



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 20, 2002**

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13-02

DS:ds

The meeting was called to order at 9:10 a.m., with all Members being present, and with Chairman Hanley presiding.

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

BOARD MATTERS

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

Supervisor Frey said that two weeks ago there was a terrible accident in Centreville, Virginia, and a beautiful young five year old girl named Ashley Batra Dubey was struck by a car as she was trying to cross Old Centreville Road. She remains in grave condition. The community has had prayer vigils since then, and all of Centreville is keeping Ashley in their thoughts and prayers, and he asked that the Board do so as well.

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

Chairman Hanley called the Boards' attention to their red folders and noted that there were many handouts to attach to items previously distributed.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JENNIFER BENISON** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Jennifer Benison for being awarded a Prudential Spirit of Community Award. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO AMERICORPS* NATIONAL CIVILIAN COMMUNITY CORPS SENATE TEAM 11** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to AmeriCorps* National Civilian Community Corps Senate Team 11 for making repairs on the boardwalk at Huntley Meadows Park and restoring a meadowland for the park's wildlife. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY AS "EARLY INTERVENTION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May as "Early Intervention Month" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LYNNE POPE** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to Lynne Pope, Principal of Deer Park Elementary School, for her service as principal. Supervisor Connolly and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

7. **RESOLUTION TO RECOGNIZE MR. AND MRS. JAMES MOTT** (Tape 1)

Supervisor McConnell moved approval of the Resolution to recognize Mr. and Mrs. James Mott for their service to the residents of Fairfax County. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. HENLEY GABEAU** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Henley Gabeau for her service on the Community Criminal Justice Board. Supervisor McConnell seconded the motion and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO GLENN AND BETTY STROUP** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to Glenn and Betty Stroup for their outstanding commitment to the Sully District community. Supervisor Connolly seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING MAY 30 - JUNE 2 AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley said that the Springfield Days representatives would be here later in the day; therefore this proclamation would be presented later in the meeting.

(NOTE: Later in the meeting this proclamation was presented. See Clerk's Summary Item CL#59.)

11. **PROCLAMATION DESIGNATING MAY 19 - 25 AS "NATIONAL PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation to designate May 19 - 25 as "*National Public Works Week*" in Fairfax County. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

12. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY COMMUNITY ACTION ADVISORY BOARD (CAAB) ON THE WOODLEY HILLS ELEMENTARY SCHOOL LAPTOP PROGRAM EVALUATION** (Tapes 1-2)

(BACs) Chairman Hanley called the Board's attention to their red folders and noted that there was a handout regarding this evaluation.

Lawrence Graham, Chairman, CAAB, and Philip Rosenthal, Vice-Chairman, CAAB, gave the presentation on the Woodley Hills Elementary School laptop program evaluation.

Mr. Rosenthal informed the Board that a grant from the US Department of Education, in partnership with Fairfax County Schools and UCM Community

Solutions, has enabled CAAB to offer computer instruction and English as a Second Language classes to parents and their children in the evenings, and also on Saturday. Mr. Rosenthal said that as part of CAAB's next annual report data will be provided on the success of this newly implemented portion of the program.

Following discussion, Chairman Hanley asked unanimous consent that the Board direct staff to draft a letter for her signature to the Fairfax County School Board commending this program and encouraging its members to invite the CAAB to appear before the Board and make the same presentation. Without objection, it was so ordered.

Following further discussion, with input from Dr. Molly Davis, Professor of Social Work, George Mason University; Rima Vesilind, Principal, Woodley Hills Elementary School; and Marianne O'Brien, Grant Director; Supervisor Kauffman asked unanimous consent that the Board direct staff to draft a letter for Chairman Hanley's signature to be sent to the Congressional Delegation to make them aware of what has been done locally and successfully with the Department of Education grant. Without objection, it was so ordered.

Following input from Mrs. O'Brien, Supervisor Connolly asked unanimous consent that the Board direct staff to draft a letter to the Council of Governments similar to the one being sent to the School Board. Without objection, it was so ordered.

13. **INTRODUCTION OF MS. ROSARIA "ANGIE" CARRERA** (Tape 2)

Chairman Hanley noticed the presence of Ms. Angie Carrera, and warmly welcomed her to the Board Auditorium. She said that although most of the Board Members know Ms. Carrera, this is her first day on the job as Language Access Coordinator in the County Executive's office.

14. **10:15 A.M. – PRESENTATION BY THE FAIRFAX COUNTY SMALL BUSINESS COMMISSION (SBC) ON ITS ANNUAL REPORT** (Tape 2)

(BACs) Chairman Hanley commended the SBC on the format of its annual report. She said that it was extremely useful.

John Towns, Chairman, SBC, presented its annual report.

Following discussion, Supervisor Gross asked about the status of bylaw revisions. Mr. Towns said that the Commissioners need to review the revisions before they provide it to the Board.

Discussion ensued with input from Katie Fike, Mount Vernon District Representative, SBC, and Mr. Towns.

ADDITIONAL BOARD MATTER**Delegation from the Netherlands** (Tape 2)

Chairman Hanley recognized that there was a Delegation from the Netherlands in the auditorium and asked its members to remain because she wanted to properly introduce them later in the meeting.

(NOTE: Later in the meeting the delegation was introduced. See Clerk's Summary Item CL#15.)

Further discussion ensued with input from Mr. Towns.

PW:pw

ADDITIONAL BOARD MATTER

15. **INTRODUCTION OF MAYOR OF THE CITY OF ARNHEM AND DELEGATION FROM THE NETHERLANDS** (Tape 3)

Chairman Hanley recognized the presence of a delegation from The Netherlands which included Mayor P.C. Krikke, City of Arnhem; Alderman J.H.G. Walraven, City of Overbetuwe; a university chief information officer, directors of several major companies and economic development authorities, and consultants who have been observing the Department of Information Technology. She warmly welcomed them and Mayor Krikke briefly addressed the Board.

16. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

TENANT LANDLORD COMMISSION

Chairman Hanley asked unanimous consent that the Board direct staff to clarify the Tenant Member and Condominium Owner Representatives seats to the Tenant Landlord Commission. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board discussed this item. See page 13.)

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Hanley moved the reappointment of Mr. James Francis Carey as the At-Large Lending Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Jerome A. Geary as the Non-Profit Housing Representative to the Affordable Dwelling Unit Advisory

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

CONFIRMATION:

Supervisor Connolly moved the confirmation of the following appointments to the Affordable Dwelling Unit Advisory Board:

- Ms. Barbara Byron as the Department of Planning and Zoning Representative
- Mr. John Lynn Payne as the Department of Housing and Community Development Representative

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

AIRPORTS ADVISORY COMMITTEE

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

ANIMAL SERVICES ADVISORY COMMISSION

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

ATHLETIC COUNCIL

The Board deferred the appointments of the Sully District Alternate and Women's Sports Association Alternate Representatives to the Athletic Council.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointments to the Athletic Council:

- Mr. George E. Ehling, Sr. as the Girls' Fast Pitch Softball Representative

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

AUDIT COMMITTEE

Supervisor Kauffman moved the reinstatement of Ms. Barbara J. Fried as the At-Large #1 Representative to the Audit Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

BOARD OF BUILDING CODE APPEALS

The Board deferred the appointments of the Superintendent of Building Construction and Citizen Representatives to the Board of Building Code Appeals.

