



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 21, 2001**

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01-13

SBE:sbe

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

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

BOARD MATTERS

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

Chairman Hanley asked everyone to remember in thoughts and prayers the family of Mr. Sterling Springston who died last week. Mr. Springston was an active member of the Graham Greenway Community for a long time and very involved in the community.

Supervisor Gross asked everyone to remember in thoughts and prayers the family of Mr. Victor Fahringer, Jr. who died last week after a long illness. Mr. Fahringer had served since 1977 on the Mechanical Advisory and Licensing Board and was a long time supporter of the Green Spring Gardens Park.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO 2001 LORDS AND LADIES FAIRFAX AND THE CELEBRATE FAIRFAX SPONSORS AND BOARD OF DIRECTORS** (Tape 1)

Chairman Hanley recognized the following Year 2001 Lords and Ladies of Fairfax for the Year 2001 Fairfax Fair.

At Large

- Mr. Thomas M. Stanners
- Ms. Margaret Grant Vanderhye

Mount Vernon District

- Mr. John F. "Jack" Knowles
- Ms. Irma A. Clifton

Braddock District

- Mr. John Shivik
- Ms. Susan Elizabeth Lydick

Providence District

- Mr. Idus Chester
- Ms. Exie Henderson

Hunter Mill District

- Mr. Ronald D. Patterson
- Ms. Sarah Larson

Sully District

- Mr. Robert R. Dively
- Ms. Martha Ashby Barton

Mason District

- Mr. David Feld
- Ms. Frances Tyler

Lee District

- Mr. Jack Kelso
- Ms. Lisa Goodfriend

Springfield District

- Mr. Peter Field

- Ms. Penny Wilkinson

Dranesville District

- Mr. John C. Ulfelder
- Ms. Nancy Faulk

ADDITIONAL BOARD MATTER

Introductions of Interns

Supervisor Gross introduced Tom Danbury, a new intern in her office. Mr. Danbury is an Annandale resident and a rising junior at the College of William and Mary, and who will also be spending a month in Bath, England studying. Supervisor Gross and the Board warmly welcomed him to the Board Auditorium.

Supervisor Hudgins introduced Ms. Luise Papcke from South Lakes High School, who is an exchange student from Germany interning in Supervisor Hudgins' office. Supervisor Hudgins and the Board warmly welcomed her to the Board Auditorium.

Chairman Hanley introduced Ms. Shannon Boston from George Mason University who is an intern in her office. Chairman Hanley and the Board warmly welcomed her to the Board Auditorium.

Supervisor Connolly introduced Ms. Kim Rabinowitch, from the Fellowship Program who is interning in Supervisor Connolly's office for a few months. Supervisor Connolly and the Board warmly welcomed her to the Board Auditorium.

Bruce McLeod, Vice President for Public Relations, Board of Directors for Celebrate Fairfax, presented some history on Celebrate Fairfax and introduced "Chip," Celebrate Fairfax's Mascot. Chip stands for Community, History, Industry, and Parks.

3. **PROCLAMATION TO DESIGNATE MAY 31 - JUNE 3 AS "SPRINGFIELD DAYS" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Kauffman moved approval of the Proclamation declaring May 31 - June 3 as "*Springfield Days*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION TO DECLARE THE WEEK OF MAY 21 - 27 AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation declaring the week of May 21 - 27 as "*Public Works Week*" in Fairfax County. Vice-Chairman Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

5. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) ON ITS ANNUAL REPORT** (Tapes 1-2)

Harry Doyle, Chairman, EDA, presented its annual report and discussion ensued with input from Mr. Doyle.

Citing her concerns about County revenues, Supervisor McConnell said that it is essential that the Board meet with the EDA, the County Executive, and Dr. Stephen Fuller to gain a thorough understanding of current economic forces and the best means of securing an economic future.

Supervisor McConnell moved that the Board direct the County Executive to schedule such a meeting using a format similar to the recent budget workshops. Supervisor Connolly seconded the motion.

Supervisor Kauffman asked to amend the motion and moved that the Board direct staff to invite the School Board Chairman and the School Superintendent to attend this meeting. This was accepted.

