



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
March 5, 2001**

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01-05

DS:ds

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

Supervisor Frey arrived at 9:40 a.m.

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

BOARD MATTERS

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

Supervisor McConnell asked everyone to remember in thoughts and prayers Mrs. Jane Miner, the mother of her Chief of Staff, Ron Miner, who passed away last week. Mrs. Miner had been an employee with the Fairfax County School system for over 25 years, and had been principal at two schools, and was involved in special education.

2. **BIRTHDAY WISHES FOR CHAIRMAN HANLEY** (Tape 1)

Supervisor Hyland said that today was Chairman Hanley's birthday, and that he and the Board wished her a very happy birthday, and many more.

Chairman Hanley thanked the Board. She also thanked the Park Authority for its musical flower arrangement.

3. **BIRTHDAY WISHES FOR CATHY CHIANESE, ASSISTANT TO THE COUNTY EXECUTIVE** (Tape 1)

Chairman Hanley said that another good thing about today was that Cathy Chianese, Assistant to the County Executive, was also celebrating a birthday, and she wished her a happy birthday.

AGENDA ITEMS

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX BAR ASSOCIATION** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the Fairfax Bar Association for more than 25 years of service and dedication to the legal community and citizens of Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO CHRISTIAN RELIEF SERVICES** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Christian Relief Services for its contributions spanning 15 years to persons in need in Fairfax County. Chairman Hanley seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE YEAR 2000 ADOPT-A-FAMILY PARTNERSHIP SPONSORS** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the Year 2000 Adopt-A-Family partnership sponsors for contributions enabling more than 100 families to be assisted during the holidays. Supervisor Connolly and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

7. **PROCLAMATION TO DESIGNATE MARCH AS "DEVELOPMENT DISABILITIES INCLUSION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation designating March as "*Development Disabilities Inclusion Month*" in Fairfax County. Supervisor McConnell and Vice-Chairman Hyland jointly seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

8. **CHANTILLY REGIONAL LIBRARY DEDICATES "TIME OUT BOY" BRONZE STATUE IN MEMORY OF THOMAS MICHAEL SCHMAUTZ** (Tape 1)

Supervisor Frey said that yesterday he had the pleasure of attending the dedication of a statue entitled "Time Out Boy" in memory of Thomas "Tommy" Michael Schmautz at Chantilly Regional Library.

Tommy was a disabled young man who had worked at Kings Park Library for several years through Fairfax Opportunities Unlimited. Supervisor Frey said that Tommy passed away very young several years ago. His mother wanted to remember him so she commissioned a statue in his honor and dedicated it to the Chantilly Regional Library, which was closest to her home. Unfortunately, Mrs. Schmautz did not get to see the unveiling of the statue because she passed away in November 2000.

Supervisor Frey said that the statue was completed by a nationally recognized sculptor from Utah and is in the lobby of the Chantilly Regional Library. He encouraged everyone to go see this wonderful addition to the library.

AGENDA ITEMS

9. **PROCLAMATION TO DESIGNATE MARCH AS "NATIONAL PURCHASING MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation designating March as "*National Purchasing Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

10. **10 A.M. – PRESENTATION BY THE COMMISSION FOR WOMEN ON ITS 2000 ANNUAL REVIEW** (Tapes 2-3)

Alta Newman, Chair, Commission for Women, presented its annual review.

Supervisor Hudgins asked unanimous consent that the Board direct the Commission to provide the Board with:

- More information regarding exit interviews.

- The model of success used for women, to ensure that minorities succeed as well.

Without objection, it was so ordered.

DMB:dmb

11. **ADMINISTRATIVE ITEMS** (Tape 4)

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

Supervisor Connolly called the Board's attention to Admin 4 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 1, Amending the Merit System Ordinance to Reflect the Continuous Scale to be Used for Performance Increases and Bonuses in Year Two and to Clarify the County's Authority to Grant Other Types of Incentive Pay. Discussed ensued with input from Anthony H. Griffin, County Executive, and Peter J. Schroth, Director, Department of Human Resources.

Supervisor Mendelsohn called the Board's attention to Admin 5 - Authorization to Advertise Publication of the Fiscal Year 2002 Budget and Required Tax Rates questioning the fact that the public hearing on the effective tax rate is scheduled for only one evening, April 2, 2001, while the other public hearings are scheduled for three evenings, April 2, 3, and 4, 2001. Discussion ensued with input from Edward L. Long, Jr., Chief Financial Officer. Following additional discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct the Office of Public Affairs to assure the public is notified that testimony will be received on all three evenings on the effective tax rate. Without objection, it was so ordered.

Supervisor Mendelsohn said that the schools have asked for additional annual allotments and, following input from Mr. Long, asked unanimous consent that the Board direct staff to provide an analysis of the impact on the Capital Improvement Projects regarding requests for additional annual allotments for the Fairfax County Park Authority. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff to refer to the funding gap between the school's request and the County Executive's recommendations as \$36 million instead of \$33 million in order to capture the other \$3 million for debt service. Without objection, it was so ordered.