CHARACTER COUNTS! TASK FORCE

Supervisor Frey moved the appointment of Mr. Mark A. Calhoun as the Sully District Representative to the Character Counts! Task Force. Supervisor McConnell seconded the motion, which carried by unanimous vote.

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

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Dranesville District Representative to the Child Care Advisory Council.

COMMISSION FOR WOMEN

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

COMMISSION ON AGING

Supervisor Hudgins moved the reappointment of Mr. Robert Gehring as the Hunter Mill District Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffmann moved the reappointment of Mr. Fred S. Hoffman as the Lee District Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Richard E. Risk as the Mason District Representative to the Commission on Aging. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. George T. Myers as the Mount Vernon District Representative to the Commission on Aging. Supervisor

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

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

Supervisor Hudgins moved the appointment of Ms. Pauline M. Moore as the Hunter Mill District Representative to the Community Action Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

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

COMMUNITY IMPROVEMENT COMMITTEE

The Board deferred the appointments of the Braddock, Dranesville, Mason, Mason (Fairdale Community), Providence, Springfield, and Sully District Representatives to the Community Improvement Committee.

CONSUMER PROTECTION COMMISSION

The Board deferred the appointments of the Fairfax County Resident #6 and #7 Representatives to the Consumer Protection Commission.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

Supervisor Kauffman moved the reinstatement of Mr. Robert W. Michie as the Lee District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointments of the Providence and Springfield District Representatives to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Hanley moved the appointment of Mr. Thomas Choman as the At-Large Fairfax County Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative to the Fairfax Area Disability Services Board.

Supervisor Connolly asked unanimous consent that the Board direct staff to recognize Judith Lieberman, former At-Large Fairfax County Representative to the Fairfax Area Disability Services Board. Without objection, it was so ordered.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley moved the reappointment of Ms. Renee M. Alberts as the At-Large #3 Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Ms. Cynthia L. Warger as the At-Large #4 Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Ms. Roxann P. Ridley as the Dranesville District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the reappointment of Mr. Herbert W. Taylor as the Providence District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #4 Representative to the Health Systems Agency Board.

HUMAN RIGHTS COMMISSION

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Bulova moved the appointment of Mr. Paul G. Leslie to fill the unexpired term of the late Mr. Robert M. de Lorenzi as the Braddock District Representative to the Information Technology Policy Advisory Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

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

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

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

LIBRARY BOARD

Supervisor Kauffman moved the reappointment of Mr. Mark D. Sickles as the Lee District Representative to the Library Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Flint H. Lewis to fill the unexpired term of Ms. Meaghan Shevlin Kiefer as the Sully District Representative to the Library Board. Supervisor Bulova seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZENS ADVISORY COMMITTEE

The Board deferred the appointment of the At-Large #4 Representative to the Northern Virginia Transportation Coordinating Council Citizen Advisory Committee.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Chairman Hanley asked unanimous consent that the Board direct staff to recommend that the committee members stagger their term expirations. Without objection, it was so ordered.

Chairman Hanley moved the reappointment of Ms. Lee Lavinthal Forman as the At-Large Chairman's Representative to the Oversight Committee on Drinking and Driving. Supervisor Connolly and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully District Representatives to the Oversight Committee on Drinking and Driving.

CONFIRMATION:

Supervisor Mendelsohn moved the confirmation of the following appointments to the Oversight Committee on Drinking and Driving:

- Ms. Janet Jo Anne Douglas as the ASAP Representative
- Mr. Dennis Fitzpatrick as the Commonwealth's Attorney Representative
- Mr. Patrick McConnell as the Fairfax-Falls Church Community Services Board Representative
- The Honorable Michael J. Cassidy as the General District Court Representative
- Mr. Fernando L. White as the Hispanic Committee of Virginia Representative (Formerly At-Large #4)
- Ms. Lin H. Tokarz as the INOVA Regional Trauma Center Representative
- The Honorable Teena D. Grodner as the Juvenile and Domestic Relations District Court Representative
- Mr. John F. Pinckney as the MADD Representative
- Lt. Bonnie Mahoney as the Office of the Sheriff Representative

- Lt. Col. Walter A. Baranyk as the Police Department Representative
- Ms. Susan A. Ferguson, Senior Vice-President, Insurance Institute for Highway Safety, as a Professional Representative
- Dr. James Louis Nichols, Administrator, National Highway Traffic Safety Administration, as a Professional Representative
- Mr. James C. Fell, Director, Traffic Safety and Enforcement Programs, PIRE, as a Professional Representative
- Ms. Sandy Richardson, Highway Safety Specialist, National Highway Traffic Safety Administration, as a Professional Representative
- Mr. Jonathan Walker, Analyst, National Highway Traffic Safety Administration, as a Professional Representative
- Mr. Jim Wright, Highway Safety Specialist, National Highway Traffic Safety Administration, as a Professional Representative
- Mr. Clarence David Jones as the Public School System Representative
- Mr. Kurt Gregory Erickson as the Washington Regional Alcohol Program Representative

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

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Hudgins moved the appointment of Mr. Lee A. Rau to fill the unexpired term of Ms. Brenda Donald as the Hunter Mill District Representative to the Redevelopment and Housing Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

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

TENANT LANDLORD COMMISSION

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

(NOTE: Earlier in the meeting, the Board discussed this item. See page 5.)

TREE COMMISSION

The Board deferred the appointments of the Springfield and Sully District Representatives to the Tree Commission.