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

With reference to the EDA's representation in Tokyo, London, and Frankfurt, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a summary or analysis of those global operations in terms of the value added for the EDA and the business community. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **10:15 A.M. – PRESENTATION BY THE FAIRFAX COUNTY HUMAN RIGHTS COMMISSION ON ITS ANNUAL REPORT** (Tape 2)

Victor Dunbar, Chairman, Human Rights Commission, presented its annual report. Discussion ensued with input from Mr. Dunbar and Michael Cash, Executive Director, Human Rights Commission.

NV:nv

7. **10:30 A.M. - APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 3)

(BACs)

(APPTS)

ADVISORY PLANS EXAMINER BOARD**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following appointments:

- Mr. James H. Scanlon as a Licensed Professional Engineer or Land Surveyor Representative to the Advisory Plans Examiner Board
- Mr. William R. Zink as a Licensed Professional Engineer or Land Surveyor Representative to the Advisory Plans Examiner Board

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

AIRPORTS ADVISORY COMMITTEE

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Supervisor Bulova moved the re-appointment of Mr. James Scanlon as an At-Large Civil Engineer, Architect, or Planner Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Hanley moved the re-appointment of Mr. Grant Nelson as the At-Large #2 Representative to the Alcohol Safety Action Program Local Policy Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the re-appointment of Mr. Darren Dickens as the At-Large #3 Representative to the Alcohol Safety Action Program Local Policy Board. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

Supervisor Bulova moved the re-appointments of:

- Mr. Joseph Jozefczyk as the Braddock District (Principal) Representative to the Athletic Council.
- Mr. Rodney Renner as the Braddock District (Alternate) Representative to the Athletic Council.

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

Supervisor Gross moved the re-appointment of Ms. Barbara Lowrey as the Mason District (Principal) Representative to the Athletic Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville District (Alternate), Mason District (Alternate), and the At-Large Fairfax Woman's Sports Association (Principal and Alternate) Representatives to the Athletic Council.

CHARACTER COUNTS! TASK FORCE

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

CHILD CARE ADVISORY COUNCIL

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

COMMISSION ON AGING

Supervisor Mendelsohn moved the re-appointment of Ms. Elly Doyle as the Dranesville District Representative to the Commission on Aging. Supervisor Connolly seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the At-Large and At-Large (Minority) Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

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

COMMUNITY CRIMINAL JUSTICE BOARD

The Board deferred the appointment of the At-Large Fairfax County Citizen Representative to the Community Criminal Justice Board.

COMMUNITY IMPROVEMENT COMMITTEE

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

Supervisor Connolly declined to nominate a Providence District Representative to the Community Improvement Committee.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Frey moved the appointment of Mr. Peter Sirh as the Sully District Representative to the Criminal Justice Advisory Board. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Thomas Klocek to appear before the Board to be recognized for his years of service on the Criminal Justice Advisory Board. Without objection, it was so ordered.

The Board deferred the appointments of the Braddock and Springfield District Representatives to the Criminal Justice Advisory Board.

ECONOMIC DEVELOPMENT AUTHORITY

Chairman Hanley moved the appointment of Mr. Steven L. Davis as the At-Large Citizen #5 Representative to the Economic Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the re-appointment of Ms. Ann Rodriguez as the At-Large Citizen #7 Representative to the Economic Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large and Dranesville and Springfield District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Following a brief discussion with input from David P. Bobzien, County Attorney, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to place the appointments to the

Fairfax-Falls Church Community Services Board on the agenda for the Board's June 11, 2001, meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Chairman Hanley announced her intent to re-appoint Mr. David Redman as the At-Large #2 Representative to the Fairfax-Falls Church Community Services Board.

Supervisor Gross announced her intent to re-appoint Ms. Luz Diago as the Mason District Representative to the Fairfax-Falls Church Community Services Board.

Supervisor Frey announced his intent to re-nominate Mr. John Stephens as the Sully District Representative to the Fairfax-Falls Church Community Services Board.

Supervisor Hyland announced his intent to nominate Ms. Frances Hicks as the Mount Vernon District Representative to the Fairfax-Falls Church Community Services Board.

