the residents are still waiting for action on a spot road improvement along a 200-yard segment of Hooes Road, between Scott Street and Newington Forest Avenue. Accordingly, he moved that the Board direct the Chairman to write a letter on the Board's behalf to the Virginia Department of Transportation requesting expedited treatment so that this spot improvement can be completed. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

39. **REQUEST FOR AN OUT-OF-TURN PLAN AMENDMENT FOR THE ENGINEER PROVING GROUND (EPG)** (Tape 5)

Supervisor Kauffman stated that the EPG is a portion of Fort Belvoir that is located between Rolling Road and Interstate 95. In 1989 Congress passed special legislation that permits the Department of the Army to sell, lease, or trade this



approximately 820-acre area to a private developer in exchange for the construction of office space for the Army. In keeping with the intent of the proposed Army action, the Board amended the Comprehensive Plan to support the redevelopment of the EPG in a manner that was consistent with the public-private venture.

Supervisor Kauffman said that since the adoption of the plan amendment, there have been significant land use changes in the Franconia-Springfield area. The character of new and approved development in the surrounding area raises the question of whether the mix and intensity of planned land uses at EPG, as initially proposed over a decade ago, still remain appropriate.

Therefore, Supervisor Kauffman moved that the Board authorize an out-of-turn plan amendment to re-evaluate the Comprehensive Plan recommendations for the EPG. He noted that he will work with the Chairman as well as Supervisor Hyland and Supervisor McConnell to discuss the best way to involve the community in this plan review. Supervisor Hyland seconded the motion.

Supervisor McConnell asked to amend the motion to:

- Include an economic impact statement in the analysis.
- Request the respective Planning Commissioners from the Lee, Mount Vernon, and Springfield Districts to meet expeditiously to discuss this.

This was accepted.

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

40. **RIGHT-OF-WAY FOR THE FAIRFAX COUNTY PARKWAY** (Tape 5)

Supervisor Kauffman stated that in concert with the Engineer Proving Ground (EPG) Plan Review, staff is working to secure needed right-of-way for the “missing leg” of the Fairfax County Parkway as it passes through the EPG. To ensure this effort comes to a successful close at the earliest possible date, he moved that the Board direct staff to request Senator John Warner to reintroduce his previous Section 2811 language, copies of which were provided to the Board, in the 2001 Senate Defense Authorization Bill. This action would declare the EPG property “surplus.” Supervisor McConnell seconded the motion, which carried by unanimous vote.

41. **SPRINGFIELD COMMUNITY BUSINESS CENTER** (Tape 5)

Supervisor Kauffman reminded the Board that on October 25, 1999, it authorized a Special Study for the Springfield Community Business Center. He reported that the Springfield Special Study Task Force met for the first time on February 1. As

a result of that meeting, he said that it has become clear that significant redevelopment opportunities exist, provided that the study boundaries are enlarged to include certain contiguous properties as listed below:

- All properties located in Land Units A-1, A-3, A-4, A-5, and the portion of land unit D-1 that is east of Backlick Road
- All properties located in Land Unit E-1, property located in Land Unit E-2 identified as 80-3-01-6, 80-4-01-11A, 80-4-01-12, and 80-4-01-16A, and properties located in Land Unit F identified as 90-2-01-30
- The property located in Land Unit C

Accordingly, Supervisor Kauffman moved that the Board direct staff to expand the limits of the special study to include those parcels. Supervisor Bulova seconded the motion, which carried by unanimous vote.

42. **SHOWMOBILE FOR KINGSTOWNE LIBRARY GRAND OPENING**  
(Tape 5)

Supervisor Kauffman announced that the new Kingstowne Library will hold its Grand Opening on June 24, 2000, and his office has reserved the County's Showmobile to use for this event. Accordingly, he moved that the Board waive the fees associated with the use of the Showmobile (a portable stage) for this event. Supervisor Hyland seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding the necessity of acquiring an additional Showmobile. Without objection, it was so ordered.

Following a brief discussion, the question was called on the motion, which carried by unanimous vote.

43. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 1999-LE-036 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-073-3** (Tape 5)

Supervisor Kauffman announced his intent to defer the public hearing on Rezoning Application RZ 1999-LE-036 and Proffered Condition Amendment Application PCA 86-L-073-3, scheduled for later in the day, until February 28, 2000, at 5 p.m.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Board Summary Item CL#64.)