AD HOC COMMITTEES**SIGN TASK FORCE**

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

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

Supervisor Hyland moved approval of the Administrative Items. 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."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF COUNTY-OWNED PROPERTY AT POHICK FIRE STATION NUMBER 35 TO APC REALTY AND EQUIPMENT COMPANY (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 4 p.m.** regarding the proposed leasing of County-owned property at the Pohick Fire Station Number 35, 7801 Maritime Lane, Tax Map 97-2((1)) 3, 4A for the purpose of installing a telecommunications base station and monopole.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL, LEE, MOUNT VERNON, PROVIDENCE, AND SULLY 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>
The Estates at Great Falls Crossing I	Hunter Mill	Cobble Mill Road Cobble Pond Way Dunn Meadow Road Route 6941 Hunter Mill Road Route 674 Additional ROW Only Leesburg Pike Route 7 Additional ROW Only
Sycamore at Van Dorn	Lee	Crown Royal Drive Route 8110 Oakwood Road
Twinbrook at Mount Air	Mount Vernon	Accotink Road Route 637 Additional ROW Only Telegraph Road Route 611 Additional ROW Only
Triwood	Providence	Edgelea Road Route 783 Additional ROW Only
Sully Station II	Sully	Stone Creek Drive Route 8025 Linden Creek Court

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

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

- Application 456A-D97-17-1 to July 19, 2002
- Application FSA-68-2 to July 20, 2002
- Application 2232-V02-9 to July 22, 2002
- Application FSA-60-1 to July 25, 2002

- Application FSA-B96-44-1 to July 26, 2002
- Application FSA-D96-50-1 to July 26, 2002
- Application FSA-H97-35-1 to July 26, 2002
- Application FS-S02-2 to July 28, 2002
- Application FSA-P99-27-2 to July 28, 2002
- Application FSA-P96-55-1 to July 29, 2002
- Application FSA-Y96-70-1 to July 29, 2002
- Application FSA-L96-75-1 to July 29, 2002
- Application FS-D02-4 to August 1, 2002

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 97-Y-067, HORIOM, LLC (SULLY DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 97-Y-067 to April 11, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-P-023, INOVA HEALTH CARE SERVICES (PROVIDENCE DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 99-P-023 to October 25, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) FOR FEDERAL TITLE IV-E ADMINISTRATIVE PASS-THROUGH FUNDS FOR FOSTER/ADOPTIVE PARENT TRAINING AND FOR CHILD WELFARE STAFF TRAINING

Approved DFS' application in the amount of \$440,298 to the VDSS for training activities for foster and adoptive families and enhanced training for child welfare staff. A 25 percent local cash match of \$110,075 is required and the remaining \$330,223 is funding from the grantor.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, TO EXPAND THE OAKTON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 19 (PROVIDENCE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, to expand the Oakton RPPD, District 19. The proposed district expansion includes the following street blocks:

- Strathaven Place (Route 7683) from Leamore Lane (Route 7741) to Lochmoore Lane (Route 7684)
- Strathaven Place from Lochmoore Lane to Lochalsh Lane
- Strathaven Place from Lochalsh Lane to the south end
- Leamore Lane from Strathaven Place to Gretna Place (Route 7743)
- Leamore Lane from Gretna Place to the east end
- Lochmoore Lane from Strathaven Place to Langholm Place
- Lochmoore Lane from Langholm Place to Edgelea Road (Route 7743)

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, to expand the Dunn Loring RPPD, District 3. The proposed district expansion includes the following street blocks:

- Carnegie Drive (Route 2408) from Bucknell Drive (Route 2415) to Citadel Place (Route 2409)

- Carnegie Drive from Citadel Place to Skidmore Circle (Route 2410)
- Carnegie Drive from Skidmore Circle to Wesleyan Street (Route 2413)
- Citadel Place from Carnegie Drive to the west end
- Citadel Place from Carnegie Drive to the east end
- Skidmore Circle from Carnegie Drive to the end

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), RELATING TO COURT AND SHERIFF'S FEES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 22, relating to the imposition of fees for court facilities, court security, and the processing of persons admitted to jail.

ADMIN 10 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (USDOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A GRANT UNDER THE UNIVERSAL HIRING PROGRAM

Authorized the FCPD's application to the USDOJ for a grant in the amount of \$3,900,000 for the establishment of 52 additional merit sworn law enforcement officer positions. A local cash match of \$14,318,663 over the 36-month period of the grant is required, for a total program cost of \$18,218,663.

- (A) **ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) SECTION 82-1-6, ADOPTION OF STATE LAW**

Authorized the advertisement of a public hearing to be held before the Board on **June 17, 2002, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State law.

18. **A-1 – ADOPTION OF PROPOSED REVISIONS TO CHAPTERS 4 AND 17 OF THE PERSONNEL REGULATIONS CLARIFYING POLICY FOR BONUS ELIGIBILITY, CREDITABLE SERVICE, CALCULATION OF BENEFITS AND BACK PAY UPON REINSTATEMENT BY THE CIVIL SERVICE COMMISSION AND HOUSEKEEPING REVISIONS FOLLOWING A REGRADE** (Tape 3)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the proposed revisions to Chapters 4 and 17 of the Personnel Regulations.

19. **A-2 – APPROVAL OF FAIRFAX COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED FISCAL YEAR (FY) 2003 OPERATING BUDGET, CAPITAL IMPROVEMENT PROGRAM, AND RAIL CAPITAL PROGRAM BUDGET** (Tape 3)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and endorse the following comments and direct staff to transmit them to WMATA:

- Commend WMATA for proposing a base budget that implements cost containment measures to meet the FY 2003 Budget guidelines adopted by the WMATA Board and does not include a fare increase for the eighth year in a row.
- Support the "above guidance" proposal increasing the systemwide operating subsidy by \$6.9 million for paratransit service growth, the escalator rehabilitation program expansion, and the opening of the regional clearing house.
- Support the increase in operating cost for the new 5000 series railcars purchased to reduce the overcrowding on all rail lines that has resulted from the continued growth in ridership.
- Request that WMATA fully comply with the Interjurisdictional Funding Agreement (IFA), approved in 1998, when considering FY 2003 regional bus service changes. The IFA states that WMATA will plan regional bus service in consultation the jurisdictions.
- Encourage WMATA to develop a process for negotiating capital commitments with the local jurisdictions for FY 2004 and beyond.

Supervisor Connolly seconded the motion.

Discussion ensued with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to reflect how the increase in the subsidy is allocated between the General Fund, State funding, and tax revenue. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

20. **A-3 – APPROVAL OF PROJECTS TO BE FUNDED WITH COUNTY GENERAL OBLIGATION BONDS FOR TRANSPORTATION** (Tape 3)

(BONDS) Supervisor Connolly moved that the Board concur in the recommendation of staff and endorse the projects to be funded with available County general obligation bonds for transportation. Supervisor Gross seconded the motion.

Discussion ensued with input from Young Ho Chang, Director, Department of Transportation (DOT) and Katharine D. Ichter, Chief, Capital Projects and Operations Division, DOT.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to recirculate a recent Board item related to this topic. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

21. **A-4 - BOARD ACTION TO APPROVE IN PRINCIPLE A MEMORANDUM OF AGREEMENT WITH THE RESTON ASSOCIATION TO UTILIZE CERTAIN PROPERTY FOR THE ESTABLISHMENT OF A SOUTHGATE COMMUNITY CENTER** (Tape 3)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the draft Memorandum of Agreement in principle, subject to possible changes based on future actions of the Reston Association, the Fairfax County Redevelopment and Housing Authority, and/or the receipt of further information. Supervisor Connolly seconded the motion.

