



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 2, 2004**

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PW:pw

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, August 2, 2004, at 9:47 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

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

BOARD MATTERS1. **HAPPY BIRTHDAY TO SUPERVISOR KAUFFMAN'S SON** (9:47 a.m.)

Supervisor Kauffman wished his son a happy eighth birthday.

2. **THREAT LEVEL CODE RAISED TO HIGH CONDITION** (9:47 a.m.)

Chairman Connolly noted that the US Department of Homeland Security raised the threat level code to High Condition (orange-alert status) for the financial sector in New York City, Northern New Jersey, and Washington, DC. Anthony H. Griffin, County Executive, indicated that the County's threat level remains in the Elevated Condition (yellow-alert status).

AGENDA ITEMS3. **INTRODUCTION TO WELCOME DR. JACK D. DALE** (9:49 a.m.)

Chairman Connolly introduced Dr. Jack D. Dale as the new superintendent of Fairfax County Public Schools and, on behalf of the Board, warmly welcomed him to the Board Auditorium.

Dr. Dale gave a brief statement of how he planned to serve the County and discussion ensued regarding the Board's expectations and relationship with the superintendent.

Chairman Connolly also welcomed Jane Strauss, Dranesville District Representative and Chairman of the Budget Committee, Fairfax County Public School Board.

Chairman Connolly presented Dr. Dale with a County lapel pin.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. ALICE STARR**
(10:06 a.m.)

Supervisor DuBois moved approval of the Resolution of Recognition presented to Ms. Alice Starr for her years of service in the County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO WEST POTOMAC HIGH SCHOOL STEP TEAM** (10:13 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to members of the West Potomac High School step team for its accomplishments.

The step team gave a short performance.

Supervisor Gross commented on the importance of after school programs such as this in helping children stay out of gangs and away from drugs and that the Board should remember these programs in future budget discussions.

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

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE DEPARTMENT OF FIRE AND RESCUE** (10:20 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to the Department of Fire and Rescue on the fiftieth anniversary of the "Fill the Boot" campaign. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Smyth being out of the room.

A container was circulated around the Board for contributions.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **RESOLUTION OF RECOGNITION PRESENTED TO CHIEF DONALD BURNS** (10:26 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Chief Donald Burns of the Vienna Volunteer Fire Department for his years of service to the Vienna community. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Kauffman being out of the room.

(NOTE: Later in the meeting, the Board acknowledged the Vienna Fire Department again. See Clerk's Summary Item CL#44.)

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. BRITTANY NIEMIEC** (10:30 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Brittany Niemiec for her accomplishments. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Kauffman being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY PUBLIC LIBRARY, GEORGE MASON UNIVERSITY, AND THE FRIENDS OF THE RESTON REGIONAL LIBRARY** (10:33 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to representatives from the

Fairfax County Public Library, George Mason University, and the Friends of the Reston Regional Library for launching the program entitled "All Fairfax Reads" featuring Harper Lee's *To Kill a Mockingbird*. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE COUNTY'S INFORMATION TECHNOLOGY (IT) STAFF AND ANNOUNCEMENT OF IT COMMITTEE MEETING** (10:44 a.m.)

(BACs) Chairman Connolly moved approval of the Certificate of Recognition presented to the County's IT staff for receiving the "Cream of the Crop" award from the MuniNet Guide and Review. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

In regard to technology, Supervisor Smyth said that the School Board is interested in continued discussions with the Board to review opportunities to improve collaboration between Fairfax County Public Schools (FCPS) and Fairfax County Government (FCG). Specifically, the School Board is interested in reviewing the current and future financial and procurement systems used by FCPS and FCG.

To begin the process, Supervisor Smyth said that FCPS recommends that the respective boards hold a joint technology work session in September 2004. This initial joint work session would include a presentation on the current state of financial and procurement systems. FCPS and FCG staff would jointly present the current systems, capabilities, and agreements between the two organizations. FCPS requests that FCG staff also provide information to the boards on the Booz Allen Hamilton study completed in 2002 for FCG.

Supervisor Smyth announced that a joint IT Committee meeting is scheduled for September 20, 2004, at 10 a.m., and she invited all Board Members to attend.

Supervisor Smyth moved that the Board direct the Office of Public Affairs to distribute a press release about this joint meeting and also the partnership to be formed. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

ADDITIONAL BOARD MATTER

11. **PRESENTATION OF THE CIRCLE OF DIAMONDS AWARD** (10:52 a.m.)

Supervisor Gross announced that Supervisor Hudgins, Supervisor Smyth, and she accepted, on behalf of the Board and the Office of Partnerships, the Circle of Diamonds Award presented at the Computer Learning Center Partnership's event

held last Friday evening. The award recognizes contributions made to a program that provides computer centers in community settings for use by children.

AGENDA ITEMS

12. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:55 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Smyth moved the appointment of Ms. Marcia Hoexter as the Providence District Representative to the Advisory Social Services Board. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Engineer/Architect/Planner #2 Representative to the Affordable Dwelling Unit Advisory Board.

AIRPORTS ADVISORY COMMITTEE

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

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor Frey moved the appointment of Ms. Amrit Daryanani to fill the unexpired term of Ms. Lucy Masterson as the Sully District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

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

ATHLETIC COUNCIL

Supervisor McConnell moved the appointment of Ms. Jacqueline Stephens as the Women's Sports Association Principal Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

On behalf of Supervisor DuBois, Supervisor Smyth moved the appointment of Ms. Deborah Pietras as the Dranesville District Representative to the Barbara Varon Volunteer Award Selection Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hyland moved the appointment of Ms. Harriet Piper as the Mount Vernon District Representative to the Barbara Varon Volunteer Award Selection Committee. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

The Board deferred the appointment of the Sully District Representative to the Barbara Varon Volunteer Award Selection Committee.

BOARD OF BUILDING CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor McConnell moved the appointment of Mr. Scott Martin to fill the unexpired term of Mr. David Schnare as the Springfield District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

COMMISSION ON AGING

Supervisor Gross moved the appointment of Mr. Jacob "Jack" Fritz as the Mason District Representative to the Commission on Aging. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Gross asked unanimous consent that the Board direct staff to invite Richard Risk, former Mason District Representative, to appear before the Board to be recognized for his many years of service to the Commission on Aging. Without objection, it was so ordered.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Hudgins moved the appointment of Ms. Pamela Abston to fill the unexpired term of the Reverend Clarence Davis as the Hunter Mill District Representative to the Community Action Advisory Board. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD**CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment to the Community Criminal Justice Board:

- Colonel David M. Rohrer as the Chief of Police Representative

The motion, which was multiply seconded, carried by a vote of nine, Supervisor DuBois being out of the room.

CRIMINAL JUSTICE ADVISORY BOARD

On behalf of Supervisor DuBois, Supervisor Smyth moved the appointment of Mr. Christopher Monek to fill the unexpired term of Mr. Arthur Kerns as the Dranesville District Representative to the Criminal Justice Advisory Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hyland moved the reappointment of Mr. Dallas Shawkey as the Mount Vernon District Representative to the Criminal Justice Advisory Board. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I**

The Board deferred the appointment of the At-Large #3 Representative to the Dulles Rail Transportation Improvement District Advisory Board, Phase I.

(NOTE: Later in the meeting, the Board made this appointment. See Clerk's Summary Item CL#47.)

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill and Mount Vernon District Representatives to the Environmental Quality Advisory Council.

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS**

Chairman Connolly moved the appointment of Professor Stephen Fuller as the At-Large Chairman's Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hudgins moved the appointment of Mr. David Eisenman as the Hunter Mill District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF
TRUSTEES**

Chairman Connolly moved the reappointment of Mr. Thomas Stanners as the At-Large #3 Representative to the Fairfax County Employees' Retirement System Board of Trustees. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Lee District Representative to the Health Care Advisory Board.

HUMAN SERVICES COUNCIL

Chairman Connolly moved the reappointment of Ms. Laura McDowall as the At-Large #2 Chairman's Representative to the Human Services Council. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #1 and At-Large #4 Representatives to the Road Viewers Board.

TENANT LANDLORD COMMISSION

Supervisor Smyth moved the appointment of Ms. Sally Liff to fill the unexpired term of the late Ms. Terri Owen as the Condominium Owner Representative to the Tenant Landlord Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

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

TRANSPORTATION ADVISORY COMMISSION

Supervisor Hudgins moved the reappointment of Ms. Camille Klein as the Hunter Mill District Representative to the Transportation Advisory Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room

UNIFORMED RETIREMENT SYSTEM

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Uniformed Retirement System:

- Captain John Niemiec as the Fire and Rescue Department #1 Representative

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

WATER AUTHORITY

On behalf of Supervisor DuBois, Supervisor Smyth moved the appointment of Mr. Dewey Bond as the Dranesville District Representative to the Water

Authority. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

The Board deferred the appointment of the Lee District Representative to the Water Authority.

(NOTE: Later in the meeting, the Board recognized the service of a former member of the Water Authority. See Clerk's Summary Item CL#48.)