HEALTH CARE ADVISORY BOARD

Supervisor Mendelsohn moved the re-appointment of Ms. Roseanne Rodilosso as the Dranesville District Representative to the Health Care Advisory Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the re-appointment of Ms. Rose Chu as the Mason District Representative to the Health Care Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

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

HEALTH SYSTEMS AGENCY BOARD

Supervisor Frey moved the re-appointment of Ms. Carol Ann Coryell as the Consumer #4 Representative to the Health Systems Agency Board. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Ms. Sharon Kelso to fill the unexpired term of Ms. Hazel W. Johnson-Brown as the At-Large Provider #3 Representative to the Health Systems Agency Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the re-appointment of Mr. Lee Draznin as the At-Large Provider #5 Representative to the Health Systems Agency Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the At-Large (Chairman's) Representative to the Information Technology Policy Advisory Committee.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Juvenile and Domestic Relations District Court Citizens Advisory Council.

LIBRARY BOARD

Supervisor McConnell moved the re-appointment of Dr. Joseph Sirh as the Springfield District Representative to the Library Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Chairman Hanley moved the re-appointment of Mr. Robert P. Rogers, Jr. as an At-Large Fairfax County Resident Representative to the Northern Virginia Community College Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZEN ADVISORY COMMITTEE

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large Representative to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #5 Representative to the Road Viewers Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Landlord Member #3 Representative to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

Supervisor Bulova moved the appointment of Ms. Janyce N. Hedetniemi to fill the unexpired term of Mr. Don Johnson as the Braddock District Representative to the Transportation Advisory Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

TREE COMMISSION

The Board deferred the appointment of the Hunter Mill and Sully District Representatives to the Tree Commission.

UNIFORMED RETIREMENT SYSTEM

Chairman Hanley moved the appointment of Mr. Frank H. Grace III as the Fairfax County Citizen At-Large #1 Representative to the Uniformed Retirement System. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Fairfax County Citizen At-Large #2 Representative to the Uniformed Retirement System.

WATER AUTHORITY

Supervisor Hudgins moved the re-appointment of Ms. Martha Pennino as the Hunter Mill District Representative to the Water Authority. Supervisor Connolly seconded the motion, which carried by a unanimous vote.

Supervisor Frey moved the re-appointment of Mr. Philip Allin as the Sully District Representative to the Water Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Providence District Representatives to the Water Authority.

AD HOC COMMITTEES**HEALTH AND MEDICAL CARE DELIVERY TASK FORCE**

The Board deferred the appointments of the Mason, Springfield, and Sully District Representatives to the Health and Medical Care Delivery Task Force.

SIGN TASK FORCE

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

TELECOMMUNICATIONS ("MONOPOLES") LAND USE TASK FORCE

The Board deferred the appointment of the Hunter Mill District Representative to the Telecommunications ("Monopoles") Land Use Task Force.

ADDITIONAL APPOINTMENT**COMMISSION FOR WOMEN**

Supervisor Hyland moved the appointment of Ms. Gladys Rodriguez to fill the unexpired term of Ms. Beryl A. Harman as the Mount Vernon District Representative to the Commission for Women. Supervisor Connolly and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

DMB:dmb

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

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

Supervisor Hyland called the Board's attention to Admin 13 – Authorization for the Department of Housing and Community Development and the Department of Family Services (DFS) to Submit Multiple Grant Applications to the US Department of Housing and Urban Development for Funding through the Continuum of Care Homeless Assistance Program and a brief discussion ensued with input from Verdia H. Haywood, Deputy County Executive, and Catherine A. Chianese, Assistant to the County Executive.

Chairman Hanley called the Board's attention to Admin 12 – Authorization to Provide Funding Support for the US Geological Survey (USGS) Study to Identify Sources of Human Fecal Coliform Inputs to Accotink Creek and discussion ensued.

Supervisor Mendelsohn called the Board's attention to Admin 11 – Authorization to Advertise Reapportionment Alternatives Submitted to the Board by the Citizens Advisory Committee on the Reapportionment of the Election Districts of the Board and discussion ensued with input from Michael Long, Senior Assistant County Attorney, Office of the County Attorney.