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

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM
(HUNTER MILL AND PROVIDENCE 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>
Sycamore Lakes Sections 2, 4, & 7	Hunter Mill	Dakota Lakes Drive Ripplemeade Court Glenlawn Place Dwight Street Route 7498
SMC Penderbrook	Providence	Pender Spring Drive

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, LEE, MASON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

- Application FS-S00-130 to May 5, 2001
- Application 2232-D01-4 to May 6, 2001
- Application FS-P00-126 to May 9, 2001
- Application FS-M00-127 to May 10, 2001
- Application FS-L00-128 to May 10, 2001
- Application SF-S00-133 to May 17, 2001
- Application SF-Y00-134 to May 17, 2001
- Application 2232-H00-39 to May 25, 2001

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL) (COUNTYWIDE)

(As) Authorized the advertisement of two public hearings to be held before the Board on **April 2, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), regarding:

- Sewer service charges
- Availability fees

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 1, AMENDING THE MERIT SYSTEM ORDINANCE TO REFLECT THE CONTINUOUS SCALE TO BE USED FOR PERFORMANCE INCREASES AND BONUSES IN YEAR TWO AND TO CLARIFY THE COUNTY'S AUTHORITY TO GRANT OTHER TYPES OF INCENTIVE PAY

(Earlier in the meeting, there was discussion on this item. See page 4.)

(A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), amending the Merit System Ordinance to reflect the continuous scale to be used for performance increases and bonuses in year two of pay for performance and to clarify the County's authority to grant other types of incentive pay.

ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2002 BUDGET AND REQUIRED TAX RATES

(Earlier in the meeting, action was taken on this item. See page 4.)

(A) Authorized the advertisement of the following items, which are included in the proposed FY 2002 Budget:

- A brief synopsis of the FY 2002 Budget and a notice of proposed adoption of a resolution appropriating funds for FY 2002 to be advertised during the week ending

March 23, 2001. This includes a real estate tax rate of \$1.23 per \$100 of assessed value for FY 2002. While this is the current real estate tax rate for FY 2001, the effective tax rate in FY 2002 has increased because the assessed value of existing property has increased more than one percent.

- The notice required by *Virginia Code* Section 58.1-3321.
- Public hearings on the proposed Capital Improvement Program for FY 2002 - 2006 (with Future Years through 2009)

ADMIN 6 - AUTHORIZATION FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT TO SUBMIT A 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.

Approved the submission of the residential aftercare services continuation grant proposal to the Department of Criminal Justice Services in the amount of \$56,250. A 25 percent local cash match is required. The full cost of the two positions is \$138,320. The Court is requesting a local cash match of \$18,750 from the County. The remaining \$63,320 will be absorbed by the Court.

ADMIN 7 - 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), AN INTENSIVE SUPERVISION PROGRAM FOR ADJUDICATED TRUANTS.

Approved the submission of a continuation grant proposal for funding for the Fairfax County Juvenile and Domestic Relations District Court's Maximize Attendance Program (MAP), an intensive supervision program for adjudicated truants that was funded by the Virginia Department of Criminal Justice Services beginning in FY 1998.

12. **A-1 – ADOPTION OF RESOLUTION FOR ELIGIBLE VIRGINIA RETIREMENT SYSTEM MEMBERS OF THE HEALTH DEPARTMENT TO PURCHASE PRIOR SERVICE CREDIT UNDER SECTION 414 (h) OF THE INTERNAL REVENUE CODE**
(Tape 4)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing Department of Human Resources and Department of Health staff to execute, on behalf of the Board, tax-deferred purchase of prior service credit by eligible members. Following discussion with input from Peter J. Schroth, Director, Department of Human Resources, Supervisor Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

13. **A-2 – APPROVAL OF REVISIONS TO CHAPTER 10 OF THE PERSONNEL REGULATIONS REGARDING HOLIDAY LEAVE**
(Tape 4)

Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the proposed revisions to Chapter 10 of the Personnel Regulations. Following discussion with input from David P. Bobzien, County Attorney, and Peter J. Schroth, Director, Department of Human Resources, Supervisor Connolly seconded the motion and it carried by unanimous vote.

14. **A-3 – APPROVAL OF REVISIONS TO THE ENGINEERING STANDARDS REVIEW COMMITTEE CHARTER** (Tape 4)

(BACs) On motion of Supervisor Connolly, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and revised the following Articles of the Engineering Standards Review Committee Charter:

- Article 1, Paragraph 3C – to incorporate name changes resulting from the consolidation and reorganization of several County departments
- Article 2, Paragraphs 5 and 7 – to update the list of member organizations
- Article 7, Paragraph 1 – to clarify the definition of a quorum

15. **A-4 – AUTHORIZATION OF ADDITIONAL FUNDS TO INCREASE THE CONSTRUCTION CONTRACT BETWEEN THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY AND FALLS CHURCH CONSTRUCTION CORPORATION FOR THE GUM SPRINGS GLEN PROJECT (MOUNT VERNON DISTRICT).**

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize this funding and contract amendment. Supervisor Kauffman seconded the motion. Following discussion with input from Robert Counts, Director, Development and Real Estate Finance, Department of Housing and Community, the question was called on the motion and it carried by unanimous vote.