AD HOC COMMITTEES

2004 FALL BOND REFERENDUM CITIZENS COMMITTEE

On behalf of Supervisor DuBois, Supervisor Smyth moved the appointment of Mr. Christopher Cole as the Dranesville District Representative to the 2004 Fall Bond Referendum Citizens Committee. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hudgins moved the appointment of Ms. Gwenn Minton as the Hunter Mill District Representative to the 2004 Fall Bond Referendum Citizens Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Kauffman moved the appointment of Mr. Paul Gagnon as the Lee District Representative to the 2004 Fall Bond Referendum Citizens Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Gross moved the appointment of Mr. Alfred Thieme as the Mason District Representative to the 2004 Fall Bond Referendum Citizens Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Hyland moved the appointment of Mr. George Bauer as the Mount Vernon District Representative to the 2004 Fall Bond Referendum Citizens Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Smyth moved the appointment of Ms. Renata Wade as the Providence District Representative to the 2004 Fall Bond Referendum Citizens Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor McConnell moved the appointment of Mr. Scott Martin as the Springfield District Representative to the 2004 Fall Bond Referendum Citizens Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the 2004 Fall Bond Referendum Citizen Committee:

- Ms. Nichole Stewart as the Fairfax County Chamber of Commerce Representative

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

LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE

The Board deferred the appointment of the Dranesville District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

STORMWATER ADVISORY COMMITTEE**CONFIRMATIONS:**

Supervisor Gross stated that she had reviewed nominations for the various seats on this committee and moved confirmation of the following appointments to the Stormwater Advisory Committee:

- Ms. Martha Marks, National Association of Industrial and Office Properties, as the Large Commercial/Office Property Representative
- Ms. Jeanette Stewart, Yorktown Square, as the Apartment/Condominium Property Representative
- Mr. Russell Wanek as the Federation of Citizens Associations Representative
- Mr. Robert McLaren as the Environmental Quality Advisory Committee Representative
- Mr. Omar Kader as the Small Business Commission Representative
- Mr. Chris Champagne as the Northern Virginia Building Industry Association Representative
- Reverend Tim Craig, Dranesville United Methodist Church, as the Interfaith Community Representative

- Mr. Harry Glasgow as the Watershed Organization Representative
- Mr. Michael Rolband as an At-Large Member with Specific Expertise Representative
- Mr. Robert Jordan as an At-Large Member with Specific Expertise Representative
- Ms. Sally Ormsby as the Northern Virginia Soil and Water Conservation District Representative

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

13. **ADMINISTRATIVE ITEMS** (11:07 a.m.)

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

(NOTE: Later in the meeting, the Board took additional action on Admin 16 - Authorization to Advertise a Public Hearing to Amend the Appropriation Level in the Fiscal Year 2005 Revised Budget Plan. See Clerk's Summary Item CL#14.)

ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-P-104-3, SPACENET REAL ESTATE HOLDINGS, LLC (PROVIDENCE DISTRICT)

(AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 86-P-104-3, Spacenet Real Estate Holdings, LLC, to July 7, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

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

Approved the extension of review periods for the following Public Facility (2322) Review Applications:

- FS-S04-38 to October 11, 2004

- 2232-M04-10 to October 14, 2004
- 2232-B04-6 to October 18, 2004
- FS-H04-41 to October 30, 2004

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-D-036, WALKER ROAD ASSOCIATES, LLC (DRANESVILLE DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 00-D-036, Walker Road Associates, LLC, to January 8, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CLUSTER SUBDIVISIONS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 9, 2004, and before the Board on **September 27, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding cluster subdivisions.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (SPRINGFIELD DISTRICT)

- (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>
Timarron Cove	Springfield	Timarron Cove Lane Wilmington Drive Route 5835 Covered Bridge Road Route 5870 Burke Lake Road Route 645 Additional ROW Only

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE BEECHWOOD COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2004, at 3:30 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Beechwood CPD to encompass Southrun Road from the intersection of Southrun Road and Silverbrook Road to west of Rocky Gap Court at the boundary of parcel 98-3 ((5))-A (the western boundary of the existing Beechwood CPD).

ADMIN 7 – RESOLUTION TO INSTALL A "WATCH FOR CHILDREN" SIGN ON FALCON RIDGE ROAD (DRANESVILLE DISTRICT)

- (R) Adopted the Resolution endorsing the installation of a "Watch for Children" sign on Falcon Ridge Road as part of the Department of Transportation's Residential Traffic Administration Program.

ADMIN 8 – RESOLUTION FOR ENDORSEMENT OF FORDSON ROAD, BOSWELL AVENUE, SCHELHORN ROAD, AND FRANCES DRIVE TO BE CONSIDERED FOR CUT-THROUGH MEASURES AS PART OF THE DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)

- Endorsed the following streets to be considered for cut-through measures as part of R-TAP:
 - Fordson Road, between Route One and Sherwood Hall Lane
 - Boswell Avenue, between Route One and Delafield Place
 - Schelhorn Road, between Boswell Avenue and Sherwood Hall Lane
 - Frances Drive, between Boswell Avenue and Sherwood Hall Lane
- Directed staff to work with the Virginia Department of Transportation to develop a cut-through plan in conjunction with the community, as soon as possible.

ADMIN 9 – INSTALLATION OF A MULTI-WAY STOP AT PATTON BOULEVARD AND REMINGTON DRIVE (MOUNT VERNON DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Department of Transportation's Residential Traffic Administration Program at Patton Boulevard and Remington Drive.
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 10 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 93-Y-035, CENTREVILLE LAND CORPORATION/TARMAC MID-ATLANTIC, INCORPORATED (SULLY DISTRICT)

- (AT) Approved the request for 8 months of additional time to establish the use for Special Exception Application SE 93-Y-035, Centreville Land Corporation/Tarmac Mid-Atlantic, Incorporated, to March 22, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 11 – AUTHORIZATION FOR THE SHERIFF'S OFFICE TO SUBMIT AN APPLICATION TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR GRANT FUNDING FOR THE TRIAD CRIME PREVENTION PROGRAM

Authorized the Sheriff's Office to apply for the Triad Crime Prevention Program grant in the amount of \$6,697 to purchase equipment to cover the initial cost of implementation of Project Lifesaver.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) Authorized the advertisement and posting of a notice of intent to conduct a public hearing on **September 13, 2004, at 4 p.m.** to solicit comments and input on the proposed Fiscal Year 2005 Transportation Enhancement Program projects.

ADMIN 13 – AUTHORIZATION OF THE SUBMISSION OF A GRANT PROPOSAL TO THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO PURCHASE CONSULTING SERVICES FROM THE NATIONAL JUVENILE DETENTION ASSOCIATION TO ENHANCE THE JUVENILE DETENTION CENTER'S TRAINING PROGRAM

Authorized the Juvenile and Domestic Relations District Court's submission of a grant proposal to DCJS in the amount of \$8,288 to purchase consulting services

from the National Juvenile Detention Association's Center for Research and Professional Development and to enhance the Juvenile Detention Center's training program by conducting a training needs assessment followed by a 40-hour training for supervisory staff. No local cash match is required.

ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS), OFFICE FOR CHILDREN, IN CONJUNCTION WITH THE CHILD CARE ADVISORY COUNCIL, TO APPLY TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR GRANT FUNDING FOR THE EARLY LEARNING OPPORTUNITIES GRANT

Authorized DFS to apply for federal funding in the amount of \$1 million to continue a grant that was awarded between 2002 and 2004 under the Early Learning Opportunities Act. Of this total \$850,000 is from DHHS, while the remaining \$150,000 is the required local cash match, which will be absorbed within the Office for Children's Fiscal Year 2005 Budget.

ADMIN 15 – RESOLUTION APPROVING CERTAIN DOCUMENTS PREPARED IN CONNECTION WITH LEASE FINANCING OF THE JAMES LEE COMMUNITY CENTER BY FAIRFAX COUNTY, VIRGINIA, THROUGH THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), AND RATIFYING THE EXECUTION AND DELIVERY THEREOF; AND AUTHORIZATION TO ENTER INTO A GROUND LEASE AGREEMENT AND FACILITY LEASE AGREEMENT RELATED THERETO (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution approving the Preliminary Official Statement and the Official Statement relating to the lease financing by FCRHA and the Housing Authority in respect to the James Lee Community Center.
 - Authorized execution of the ground lease and facility lease.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2005 REVISED BUDGET PLAN

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 13, 2004, at 10 a.m.** to consider increasing the FY 2005 appropriation level.

(NOTE: Later in the meeting, the Board took additional action on this item. See Clerk's Summary Item CL#14.)

14. **ADDITIONAL ACTION ON ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2005 REVISED BUDGET PLAN**
(11:08 a.m.)

(NOTE: Earlier in the meeting, the Board authorized this public hearing. See Clerk's Summary Item CL#13.)

Supervisor Bulova said that during its deliberations on the FY 2005 Budget, the Board adopted a budget guideline related to the replacement of computers and buses in the School Division. The Board directed that available balances materializing at Carryover, or as part of the Third Quarter Review, and not required for the Revenue Stabilization Fund or for critical County expenditures, be considered for one time requirements, including the creation of a replacement reserve for school buses and computers. The concept of the reserve was based on Board discussions with the School Board regarding the School Division's long-term unfunded needs.

Supervisor Bulova said that the FY 2004 Carryover Review includes a recommended reserve of \$5 million for school computers and buses. She moved that the Board:

- Direct the County Executive to work with the School Division to develop a meaningful, long term mechanism and plan for school computer/bus replacement.
- Hold in reserve the \$5 million recommended funding until the development of such a policy and pending commitments of future year funding. It is the Board's intention that this funding remain within County funds until required for computer/bus replacement per the proposed replacement policy.