Following discussion, with input from Verdina L. Haywood, Deputy County Executive, the question was called on the motion, and it **CARRIED** by a recorded 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 voting "NAY."

22. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D01-23, SPRINT PCS (DRANESVILLE DISTRICT)**
(Tape 3)

The Board next considered an item contained in the Board Agenda dated May 20, 2002, announcing the Planning Commission's approval of Public Facilities Application 2232-D01-23.

23. **I-2 – AGREEMENT BETWEEN FAIRFAX COUNTY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR SIDEWALK, CURB AND GUTTER, AND ENTRANCE REPAIR** (Tape 3)

The Board next considered an item contained in the Board Agenda dated May 20, 2002, requesting authorization for the County Executive to execute the agreement between the County and VDOT for the repair of County walkways and other infrastructure.

The staff was directed administratively to proceed as proposed.

24. **I-3 – CONTRACT AWARD – MARKETING AND CONSULTING SERVICES TO INCREASE PUBLIC TRANSPORTATION RIDERSHIP**
(Tape 3)

The Board next considered an item contained in the Board Agenda dated May 20, 2002, requesting authorization for staff to award a contract to Ilium Associates, Incorporated, in the amount of \$250,000 for the provision of marketing and consulting services to increase public transportation ridership throughout the County.

Chairman Hanley noted that she had read in the media that bus routes had been cut. She stated for the record that no bus services have been cut yet and that the Department of Transportation is currently analyzing routes and will provide the Board with recommendations.

The staff was directed administratively to proceed as proposed.

25. **I-4 - FAIRFAX COUNTY PROJECTS AFFECTED BY THE REDUCTION IN FUNDING IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S (VDOT) TENTATIVE SIX-YEAR PROGRAM FOR FISCAL YEARS (FY) 2003-2008** (Tapes 3-4)

The Board next considered an item contained in the Board Agenda dated May 20, 2002, announcing VDOT's tentative Six-Year Program for FYs 2003-2008.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff analyze and provide the information from the hearings in Richmond to the Board prior to the June 3, 2002, Board meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Kauffman noted that the Secretary of Transportation would be addressing a joint meeting of the Greater Springfield and Mount Vernon Lee Chamber of Commerce this evening.

Discussion ensued with input from Young Ho Chang, Director, Department of Transportation (DOT) and Katharine D. Ichter, Chief, Capital Projects and Operations Division, DOT.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide "Project Status Charts" in the future. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly noted that the Virginia Department of Transportation is planning public hearings concerning the Capital Beltway (I-495) for May 29, 30, and 31, 2002.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a summary of the Virginia Department of Transportation public hearings on the Capital Beltway to the Board at either the June 3 or June 17, 2002, Board meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

ADDITIONAL BOARD MATTERS

NV:nv

26. **PROSTATE CANCER AWARENESS DAY** (Tape 5)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the American Cancer Society and Inova Health Systems to appear before the Board on June 17, 2002, to receive a proclamation declaring June 22, 2002, as "*Prostate Cancer Awareness Day*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

27. **RESPONSIBLE FATHERHOOD WEEK** (Tape 5)

As noted in Chairman Hanley's written Board Matters, the Office of the Sheriff, in conjunction with many Court-related agencies, has developed a program to promote healthy families by encouraging responsible fatherhood. Accordingly, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board on June 17, 2002, to receive a proclamation declaring June 16-22, 2002, as "*Responsible Fatherhood Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

28. **REQUEST BY SCHOOL BOARD FOR A RESOLUTION REGARDING TENANCY IN COMMON FOR PROPERTY TITLES** (Tape 5)

Chairman Hanley called the Board's attention to copies of a memorandum addressed to her from Stuart D. Gibson, School Board Chairman, requesting a proposed resolution declining tenancy in common for School Board property. She noted that this was discussed at Legislative Committee meetings. Accordingly, she moved that the Board direct staff to provide at the next meeting an item with the requested action. Supervisor Connolly seconded the motion, which carried by unanimous vote.

29. **PROPOSED LEGISLATION TO PROHIBIT DISCRIMINATION BASED ON SEXUAL ORIENTATION** (Tape 5)

Chairman Hanley called the Board's attention to a letter from Delegate Kenneth R. Plum in which he stated that he requested an opinion from the Attorney General regarding whether the Virginia Constitution affords the protections outlined in House Bill HB 750 relating to the prohibition of discrimination based on sexual orientation. The Attorney General opined that the General Assembly must enact enabling legislation to allow the County to amend its human rights ordinance to prohibit such discrimination.

30. **LETTER REGARDING PEDESTALS IN THE PUBLIC RIGHT-OF-WAY** (Tape 5)

Chairman Hanley called the Board's attention to a letter from Thomas F. Farley, District Administrator, Virginia Department of Transportation, to Anthony H. Griffin, County Executive, regarding the placement of (cable TV) pedestals in the public right-of-way. Following discussion, with input from Mr. Griffin, Chairman Hanley asked unanimous consent that the Board direct staff to provide a recommendation at the next meeting regarding this issue. Without objection, it was so ordered.

31. **RECOMMENDATION CONCERNING THE POTOMAC CONSOLIDATED TERMINAL RADAR APPROACH CONTROL (TRACON) AIRSPACE REDESIGN DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)** (Tape 5)

Chairman Hanley stated that the Fairfax County Airports Advisory Committee (FCAAC) unanimously approved a recommendation addressing a draft EIS from the Federal Aviation Administration (FAA) on the airspace redesign component of the Potomac Consolidated TRACON center currently under construction at Vint Hill Farms, Virginia. The FAA has established a May 23, 2002, deadline for comments. The FCAAC has asked that the Board forward its comments to the FAA. The Department of Planning and Zoning also responded independently to the FAA on this matter and the FCAAC reviewed those comments. The FCAAC's recommendation is consistent with the staff comments.

Accordingly, Chairman Hanley moved that the Board forward the FCAAC comments to the FAA without comment. Supervisor Gross seconded the motion. Following discussion, Supervisor Frey asked to amend the motion to endorse the comments, and this was accepted.

Following further discussion, with input from James P. Zook, Director, Department of Planning and Zoning, Chairman Hanley restated her motion to direct staff to indicate in the cover letter the Board's support of both the comments of the FCAAC and staff and to include them.

Following further discussion, with input from Mr. Zook, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

PMH:pmh

32. **APPOINTMENTS TO THE GOVERNING BOARD OF THE MCLEAN COMMUNITY CENTER** (Tape 6)

(APPTS) Supervisor Mendelsohn moved the appointment of the following individuals to the Governing Board of the McLean Community Center:

Adult candidates:

- Ms. Dorothy S. Hassan - 3 year term
- Ms. Caroline Pickens - 3 year term
- Ms. Margaret Van Winkle - 3 year term

- Ms. Leslie Christopher to fill the unexpired term of Mr. Nicholas Kalis, who has resigned.