16. **I-1 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON HOLLY COURT APARTMENTS (LEE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated March 5, 2001, requesting authorization for staff to sign a letter on Holly Court Apartments and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

17. **I-2 – LOCAL COMMENT LETTERS TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY ON LITTLE RIVER GLEN ASSISTED LIVING APARTMENTS (BRADDOCK DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated March 5, 2001, requesting authorization for the County Executive to sign the following letters regarding Little River Glen Assisted Living Apartments and forward them to VHDA:

- Application for Federal Housing Tax Credits
- Locality Census Tract Calculation waiver request

The staff was directed administratively to proceed as proposed.

18. **I-3 – LOCAL COMMENT LETTERS TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON COPPERMINE PLACE APARTMENTS (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated March 5, 2001, requesting authorization for the County Executive to sign the following letters regarding Coppermine Place Apartments and forward them to VHDA:

- Application for Federal Housing Tax Credits
- Locality Census Tract Calculation Waiver request

The staff was directed administratively to proceed as proposed.

19. **I-4 – LOCAL COMMENT LETTERS TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON GUM SPRINGS GLEN ELDERLY DEVELOPMENT (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated March 5, 2001, requesting authorization for the County Executive to sign the following letters regarding Gum Springs Glen Elderly Development and forward them to VHDA:

- Application for Federal Housing Tax Credits
- Locality Census Tract Calculation Waiver request.

The staff was directed administratively to proceed as proposed.

PMH:pmh

20. **CHILD ABUSE PREVENTION MONTH** (Tape 5)

Chairman Hanley said that the Advisory Social Services Board has requested that the County recognize April as Child Abuse Prevention Month.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the Advisory Social Services Board to appear before the Board at the April 2, 2001, meeting to receive a Proclamation declaring April as "*Child Abuse Prevention Month*" in Fairfax County. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

21. **FAIRFAX COUNTY VOLUNTEER RECOGNITION DAY** (Tape 5)

Chairman Hanley said that Volunteer Fairfax will sponsor the ninth annual Fairfax County Volunteer Service Awards program on April 24, 2001. To recognize the important efforts made by volunteers, Volunteer Fairfax has requested that the County recognize April 24, 2001, as Fairfax County Volunteer Recognition Day.

Chairman Hanley moved that the Board direct staff to invite representatives from Volunteer Fairfax to appear before the Board at the April 2, 2001, meeting to receive a Proclamation declaring April 24, 2001, as "*Fairfax County Volunteer Recognition*" Day in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

22. **FIFTEENTH ANNUAL 5K RUN/2K FUN RUN-WALK** (Tape 5)

Chairman Hanley said that the Fair Lakes League will host its fifteenth annual 5K Run/2K Fun Run-Walk to benefit the National Marrow Donor program and in recognition of this life saving program requests that the County recognize September as National Bone Marrow Awareness Month.

Chairman Hanley moved that the Board direct staff to invite representatives from the Fair Lakes League and the Health Department to appear before the Board at the August 6, 2001, meeting to receive a Proclamation declaring September as *National Bone Marrow Awareness Month* in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

23. **THE FINANCE COMMUNITIES INCREASING RESOURCES FOR CHILDREN'S LEARNING EXPERIENCES (CIRCLE)**
(Tape 5)

Chairman Hanley referred to the CIRCLE and noted that the County has been asked to be part of the project and she asked unanimous consent that the Board direct staff to send a copy of the proposed letter to the Congressional and Senate delegations. Supervisor Connolly seconded the motion and it carried by unanimous vote.

24. **SCHOOL BOARD'S FISCAL YEAR (FY) 2002 ADVERTISED BUDGET** (Tape 5)

Chairman Hanley distributed copies of the School Board's FY 2002 Advertised Budget.

25. **SPOT IMPROVEMENT TRANSPORTATION IMPROVEMENT PROJECTS** (Tape 5)

Chairman Hanley referred to a memorandum regarding the Spot Improvement Transportation Improvement Project and she asked unanimous consent that the Board direct staff to provide a list of previously approved spot improvement projects, their status, whether they are fully funded or need additional funding, and whether any on the current list have previous monies assigned to them. Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to report with information regarding the extension of the right-turn lane for traffic westbound on Braddock Road turning northbound onto Route 123 into the City of Fairfax. Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to provide an analysis of this issue. Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to report regarding trails and cross-walks. Without objection, it was so ordered.

26. **LONG TERM CARE** (Tape 5)

Chairman Hanley asked unanimous consent that the Board direct staff to determine whether long term care is offered to County employees. Following a brief discussion with input from Anthony H. Griffin, County Executive, without objection, the request was so ordered.

27. **LINCOLN-LEWIS-VANNOY AREA** (Tape 5)

Chairman Hanley referred to the issue of the Lincoln-Lewis-Vannoy area in reference to the issue of a waiver. She noted one case where the Health Department certified that a constituent could drill the well for a new home, but after they drilled it, the water was contaminated. They were permitted to move into the new house as long as they agreed not to use the water for cooking and drinking until it was safe and they installed a high-end water filtration system.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

28. **AMENDMENT OF THE CODE OF THE COUNTY OF FAIRFAX
CHAPTER 41, (ANIMALS AND FOWL) REGARDING EXOTIC
ANIMALS** (Tape 5)

Supervisor Hyland said that recently, one of his constituents sent him a letter concerning the legalization of hedgehogs as pets, specifically the "African pygmy" variety generally sold in pet stores. Research indicates that Fairfax County is the only county in Virginia where such a prohibition against keeping hedgehogs as pets exists.