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

Supervisor Smyth clarified for the record that the Consideration Item on the Tysons Corner Traffic Modeling Analysis should include urban design analysis. Without objection, it was so noted.

Supervisor Gross moved to add a Consideration Item in the amount of \$585,000 to address the drainage issues identified in the Clemons Court/Annandale Acres area of Mason District and as described in her handout to the Board. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Discussion ensued with input from Susan W. Datta, Director, Department of Management and Budget, regarding inadequate reimbursement from the State

Compensation Board for prisoners and the likely increase in prison population due to stiffer penalties for drunk driving.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct staff to prepare a letter to the State and General Assembly delegation for his signature which reviews these issues and requests State financial and custodial accountability. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, with input from Ms. Datta and Anthony H. Griffin, County Executive, Supervisor Frey asked unanimous consent that the Board direct staff to provide to the Board, before the public hearing, information regarding the additional positions required to open additional space at the Adult Detention Center (ADC) that were allocated in the FY 2002 Carryover as well as the comprehensive plan for opening the vacant new wings of the ADC. Without objection, it was so ordered.

Following discussion, with input from Michael P. Neuhard, Chief, Fire and Rescue Department, Supervisor Frey asked unanimous consent that the Board direct staff to provide to the Board, before the public hearing, additional information regarding EMS policy, specifically the number of units and staff dispatched on routine response calls. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board presented additional Consideration Items. See Clerk's Summary Items CL#46, CL#55, and CL#58.)

DS:ds

15. **A-1 – ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT TO WIDEN A SEGMENT OF CENTREVILLE ROAD (ROUTE 657) FROM WEST OX ROAD (ROUTE 608) TO FRYING PAN ROAD (ROUTE 608) (HUNTER MILL DISTRICT)** (11:22 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and endorse VDOT's design plans, as presented at the May 25, 2004, public hearing, to widen the segment of Centreville Road (Route 657) from West Ox Road (Route 608) to Frying Pan Road (Route 608) to include six 12-foot lanes with curb and gutter, a raised median, turn lanes at two intersections, a 5-foot sidewalk on the west side and an 8-foot multi-purpose trail on the east side of the road with the following provisions:

- Evaluate the options to mitigate the visual impact of the road widening on adjacent residents of the Copper Crossing

subdivision, and continue to coordinate this issue with the Copper Crossing Civic Association.

- Consider alternative locations for the stormwater management pond to minimize the impact on adjacent homeowners.

Chairman Connolly seconded the motion.

Discussion ensued with input from Jane Rosenbaum, Capital Projects Section, Department of Transportation, regarding Copper Crossing Civic Association's request for a noise and sight mitigation berm.

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

16. **A-2 – LOCATION STUDY AND ENVIRONMENTAL IMPACT STATEMENT FOR THE WIDENING OF THE CAPITAL BELTWAY (I-495) FROM THE AMERICAN LEGION BRIDGE TO THE SPRINGFIELD INTERCHANGE** (11:24 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the draft letter from Chairman Connolly to Secretary of Transportation Whittington Clement transmitting the comments and recommendations to the Virginia Department of Transportation (VDOT) regarding the Location Study and Environmental Impact Statement for the widening of the Capital Beltway (I-495) from the American Legion Bridge to the Springfield Interchange, as follows:

- Access to and from the High Occupancy Vehicles (HOV) (10-lane alternative) or High Occupancy Toll (HOT) (12-lane alternative) lanes into the Tysons Corner area is important to encourage the use of HOV and accommodate improved transit service to the area. An access from the Beltway to Jones Branch Drive should be considered.
- Intermediate access points between the general purpose lanes and the HOV or HOT lanes should be considered to provide more opportunity for their use. Operational issues need to be considered to ensure safety, but by only constructing ramps from the general purpose lanes to the HOV or HOT lanes some of these concerns might be reduced while still providing increased access.
- To make the HOV or HOT lanes part of a regional network, direct connections to the I-95/I-395 HOV facility need to be included through the construction of Phase VII of the Springfield Interchange.

- Continued coordination with the State of Maryland regarding its proposals for the Capital Beltway is necessary to ensure compatibility and minimize possible congestion at the American Legion Bridge.
- The need to provide adequate sound walls is essential to any improvement to the Capital Beltway.
- Connections to I-66 outside the Beltway need to be compatible with future improvements to I-66 now under study as part of the I-66 Multimodal Transportation and Environmental Study so that adjacent properties are impacted only once. These improvements need to be coordinated with the Washington Metropolitan Area Transit Authority's proposed redevelopment of the Dunn Loring Station.
- VDOT must study ways to improve pedestrian and bicycle access across and along the Capital Beltway to minimize the effect that it has as a barrier to these non-motorized transportation options. Pedestrian and non-motorized transportation needs to be accommodated at all existing crossings of the Capital Beltway and connections made to adjacent existing and planned trails.
- In addition to the Building Alternatives, VDOT should study ways to improve capacity and safety on the Capital Beltway through the development of short and mid-term projects that could realistically be funded if the development of alternative funding for the entire project is not possible. These projects should address critical areas of the Capital Beltway including the segment between Route 50 (Arlington Boulevard) and the Dulles Toll Road.

Supervisor Bulova seconded the motion.

Supervisor Smyth asked to amend the motion to add another bullet to read as follows:

- Convey to VDOT that the Board is concerned about impacts of access ramps, both from traffic and physical standpoints. The Board urges VDOT to provide a detailed analysis of traffic impacts during the development of this project, where these ramps connect from/to the Beltway and the physical impacts caused by access ramps on homes and businesses. This information should be made available to the public for review and comment during the next phase of this project.

Following discussion regarding the ramps, Supervisor Gross moved to amend the motion to modify the fifth bullet to read as follows:

- Adequate sound walls are essential to any improvement to the Capital Beltway and must be provided in the widening project.

Supervisor Kauffman seconded the amendment to the motion.

Following discussion, with input from Douglas S. MacTavish, Capital Projects Section, Department of Transportation (DOT), regarding sound walls on the Capital Beltway, the question was called on the amendment and it carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Kauffman asked to amend the motion to add the following bullet:

- Virginia Department of Rail and Public Transit must work with VDOT to ensure that transit is an integral part of any significant improvement to the Capital Beltway.

This was accepted.

Supervisor Smyth asked to amend the motion to modify the first sentence of her amendment to the motion as follows:

- Convey to VDOT that the Board is concerned about impacts of access ramps, both from traffic and physical standpoints in the HOT lane proposal.

This was accepted.

Discussion ensued with input from Young Ho Chang, Director, DOT, regarding the ramps, and he stated that the HOT lanes pertain to the Capital Beltway's Environmental Impact Statement project.

Therefore, Supervisor Smyth's modification reads as follows:

- Convey to VDOT that the Board is concerned about impacts of access ramps, both from traffic and physical standpoints in **this project**. The Board urges VDOT to provide detailed analysis of traffic impacts, during the development of this project, where these ramps connect from/to the Beltway and the physical impacts caused by access ramps on homes and businesses. This information should be made available to the public for review and comment during the next phase of this project.

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

17. **A-3 – ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT TO IMPROVE A SEGMENT OF POPES HEAD ROAD (ROUTE 654) WEST OF LEWISHAM ROAD (ROUTE 5435) TO 200 FEET EAST OF O'FALY ROAD (ROUTE 5436), HAZARD ELIMINATION AND SAFETY PROJECT (SPRINGFIELD DISTRICT)** (11:35 a.m.)

On motion of Supervisor McConnell, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor DuBois being out of the room, the Board concurred in the recommendation of staff and endorsed VDOT's design plans, as presented at the April 12, 2004, public hearing, to improve the segment of Popes Head Road (Route 654) 400 feet west of Lewisham Road (Route 5435) to 200 feet east of O'Faly Road (Route 5436) subject to the modifications outlined in the Board Agenda Item.

18. **A-4 – REVISIONS TO PERSONNEL REGULATIONS IMPLEMENTING PROFICIENCY PAY FOR ANIMAL CONTROL OFFICERS AND OTHER MINOR CHANGES TO ENSURE CONSISTENCY WITH POLICY** (11:35 a.m.)

Chairman Connolly noted that a memorandum dated July 28, 2004, from Peter J. Schroth, Director, Department of Human Resources, regarding this matter, had been distributed around the dais.

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to the Personnel Regulations implementing proficiency pay for Animal Control Officers and several housekeeping changes. Supervisor Hyland seconded the motion.

Supervisor Gross called the Board Members' attention to a memorandum dated June 14, 2004, from Karen Woodward, Executive Director, Civil Service Commission, to Mr. Schroth, regarding the commission's recommendations to, in the future, review animal control workload projections. Supervisor Gross asked unanimous consent that the Board refer this matter to the next Personnel Committee meeting. Without objection, it was so ordered.

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

19. **A-5 – APPROVAL OF BOND REFERENDUM VOTER INFORMATION PAMPHLET** (11:36 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the draft wording for a voter information pamphlet to be used by members of the Board-appointed Bond Referendum Citizen Committee at

presentations beginning in September and mailed to County households beginning the week of October 4, 2004.