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

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

- Application FS-B01-12 to July 23, 2001
- Application FS-P01-13 to July 26, 2001
- Application 456A-S83-32-1 to July 27, 2001
- Application 456A-S89-34-1 to July 27, 2001
- Application 456A-Y93-18-1 to July 27, 2001
- Application 456A-S95-33-1 to July 27, 2001
- Application 2232-P01-8 to September 6, 2001
- Application 456-D95-22 to December 8, 2001
- Application 2232-P01-7 to December 10, 2001

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 95-V-031, CHARLES E. HARDISON, INCORPORATED (MOUNT VERNON DISTRICT)

(AT) Approved the request for 36 months of additional time to commence construction for Special Exception Application SE 95-V-031 to April 30, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – AUTHORIZATION FOR THE MCLEAN COMMUNITY CENTER (MCC) TO APPLY FOR A PROJECT GRANT TO THE VIRGINIA COMMISSION FOR THE ARTS IN SUPPORT OF AN ARTISTIC RESIDENCY PROGRAM (DRANESVILLE DISTRICT)

Approved MCC's application to the Virginia Commission for the Arts in the amount of \$7,300. This grant will be in support of a four-day residency by the vocal ensemble The Scholars of London. A local cash match of \$8,300 is required, for a total program cost of \$15,600.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, ESTABLISHING THE CEDAR RESIDENTIAL PARKING PERMIT DISTRICT (RPPD), DISTRICT 35 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2001, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, establishing the Cedar RPPD, District 35.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AN UNNAMED RIGHT-OF-WAY IN THE ASHTON C. JONES SUBDIVISION (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2001, at 4 p.m.** to consider the vacation of the unnamed right-of-way in the Ashton C. Jones subdivision.

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

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2001, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, to adopt the actions of the 2001 General Assembly into the Code of the County of Fairfax.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 83 (BOATS), SECTION 83-4-12.1, RELATING TO BOATING SAFETY

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 25, 2001, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 83 (Boats), Section 83-4-12.1, relating to boating safety.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 01069 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT FEDERAL/STATE PROMOTING SAFE AND STABLE FAMILIES (PSSF) PROGRAM FUNDS (FORMERLY KNOWN AS THE FAMILY PRESERVATION AND FAMILY SUPPORT PROGRAM)

- (SAR) Approved SAR AS 01069 in the amount of \$471,675 for DFS to accept PSSF program funds. The ten percent local cash match of \$47,167 is available in the

Fiscal Year 2002 Reserve for Anticipated Grant Awards in Fund 102, Federal/State Grant Fund.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 01070 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) AND SHARE HOMELESS INTERVENTION PROGRAM (HIP) FUNDING

- (SAR) Approved SAR AS 01070 in the amount of \$167,092 for DFS to accept temporary assistance for TANF, and additional HIP funding in the amount of \$47,000, for a total amount of \$214,092.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION SAR AS 01071 FOR THE CIRCUIT COURT TO ACCEPT NEUTRAL CASE EVALUATION/ALTERNATIVE DISPUTE (NCE/ADR) GRANT

- (SAR) Approved SAR AS 01071 in the amount of \$40,426 for the Circuit Court to accept NCE/ADR grant. No local cash match is required.

ADMIN 11 – AUTHORIZATION TO ADVERTISE REAPPORTIONMENT ALTERNATIVES SUBMITTED TO THE BOARD BY THE CITIZENS ADVISORY COMMITTEE ON THE REAPPORTIONMENT OF THE ELECTION DISTRICTS OF THE BOARD

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

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 11, 2001, at 5:30 p.m.** on the reapportionment alternatives developed by the Citizens Advisory Committee on the Reapportionment of the Election Districts of the Board.

ADMIN 12 – AUTHORIZATION TO PROVIDE FUNDING SUPPORT FOR THE US GEOLOGICAL SURVEY (USGS) STUDY TO IDENTIFY SOURCES OF HUMAN FECAL COLIFORM INPUTS TO ACCOTINK CREEK

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

Approved the funding presented to support the investigation of human fecal coliform inputs to Accotink Creek.