Supervisor Hyland asked unanimous consent that Board direct staff to report on the feasibility of amending the exclusions under the definition of wild and exotic animals in the Code of the County of Fairfax, Chapter 41 (Animals and Fowl) to include hedgehogs.

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

29. **PROFFER SYSTEM** (Tape 5)

Supervisor Hyland said that Fairfax County gained a national reputation as one of the best places to raise children because of its excellent school system. Many families coming to the Washington area selected Fairfax County as the best place to live solely because of the schools. Access to the District of Columbia may have been better in Maryland, but the schools were more often the deciding factor in choosing a home.

Supervisor Hyland referred to his written Board Matter regarding the proffer system and asked unanimous consent that the Board direct staff to:

- Review the proffer system and its current priorities and the funding mechanisms to support such proffers.
- Report with recommendations for revising those priorities and for creating specific funding mechanisms to support the proffer system.

Following discussion, Chairman Hanley relinquished the Chair to Acting-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information regarding impact fees. Without objection, it was so ordered.

Chairman Hanley asked unanimous consent that the Board direct staff to review the development criteria. Without objection, it was so ordered.

Acting-Chairman Bulova returned the gavel to Chairman Hanley.

30. COX CABLE EDITION (Tape 5)

Supervisor Gross said that many of her constituents were surprised to learn last week that Cox Communications is terminating its service of providing the monthly television viewers' guide titled *Cable Edition* to its subscribers. They learned of this change through the most recent issue of *Cable Edition* which proudly touts on its cover: "Introducing a Great New Way to Enjoy TV!" Customers then learn that this March issue of *Cable Edition* is the final one and the "great new way to enjoy TV" is purchasing a subscription to *TV Guide* at a special rate of \$3.99 per month. In other words, Cox is discontinuing its monthly guide, and offering to add the price of *TV Guide* to its cable bills.

Supervisor Gross said that while the Board's powers under the Federal Telecommunications Act are limited, she believes that the board has the right to question this change in service, which is the equivalent of a rate increase of \$48 annually to every subscriber. This represents an approximate 30 percent rate increase to Basic Rate subscribers, in apparent violation of the franchise agreement with the County, and without consultation with the Board. In response to the many complaints she has received in the past several days, she spoke with Cox staff, only to find that no reasonable alternatives would be available. The timing is especially questionable, at a time when customers continue to express frustrations with their cable service and the pace of the promised system upgrade.

Therefore, Supervisor Gross moved that the Board:

- Refer this issue to County staff to investigate this matter expeditiously, to express the Board's concerns to Cox Communications.
- Report its findings and recommendations by the March 19, 2001, Board meeting.
- Direct staff to present options to be presented to Cox which should include, but not be limited to:
 - Reversing the decision to halt publication of *Cable Edition*.
 - Allowing individual subscribers to choose between *Cable Edition* or the "Great new way to enjoy TV."

- At the very least, delaying this change in service until Cox completes its service upgrade.

Supervisor Mendelsohn seconded the motion.

Following discussion and input from Anthony H. Griffin, County Executive, and Walter "Skip" Munster, Director, Telecommunications Management Division, Department of Telecommunications and Consumer Services, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

31. **GREEN SPRING GARDENS PARK HOSTS GARDEN MARKETS**
(Tape 5)

Supervisor Gross announced that Green Spring Gardens Park hosts Garden Markets every Saturday from 8 a.m. until noon, March 10 through May 12, 2001.

32. **NO BOARD MATTERS FOR SUPERVISOR BULOVA** (Tape 5)

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

33. **THE COUNTY'S NEWLY DESIGNED WEBSITE** (Tape 5)

Supervisor Frey noted that the County's Department of Information Technology (DIT) has been working very hard to create a project plan for a redesign of the County's website. This plan will take on several phases. Today from noon until 3 p.m., DIT staff will be available in conference room 6 to show the redesign prototype and to answer any questions. He pointed out that the prototype sample is of the soon-to-be, newly created Sully web page. He commended staff on their efforts.

34. **CHANTILLY YOUTH ASSOCIATION (CYA) BALLFIELD**
(Tape 5)

Supervisor Frey said that CYA has been working with staff regarding a ball field located on the West Ox Road landfill. He said that there are efforts underway to relocate the field.

Supervisor Frey moved that the Board direct staff to take no action to move CYA off the landfill field until the situation can be resolved. Chairman Hanley seconded the motion.

Following input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of seven,

Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Frey moved that the Board direct staff to add to the list of Consideration Items \$158,000 for the relocation of the CYA ballfield. Supervisor Bulova seconded the motion and it carried by a vote six, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

35. **BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE (BPOL) TAX** (Tape 5)

Supervisor Frey said that the recent slowdown in the growth in the high-tech economy has served to highlight the importance of diversifying the County's tax base. This was one of the issues discussed at the Board's recent joint meeting with the Economic Development Authority (EDA).