Discussion ensued with input from Brian Worthy, staff, Office of Public Affairs, regarding the date that the pamphlets would be mailed out to County households.

Chairman Connolly noted that absentee balloting begins September 20, 2004, and therefore the pamphlets need to be mailed out before October 4, 2004.

The question was called on the motion, with the understanding that the mailing date be modified to accommodate the date of absentee balloting beginning September 20, 2004, and it carried by a vote of nine, Supervisor DuBois being out of the room.

20. **A-6 – REDEMPTION OF MCLEAN COMMUNITY CENTER BONDS, SERIES 1988** (11:38 a.m.)

(BONDS)

(R)

Supervisor Smyth, on behalf of Supervisor DuBois, moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing redemption of Small District One of Dranesville District (McLean Community Center) Bonds, Series 1988. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room.

21. **A-7 – FISCAL YEAR (FY) 2004 YEAR-END PROCESSING** (11:38 a.m.)

(SAR)

On motion of Supervisor Bulova, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room, the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2004 for the interim period from July 1 until the Board approves the *FY 2004 Carryover Review*, which is scheduled for action on September 13, 2004.
- Approved Supplemental Appropriation Resolution AS 04093 for the one School Board fund requiring additional appropriations for FY 2004.

22. **A-8 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05024 AND EXECUTING A PROJECT AGREEMENT FOR BUS STOP AND INTERSECTION IMPROVEMENTS ALONG ROUTE ONE AS PART OF THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (LEE AND MOUNT VERNON DISTRICTS)** (11:38 a.m.)

(SAR) Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Approve SAR AS 05024.
- Authorize execution of a project agreement for bus stop and intersection improvements along Richmond Highway.

The total project cost is \$2 million including Congestion Mitigation and Air Quality grant funding of \$1.6 million and a match requirement of \$400,000 being provided by the Virginia Department of Transportation as this project is included in the Primary Road System. No local cash match is required.

Supervisor Kauffman seconded the motion.

Following a brief discussion regarding the Richmond Highway public transportation improvement, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room.

23. **A-9 – APPROVAL OF A PROJECT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE CONSTRUCTION OF A PORTION OF CENTREVILLE ROAD (SULLY DISTRICT)** (11:39 a.m.)

(BONDS) On motion of Supervisor Frey, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor DuBois being out of the room, the Board concurred in the recommendation of staff and:

- Approved, in substantial form, an agreement between the County and VDOT for the widening of a portion of Centreville Road between Metrotech Drive and McLearn Road from two lanes to a four-lane divided roadway in a six-lane right-of-way.
- Authorized advancement of \$2 million in County transportation bond funds that will not be needed for other projects prior to the end of the calendar year 2004 to be used to initiate the design of

the Centreville Road widening prior to the November 2004 Transportation Bond Referendum.

24. **A-10 – BOARD AUTHORIZATION TO DISTRIBUTE INFORMATION ON THE NOVEMBER REFERENDUMS ON THE ISSUANCE OF COUNTY GENERAL OBLIGATION BONDS FOR HUMAN SERVICES, LIBRARIES, PARKS AND PARK FACILITIES, AND TRANSPORTATION** (11:40 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Gross, and carried by a vote of nine, Supervisor DuBois being out of the room, the Board concurred in the recommendation of staff and authorized the printing and distribution of four plain English explanations for referendum questions to be submitted to the voters of the County.

25. **A-11 – ENDORSEMENT OF LETTER CONCERNING THE COMPLETION OF THE GRADE-SEPARATION OF TELEGRAPH ROAD AT NORTH KINGS HIGHWAY AND AT HUNTINGTON AVENUE AS PART OF THE WOODROW WILSON BRIDGE PROJECT** (11:40 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and endorse the letter to the Virginia Department of Transportation concerning the completion of the grade-separation of Telegraph Road at North Kings Highway and at Huntington Avenue as part of the Woodrow Wilson Bridge project. Supervisor Hyland seconded the motion.

Discussion ensued regarding endorsement of the letter.

(NOTE: Later in the meeting, the question was called on the motion to this item. See Clerk's Summary Item CL#27.)

26. **A-12 – ENDORSEMENT OF LETTERS CONCERNING THE DESIGN AND FUNDING OF A NEW FOUR-LANE CONNECTOR ROAD AT FORT BELVOIR BETWEEN RICHMOND HIGHWAY (US ROUTE ONE) AND TELEGRAPH ROAD (MOUNT VERNON AND LEE DISTRICTS)** (11:41 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and directed staff to:

- Forward a letter to the Congressional Delegation of Northern Virginia addressing the issues of securing Federal funding for design and construction for the new connector road as a four lane project.

- Forward a letter to the Commander, Military District of Washington, DC, recognizing his personal intervention and quick action in moving the connector road forward as a four-lane design project.

Supervisor Hyland seconded the motion.

(NOTE: Later in the meeting, the question was called on the motion for this item. See Clerk's Summary Item CL#28.)

27. **VOTE ON ACTION ITEM A-11 – ENDORSEMENT OF LETTER CONCERNING THE COMPLETION OF THE GRADE-SEPARATION OF TELEGRAPH ROAD AT NORTH KINGS HIGHWAY AND AT HUNTINGTON AVENUE AS PART OF THE WOODROW WILSON BRIDGE PROJECT** (11:41 a.m.)

(NOTE: Earlier in the meeting, a motion was made regarding this item. See Clerk's Summary Item CL#25.)

Chairman Connolly noted that the Board had not voted on the motion regarding A-11.

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

28. **CONTINUATION OF ACTION ITEM A-12 – ENDORSEMENT OF LETTERS CONCERNING THE DESIGN AND FUNDING OF A NEW FOUR LANE CONNECTOR ROAD AT FORT BELVOIR BETWEEN RICHMOND HIGHWAY (US ROUTE ONE) AND TELEGRAPH ROAD (MOUNT VERNON AND LEE DISTRICTS)** (11:41 a.m.)

(NOTE: Earlier in the meeting, a motion was made regarding this item. See Clerk's Summary Item CL#26.)

Following discussion regarding Major General Galen Jackman's response to the design of the connector road, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board endorse the draft letter to Major General Jackman thanking him for his response. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following additional discussion regarding funding of the connector road, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

29. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS**
(11:43 a.m.)

The Board next considered an item contained in the Board Agenda dated August 2, 2004, requesting authorization for the County Executive, the appropriate Deputy County Executive, or the Chief Financial Officer to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

30. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD FISCAL YEAR (FY) 2005 FEE SCHEDULE** (11:44 a.m.)

The Board next considered an item contained in the Board Agenda dated August 2, 2004, requesting authorization for staff to implement the FY 2005 Fee Schedule on October 6, 2004.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding how the newly created scholarship fund will be put into effect beginning the next fiscal year.

The staff was directed administratively to proceed as proposed.

31. **I-3 – CONTRACT AWARD – PARKING LOT AND ROAD IMPROVEMENTS AT CLARKS CROSSING PARK (HUNTER MILL DISTRICT)** (11:44 a.m.)

The Board next considered an item contained in the Board Agenda dated August 2, 2004, requesting authorization for staff to award a contract to Rustler Construction, Incorporated, in the amount of \$170,000 for the construction of a parking lot and related road improvements at Clarks Crossing Park.

The staff was directed administratively to proceed as proposed.

32. **I-4 – CONTRACT AWARD FOR ENVIRONMENTAL DESIGN AND PERMITTING SERVICES TO MICHAEL BAKER, JR. INCORPORATED**
(11:45 a.m.)

The Board next considered an item contained in the Board Agenda dated August 2, 2004, requesting authorization for staff to award a contract to Michael Baker, Jr., Incorporated, in the amount of \$825,000 for consultant engineering services to provide environmental design and permitting services on various County projects designed by County staff, for County projects where environmental engineering services are not part of a design contract with an

outside consulting firm, or other projects with environmental sensitivities or concerns.

Discussion ensued with input from Howard J. Guba, Deputy Director, Department of Public Works and Environmental Services, regarding why outside consultants were contracted to provide design and permitting services.

The staff was directed administratively to proceed as proposed.

33. **I-5 – BUILDING CODE AMENDMENT TO INCREASE FIRE SEPARATION DISTANCES BETWEEN SINGLE FAMILY HOMES**
(11:46 a.m.)

The Board next considered an item contained in the Board Agenda dated August 2, 2004, reporting with information regarding a recent fire in the Manchester Lakes area of the County, and apprising the Board of the status of a pending Virginia Uniform Statewide Building Code amendment regarding fire separation distances.

Discussion ensued with input from Ray Pylant, Director, Commercial Inspections Division, Department of Public Works and Environmental Services, regarding fire-rated gypsum board.

Supervisor Hyland asked unanimous consent that the Board direct staff to report with information regarding the best type of material that should be used on the sides of homes that are built close together. Without objection, it was so ordered.

34. **I-6 – APPOINTMENT OF HOUSING PRESERVATION ACTION COMMITTEE** (11:49 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated August 2, 2004, requesting authorization to establish the Housing Preservation Action Committee, as proposed.

The staff was directed administratively to proceed as proposed.

NV:nv

35. **INTENT TO DEFER PUBLIC HEARING (MOUNT VERNON DISTRICT)**
(11:50 a.m.)