ADMIN 13 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) AND THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT MULTIPLE GRANT APPLICATIONS TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FUNDING THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE (CCHA) PROGRAM

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

- Authorized HCD, in Partnership with Pathway Homes, to submit one new Shelter Plus Care grant application for \$491,580. No local cash match is required.
- Authorized HCD, in partnership with Pathway Homes, to submit two renewal Shelter Plus Care grant applications totaling \$216,564. No local cash match is required.
- Authorized DFS, in partnerships with United Community Ministries, Northern Virginia Family Services, and Reston Interfaith, to submit one renewal application for an existing Transitional Housing program for \$911,077 in HUD funds. A local cash match of \$662,808 is required.
- Endorsed two renewal grant applications by non-profit organizations through the CCHA Program, and authorized by the McKinney-Vento Act, for a total amount of \$968,197 in HUD funds. A local cash match is not required for one of these applications. The application by Christian Relief Services, Pathway Homes, and Psychiatric Rehabilitation Services for \$875,367 in HUD funds requires a cash match of \$232,810 over a three year period. State pass-through funds are available in the Fiscal Year 2002 Adopted Budget Plan within Fund 106, Fairfax-Falls Church Community Services Board, for this requirement, and will be built into the base for the following two fiscal years.
- Endorsed five new grant applications by non-profit organizations through the CCHA Program, and authorized by the McKinney-Vento Act, for a total amount of \$4,424,384. A local cash match of \$457,606 over a three year period is required to support the application submitted by Christian Relief Services, Pathway Homes, and Psychiatric Rehabilitation Services.

9. **A-1 – COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED FISCAL YEAR (FY) 2002 OPERATING BUDGET, CAPITAL IMPROVEMENT PROGRAM, AND RAIL CAPITAL PROGRAM BUDGET (COUNTYWIDE)** (Tape 4)

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

- Commend WMATA for proposing a base budget that meets the FY 2002 Budget guidelines adopted by the WMATA Board and does not include a fare increase for the seventh year in a row.
- Support the permanent extension of weekend Metrorail operating hours from 1 a.m. to 2 a.m.
- Request that WMATA consult with County staff on County related FY 2002 "demand-adjusted bus service" changes as outlined in the Interjurisdictional Funding Agreement approved in 1998.
- Support the increase in operating cost for the 102 new additional buses in FY 2002. The County is able to fund this purchase of 50 railcars by programming funds originally performed for future years of the Infrastructure Renewal Program.
- Support the purchase of 50 additional railcars and 50 additional buses in FY 2002. The County is able to fund this purchase of 50 railcars by programming funds originally programmed for future years of the Infrastructure Renewal Program.
- Commend WMATA for the Clean Fleet Program which includes the use of ultra low sulfur diesel fuel in conjunction with exhaust treatment devices to lower emissions on the existing Metrobus fleet.

Chairman Hanley seconded the motion.

Discussion ensued with input from Todd Wigglesworth, Transit Operations Division, Department of Transportation. The question was called on the motion and it carried by unanimous vote.

10. **A-2 – PROPOSED FEDERAL CAPITAL IMPROVEMENTS PROGRAM (CIP) - NATIONAL CAPITAL REGION, FOR FISCAL YEARS (FY) 2002 - 2007** (Tape 4)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and direct staff to submit comments to the National Capital Planning Commission. Supervisor Mendelsohn seconded the motion.

Following discussion, Supervisor Mendelsohn asked to amend the motion to direct staff to add a sentence to the paragraph dedicated to the McLean Post Office to read "however, this facility is urgently needed and should be pursued on an expeditious basis," and this was accepted.

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

11. **A-3 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO FORM THE FCRHA HUNTING CREEK, LLC AND SUBSTITUTE FCRHA HUNTING CREEK, LLC FOR HUNTING CREEK HOUSING CORPORATION (HCHC) AS THE MANAGING GENERAL PARTNER IN HUNTING CREEK HOUSING ASSOCIATES (HCHA) (MOUNT VERNON DISTRICT)** (Tape 4)

On motion of Supervisor Connolly, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized FCRHA to form a limited liability company, to be known as FCRHA Hunting Creek, LLC, to replace HCHC as the managing general partner in HCHA, a Virginia limited partnership.