Supervisor Frey said that towards that goal, he has been working with the staff at the EDA in discussions with a Fortune 100 firm engaged in the flight simulation industry. This company will be making a \$200 million investment with 180 new jobs. He reminded Board Members that in a similar effort several years ago the business personal property tax rate on simulators was reduced due to their unique features and cost. Unfortunately, the only flight simulator firm in the County was bought out and eventually relocated.

Supervisor Frey stated that Loudoun County is now considering creating a special category within its BPOL tax structure for flight simulators, and he proposed that it is appropriate for Fairfax to consider doing the same. Because there are currently no simulators in Fairfax, reducing the BPOL tax rate would have no negative impact. However, due to the approximately 5,000 people that will come to Fairfax to go through the simulator educational program, there will be demand for approximately 20,000 hotel room nights per year. Additionally, there will be new demand for restaurant meals, car rentals, and other services associated with this business, creating a tremendous positive impact economically.

Supervisor Frey moved that the Board direct staff to:

- Review the issue of amending the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), relating to BPOL taxation, specifically Article 7.2-1 (b)(3)(A) to include persons engaged in the business of leasing aircraft or flight simulators; or persons engaged in the business of providing flight simulation training.

- Schedule a public hearing to be held before the Board on April 2, 2001, so that it can be considered in conjunction with the budget.
- Request the EDA to provide a recommendation.

Supervisor Connolly seconded the motion.

Following discussion and input from David P. Bobzien, County Attorney, 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.

NV:nv

36. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR STUART MENDELSON** (Tape 6)

Supervisor Mendelsohn announced that he had no Board Matters to present and he wished Chairman Hanley a happy birthday.

37. **SHERIFF'S "FLYING SQUAD"** (Tape 6)

Supervisor Connolly stated that he recently met with the staff from the Sheriff's Office. That office is expanding an innovative work release program which he refers to as a "Sheriff's Flying Squad." Offenders who meet very strict eligibility criteria may be considered for inclusion on work crews that clean up various areas of the community. The office plans to formalize and expand this program and has a draft brochure on it. On some weekends as many as 50-100 inmates can be pulled together to work on an area. Supervisor Connolly noted that inmates recently cleaned two areas in Providence District, Hollywood Road and Lee Highway as it crosses the Capital Beltway.

Accordingly, Supervisor Connolly moved that the Board direct staff to invite Sheriff Stan Barry and his colleagues involved with this program to appear before the Board to be congratulated for their efforts and to briefly explain the expansion of the program. Noting that there had been a previous Board Matter presented on this program and that the Sheriff's Department has representation on the Sign Task Force, Chairman Hanley seconded the motion. The question was called on the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

38. **FAREWELL TO HILLARY ZAHM, STAFF AIDE TO SUPERVISOR CONNOLLY** (Tape 6)

Supervisor Connolly announced that Hillary Zahm, his staff aide who handled land use cases for the last three years, is leaving County service to

accept a position in the private sector. He outlined the scope of her work over the years and expressed appreciation for her efforts. He and the entire Board wished her success with a round of applause.

39. **COMMENTS ON GENERAL ASSEMBLY ACTIONS** (Tape 6)

Noting that she had been absent from last week's meeting because she had to attend a meeting in Florida, Supervisor McConnell said she missed the discussion of the General Assembly's actions. She expressed her disappointment with the General Assembly's defeat of the one-cent sales tax referendum, an idea she had championed to raise revenues equally for transportation and school construction. She urged citizens to contact their representatives to the General Assembly to express their views.

(NOTE: Later in the meeting, the Board commented further on General Assembly actions. See Clerk's Summary Item CL#41.)

40. **BEAVER REPORT** (Tape 6)

Supervisor McConnell reported that the Tysons Corner beavers that were transported to her ranch in the Luray area of Page County were doing well. In response to a query from Supervisor Connolly, she said that two more beavers could be accommodated, if necessary.

41. **FURTHER COMMENT REGARDING THE GENERAL ASSEMBLY** (Tape 6)

(NOTE: Earlier in the meeting, Supervisor McConnell commented regarding General Assembly actions. See Clerk's Summary Item CL#39.)

Supervisor Kauffman expressed his support of Supervisor McConnell's position.

Supervisor McConnell also expressed appreciation to Delegate James Dillard for his valiant efforts regarding the one-cent sales tax referendum issue.

42. **DEFERRAL OF THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 00-V-052** (Tape 6)

On behalf of Supervisor Hyland, Supervisor Kauffman announced his intent to defer the public hearing on Special Exception Application SE 00-V-052, scheduled for later in the afternoon, until 3 p.m. on March 19, 2001.

(NOTE: Later in the meeting the Board formally deferred this public hearing. See Clerk's Summary Item CL#56.)

43. **CONCURRENT PROCESSING OF PLANNED RESIDENTIAL COMMUNITY (PRC) AND SITE PLANS FOR RESTON SECTION 91A** (Tape 6)

Supervisor Hudgins stated that Equity Office and its development partner, the Petersen Companies, filed a PRC Plan and site plan for the first of two office buildings associated parking structures. The property is currently developed as surface parking and the site is approved for development of office uses and parking, with a maximum height of 21 stories. The proposed plans provide for an office building that is ten floors above grade with both below and above grade structured parking beneath the office building. Equity Office and the Petersen Companies have requested concurrent processing of the PRC plan and site plan for Phase I Corner Building Project for staff to consider the proposed office and parking development as a single, integrated, and coordinated project. She noted that prior to submission of the application, the applicants appeared before the Planning and Zoning of Reston Committee as well as the Town Center Design Review Board and received favorable considerations.