Supervisor Hyland announced his intent to defer the public hearing on Rezoning Application RZ 2003-MV-059.

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#63.)

36. **UPDATE ON THE W&OD TRAIL** (11:51 a.m.)

Chairman Connolly raised the issue of the clear-cutting along the W&OD Trail and shared with the Board proposed letters to Scott K. York, Chairman, Loudoun County Board of Supervisors; Tim Flaherty, Head, Division of Energy Regulation, State Corporation Commission; and Thomas F. Farrell, II, President and Chief Executive Officer, Dominion Resources, Incorporated.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent to sign those letters on behalf of the Board. Without objection, it was so ordered.

37. **911 FAILURE** (11:52 a.m.)

Chairman Connolly said that it came to his attention that on Sunday, July 18 a Verizon cable was cut in the western part of the County. County customers served by these 2,300 lines were able to dial out, but could not call 911. This problem lasted from 12:02 p.m. until 5:30 p.m.

Chairman Connolly said that Verizon failed to notify the Public Safety Communications Center (PSCC), though he understood that the Loudoun County Public Safety Center received timely notification. In fact, it was his office that first notified PSCC on Monday, July 19 of the disruption of service. He was advised that Verizon later told PSCC that a breakdown in communication occurred from Verizon to PSCC, and steps have been taken to assure that this does not happen again. While he was concerned about the loss of 911 services to Fairfax residents, what troubled him even more was Verizon's failure to notify the PSCC so that emergency plans could be activated. The County has excellent plans in place to respond to interruptions in phone service that deny 911 to citizens, but those plans cannot be implemented if Verizon fails to provide notification of a problem.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to:

- Investigate the failure and report with the circumstances surrounding this incident and the history of similar failures.
- Provide recommendations for steps that the County might take to avoid a recurrence of this event.

Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

38. **PROPERTIES DONATED FOR PUBLIC SAFETY TRAINING EXERCISES** (11:53 a.m.)

Chairman Connolly noted that a number of property owners donated properties or structures that were slated for demolition to the Department of Fire and Rescue and Police Department for training exercises. He expressed his gratitude for these training opportunities and stated that the Board wants to encourage more of such donations and usage from owners planning redevelopment for the purpose of valuable training exercises.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite developer and citizen representatives who have made properties for training available to Fairfax County Public Safety to appear before the Board at the meeting closest to September 11 (September 13) to be recognized for their contributions as well as their partnership with public safety. He further asked that the Board direct staff to also invite representatives from the Fire and Rescue Department (FRD) and the Police Department. Without objection, it was so ordered.

Supervisor Smyth noted that a proffer from a recent application in her district will allow FRD to use for training the houses slated for demolition. She suggested that the Board explore the possibility of expanding this use of proffers on a regular basis.

39. **INTERNAL MAIL** (11:55 a.m.)

Chairman Connolly said that occasionally his office receives mail from agencies within the County, such as the School Division and the Planning Commission, via US Postal mail. Because the County courier system is in place, the use of the postal system to send mail between County agencies, particularly when it is sent certified, thereby imposing an additional fee, may create unnecessary costs to the County.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the County Executive to review the use of the US Postal service for interagency mail to determine whether there are potential savings by using regular internal mail services. Without objection, it was so ordered.

40. **AUDIT COMMITTEE REPORTS** (11:55 a.m.)

(BACs)

Chairman Connolly said that the Board's Audit Committee receives Quarterly Status Reports from the Board's auditors that must then be approved by the full Board. The Audit Committee's April meeting was postponed due to the lack of a quorum. Therefore, at the Committee's July meeting, the Committee approved both the April 19, 2004, and July 20, 2004, Quarterly Status Reports. The auditors to the Board previously mailed copies of both reports to all Supervisors.

Accordingly, Chairman Connolly moved that the Board accept the reports of April 19, 2004, and July 20, 2004. Supervisor Hyland seconded the motion.

Following discussion regarding the upcoming vehicle usage report, with input from Anthony H. Griffin, County Executive, the question was called on the motion, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

41. **RESTON CRESCENT SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-H-027 (HUNTER MILL DISTRICT)** (11:57 a.m.)

- (A) Supervisor Hudgins said that TrizecHahn is the owner of the Reston Crescent site and the applicant for Special Exception Amendment Application SEA 01-H-027. The application seeks approval of an increase in height for the Phase II office building proposed for the site. Reston Crescent is located in the northwest quadrant of the intersection of Reston Parkway and Sunrise Valley Drive. The site is currently developed with one office building, and two additional buildings are planned. To match the appearance of the existing office building, the applicant seeks approval of a nine-foot increase in the height of the Phase II building. Both the Reston Planning and Zoning Committee and the Architectural Review Board support the application. The Planning Commission public hearing is scheduled for October 20.

Accordingly, Supervisor Hudgins moved that the Board direct the:

- Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Special Exception Amendment Application SEA 01-H-027.
- Office of the County Executive to schedule the public hearing to be held before the Board on this application for November 15, 2004.

Supervisor Hudgins noted that this motion should not be construed as a favorable recommendation by the Board on this application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

42. **OUT-OF-TURN PLAN AMENDMENT FOR THE PRISON FELLOWSHIP MINISTRIES PROPERTY (HUNTER MILL DISTRICT)** (11:59 a.m.)

Supervisor Hudgins said that Prison Fellowship Ministries, headquartered in the Hunter Mill District for many years, is relocating to Loudoun County. Its

property, located on Old Reston Avenue, is the site of the Arthur S. DeMoss House, also known as Sunset Hills, which is located on the County's inventory of historic sites. The new owner of the property seeks to convert the existing 48,000 square feet of office use on the site to residential use and to preserve the historic house as a restaurant and inn. The site has one of the remaining buildings of the old Town of Wiehle. The owners will give serious consideration to preserving the property and adjoining grounds through the use of a conservation easement. The owner would also like to explore the possibility of reallocating, under the Comprehensive Plan, the approved, but unbuilt, office use from the Prison Fellowship site to a site within the Reston Town Center either as office or residential use.

Accordingly, Supervisor Hudgins moved that the Board:

- Authorize an out-of-turn plan amendment for Land Unit D-7 of the Reston-Herndon Suburban Center, which contains the Prison Fellowship property, for consideration of residential and other non-office uses that might support the preservation of this County historic inventory site.
- Direct staff to explore the possible reallocation of planned but unbuilt intensity from the Prison Fellowship site to a location in the Reston Town Center, Land Unit D-2.

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

43. **RECOGNITION OF MS. MARTHA PENNINO (HUNTER MILL DISTRICT)** (12:01 p.m.)

(BACs) Supervisor Hudgins noted that Ms. Martha Pennino served the community for many decades as a town council member, community activist, member of the Board of Supervisors, and regional representative to multiple agencies. She recently retired as the Hunter Mill District representative on the Water Authority.

To acknowledge former Supervisor Pennino's retirement, Supervisor Hudgins moved that the Board direct staff to prepare and send to her a resolution of gratitude for her extensive service to the community and to further encourage her many friends and admirers to send greetings of support for her contributions to the community. Supervisor McConnell seconded the motion.

Chairman Connolly expressed well wishes to Ms. Pennino.

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

44. **DONATED VIENNA VOLUNTEER FIRE DEPARTMENT VEHICLE SPOTTED IN SAN SALVADOR (HUNTER MILL DISTRICT)** (12:02 p.m.)

(NOTE: Earlier in the meeting, the Board recognized the former Vienna Volunteer Fire Department Chief. See Clerk's Summary Item CL#7.)

Supervisor Hudgins noted that when the Board honored retiring Chief Donald Burns earlier in the meeting, it acknowledged the contributions of the Vienna Volunteer Fire Department. She said that an associate dean of George Washington University's Medical School recently spotted a donated Vienna Volunteer Fire Department Advance Life Support vehicle providing community outreach service at a street market in San Salvador. He sent photographs to her office and she shared them with the Board.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to disseminate the result of the Vienna Volunteer Fire Department's generous contribution to the people of San Salvador by sharing the photographs with the local media. Without objection, it was so ordered.

A brief discussion ensued regarding the use of the vehicle.

45. **GANG SUMMIT** (12:04 p.m.)

Supervisor Gross called the Board's attention to the Metropolitan Washington Council of Government's (COG) "Hold the Date" notice for the Gang Summit on September 29 sponsored by COG. The summit is planned as an all-day event at the Crystal Gateway Marriott in Arlington.

Supervisor Gross called the Board's attention to an article in today's edition of *The Washington Post* regarding the area's task forces on gangs, and discussion ensued.

Supervisor McConnell asked unanimous consent that the Board direct the County Executive to provide, by the September 13 meeting, information on the staffing of the County's gang unit. Without objection, it was so ordered.

Discussion continued regarding the article.

Supervisor Hudgins suggested that the staff recirculate the Partnership for Youth report on gang violence and remind the media that this Board and prior Boards has been forcefully engaged in the prevention of gangs in the community for many years.

46. **CARRYOVER BUDGET CONSIDERATION ITEM REGARDING BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) PARKING DURING CONSTRUCTION OF GARAGE (BRADDOCK DISTRICT)** (12:09 p.m.)

(NOTE: Earlier in the meeting, the Board proposed other consideration items for the Carryover Review Budget. See Clerk's Summary Item CL#14.)