44. **RECOGNITION OF VOLUNTEERS** (Tape 5)

Supervisor Hudgins stated that during the recent snowstorm many volunteers came forward to provide transportation for Reston Hospital Center staff and to just help at the hospital. With reference to a list of 25 volunteers, she moved that the Board:

- Join Reston Hospital Center in extending appreciation to the volunteers who helped during the recent snowstorm.
- Direct staff to prepare and send a Certificate of Appreciation for each of the volunteers.

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

45. **REQUEST FOR EXPEDITED SCHEDULING OF A PUBLIC HEARING FOR ABOVE NET** (Tape 5)

- (A) Supervisor Hudgins stated that representatives for Lake Fairfax Business Park submitted an application to rezone a 1,809-square foot parcel from the R-E District to the I-3 District. This small R-E zoned parcel is located in the middle of Parcel 9A in the business park and is surrounded by I-3 zoned property. AboveNet Communications, Incorporated intends to develop a computer co-location facility on Parcel 9A. For site plan purposes, AboveNet needs to utilize this R-E zoned area for building purposes. The Planning Commission public hearing is scheduled for March 16, 2000.

Supervisor Hudgins moved that the Board authorize the advertisement of a public hearing to be held before the Board on March 27, 2000. She noted that this motion does not relieve the applicant from complying with the provisions of any applicable conditions, regulations, or adopted standards, and it does not prejudice the consideration of this application in any way. Chairman Hanley seconded the motion, which carried by unanimous vote.

46. **RESTON INTERFAITH EVENT** (Tape 5)

Chairman Hanley reported that she and Supervisor Hudgins attended a Reston Interfaith event the previous evening.

47. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (Tape 5)

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

48. **RECESS/CLOSED SESSION** (Tape 5)

At 11:35 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting, and in addition:

- The proposed County Code Chapter 28.1, Massage Therapy Establishments and Services
- Failing septic system at 989 Spring Hill Road

Supervisor Bulova seconded the motion.

Citing an expected lengthy closed session, Chairman Hanley announced that the Board would convene closed session at 1:45 p.m.

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

**AM:am**

At 3:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Mendelsohn, and with Chairman Hanley presiding.

**ACTIONS FROM CLOSED SESSION**49. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 6)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene closed session were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

Chairman Hanley noted that Supervisor Mendelsohn did not attend the closed session.

50. **AUTHORIZATION TO EXECUTE A CONTRACT WITH DAVID L. HUNTER AND HUNTER INVESTMENT GROUP, INCORPORATED** (Tape 6)

Supervisor Frey moved that the Board authorize the County Executive to execute a contract on behalf of the Board with David L. Hunter and Hunter Investment

Group, Incorporated in accordance with the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

### **AGENDA ITEMS**

#### **LS:ls**

51. **3:30 P.M. - PUBLING HEARING TO OBTAIN CITIZEN INPUT REGARDING THE PROPOSED USE OF FUNDS RECEIVED BY THE FAIRFAX COUNTY POLICE DEPARTMENT UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM** (Tape 7)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

Following the public hearing, with input from Robert Callahan, Captain, Police Department, Supervisor McConnell moved approval of the Police Department's proposed use of funds received from the Department of Justice, Bureau of Justice Assistance (BJA) and under the Local Law Enforcement Block Grant Program. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

52. **3:30 P.M. - PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, (COUNTY EMPLOYEES), SECTION 3-3-33(A) (COUNTYWIDE)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

Following the public hearing, which included testimony by one speaker, and with input from Lurnz A. Swartz, Executive Director, Retirement Administration, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3, (County Employees), Section 3-3-33(a). This change will increase the level of benefits for future retirements under the Uniformed Retirement System. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

53. **3:30 P.M. - PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, (COUNTY EMPLOYEES), SECTION 3-7-27 AND SECTION 3-7-51 (COUNTYWIDE)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 28 and February 4, 2000.