Accordingly, Supervisor Hudgins moved that the Board authorize staff to accept and process concurrently the PRC plan and site plans for Reston Section 91A, Blocks 3 and 4, Tax Map Number 017-1((16)), Parcel 1. She noted that this motion does not alleviate the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor Kauffman being out of the room.

44. **CONGRATULATIONS TO ALAN WEBB** (Tape 6)

Supervisor Hudgins noted the recent successes of champion runner Alan Webb of South Lakes High School. She stated that he has been invited to appear before the Board and will do so when his schedule permits. She congratulated him for being an outstanding athlete.

45. **CLARIFICATION REGARDING SPECIAL EXCEPTION APPLICATION SE 00-H-028, SAINT MARK'S CATHOLIC CHURCH** (Tape 6)

Supervisor Hudgins said that last week the Board approved Special Exception Application SE 00-H-028 with numerous conditions such as setting a maximum enrollment of 400 students, a maximum building size of 52,000 square feet, and a carpool ratio of 2.75 students. She said the Board's approval was not conditioned on any pending future development, enrollment, or future opportunities for development. Any efforts to look

to pending increases in enrollment cause her concern. She was dismayed to view on the website of Saint Mark's Catholic Church that the church looked forward to increasing its enrollment to 500 parish children pending future approval by the Board.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board go on record noting that should Saint Mark's Catholic Church make the economic decision to build a 52,000 square foot site, the Board is in no way obligated in the future to approve an application for increased enrollment. The appropriate enrollment for the Saint Mark's site was resolved by the Board on February 26, 2001, and that enrollment was set at 400 students currently and into the future.

Following discussion, without objection, it was so ordered.

46. **RECESS/CLOSED SESSION** (Tape 6)

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

- *Jane W. Gwinn, Fairfax County Zoning Administrator versus John M. Thoburn, et al.*; In Chancery Numbers 161908 and 163450
- In re: Septic systems in West Oaks, Section II
- Layng versus Board of Supervisors; In Chancery Number 162042

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Chairman Hanley announced that closed session would convene at 1:30 p.m.

DS:ds

At 3:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION47. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Connolly seconded the motion.

Chairman Hanley announced that Supervisor Hyland was not in closed session, and would not be back this afternoon.

The question was called on 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.

48. **REJECTION AND AUTHORIZATION FOR SETTLEMENT OF THE CASE OF LAYNG, ET AL. VERSUS FAIRFAX COUNTY BOARD OF SUPERVISORS, ET AL.** (Tape 7)

Supervisor Mendelsohn moved that the Board:

- Reject the settlement proposal presented by opposing counsel in the case of *Layng, et al. versus Fairfax County Board of Supervisors, et al.*, In Chancery Number 162042.
- Authorize the County Attorney to settle the case of *Layng, et al. versus Fairfax County Board of Supervisors, et al.*, In Chancery Number 162042, in accordance with the terms and conditions outlined by the County Attorney in closed session.

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

49. **AUTHORIZATION TO EXECUTE THE SECOND AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (EAST PARCEL)** (Tape 7)

Supervisor Frey moved that the Board authorize the County Executive to execute the Second Amendment to the Real Estate Sales Agreement (East Parcel), dated December 18, 2000, as amended by the First Amendment

on January 22, 2001, with Koll Metropolitan, LLC. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

50. **AUTHORIZATION TO EXECUTE THE SECOND AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (WEST PARCEL)**
(Tape 7)

Supervisor Frey moved that the Board authorize the County Executive to execute the Second Amendment to the Real Estate Sales Agreement (West Parcel), dated December 18, 2000, as amended by the First Amendment on January 22, 2001, with Koll Metropolitan, LLC. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

51. **FAILING SEPTIC SYSTEM AT A RESIDENCE IN WEST OAKS ESTATES SECTION II** (Tape 7)

Supervisor Frey said that it has come to his attention that there is a fairly new residence in West Oaks Estate Section II that has a failing septic system. The Health Department approved this particular septic system in 1998 after an independent certified soil scientist presented it with a perk test result that indicated the soils on the lot could support a septic field for the residence in question. Unfortunately, the septic field has failed and a number of soil scientists from the County, the Virginia Department of Health, and private sector have conducted investigations and have made their best efforts to develop a solution. None of these experts has been able to suggest a definitive solution. The property owner has been required since September of last year to pump out the septic tank every five days at a substantial expense.

The property in question is not in the County's approved sewer service area. However, the property could be connected to the County sewer with a pump under the 400-foot rule, except for the fact that the 400-foot rule, as it presently reads, only applies in situations where the line can work with gravity flow. He said that he believes this situation calls for a creative solution to allow this residence to be served by public sewer. Supervisor Frey said that nothing in the motion should be construed as a commitment to County funding for this sewer; that will be worked out between the homeowner and the original developer and its subcontractors.