Youth candidates:

Langley High School area:

- Ms. Jamie Segal

McLean High School area:

- Mr. Ryan Colaianni

Supervisor Connolly seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

33. **KUDOS TO CONSUMER AFFAIRS DIVISION** (Tape 6)

Supervisor Hyland said that he recently received a letter from a constituent, Robert McNeil, who wrote about his positive experience with Verda Johnson, a staff person from the Consumer Affairs Division.

Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a letter of congratulations from the Board under the Chairman's signature to be sent to Ms. Johnson and that a copy of this letter be included with her personnel file. Without objection, it was so ordered.

34. **MEADOWOOD FARM AND BUREAU OF LAND MANAGEMENT
DRAFT PLANNING ANALYSIS AND ENVIRONMENTAL ASSESSMENT**
(Tape 6)

Supervisor Hyland said that on April 30, 2002, the Department of Interior, Bureau of Land Management, published its "Draft Planning Analysis and Environmental Assessment" document requesting public comment.

In reviewing this document, especially Alternatives Three and Four, there are recommendations that could allow "motorized hobby activities" on the property known as "Meadowood Farm," located on Mason Neck. Supervisor Hyland said that Mason Neck has hundreds of acres set aside for preservation for endangered and threatened species and an introduction of these types of motorized activities is not appropriate.

Supervisor Hyland moved that the Board direct staff to review:

- And comment on Alternatives Three and Four as mentioned in the draft planning document and to register strong objections referencing motorized hobby activities and any other like activities which produces noise on the farm property.
- The entire document and provide comments to be submitted on behalf of the County.

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

35. **REQUEST CONSIDERATION OF FINES TO MOTORISTS IGNORING PEDESTRIANS AT CROSSWALKS** (Tape 6)

Supervisor Hyland said that in an e-mail message he recently received from the Chairman of Richmond Highway's Safe Crossings group, a suggestion was made about reviewing a Montgomery County, Maryland program which levies fines against motorists who fail to yield to pedestrians at designated crosswalks.

Accordingly, Supervisor Hyland asked unanimous consent that the Board support referring this matter to appropriate staff for review and recommendation as to possible adoption of such a policy.

Following discussion, it was determined that a recommendation has been received from staff.

Supervisor Hudgins reminded staff that the Board has not received a response to the Transportation Advisory Commission recommendations regarding pedestrian issues.

36. **CONGRATULATIONS TO THE TRURO COMMUNITY** (Tape 6)

Supervisor Bulova announced that *Washingtonian* Magazine has named the Truro community as one of five 2002 "Best Places to Live" in the Washington Metropolitan area. Truro was recognized for its unique contemporary architecture and old fashioned community spirit.

Supervisor Bulova moved that the Board direct staff to invite the representatives of Truro to appear before the Board to be recognized and congratulated. Supervisor Connolly seconded the motion.

Following discussion, Chairman Hanley noted that the article incorrectly identified George Mason University as being located in Fairfax City instead of Fairfax County.

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

37. **RETIREMENT OF ELEMENTARY SCHOOL PRINCIPALS IN THE HUNTER MILL DISTRICT** (Tape 6)

Supervisor Hudgins announced the impending retirement of two principals in the Hunter Mill District. Mr. Dennis Nelson of Floria Elementary School and Ms. Carol Bradley of Terraset Elementary School will be retiring from their positions at the end of the 2001-2002 school year. She referred to her written Board Matter and outlined the accomplishments of both principals.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Mr. Nelson and Ms. Bradley to appear before the Board to be recognized for their more than half-century of service to Fairfax County's children. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

(NOTE: Later in the meeting the Board took action regarding recognition of another retiring principal. See Clerk's Summary Item CL#49.)

38. **NORTHERN VIRGINIA FINE ARTS FESTIVAL** (Tape 6)

Supervisor Hudgins announced that the Northern Virginia Fine Arts Festival was held this past weekend at the Reston Town Center.

39. **VIVA VIENNA!** (Tape 6)

Supervisor Hudgins noted that Viva Vienna! will be celebrated in downtown Vienna on May 26-27, 2002.

40. **HUNTER MILL DISTRICT TOWN MEETING** (Tape 6)

Supervisor Hudgins announced that the Hunter Mill District town meeting will have a "Community That Cares" presentation at the Reston Community Center in Hunters Woods on Tuesday, May 21, 2002, at 7 p.m.

41. **"AFFORDABLE HOUSING WITH CORPORATE LEADERS"** (Tape 6)

Supervisor Hudgins announced that on May 21, 2002, at 7:30 a.m. a meeting will be held to discuss "affordable housing with corporate leaders."

42. **LATE BOARD ITEMS** (Tape 6)

Supervisor Gross expressed concern that staff is not taking seriously the deadlines set by the County Executive for Board items. She asked unanimous consent that

the Board direct the County Executive to inform staff of the Board's concern. Without objection, it was so ordered.

43. **OLDER ADULT EXPO** (Tape 6)

(BACs) Supervisor Gross said that on May 13, 2002, the Fairfax Area Commission on Aging, the Jewish Council for the Aging, Senior Beacon, and Fairfax County presented the fifth annual Older Adult Expo at the Government Center.

Supervisor Gross noted that the planning group was chaired by Richard Risk, Chairman of the Commission on Aging, and included active participants from the Area Agency on Aging, Department of Human Resources, Department of Information and Technology, Department of Transportation, the Office for Women, Adult and Community Education, and the Virginia Employment Commission, plus others.

In recognition of this outstanding event, Supervisor Gross asked unanimous consent that the Board direct staff to invite the members of the planning committee for the Older Adult Expo to be recognized for their outstanding contribution to the senior citizen population. Without objection, it was so ordered.

NV:nv

44. **CONCURRENT PROCESSING AND EXPEDITED SCHEDULING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-S-094-3**
(Tape 7)

Supervisor Frey stated that The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia, has submitted Special Exception Amendment Application SEA 84-S-094-3 for the Saint Timothy Catholic Church/School site on Poplar Tree Road. The application has been accepted by the Department of Planning and Zoning and is currently undergoing review. The applicant proposes the construction of a library building that will be used in conjunction with the school. The applicant has requested concurrent processing of the site plan with the pending application and scheduling of the public hearing to be held before the August recess. The applicant's agent has met with the surrounding community and there is ongoing dialogue to address issues raised by the community.

Accordingly, Supervisor Frey moved that the Board direct:

- The Director of the Department of Public Works and Environmental Services to accept for concurrent processing the site plan and associated engineering drawings in conjunction with Special Exception Amendment Application SEA 84-S-094-3.

- Staff to schedule the public hearing to be held before the Board on August 5, 2002.

Supervisor Frey noted that the applicants understand that this motion will not prejudice the consideration of the applications in any way. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor McConnell and Chairman Hanley being out of the room.