Following the public hearing, which included testimony by two speakers, and with input from Lurnz A. Swartz, Executive Director, Retirement Administration, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3, (County Employees), Section 3-7-27 and Section 3-7-51. These amendments will increase the level of benefits provided by the Police Officers Retirement System. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

54. **3:30 P.M. - PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, (COUNTY EMPLOYEES), SECTION 3-2-23(E) (COUNTYWIDE)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

**Additional Board Matter**

**Speakers List**

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct the Clerk ensure that the speakers list is placed in the same order as the public hearings. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following the public hearing, with input from Lurnz A. Swartz, Executive Director, Retirement Administration, presented the staff and Planning Commission recommendation.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3, (County Employees), Section 3-2-23(e). This change to the Supplemental Retirement System will eliminate the one-year time limit for re-hired employees to make a decision regarding purchase of prior service credit. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and

Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

55. **3:30 P.M. - PUBLIC HEARING ON AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3, COUNTY EMPLOYEES, SECTION 3-2-32 (A)(3), SECTION 3-2-44, AND SECTION 3-2-55 (D)**  
(Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

Following the public hearing, which included testimony by six speakers, and with input from Lurnz A. Swartz, Executive Director, Retirement Administration, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3, (County Employees), Section 3-2-32 (a)(3), Section 3-2-44, and Section 3-2-55(d), Alternative 1. These changes to the Supplemental Retirement System will extend the supplemental benefit currently payable to age 62 to a benefit payable until eligibility for full social security retirement age. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

56. **3:30 P.M. - BOARD DECISION ON REZONING APPLICATION RZ 1997-MV-049 (ROBERT L. TRAVERS) (MOUNT VERNON DISTRICT)** (Tape 7)

(NOTE: On August 2, 1999, the Board held a public hearing on Rezoning Application RZ 1997-MV-049 and deferred decision until September 27, 1999. On September 27, the Board deferred decision until February 7, 2000.)

Supervisor Hyland moved to defer decision on Rezoning Application RZ 1997-MV-049 until **March 13, 2000, at 3:30 p.m.** This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

57. **3:30 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 99-V-028 (GROVETON CAR WASH CORPORATION) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 99-V-028 until **March 13, 2000, at 4 p.m.** This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

58. **4 P.M. - PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF THOMAS J. STOCKTON PARKWAY (ROUTE 2092) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on a proposal to vacate and abandon a portion of Thomas J. Stockton Parkway (Route 2092) until **February 28, 2000, at 5 p.m.** This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

59. **4 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-C-097-2 (DULLES INDOOR SPORTS COMPLEX, LLC) (SULLY DISTRICT)** (Tapes 7-8)

Mr. John McBride reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, Tracy Swagler, Staff Coordinator, ZED, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion followed with input from Ms. Swagler and Barbara A. Byron, Director, Zoning Evaluation Division, DPZ, Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 84-C-097-2, subject to the executed proffers dated January 14, 2000. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

60. **4 P.M. - PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT S97-CW-6CP FOR THE BAILEYS CROSSROADS AND SEVEN CORNERS COMMUNITY BUSINESS CENTERS, GENERALLY LOCATED ALONG LEESBURG PIKE BETWEEN THE ALEXANDRIA AND FALLS CHURCH MUNICIPAL BOUNDARIES (MASON AND PROVIDENCE DISTRICT)** (Tape 8)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

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

- Approval of Out-of-Turn Plan Amendment S97-CW-6CP as shown in Attachment 1 of the Memorandum to the Board, handwritten pages 12-61 with modifications recommended by the Planning Commission as shown in Attachment 2 of the



Memorandum to the Board and in the Attachment dated February 7, 2000, regarding an option for the Wilston School site.

- To include recommendations relative to APR Items 98-I-1B, 98-I-1B (EX), 98-1-2B, and 98-1-3B.

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

61. **4 P.M. - PUBLIC HEARING ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S99-II-F1 LOCATED EAST OF ROUTE 123 BETWEEN THE CITY OF FAIRFAX AND GEORGE MASON UNIVERSITY (BRADDOCK DISTRICT)** (Tape 8)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved approval of Out-of-Turn Plan Amendment S99-II-F1 as shown on pages six through eight of the staff report. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

62. **4 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 1999-PR-031 (WALLACE B. BOWMAN AND LOUISE E. BOWMAN) (PROVIDENCE DISTRICT)** (Tape 8)

Supervisor Connolly moved to defer the public hearing on Rezoning Application RZ 1999-PR-031 (Wallace B. Bowman and Louise E. Bowman) until **February 28, 2000, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