Therefore, Supervisor Frey moved that the Board, in accordance with the terms and conditions outlined by the County Attorney in closed session, direct staff to consider and make recommendations to the Board at its April 2, 2001, meeting as to whether the Board should modify the 400-foot rule for the limited purpose of allowing a residence to connect to the public sewer with a pump under the 400-foot rule if it has a failing septic

system and there are no other reasonable alternative solutions. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

SBE:sbe

52. **3 P.M. – PH ON REZONING APPLICATIONS RZ 2000-SU-043 AND RZ 2000-SU-042 (WINCHESTER HOMES, INCORPORATED), AND RZ 2000-SU-029 (PULTE HOME CORPORATION) (SULLY DISTRICT)** (Tapes 8-9)

(O) Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record on Rezoning Application RZ 2000-SU-043.

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

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

- In excess of \$200 from Pulte Home Corporation
- From Mr. Gerald Waldman to Friends of Michael Frey

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

- In excess of \$200 from Pulte Home Corporation

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record on Rezoning Application RZ 2000-SU-042.

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

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

- In excess of \$200 from Pulte Home Corporation
- In excess of \$200 from Mr. William P. and Ms. Peggy J. Seneker

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

- In excess of \$200 from Pulte Home Corporation

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record on Rezoning Application RZ 2000-SU-029.

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.

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

- In excess of \$200 from Pulte Home Corporation
- In excess of \$200 from Mr. Gerald Waldman

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

- In excess of \$200 from Pulte Home Corporation

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

Discussion ensued with input from Mr. McDermott, Mr. Lawrence, and Barbara A. Byron, Director, ZED, DPZ.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance as it applies to the property that is the subject of Rezoning Application RZ 2000-SU-029 from the R-1, R-2, HC, and WS Districts to the PDH-8, HC and WS Districts and approval of the Conceptual Development Plan, subject to the executed proffers dated March 2, 2001, and the Conceptual Development Plan conditions dated March 5, 2001.
- Waiver of the 600 foot maximum length requirement of a private street.

- Waiver of transitional screening and barrier requirements for the common boundaries between unit types within the zoning application and the common boundaries with the concurrent zoning applications within Centreville Farms.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the northern, northeastern, and southern application property boundaries.
- Waiver of construction of the service drive along Route 29.
- Waiver of the 200-foot setback requirement for residential structures located adjacent to an interstate highway.
- Waiver of the 200 square foot privacy yard for the single family attached units in Landbay 1 and Landbay 3, west of the Spine Road.
- Waiver of the fence height limitations pursuant to paragraph 8 of Section 16-401 of the Zoning Ordinance to permit an 8-foot fence within the open space along Stringfellow Road frontage and to permit 8-foot wrought iron fence around the perimeter of the multi-family development within Landbay 2.

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

Supervisor Frey moved:

- Amendment of the Zoning Ordinance as it applies to the property that is the subject of Rezoning Application RZ 2000-SU-042 from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to execution of proffers consistent with those dated March 2, 2001 and the Conceptual Development Plan conditions dated March 5, 2001, with a minor amendment in condition number one:

- The last sentence should read, "This minimum building setback restriction shall be disclosed in the Homeowners Association documents."
- Waiver of the 200-foot setback requirement of residential structures from an interstate highway pursuant to Section 2-414 of the Zoning Ordinance.
- Waiver of the 200 square foot privacy yard for single family attached units pursuant to paragraph 2 of Section 6-107 of the Zoning Ordinance for the "Mews" townhouse units which are proposed with an alternative development plan depicted on sheet 17 of the Conceptual Development Plan/Final Development Plan.
- Modification of the transitional screening and barrier requirements along the portion of the northwest property boundaries adjacent to Tax Map 54-4((2)) 5.
- Waiver of the 600-foot maximum length requirement of private streets.

Supervisor Frey stated for the record that the applicant is also proposing construction of the wet pond within the development to meet the BMP requirements of the WSPOD District and will need waivers of the Public Facility Manual to provide for a wet pond in a residential neighborhood. While Board policy is to discourage wet ponds in residential areas, unless regional in nature, this pond is designed to be an amenity for the development and the applicant has indicated that it is the only way BMPs can be met. The applicant must demonstrate, to the satisfaction of the Department of Public Works and Environmental Services (DPWES), that there are no other reasonable options to meet the BMPs available, given the proposed design of the development. If they can meet the standards as designed by the DPWES, there would be no objection by the Board as part of this motion.

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

Supervisor Frey moved:

- Amendment of the Zoning Ordinance as it applies to the property that is the subject of Rezoning Application RZ 2000–SU-043 from the R-1, R-2, WS and HC Districts to the PDH-4, WS, and HC Districts and approval of the conceptual development plan, subject to execution of proffers dated March 2, 2001.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the eastern property boundary and between the townhouse and single family detached units located within the zoning application.
- Waiver of construction of the service drive along the Route 29 frontage.
- Waiver of the 600-foot maximum length requirement of private streets.