45. **FRANCHISE FEES ON INTERNET SERVICES WITH COX COMMUNICATION** (Tape 7)

Supervisor Frey reminded the Board that at a previous meeting the Board had discussed the Federal Communications Commission (FCC) order regarding the imposition of franchise fees on internet services with Cox Communication. He noted that he had received many inquiries from constituents on this issue.

Supervisor Frey moved that the Board direct staff to work with Cox Communication to develop a procedure to rebate the overcharges. Supervisor Mendelsohn seconded the motion.

Following discussion, Supervisor Frey amended his motion to direct staff to return with information and recommendations including the number of years this should encompass and a "how to" procedure. This should include options and recommendations for those options. This was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

Further discussion ensued, with input from David P. Bobzien, County Attorney, and Michael Long, Senior Assistant County Attorney.

46. **WAIVER OF FEES FOR PROPOSED ELMWOOD DRIVE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)** (Tape 7)

Supervisor Connolly stated that citizens residing on Elmwood Drive have petitioned for a RPPD. This represents an expansion of the Graham Road RPPD. This neighborhood suffers from chronic road congestion as a result of non-resident parking.

Supervisor Connolly moved that the Board waive the:

- Minimum requirement of 100 contiguous or nearly contiguous parking spaces for the establishment of a RPPD.
- \$10 per household application fee.

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

47. **SHERIFF'S HONOR GUARD WINS FIRST PLACE** (Tape 7)

Supervisor Connolly stated that last week National Police Week was celebrated across the nation. It is a time set aside each year to pay tribute to fallen law enforcement heroes and to honor those who serve. The events of September 11, 2001, gave additional meaning to last week's ceremonies. Thousands of officers from all over the country - and the world - and their families came to the National Law Enforcement Memorial in Washington, DC. This year was especially poignant for the men and women who serve the citizens of the County because the name of a fallen County officer, Captain Tommy F. Bernal who died in the line of duty on June 28, 2001, was added to the marble wall of heroes.

Supervisor Connolly stated that just the week before, members of the Office of the Sheriff Honor Guard were at the Law Enforcement Memorial for a wreath laying ceremony honoring correctional officers killed in the line of duty. A regional Honor Guard won first place in this contest and also earned the award for best-dressed unit.

Supervisor Connolly asked unanimous consent that the Board direct staff to invite the members of the Honor Guard of the Office of the Sheriff to appear before the Board to be recognized for their achievements.

Chairman Hanley relinquished the Chair to Vice-Chairman Hanley and asked to amend the request to direct staff to invite the Honor Guard also to open a meeting of the Board with its ritual in leading the Pledge of Allegiance and this was accepted. Without objection, the request, as amended, was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

48. **RECOGNITION OF EDWIN S. CLAY, III, LIBRARY DIRECTOR**
(Tape 7)

Supervisor Connolly announced that Edwin S. Clay, III, Director of the Fairfax County Public Library, was recently recognized by the Virginia Public Library Director's Association as Outstanding Library Director for his work as chair of the Association's Legislative Committee. Mr. Clay was able to help restore \$14 million in proposed cuts to library services throughout the State. Mr. Clay also recently celebrated his twentieth anniversary as Director of the Fairfax County Public Libraries. Supervisor Connolly stated that the Board is honored to have such leadership in this County.

Accordingly, Supervisor Connolly asked unanimous consent that the Board invite Mr. Clay to appear before the Board to be recognized for his service to the citizens of the County. Without objection, it was so ordered.

49. **RETIREMENT OF DR. VERA BLAKE, PRINCIPAL OF FALLS CHURCH HIGH SCHOOL** (Tape 7)

(NOTE: Earlier in the meeting, the Board took action regarding recognition of other retiring principals. See Clerk's Summary Item CL#37.)

Supervisor Connolly announced that Dr. Vera Blake, Principal of Falls Church High school, will retire after 30 years of service in the Fairfax County Public Schools. Accordingly, he asked unanimous consent that the Board direct staff to invite Dr. Blake to appear before the Board to be honored for her service to the citizens of Fairfax County.

(NOTE: Later in the meeting, the Board addressed consolidating the recognition of retiring principals. See Clerk's Summary Item CL#53.)

50. **BRIARCLIFF APARTMENTS** (Tape 7)

Supervisor Connolly reminded the Board that the 30 units at Briarcliff Apartments are one, three, and four bedroom *affordable* apartments located in Dunn Loring. This past week, Catholics for Housing, the National Housing Trust-Enterprise Preservation Company, the Fairfax County Department of Housing and Community Development, and the Fairfax County Redevelopment and Housing Authority finalized negotiations for the purchase of Briarcliff Apartments. It had been on the market and, had it been sold commercially, it would have been demolished and redeveloped at higher prices. With affordable housing rapidly diminishing, the possible loss of Briarcliff was a grave concern. Thanks to the hard work of several individuals, current residents can remain in their homes. When a vacancy occurs it will be filled from the waiting list of qualified Choice Voucher holders. Future plans for Briarcliff include a computer lab to be built at the neighboring Christian Assembly Church. Residents will be able to attend classes to learn, improve upon, and upgrade computer skills to enhance employment prospects. In the struggle to enlarge affordable housing opportunities in the County, Supervisor Connolly asserted that not only must new units be created, but current housing must also be preserved. Briarcliff is a success story in the preservation of affordable housing.

51. **REQUEST FOR CONCURRENT AND EXPEDITED PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2002-PR-010** (Tape 7)

Supervisor Connolly stated that Chris and Sandra Motz, a young family and residents of Providence District, have struggled with the effects of poor advice and judgment. Nearly a year ago they tore down their existing home located off Woodford Road with an expectation that they would be able to rebuild a new home in its place. The Motz family has been in temporary housing since last summer. Staff from the Department of Public Works and Environmental Services (DPWES) determined that the original home was partially located in a flood plain

and that the Motz family would be required to obtain a special exception to rebuild the home.

Accordingly, Supervisor Connolly moved that the Board direct:

- Staff to expedite the review of Special Exception Application SE 2002-PR-010.
- DPWES to simultaneously process the Motz's building permits during the processing of Special Exception Application SE 2002-PR-010.

Supervisor Connolly noted that this action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

52. **GREENSBORO CORPORATE CENTER DAY CENTER EXPEDITED REVIEW** (Tape 7)

Supervisor Connolly stated that a day care operator that has been renovating space on the P-1 level of the Greensboro Corporate Center, located in Providence District, discovered on May 17, 2001, that a proffered condition amendment must be obtained to resolve problems identified with the original proffered development plans. Due to this complication the day care operator will be unable to occupy the space this summer as planned unless some relief is provided in a timely manner.