Supervisor Bulova said that throughout the past year, her office has been working with the Burke Centre community on two projects. One is to build a new library on property the County acquired at Freds Oak Road and the Fairfax County Parkway. The other is to build structured parking to accommodate ridership growth at the Burke Centre VRE lot at Roberts Parkway and the Norfolk Southern Railroad.

Supervisor Bulova reported that for the structured parking (garage) project, a community task force spent several months working with her office and County staff to address issues such as design compatibility, enhanced non-motorized access to the new garage, and operational challenges during the construction phase of the garage. The last item was especially difficult. County and VRE staff grappled with how to provide alternative parking when most of the more than 400 commuters now parking at the lot will be displaced by the staging of construction equipment. No options were viable.

Supervisor Bulova said that members of the community task force suggested an innovative solution to the problem of parking during construction. They pointed out that the County will be building the new Burke Centre Library a short distance away while the VRE garage is under construction. The task force recommended examination of the feasibility of using the future library parking lot for temporary satellite parking for displaced VRE commuters.

Supervisor Bulova stated that staff visited both sites and explored the community proposal. The timing for construction of both the library and garage are very close. By building the library parking lot first and potentially delaying construction of the library building, if necessary, a commuter satellite lot could be ready by spring of 2006, in time for construction to begin on the VRE garage. By summer of 2007, the new garage, while not completely finished, would be available for construction equipment to be moved inside, freeing up sufficient parking spaces for displaced commuters to return. Construction of the library building could then commence. Staff estimated that this strategy would cost \$585,000 over the cost of the basic library parking lot.

Supervisor Bulova said that if the funding were approved at the Carryover Budget Review, work could begin soon after the hoped-for approval of the Library Bond Referendum. Once plans for the garage are approved, staff would seek to recover the \$585,000, since VRE garage plans, paid in large part with federal monies, would have built-in funding to address displaced parking.

Accordingly, Supervisor Bulova moved that the Board direct staff to include \$585,000 as a Carryover Consideration Item for temporary parking relief measure, including construction of a temporary satellite VRE parking lot, during the construction of the Burke Centre VRE parking garage. Supervisor Kauffman seconded the motion.

Chairman Connolly noted that as with all Carryover Budget Consideration Items, there is no guarantee that it will be funded.

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

(NOTE: Later in the meeting, the Board presented additional Consideration Items. See Clerk's Summary Items CL#55 and CL#58.)

DS:ds

47. **APPOINTMENT TO THE DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I** (12:13)

(APPT) (NOTE: Earlier in the meeting, the Board deferred an appointment to this board. See page 8.)

Supervisor Smyth moved the appointment of Ms. Brenda Krieger to the Dulles Rail Transportation Improvement District Advisory Board, Phase I. Supervisor Bulova seconded the motion which carried by a vote of nine, Supervisor Kauffman being out of the room.

48. **RECOGNITION OF MS. PAMELA DANNER (DRANESVILLE DISTRICT)** (12:14 p.m.)

(BACs) (NOTE: Earlier in the meeting, the Board appointed a new Dranesville District Representative to the Water Authority. See page 10.)

Supervisor DuBois asked unanimous consent that the Board direct staff to invite Ms. Pamela Danner to appear before the Board at a future meeting to be recognized for her 12 years of service as the Dranesville District representative to Fairfax Water (formerly the Water Authority). Without objection, it was so ordered.

49. **INTRODUCTION OF NEW INTERN (DRANESVILLE DISTRICT)** (12:14 p.m.)

Supervisor DuBois introduced Ms. Mary Leigh Nugent, a new summer intern in her office, and, on behalf of the Board, warmly welcomed her to the Board Auditorium.

50. **MCLEAN LITTLE LEAGUE CHAMPIONS** (12:15 p.m.)

Supervisor DuBois announced that the McLean Little League 9–10 year-old Fast Pitch Softball Team successfully defended its State Championship last week in Bridgewater, and the 13-year-old McLean/Great Falls Babe Ruth Baseball Team won the State Championship last week, after finishing second last year.

PMH:pmh

51. **CENTREVILLE HISTORIC OVERLAY DISTRICT (SULLY DISTRICT)**
(12:16 p.m.)

(BACs) (R) Supervisor Frey said that on February 24, 1986, the Centreville Historic Overlay District was adopted to preserve the mixture of uses that have historically characterized the Centreville area. Three historic houses, two historic churches and Civil War trenches and fortifications are located within the current Centreville Historic Overlay District boundaries. It is noted that other historic structures and properties are located in close proximity to the historic district and it may be highly desirable to expand the historic district to include these properties.

Supervisor Frey said that to expand the Centreville Historic Overlay District boundaries, a number of actions must occur, including:

- The preparation of a report, as required by the Zoning Ordinance, that outlines the district's boundaries as well as the historic, architectural, archaeological or cultural significance of buildings, structures, or sites to be protected.
- A rezoning application to amend the boundaries of the historic district.
- A Comprehensive Plan amendment that reflects the changes to the historic district boundaries and evaluates the overall vision for the Historic District.

In addition to changing the district boundaries, Supervisor Frey said that consideration should also be given as to whether the existing Centreville Historic Overlay District regulations contained in the Zoning Ordinance should be amended to reflect the changed circumstances that have occurred in the Centreville area in the 18 years since the District was established. He said that it is his intention to establish a task force including property owners, affected residents, and interested citizens to provide input throughout the process. He asked that anyone who is interested in participating in this task force contact his office. He added that he hoped to have the task force established by November 1.

To implement these actions, Supervisor Frey moved that the Board direct staff to:

- Research the properties outlined on the map relative to their appropriateness for inclusion in the Historic District, prepare the written report as required by the Zoning Ordinance, and ensure that the resultant report is coordinated with all appropriate Boards, Authorities, and Commissions.
- Work with the task force to process and evaluate an out-of-turn Comprehensive Plan amendment for the map and text changes which may result from this process.
- Initiate a Board's own rezoning to adjust the boundaries of the district, if such is recommended by the report, by adopting the Resolution contained in his written Board Matter.

Supervisor Frey noted that the Board may need to amend the Comprehensive Plan to ensure that references to the Centreville Historic boundaries, in both text and maps are consistent with the action of the Board. Supervisor McConnell seconded the motion.

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

52. **CAMPAIGN STOP (SULLY DISTRICT)** (12:21 p.m.)

Supervisor Frey said that he wanted to dispel any "ugly" rumors and announced that although he was in the area of the first campaign stop for Senator Kerry in Pennsylvania, he did not attend the event.

53. **CERTIFICATE OF RECOGNITION FOR MR. J. KENNETH KLINGE**
(12:22 p.m.)

Supervisor Kauffman said that on June 30, 2004, Mr. J. Kenneth Klinge stepped down from the Commonwealth Transportation Board where he had represented Northern Virginia since 1998.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Klinge to appear before the Board at a future meeting for formal recognition and that a certificate be prepared to present to Mr. Klinge. Without objection, it was so ordered.

54. **VETERANS BRIDGE (LEE DISTRICT)** (12:22 p.m.)

Supervisor Kauffman said that on Wednesday, September 1, 2004, at 7:30 p.m., members of the Springfield community will march over Veterans Bridge in the heart of the Springfield revitalization district and hold a community celebration at the American Legion end of the bridge. The celebration will feature music by the Kings Park Band and food from local restaurants.

Supervisor Kauffman noted that this community building event began three years ago to mark the installation of new lighting on the Amherst Avenue Bridge in central Springfield. Veterans Bridge (also known as the Amherst Avenue Bridge) crosses over Old Keene Mill Road and links both sides of Springfield's commercial revitalization area. The bridge is a gateway to central Springfield. With its acorn lights, wide sidewalks, pedestrian stairway, and attractive facade, it dovetails nicely with the community's vision for a revitalized Springfield and is an attractive gateway to the central business district.

Supervisor Kauffman invite Board Members to join him for the celebration.

55. **CARRYOVER - FRANCONIA MUSEUM (LEE DISTRICT)** (12:23 p.m.)

(NOTE: Earlier in the meeting, the Board presented additional Consideration Items. See Clerk's Summary Items CL#14 and CL#46.)

In support of several years of community effort, Supervisor Kauffman moved that \$50,000 from Carryover be placed on the Consideration List toward creating the Franconia Museum as a part of the adaptive reuse of the former Franconia Tax Administration Office. This motion, the second to which was inaudible, carried by unanimous vote.

(NOTE: Later in the meeting, the Board presented an additional Consideration Item. See Clerk's Summary Item CL#58.)

56. **BRIDGE DEDICATION (LEE DISTRICT)** (12:24 p.m.)

Supervisor Kauffman shared photographs with the Board from the dedication of the Robert J. Heittman Bridge.

57. **SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-S-028 (SPRINGFIELD DISTRICT)** (12:24 p.m.)

Supervisor McConnell said that the Gesher Jewish Day School of Northern Virginia (Gesher) received special exception approval for a private school of general education from the Board on April 29, 2002. Since the approval, Gesher has been diligently pursuing site plan approval, including a final location for its septic field. A new and better location has been selected for the septic field that

meets the approval of the Health Department. In addition, the new location has the benefit of being further from an adjacent residential community.