SBE:sbe

63. **4:30 P.M. - PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO REPEAL CHAPTER 28 (MESSAGE ESTABLISHMENT ORDINANCE), ADD A NEW CHAPTER 28.1 (MESSAGE THERAPY, ESTABLISHMENTS AND SERVICES), CHAPTER 10 (CONSUMER PROTECTION), AND CHAPTER 112 (ZONING ORDINANCE) REGARDING MESSAGE THERAPY** (Tape 9)

- (Os) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

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

- Repeal the following sections of the Code of the County of Fairfax, Chapters 28 (Massage Establishment Ordinance) governing application fees for permits for massage establishments and massage technicians to become **effective on March 8, 2000, at 12:01 a.m.**
  - 28-3-2
  - 28-3-3
  - 28-3-4
  - 28-3-5
  - 28-3-6
  
- Enact the following sections of the Code of the County of Fairfax, Chapter 28.1 (Massage Therapy, Establishments and Services) governing application fees and service permits for massage establishments and massage therapists to become **effective on March 8, 2000, at 12:01 a.m.**
  - 28.1-2-2
  - 28.1-2-3
  - 28.1-3-2
  - 28.1-3-3
  
- Adopt the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding massage therapy to become **effective on March 8, 2000, at 12:01 a.m.**

Supervisor Hyland further moved to:

- Adopt the proposed amendments to the Code of the County of Fairfax, Chapter 10 (Consumer Protection) regarding massage therapy to become **effective on April 7, 2000, at 12:01 a.m.**
  
- Repeal the remaining Sections of Chapter 28 (Massage Establishment Ordinance) to become **effective on April 7, 2000, at 12:01 a.m.**
  
- Enact the additional Sections of Chapter 28.1 (Massage Therapy, Establishments and Services) to become **effective on April 7, 2000, at 12:01 a.m.**

Supervisor Hudgins seconded the motion.

Following discussion, Supervisor Kauffman moved to amend the motion to incorporate the Planning Commission recommendation on fingerprint requirements. Supervisor Bulova seconded the motion.

Following discussion, with input from Carolyn Questch, Director, Consumer Services Division, Department of Telecommunications and Consumer Services, the question was called on the amendment to the motion, which **CARRIED** by a recorded vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor Mendelsohn voting "NAY."

The question was then called on the main motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

There was a brief discussion regarding the scheduling of the fingerprinting with the Police Department.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Board Summary Item CL#72.)

64. **4:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 1999-LE-036 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-073-3 (CENTEX HOMES) (LEE DISTRICT)**  
(Tape 9)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 1999-LE-036 and Proffered Condition Amendment Application PCA 86-L-73-3 until **February 28, 2000, at 5 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

65. **4:30 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 1998-PR-026 (CHRISTOPHER MANAGEMENT, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 9)

- (O) Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Fifer 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 Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Michael J. Giguere.

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

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1998-PR-026 from the R-1 District to the PDH-4 District, subject to the execution of the proffers dated February 3, 2000; the Planning Commission having previously approved Final Development Plan FDP 1998-PR-026 on February 2, 2000.
- Waiver of the 200 foot setback from the right-of-way of an interstate highway (I-495).
- Waiver of the requirement for frontage improvements along Morgan Lane.

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

Following discussion, Supervisor Connolly reconfirmed on the record that the applicant had agreed to:

- Plant trees offsite for a few of the neighboring properties. The residents have requested that the applicant plant these trees in April.
- Build a sound wall to Virginia Department of Transportation (VDOT) standards and install it on land that the applicant will dedicate to VDOT.

In regard to Proffer 21, Supervisor Connolly clarified that the proffer states that the applicant will contribute \$955 per unit to the Fairfax County Park Authority (FCPA), minus the cost of two onsite gazebos. The applicant will, however, contribute at least \$2500 to the FCPA.

66. **4:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-C-003 (L.S. INVESTMENTS, LLC) (HUNTER MILL DISTRICT)** (Tapes 9-10)

Mr. Michael J. Giguere reaffirmed the validity of the affidavit for the record.

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

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

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

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

- In excess of \$200 from Michael J. Giguere.