Accordingly, Supervisor Connolly moved that the Board direct the Department of Planning and Zoning to expedite review of Proffered Condition Amendment Application PCA 81-D-045 and Special Exception Amendment Application SEA 82-D-038 for the Greensboro Corporate Center. He noted that this motion does not prejudice the final review by the Board in any way. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

53. **RECOGNITION OF CLERMONT ELEMENTARY SCHOOL** (Tape 7)

Supervisor Kauffman announced that the National Gardening Association has awarded Clermont Elementary School a Youth Garden Grant. Clermont Elementary School and its garden club have a very active program. They are planning a wildlife habitat that will include a pond, bog, wildflower meadow, vegetation garden, bird/butterfly garden, herb garden, and a greenhouse. The "Learning Garden" will enable students to have a variety of experiences with plant life and wild life. Students will use the garden throughout the school year for observation, data collection and experimentation, as well as simple enjoyment.

Accordingly, Supervisor Kauffman moved that the Board direct staff to invite Principal Jeannine S. Tate, Project Coordinator Mary Beth O'Leary, teaching staff, and parents and children to appear before the Board to be recognized for their efforts. Supervisor Hyland seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Following a query, Merni Fitzgerald, Director, Office of Public Affairs, indicated that five presentations are currently scheduled for the June 3, 2002, meeting.

Supervisor Connolly asked unanimous consent that the Board direct staff to consolidate the upcoming recognition of retiring principals. Without objection, it was so ordered.

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

At 1:10 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
 1. *Christian Dickerson v. Kingsford Agbemble, Fairfax County, Lawrence Henderson, Fairfax County School Board, and Donald Clausen, At Law No. 199624 (Fx. Co. Cir. Ct.) (Braddock District)*
 2. *Robert A. Jerussi v. Board of Zoning Appeals of Fairfax County, Virginia, and William and Cheryl May, At Law No.*

- 200812 (Fx. Co. Cir. Ct.) (Providence District)
3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Talat K. Hassanein*, File No. 02-4273 (Fx. Co. Gen. Dist. Ct.) (Lee District)
 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Hui Son Pak, et al.*, In Chancery No. 178069 (Fx. Co. Cir. Ct.) (Lee District)
 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Brian J. Leary*, In Chancery No. 178068 (Fx. Co. Cir. Ct.) (Springfield District)

Supervisor Hyland seconded the motion.

Chairman Hanley noted that should this motion carry, closed session would begin at 1:50 p.m.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

DMB:dmb

At 3:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 8)

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

AGENDA ITEMS

SBE:sbe

56. **3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ESTABLISHING THE WEST POTOMAC RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 36 (MOUNT VERNON DISTRICT)** (Tape 9)

(NOTE: The public hearing on this item was held on January 7, 2002, and the Board deferred decision until May 20, 2002.)

Supervisor Hyland moved **NOT** to adopt the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), establishing the West Potomac RPPD, District 36. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

57. **ORDERS OF THE DAY** (Tape 9)

Chairman Hanley announced that there would be a change in the Orders of the Day and the Board would proceed with the presentation of a Proclamation designating May 30 – June 2 as “*Springfield Days*” in Fairfax County.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-7 (THE MADEIRA SCHOOL INCORPORATED) (DRANESVILLE DISTRICT)** (No tape)

(NOTE: Later in the meeting action was taken on Special Exception Amendment Application SEA 83-D-030-7. See Clerk’s Summary CL# 61.)

59. **PROCLAMATION DESIGNATING MAY 30 - JUNE 2 AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (Tape 9)

(NOTE: Earlier in the meeting this presentation was deferred. See Clerk’s Summary Item CL#10.)

Supervisor Kauffman moved approval of the Proclamation to designate May 30 - June 2 as “*Springfield Days*” in Fairfax County. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

60. **3:30 P.M. – PH REGARDING TWO LONG TERM LEASES WITH BIRMINGHAM GREEN ADULT CARE RESIDENCE, INCORPORATED, IN CONNECTION WITH A GRANT APPLICATION FOR HOUSING AND URBAN DEVELOPMENT (HUD) FUNDING TO REPLACE THE EXISTING ADULT CARE RESIDENCE AT MANASSAS, VIRGINIA**

(Tape 9)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2002.

Grace P. Starbird, Director, Fairfax Area Agency on Aging, and Member of the Birmingham Green Board, gave a brief presentation.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the Resolution authorizing the County Executive to enter into two long term leases with Birmingham Green in connection with a grant application for HUD funding to replace the existing adult care facility at Manassas, Virginia. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting “AYE,” Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-7 (THE MADEIRA SCHOOL, INCORPORATED) (DRANESVILLE DISTRICT)** (Tape 9)

The application property is located at 8328 Georgetown Pike, Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 1.

Mr. David S. Houston reaffirmed the validity of the affidavit for the record.

Mr. Houston 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 Mendelsohn disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Zfolt Harfanyi with The Madeira School

Following the public hearing, Supervisor Mendelsohn moved to defer decision until **5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hudgins, and Supervisor Connolly being out of the room.

(NOTE: Later in the meeting action was taken on this application. See Clerk's Summary Item CL#68.)

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

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

63. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S98-CW-1CP(B) FOR THE SPRINGFIELD COMMUNITY BUSINESS CENTER, WEST OF INTERSTATE-95 AND NORTH AND SOUTH OF OLD KEENE MILL ROAD (LEE DISTRICT)** (Tape 9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 2 and May 9, 2002.

Following the public hearing, which included testimony by two speakers, Supervisor Kauffman moved approval of Out-of-Turn Plan Amendment S98-CW -1CP(B), as recommended by the Planning Commission with the following two modifications:

- Support of the Task Force recommendation for land unit D1 as shown in the staff report dated April 3, 2002.
- Replacement of the proposed language for a commuter parking facilities under the transportation section of the plan with the following sentence “A joint use of public parking facilities is an option for land units A and/or C.”

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

64. **4 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED AT 13643 SHREVE STREET TO RATCLIFFE ASSOCIATES, LC (SULLY DISTRICT)** (Tape 9)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 2 and May 9, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the Resolution authorizing the conveyance of

County-owned property located at 13643 Shreve Street [Tax Map #54-4((6)) Lot 89] to Ratcliffe Associates, LC. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

65. **4 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 01-III-11UP, LOCATED SOUTH OF WALL ROAD, BETWEEN ROUTE 28 AND CENTREVILLE ROAD (SULLY DISTRICT)** (Tape 9)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 2 and May 9, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved:

- Approval of APR Item 01-III-11UP, as recommended by the Planning Commission, relative to the extension of the non-residential mixed-use designation to Parcels 3 and 3B.
- Deferral of the question of the extension of residential uses pending creation of a plan that addresses additional infrastructure impacts.