Supervisor McConnell said that Gesher was hopeful that the new location of the septic field could be approved administratively. It has come to Gesher's attention that an administrative approval is not possible and a special exception amendment application will be necessary. It appears there are no planning issues associated with the proposed amendment. As Gesher is under time constraints to commence construction, a request has been submitted for expedited and concurrent processing. Given the limited scope of the special exception amendment application, it appears this is a reasonable request.

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

- Expediently process Special Exception Amendment Application SEA 01-S-028 to be filed by the Gesher Jewish Day School of Northern Virginia on property identified as 4700 Shirley Gate Road, tax map reference 56-4((1))19B and 56-4((3))1.
- Accept for concurrent and simultaneous processing a site plan, architectural drawings, and any other plans or drawings as may be necessary in conjunction with Special Exception Amendment Application SEA 01-S-028.

This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Gross seconded the motion and it carried by unanimous vote.

58. **LIDAR GUNS (SPRINGFIELD DISTRICT)** (12:27 p.m.)

(NOTE: Earlier in the meeting, the Board presented additional Consideration Items. See Clerk's Summary Items CL#14, CL#46, and CL#55.)

Supervisor McConnell moved that the Board add 20 Lidar guns to the list of Consideration Items for Carryover. Supervisor Hyland seconded the motion and it carried by unanimous vote.

59. **SOUTH COUNTY BUS SERVICE PLAN: TIS WELL DRIVE (MOUNT VERNON DISTRICT)** (12:29 p.m.)

Supervisor Hyland said that on June 21, 2004, the Board approved the South County Bus Plan for implementation on September 26, 2004, but deferred action on the portion of the South County Plan regarding the routing of bus service on Tis Well Drive. At the same time, staff was requested to provide statistics about FAIRFAX CONNECTOR service on Tis Well Drive so that the Board could make an informed decision following the tragic fatal accident in the community.

Supervisor Hyland said that staff has provided an analysis of transportation on Tis Well Drive. The major findings include:

- The River Farms Homeowner Association, representing more than 190 residences on and around Tis Well Drive, asked that FAIRFAX CONNECTOR Bus Service be discontinued on Tis Well Drive.
- Observed traffic speed and volume data fall below qualifying criteria for the traffic calming program.
- Tis Well Drive has a complete network of sidewalks, sufficient handicap facilities (ramps), and adequate street lighting.
- Street parking is heavily used, affecting sight distance at entrances.
- On a typical day 44 passengers board or alight FAIRFAX CONNECTOR buses at the two bus stops on Tis Well Drive; 80 percent of FAIRFAX CONNECTOR passengers indicated they would walk to Hinson Farm Road if bus service is discontinued on Tis Well Drive.
- Feedback from the Mount Vernon Home, Mount Vernon Nursing and Rehabilitation Center, and local doctors' offices expressed the value of FAIRFAX CONNECTOR service on Tis Well Drive.

After weighing all the factors noted above, Supervisor Hyland moved that the Board direct staff to:

- Discontinue operating FAIRFAX CONNECTOR service on Tis Well Drive on September 26, 2004, when the South County Bus Plan is implemented. Review the impact of this action after six months.
- Explore the viability of providing supplemental Fastran service to the senior, disabled, and low-income individuals who will be adversely impacted by the elimination of FAIRFAX CONNECTOR service from Tis Well Drive. Staff is to report to the Board on September 13, 2004, with an analysis of this idea, including the cost of such service.
- Request that the Virginia Department of Transportation (VDOT) install signs indicating "No Parking Here to Corner" be installed in order to improve sight distance at entrances.

- Pursue the following initiatives to improve pedestrian and vehicular safety on Tis Well Drive:
 - a. Signs indicating “Watch for Children” should be installed, subject to required community support/request and approval by VDOT, at the entry to Tis Well Drive at both Hinson Farm Road and Holland Road.
 - b. Pedestrian education program should be conducted by the Department of Transportation in conjunction with the community.
 - c. Request that VDOT install pedestrian cross walk(s) with pedestrian warning signs at appropriate locations on Tis Well Drive.
 - d. Conduct a follow-up Engineering Review in six months to determine vehicle volumes and speeds at that time. If warranted, follow-up traffic calming initiatives shall be pursued.

The second to the motion was inaudible.

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

60. **RECESS/CLOSED SESSION** (12:35 p.m.)

At 12:35 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-3711 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. *Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkenstorfer, Donald N. Huff, and Robert F. Rosenbaum, At Law No. 218175 (Fx. Co. Cir. Ct.) (Dranesville District)*
2. *D. Joseph Luce and Susan Luce v. Capital Structures, Inc., Jeffrey Gunther, Joan Gunther, and Fairfax County, Virginia, In Chancery No. 189146 (Fx. Co. Cir. Ct.) (Dranesville District)*
3. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long, In Chancery No. 190363 (Fx. Co. Cir. Ct.) (Springfield District)*
4. *William E. Shoup, Fairfax County Zoning Administrator v. Ceon Land Development, L.L.C., In Chancery No. 182705 (Fx. Co. Cir. Ct.) (Lee District)*
5. *William E. Shoup, Fairfax County Zoning Administrator v. Tae H. Ahn and Mee Y. Ahn, In Chancery No. 187518 (Fx. Co. Cir. Ct.) (Springfield District)*
6. *William E. Shoup, Fairfax County Zoning Administrator v. Mary Ann Miller, In Chancery No. 184365 (Fx. Co. Cir. Ct.) (Braddock District)*
7. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson, In Chancery No. 189092 (Fx. Co. Cir. Ct.) (Braddock District)*
8. *William E. Shoup, Fairfax County Zoning Administrator v. Craig R. Prindle and Kristen K. Prindle, In Chancery No. 191091 (Fx. Co. Cir. Ct.) (Sully District)*

9. *William E. Shoup, Fairfax County Zoning Administrator v. Hugo T. Sejas*, In Chancery No. 191093 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Albritton Communications Company v. Board of Supervisors of Fairfax County, Virginia*, In Chancery No. 191158 (Fx. Co. Cir. Ct.) (Countywide)

And in addition:

- House Bill 988; Disclosures in Land Use Proceedings
- Contract Claims by Fair Lakes Metropolitan Square, LLC
- 800MHz, Portable, and Control Station Radio Equipment Solicitation
- Retaining Wall on Property Located at Tax Map Reference 031-1-11-0008.

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

DMB:dmb

At 3:44 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

61. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:44 p.m.)

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

62. **DENIAL OF THE CLAIM OF FAIR LAKES METROPOLITAN SQUARE, LLC (SPRINGFIELD DISTRICT)** (3:44 p.m.)

Supervisor McConnell moved that the Board deny the claim of Fair Lakes Metropolitan Square, LLC, and its related entities for the reasons stated by the County Attorney in closed session. Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey voting "NAY."

AGENDA ITEMS

63. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)** (3:45 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-059 until **September 27, 2004, at 3:30 p.m.** Supervisor Frey seconded the motion and it carried by unanimous vote.

64. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (3:47 p.m.)

(Verbatim)

(O)

(NOTE: At its May 24, 2004, meeting the Board deferred the public hearing on this item until June 21, 2004. At its June 21, 2004, meeting the Board deferred the public hearing on this item until July 12, 2004. At its July 12, 2004, meeting the Board deferred the public hearing on this item until July 26, 2004. At its July 26, 2004, meeting the Board deferred the public hearing on this item until August 2, 2004.)

The application property is located on the south side of Newington Road at its intersection with Loisdale Road and at the north terminus of Terminal Road, Tax Map 99-1 ((1)) 5E.

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

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

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

- In excess of \$200 from Roubin Associates, LLC

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

- In excess of \$200 from Angel Roubin

Discussion ensued, with input from Catherine Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, regarding similarities and/or differences with this application and the Lee District side of the Cinder Bed Road application.

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

Supervisor Hyland moved to:

- Defer decision on Rezoning Application RZ 2003-MV-036 until **September 13, 2004, at 3:30 p.m.**, so that staff can review the environmental issues that were discussed.
- Direct staff to prepare a verbatim transcript of today's public hearing.
- Hold the record open for written testimony and/or information.

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

Supervisor Hyland submitted items for the record.

65. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-022-02 (PUBLIC BROADCASTING SERVICE) (MASON DISTRICT)** (4:54 p.m.)

The application property is located at 6455 Stephenson Way, Tax Map 81-1 ((9)) A.

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

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

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

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

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

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

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

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

Following the public hearing, 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 Amendment Application SEA 85-L-022-02, subject to the development conditions dated July 26, 2004.
- Modification of the transitional screening and barrier requirements to the south in favor of that shown on the Special Exception plat.

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

66. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-002-04 (FAIR OAKS PENDERBROOK APARTMENTS, LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-014 (FAIR OAKS PENDERBROOK APARTMENTS, LLC) (PROVIDENCE DISTRICT) (4:59 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-P-002-04 and Special Exception Application SE 2004-PR-014 until **September 13, 2004, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

67. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-131-06 (NEWGATE HOMEOWNERS ASSOCIATION, INCORPORATED) (SULLY DISTRICT)** (5:00 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA C-131-06 until **September 27, 2004, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

68. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-DR-023 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-D-006-02 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT)
(5:01 p.m.)