12. **A-4 – AUTHORIZATION TO REALLOCATE FUND 144, HOUSING TRUST FUND, FUNDING IN THE AMOUNT OF \$1,000,000 FOR THE SUPPORT OF A FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) PRESERVATION LOAN FUND PROJECT** (Tape 4)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and authorize the reallocation of \$1,000,000 in Undesignated Housing Trust Funds for the funding of the FCRHA Preservation Loan Fund. Supervisor Connolly seconded the motion.

Discussion ensued with input from Paula C. Sampson, Director, Department of Housing and Community Development.

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

13. **A-5 – REVISIONS TO CHAPTERS 2, 4, AND 12 OF THE PERSONNEL REGULATIONS IMPLEMENTING CHANGES TO THE PAY FOR PERFORMANCE SYSTEM, ADDITION OF 20 YEAR PUBLIC SAFETY LONGEVITY STEP, AND CHANGES TO THE OVERTIME ELIGIBILITY CALCULATION FOR FIRE PROTECTION EMPLOYEES**

(Tape 4)

On motion of Supervisor Gross, seconded by Supervisor Connolly, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and adopted the proposed revisions to Chapters 2, 4, and 12 of the Personnel Regulations.

14. **A-6 – FAIRFAX COUNTY'S COMMENTS ON PROPOSED RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH AN INTERGOVERNMENTAL AGREEMENT CONCERNING CERTAIN PROPERTY LYING PARTIALLY WITHIN THE CITY OF FAIRFAX AND PARTIALLY WITHIN THE COUNTY (PROVIDENCE DISTRICT)**

(Tape 4)

On motion of Supervisor Connolly, seconded by Chairman Hanley, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and directed the County Executive to convey the recommendations to the City Manager in accordance with the terms of the agreement.

15. **A-7 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD OF SUPERVISORS AND THE RESTON HISTORIC TRUST (RHT) FOR COMMUNITY REVITALIZATION (HUNTER MILL DISTRICT)** (Tape 4)

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

- Approve the MOU with the RHT
- Authorize the Chairman to sign the MOU on behalf of the County

Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

16. **C-1 – APPEAL OF SECTION 15.2-2232 DETERMINATION - 2232-H00-10, VERIZON WIRELESS (HUNTER MILL DISTRICT)**
(Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, presenting the appeal by Verizon Wireless of the 2232 review determination by the Planning Commission that the existing telecommunications facilities established by Verizon Wireless, AT&T Wireless Services, and Nextel Communications of the Mid-Atlantic, Incorporated, at the Virginia Department of Transportation maintenance yard on Sunset Hills Road in Reston, are not substantially in accord with the adopted Comprehensive Plan.

Supervisor Hudgins moved that the Board:

- Approve the request by Verizon Wireless for an additional extension of 21 days until June 11, 2001, for the Board's consideration of Public Facilities Application 2232-H00-10.
- Based on Verizon Wireless's request, defer its consideration of the appeal of Public Facilities Application 2232-H00-10, until June 11, 2001.

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

17. **C-2 – NATIONAL ASSOCIATION OF COUNTIES' (NACo) ANNUAL CONFERENCE** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, regarding Board designation of a voting and alternate delegate to represent the County at the NACo Annual Conference.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board designate the following delegate for the NACo Annual Conference:

- Supervisor Gerald "Gerry" Hyland as the voting delegate

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

18. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-Y01-2, FAIRFAX COUNTY PARK AUTHORITY (SULLY DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, announcing the Planning Commission's approval of Public Facilities Application 2232-Y01-2.