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

66. **4 P.M. – PH ON REZONING APPLICATION RZ 2001-SP-041 (CENTEX HOMES) (SPRINGFIELD DISTRICT)** (Tapes 9-10)

- (O) The application property is generally located on the north side of Lee Highway, south of Post Forest Drive on both sides of Legato Road and Dixie Hill Road, Tax Map 56-1 ((1)) 11a, 11b, 27 - 30; 56-1 ((2)) 1 - 5; 56-1 ((3)) 1 - 14; 56-1 ((4)) 4, 6 - 12; 56-1 ((5)) 6 - 8, 9 pt., 10 pt., 11 pt., 12 pt., 13 pt., 14 pt., 15 pt., 16 - 28; 56-1 ((6)) 1 - 10; 56-1 ((9)) 1 - 7, 11 - 13, 15 - 22; 56-1 ((11)) 1, 2, 3a, 4a, 5 - 7, A and B and a portion of the public rights-of-way for Deljo Drive, Ruffin Drive, Deming Drive, Butler Drive, Legato Road, Dixie Hill Road, Rhett Lane, and Quality Street to be vacated and/or abandoned.

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

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

Following the public hearing, which included testimony by 17 speakers, Bill Mayland, Staff Coordinator, Zoning Evaluation Division, (ZED), Department of Planning and Zoning, (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Mayland; Mr. McDermott; Barbara A. Byron, Director, ZED, DPZ; and Kris Abrahamson, Branch Chief, ZED, DPZ.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SP-041, from the R-1, R-2, and WS Districts to the PDH-12 and WS Districts, subject to the executed proffers dated May 17, 2002.
- Modification of the transitional screening and barrier requirements in accordance with the Conceptual Development Plan for the perimeter of the site and between the residential and public uses within the development.
- Waiver of the 200 square foot privacy yard requirement for rear-load single family attached units and a waiver of the 600 foot maximum length of private street requirement.

Supervisor Frey seconded the motion, which **CARRIED** by a recorded vote of five, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting “**AYE**,” Supervisor Bulova voting “**NAY**,” Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

Supervisor McConnell asked unanimous consent that the Board direct staff to determine whether it is feasible for the sewer to be connected to those residents who were excluded from the application and for the tot lots to be constructed before the units are occupied. Without objection, it was so ordered.

67. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2001-SU-051 (PULTE HOME CORPORATION) (SULLY DISTRICT)** (Tape 11)

- (O) The application property is located on the east side of Old Centreville Road, approximately 200 feet north of Singleton's Way and approximately 240 feet south of Sunset Ridge Road, Tax Map 65-2 ((1)) 13.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Steven J. Coniglio of Pulte Home Corporation

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

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SU-051, from the R-1 and WS Districts to the PDH-8 and WS Districts, subject to the proffers dated May 7, 2002.
- Waiver of the 600-foot maximum length requirement for private streets.

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

68. **BOARD DECISION ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-D-030-7 (THE MADEIRA SCHOOL, INCORPORATED) (DRANESVILLE DISTRICT)** (Tape 11)

(NOTE: Earlier in the meeting the public hearing was held on Special Exception Application SEA 83-D-030-7, and the Board deferred decision until later in the meeting. See Clerk's Summary Item CL#61.)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Amendment Application SEA 83-D-030-7, subject to the development conditions, as approved by the Planning Commission, with the addition of the following two development conditions:
 11. The access drive to the loading area for the Student Center may be reconfigured as shown in Exhibit A attached hereto, provided that the reconfigured drive does not encroach on the Area of Compensation for EQC Encroachments or the Proposed EQC shown on the SEA Plat referenced in Condition Number 2.
 12. The applicant shall contribute \$89,000 to the County for the purpose of constructing the Comprehensive Plan trail on the subject property, at a location to be determined in the future by the County and agreeable to the applicant, or at an alternative location in the general vicinity of the subject property. The trail shall be 6 to 8 feet in width and shall be constructed of stone dust.

The applicant shall make the contribution in the form of annual installments of \$15,000 each with the final payment of \$14,000. The first payment shall be made at the time of site plan approval for the first new building project on the subject property. Subsequent payments shall be made on the anniversary of the first payment. In no event shall the total of \$89,000 be received later than July 1, 2008. The applicant reserves the right to construct the trail itself at the chosen location, and, if it chooses such option, all funds shall be refunded to the applicant.

If the trail is constructed as currently depicted on the Countywide Trails Plan, the trail shall be constructed generally in the location of the existing trail easement; provided, however, for security reasons, the applicant shall have the right, in consultation with the County, to relocate the existing easement to a location closer to the Georgetown Pike right-of-way.

At the option of the County, and after July 1, 2008, the funds may be allocated to another segment of the trail along Georgetown Pike, and this option shall meet the requirement for a trail along Georgetown Pike on the property for the improvements specified in this application.

If the cost of the trail at any of the locations referenced above is less than \$89,000, as determined by the County, all unused funds shall be refunded to the applicant.”

- Modification of the transitional screening and barrier requirements as shown on the Special Exception Amendment Plat.

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

69. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-052 (COMBINED PROPERTIES LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 11)

The application property is located in the northeast quadrant of the intersection of Braddock Road and Backlick Road within the Bradlick Shopping Center, Tax Map 71-4 ((1)) 27 pt.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Combined Properties Incorporated

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 01-M-052, subject to the development conditions dated May 6, 2002.

- Modification of the transitional screening and waiver of the barrier requirements on the southern property boundary in favor of that shown on the SE plat.

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

70. **4:30 P.M. – PH ON DEVELOPMENT PLAN AMENDMENT APPLICATION DPA 85-C-088-3 (WESTERRA RESTON, LLC) (HUNTER MILL DISTRICT)** (Tapes 11-12)

The application property is located west of Library Street, east of Town Center Parkway, south of New Dominion Parkway and north of the Washington and Old Dominion Trail, Tax Map 17-1 ((16)) 17, 18; 17-3 ((1) 3A; 17-3 ((10)) 16.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Mr. Looney 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, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Development Plan Amendment Application DPA 85-C-088-3, subject to the development conditions dated May 20, 2002. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

71. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-036 (PINECREST SCHOOL, INCORPORATED) (MASON DISTRICT)** (Tape 12)

The application property is located at 4015 Annandale Road, Tax Map 60-3 ((14)) 2B.

Ms. Meagan E. Micozzi reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 01-M-036, subject to the **REVISED** development conditions dated May 20, 2002, with one correction to Condition 10, to delete the word “pervious.”
- Modification of the transitional screening requirements subject to the recommendation of the Urban Forestry Division and in accordance with the SE Plat.

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

ADDITIONAL BOARD MATTER

72. **MS. EDYTHE FRANKEL ELECTED TO THE VIENNA TOWN COUNCIL** (Tape 12)

Supervisor Gross expressed appreciation to Edythe Frankel of her staff and introduced her as the newest local elected official in Northern Virginia. Ms. Frankel was recently elected to the Vienna Town Council and will be installed on the Council in June.

73. **BOARD ADJOURNMENT** (Tape 12)

At 6:45 p.m., the Board adjourned.

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