The application property is located on the northwest quadrant of the intersection of Georgetown Pike and Balls Hill Road at 850 Balls Hill Road, Tax Map 21-3 ((1)) 56A.

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

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

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2004-DR-023, subject to the proffers dated July 14, 2004.
- Approval of Special Exception Amendment Application SEA 00-D-006-02, subject to the development conditions dated July 28, 2004.
- Waiver of Section 2-414 of the Zoning Ordinance to permit the modular classrooms to be located 50 feet from Interstate 495 as shown on the Generalized Development Plan/Special Exception Amendment Plat.

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

69. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-I-B3 FOR GOODWIN HOUSE WEST LOCATED ON SOUTH JEFFERSON STREET IN THE BAILEYS CROSSROADS COMMUNITY BUSINESS CENTER (MASON DISTRICT)** (5:06 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2004.

Following the public hearing, which included testimony by one speaker, Clara Quintero Johnson, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Out-of-Turn Plan Amendment S04-I-B3, as recommended by the Planning Commission. The recommendation adds an option that allows consideration of Goodwin House West's expansion up to an intensity of 1.65 Floor Area Ratio. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Gross noted that the Comprehensive Plan Map would not change.

70. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-016 (PRENTISS PROPERTIES ACQUISITION PARTNERS LP) (PROVIDENCE DISTRICT)** (5:10 p.m.)

The application property is located at 8270 Willow Oaks Corporate Drive, Tax Map 49-3 ((1)) 140.

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

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

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

Supervisor Smyth moved approval of Special Exception Application SE 2004-PR-016, subject to the development conditions dated July 14, 2004. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor

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

71. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-PR-016 (WEST*GROUP PROPERTIES, LLC) (PROVIDENCE DISTRICT)** (5:14 p.m.)

The application property is located in the northwest quadrant of the intersection of Westpark Drive and Park Run Drive, Tax Map 29-4 ((7)) A3.

Mr. Thomas D. Fleury reaffirmed the validity of the affidavit for the record.

Mr. Fleury 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 Ms. Kathryn A. MacLane

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

- In excess of \$200 from Mr. John C. Ulfelder

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

- In excess of \$200 from Gerry T. Halpin and Helen R. Halpin, Eagle Management Corporation
- In excess of \$200 from Ms. Kathryn A. MacLane

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

- In excess of \$200 from Ms. Kathryn A. MacLane

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

- In excess of \$200 from Mr. Wayne Hoffman
- In excess of \$200 from Ms. Kathryn A. MacLane
- In excess of \$200 from Thomas F. Nicholson

- In excess of \$200 from Mr. John C. Ulfelder

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

- In excess of \$200 from Ms. Kathryn A. MacLane

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

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 2002-PR-016, subject to the proffers dated August 2, 2004.
- Waiver of the transitional screening and barrier requirements between the proposed uses within the development.
- Waiver of the requirement for a 600-foot limitation on the length of private streets.
- Waiver of the requirements of Paragraph 8 of Section 16-404 of the Zoning Ordinance in order to permit a six-foot high fence around the corner park.
- Waiver of Section 6-0303.8 of the Public Facilities Manual in order to permit underground detention and Best Management Practices facilities in the multifamily residential development.

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

DET:det

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 3, REGARDING ELIMINATION OF POST-EMPLOYMENT PHYSICALS BY THE UNIFORMED RETIREMENT SYSTEM** (5:26 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2004.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 3, regarding the elimination of post-employment physicals by the Uniformed Retirement System. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth and Chairman Connolly voting "AYE," Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

73. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-045 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MOUNT VERNON DISTRICT) (5:28 p.m.)**

- (O) The application property is located between Richmond Highway and Cranford Street south of the intersection of Richmond Highway and Gunston Cove Road, Tax Map 113-2 ((1)) 20, 21, and 21A.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Mr. John Milliken of Venable LLP

Mr. Stearns 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, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-045, from the R-1 District to the PDH-5 District, subject to the proffers dated July 26, 2004.
- Waiver of the service drive requirement along Richmond Highway.

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

On July 14, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-MV-045, subject to the development conditions dated June 30, 2004.

74. **4:30 P.M. – PH REGARDING THE PROPOSED SUBLEASING OF A PORTION OF COUNTY LEASED PROPERTY LOCATED AT 11150 SUNSET HILLS ROAD, RESTON, VIRGINIA, TO THE UNITED WAY OF THE NATIONAL CAPITAL AREA (UWNCA) (HUNTER MILL DISTRICT)** (5:32 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2004.

Following the public hearing, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, on behalf of Supervisor Hudgins, moved that the Board authorize County staff to execute a sublease, substantially in accordance with the proposed sublease for a portion of County leased property at 11150 Sunset Hills Road, Tax Map Number 18-3 ((1))-0027 to UWNCA. Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

75. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MA-003 (LOEHMANN'S PLAZA LIMITED PARTNERSHIP (MASON DISTRICT))** (5:35 p.m.)

The application property is located at 7249 Arlington Boulevard, Tax Map 50-3 ((1)) 5 and 5A pt.

Ms. Kara Whisler reaffirmed the validity of the affidavit for the record.

Ms. Whisler 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, Kristen (Shields) Crookshanks, 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 2004-MA-003, subject to the development conditions dated June 24, 2004. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

Supervisor Gross moved approval of a modification of the transitional screening requirements along the southern, western, southern half of the eastern and western two-thirds of the northern property line in favor of the existing screening shown on the SE Plat with supplemental landscaping as outlined in the development conditions. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

Supervisor Gross moved approval of a waiver of the barrier requirements along the western two-thirds of the northern property line and the southern half of the eastern property line. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

Supervisor Gross moved approval of a modification of the peripheral parking lot landscaping requirements along the eastern one-third on the northern property line and the northern half of the eastern property line. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

76. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-063 [THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (SAINT JOHN CATHOLIC CHURCH)] (DRANESVILLE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2003-DR-039 [THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (SAINT JOHN CATHOLIC CHURCH)] (DRANESVILLE DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-D-040 [THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (SAINT JOHN CATHOLIC CHURCH)] (DRANESVILLE DISTRICT) (5:41 p.m.)

- (O) The application property is located on the west side of Carlin Lane approximately 400 feet north of its intersection with Linway Terrace at 6422 Linway Terrace and 1608 Carlin Lane, Tax Map 31-3 ((1)) 25B, 25C, 27A, and 31B and Tax Map 31-3 ((1)) 27A.

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

Supervisor DuBois disclosed that she is a parishioner of Saint John Church and, although her membership in the parish does not create a requirement under Virginia law that she should make such a disclosure, she believed the public should know of her relationship to Saint John Church. Supervisor DuBois also stated that she intended to participate in the public hearing and in the vote on the application, and that she would act fairly, objectively, and in the public interest.

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

Following the public hearing, which included testimony by two speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, concerning the bell tower as well as stormwater runoff, Supervisor DuBois submitted items for the record.

Supervisor DuBois moved:

- Approval of Proffered Condition Amendment Application PCA 95-D-040.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-DR-063, from the R-1 and R-2 District to the R-2 District, subject to the proffers dated July 27, 2004.
- Approval of Special Exception Application SE 2003-DR-039, subject to the development conditions dated June 23, 2004.
- Modification of the transitional screening yard requirement along all boundaries to that shown on the Generalized Development Plan/Special Exception Plat.
- Modification of the barrier requirement along the northern and eastern boundaries in favor of the existing chain link fence and waiver of the barrier requirements along the southern and western boundaries.

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

77. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) TO INCREASE THE COUNTY CIGARETTE TAX AND TO UPDATE PROVISIONS RELATING TO THE ADMINISTRATION AND COLLECTION OF THE CIGARETTE TAX** (6:04 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2004.

Following the public hearing, which included testimony by four speakers, including statements by several Supervisors as to constituent mail and phone calls concerning the cigarette tax and the athletic services application fee, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to increase the County cigarette tax. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct that the additional \$10.6 million in revenue from the cigarette tax and recordation tax rate increase be held in reserve and used exclusively for real estate tax rate reduction in fiscal year 2006. Supervisor Hyland seconded the motion.

Supervisor Frey moved to amend the motion as follows:

- Use \$1.7 million of the additional revenue generated by the two tax increases to offset the fees expected to be generated by the athletic services application fee.
- Eliminate the athletic services application fee.

Supervisor Hudgins seconded the motion.

Following discussion, the question was called on the amendment to the motion and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor Hudgins voting “AYE.”

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Bulova, Supervisor Frey, and Supervisor Hudgins submitted items for the record.

78. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), SECTION 4-1-1, RELATING TO THE COUNTY RECORDATION TAX** (6:49 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 15 and July 22, 2004.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-1-1, relating to the County recordation tax. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey and Supervisor Kauffman being out of the room.

79. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:52 p.m.)

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by the following individuals:

- Mr. Steve Plott regarding the proposed additional gymnasium usage fee.
- Mr. John Antonelli regarding no publicly funded stadium.

ADDITIONAL BOARD MATTERS

80. **NATIONAL NIGHT OUT** (7 p.m.)

Chairman Connolly reminded the Board that tomorrow is National Night Out and that he hoped to see everyone out on the trail.

81. **BOARD ADJOURNMENT** (7 p.m.)

At 7 p.m., Supervisor Bulova moved to adjourn the meeting. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

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