Following the public hearing, Greg Russ, Senior 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 88-C-003, subject to the executed proffers dated January 4, 2000; the Planning Commission having previously approved Final Development Plan Application FDP 88-C-003 on December 8, 1999.
- Modification of the transitional screening requirement along the northern boundary to that shown on the Conceptual Development Plan Amendment/Final Development Plan.
- Waiver of the barrier requirement along the northern boundary.

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

67. **5 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-060-2 (DULLES GREENE LP) (DRANESVILLE DISTRICT) (Tape 10)**

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

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

Following the public hearing, Supervisor Mendelsohn moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Kauffman

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

Supervisor Mendelsohn moved:

- Approval of Proffered Condition Amendment Application PCA 89-D-060-2, subject to the executed proffers dated December 7, 1999; the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 89-D-060-2 on December 8, 1999.
- Reaffirmation of a modification of the screening and barrier requirements along Rock Hill Road and along the eastern property boundary as shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment.
- Reaffirmation of a waiver of the 600 foot maximum length of private streets.

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

68. **5 P.M. - PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 99-Y-033 (HACOR, INCORPORATED) (SULLY DISTRICT)** (Tape 10)

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. William H. Gordon.

Following the public hearing, which included testimony by four speakers, Julie Schilling, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Frey moved to defer decision on Special Exception Application SE 99-Y-033 until **February 28, 2000, at 5 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

69. **5 P.M. - PUBLIC HEARING ON REZONING APPLICATION RZ 1999-BR-058 (CLARK L. MASSIE, TRUSTEE) AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-A-050 (STEPHEN H. AND JUDITH A. WASSERMAN) (BRADDOCK DISTRICT)**

(Tape 10)

(O) Mr. Clark L. Massie reaffirmed the validity of the affidavit for the record.

Mr. Massie 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 McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Charles P. Johnson and Associates.

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

Supervisor Bulova moved:

- Approval of Proffered Condition Amendment Application PCA 78-A-050, subject to the executed proffers dated February 4, 2000.
- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 1999-BR-058 from the R-1 and R-3 Districts to the R-3 District, subject to the execution of the proffers dated February 4, 2000.

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

70. **5 P.M. - PUBLIC HEARING ON PROPOSED BONDS TO BE ISSUED BY THE BURKE VOLUNTEER FIRE AND RESCUE DEPARTMENT, INCORPORATED (SPRINGFIELD DISTRICT)** (Tape 10)

(Bonds)  
(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 24 and January 31, 2000.

Following the public hearing, Supervisor McConnell moved adoption of the Resolution approving the issuance and/or incurrence by the Burke Volunteer Fire and Rescue Department, Incorporated, a Virginia nonstock, nonprofit corporation, of tax-exempt bonds in an amount not to exceed \$1,500,000. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

71. **7 P.M. - PUBLIC HEARING ON THE PROPOSED FIVE YEAR CONSOLIDATED PLAN FOR FISCAL YEAR (FY) 2001-2005 AND THE PROPOSED CONSOLIDATED PLAN ONE YEAR ACTION PLAN FOR FY 2001** (Tapes 10-11)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of January 20 and January 27, 2000.

Following the public hearing, which included testimony by four speakers, Chairman Hanley announced that the record would remain open until March 13, 2000, for submission of written testimony, with Board action scheduled for that day.

72. **ADDITIONAL ACTION REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO REPEAL CHAPTER 28 (MASSAGE ESTABLISHMENT ORDINANCE), ADD A NEW CHAPTER 28.1 (MASSAGE THERAPY, ESTABLISHMENTS AND SERVICES), CHAPTER 10 (CONSUMER PROTECTION), AND CHAPTER 112 (ZONING ORDINANCE) REGARDING MASSAGE THERAPY** (Tape 11)

(Note: Earlier in the meeting, action was to be taken on this item. See Clerk's Board Summary Item CL#63.)

Chairman Hanley called the Board's attention to unfinished business regarding the massage ordinance.

Accordingly, Supervisor Gross moved that the Board:

- Establish a 1/1.0 SYE merit regular position in the Department of Telecommunications and Consumer Services for program administration.
- Approve the additional \$13,700 recommendation for overtime that would be required for the Department of Health, Environmental Health Administration.



Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

73. **BOARD ADJOURNMENT** (Tape 11)

At 7:55 p.m., the Board adjourned.