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

ADDITIONAL BOARD MATTER

53. **RECOGNITION OF BOY SCOUT TROOP 1000 FROM THE LORD OF LIFE LUTHERAN CHURCH** (Tape 9)

Chairman Hanley recognized the presence of Boy Scout Troop 1000 from the Lord of Life Lutheran Church, in Braddock District, and warmly welcomed them to the Board Auditorium.

Supervisor Bulova warmly welcomed Troop Leader Jim Mays and the entire troop also.

AGENDA ITEMS

54. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 119 (GRASS OR LAWN AREA)** (Tape 9)

(O)(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 15 and February 22, 2001.

Following the public hearing, discussion ensued with input from Craig Carinci, Director, Environment and Facilities Inspection Division, Department of Public Works and Environmental Services, Connie Shepherd, DPWES, and Penelope Rood, Code Enforcement Coordinator III, DPWES.

Supervisor Connolly moved adoption of the Resolution of proposed amendments to the Code of the County of Fairfax, Chapter 119 (Grass or Lawn Area) regarding the procedures for serving notices of violation to property owners and updating the names of County agencies. These amendments shall become effective at **12:01 a.m., March 6, 2001**. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

55. **RECOGNITION OF FORMER LEE DISTRICT SUPERVISOR, JOSEPH ALEXANDER AND FORMER SPRINGFIELD DISTRICT SUPERVISOR MARIE TRAVESKY** (Tape 9)

Chairman Hanley recognized the presence of former Lee District Supervisor Joseph Alexander and warmly welcomed him to the Board Auditorium.

Chairman Hanley also recognized the presence of former Springfield District Supervisor Marie Travesky and warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 00-V-052 (EXXON/MOBIL CORPORATION) (MOUNT VERNON DISTRICT)** (Tape 9)

Supervisor Kauffman, on behalf of Supervisor Hyland, moved to defer the public hearing on Special Exception Application SE 00-V-052 until **March 19, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

57. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-059 AND SPECIAL EXCEPTION APPLICATION SE 00-V-031 (TOSCO REFINING LP) (MOUNT VERNON DISTRICT)** (Tape 9)

Ms. Marie B. Travesky reaffirmed the validity of the affidavit for the record.

Ms. Travesky 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, William Mayland, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman, on behalf of Supervisor Hyland, moved approval of:

- Proffered Condition Amendment Application PCA 89-V-059, subject to the proffers dated February 27, 2001.
- Reaffirmation of modifications of the transitional screening barrier requirements in favor of the previously approved barriers and buffers; and, reaffirmation of the waiver of the service drive requirement along Route 123.
- Special Exception Application SE 00-V-031, subject to the development conditions dated February 28, 2001.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the western and

southern property boundaries of SE 00-V-031, in favor of the buffer shown on the SE plat.

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

58. **3:30 P.M. – PH ON THE ACQUISITION OF LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE FINAL SEGMENT OF SOUTH VAN DORN STREET (LEE DISTRICT)**
(Tape 9)

(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 15 and February 22, 2001.

Following the public hearing, which included testimony by five speakers, discussion ensued with input from Larry Ichter, Chief of the Transportation Design Branch, Department of Public Works and Environmental Services.

Supervisor Kauffman moved adoption of the Resolution authorizing the acquisition of interests in real property necessary for the construction of the final segment of South Van Dorn Street, Project 064134 - South Van Dorn III. Supervisor Connolly 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.

59. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATIONS SE 00-B-049 AND SE 99-B-029 (TWOCHÉZ AND COMPANY, INCORPORATED) (BRADDOCK DISTRICT)** (Tape 9)

Ms. Lori Greenlief reaffirmed the validity of the affidavit for the record.

Ms. Greenlief 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, Amy Parker, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved to **DENY** Special Exception Application SE 99-B-029 by Twochez and Company, Incorporated trading as

Heritage Mall Service Center, for failure to meet the following Zoning Ordinance requirements for special exceptions:

- Section 9-000 - General Provisions.
- Section 9-006 - General Standards, number one, number three, number five, number seven, and number eight.
- Section 9-525 - Additional Standards for Truck Rental Establishments, number two and number six.

Supervisor Bulova moved to **DENY** Special Exception Application SE 00-B-049 by Twochez and Company Incorporated, trading as Heritage Mall Service Center, for failure to meet the following Zoning Ordinance requirements for special exceptions:

- Section 9-000 - General Provisions
- Section 9-003 - General Standards, number one, number three, number five, number seven, and number eight
- Section 9-525 - Additional Standards for Truck Rental Establishments, number two
- Section 9-616, Driveways for Uses in a C or I District, number two

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

ADDITIONAL BOARD MATTER

60. **MEMORANDUM REGARDING PROPOSED PLAN REVIEW PROCESS 2001-2005** (Tape 9)

Chairman Hanley called the Board's attention to a memorandum from John Byers, Vice-Chairman of the Planning Commission, entitled "Policy and Procedures Committee Recommendations Regarding Proposed Plan Review Process 2001-2005." A brief discussion ensued with input from Barbara Bryon, Director, Zoning Evaluation Division, Department of Planning and Zoning.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to return this item

to the Board as a Consideration Item at its next meeting. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

61. **BOARD ADJOURNMENT** (Tape 9)

At 5:20 p.m., the Board adjourned.

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