19. **I-2 – CONTRACT AWARD – SOUTH RUN STREAM VALLEY/MOUNT VERNON TRAIL (MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, requesting authorization for staff to award a contract to Atler B. Stanley and Sons, Incorporated, in the amount of \$186,500 for trail construction and related site work in South Run Stream Valley Park as part of Project 474698, Trails and Stream Crossings in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

20. **I-3 – CONTRACT AWARD – BUS BAY CANOPY AT THE HERNDON/MONROE PARK AND RIDE FACILITY (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, requesting authorization for staff to award a contract to B&T Construction, Incorporated, in the amount of \$1,191,000 for the construction of the Bus Bay Canopy at Project 90A007, the Herndon/Monroe Park and Ride Facility, in Fund 311, County Bond Construction.

The staff was directed administratively to proceed as proposed.

21. **I-4 – CONSOLIDATED PLAN CERTIFICATION FOR THE WESLEY HOUSING AT COPPERMINE PLACE DEVELOPMENT (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Memorandum to the Board dated May 21, 2001, requesting authorization for staff to sign the Consolidated Plan certification and forward it to the Wesley Housing Development Corporation for submittal to the Department of Housing and Urban Development.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS**22. TEACHER NEXT DOOR AND OFFICER NEXT DOOR PROGRAMS**
(Tape 5)

Chairman Hanley stated that she had been contacted by Jane K. Strauss, Chairman, School Board, regarding the County's potential involvement in the Teacher Next Door and Officer Next Door programs administered by the United States Department of Housing and Urban Development (HUD). With reference to her written handout on the subject, she noted that the County staff had submitted a letter to HUD asking that several areas of the County be evaluated for potential inclusion as HUD designated revitalization areas for this program.

Because the County has not yet received a reply from HUD, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff of the Department of Housing and Community Development (HCD) to follow up with HUD and inform both the Board and the School Board of the response.

A brief discussion ensued regarding the possible suspension of one of the programs, with input from Paula Sampson, Director, HCD.

Without objection, the request was so ordered.

23. IMPACT OF SENATE BILL 1328 REGARDING THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT (Tape 5)

With reference to a memorandum from the County Executive dated May 9, 2001, regarding the County impact of Senate Bill 1328, Chairman Hanley asked unanimous consent that the Board refer this issue to the Board's Legislative Committee. Without objection, it was so ordered.

Following a brief discussion, Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to provide the General Assembly's roll call vote on this legislation. Without objection, it was so ordered.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Hyland.

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

24. CONSERVATION AND REINVESTMENT ACT (CARA) (Tape 5)

Chairman Hanley referred to a copy of a draft letter that she had distributed to the Board regarding the CARA. The program provides for permanent funding for the water conservation and urban park recreation recovery program. It is funded

through offshore drilling and establishes a fund for parks and recreation programs. She moved that the Board direct staff to send the referenced letter that would encourage the local congressmen to support it and bring it to the floor for a vote. Supervisor Connolly seconded the motion.

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

25. **POLICE DEPARTMENT REACCREDITATION PRESENTATION**
(Tape 5)

With reference to the information item presented at the May 7, 2001, meeting regarding the reaccreditation of the Police Department by the Virginia Law Enforcement Professional Standards Commission, Chairman Hanley moved that the Board direct staff to schedule a time and invite representatives of the Police Department to appear before the Board for the presentation of the reaccreditation. Supervisor McConnell seconded the motion, which carried by unanimous vote.

26. **WESTERN TRANSPORTATION CORRIDOR** (Tape 5)

Chairman Hanley noted that she was recently out of town when her office received a notice on May 10, 2001, about a meeting scheduled on May 15, 2001, regarding the Western Transportation Corridor. She pointed out that the map is now substantially different than the last corridor that had been identified and now includes a swath in the County.

Following discussion, with input from Young Ho Chang, Director, Department of Transportation, Chairman Hanley moved that the Board direct staff to formally request the following information from the Virginia Department of Transportation:

- The procedure for notification of local jurisdictions
- The reason for the change in study area
- The status of the major investment study and why it was seemingly abandoned
- The impact on the tri-county parkway studies currently underway
- The impact on both the PPTA for Route 28 and the techway study

Supervisor Connolly seconded the motion.

Following further discussion, with input from Mr. Chang, the question was called on the motion, which carried by unanimous vote.

27. **I-66 ENVIRONMENTAL IMPACT STUDY (EIS) MEETING** (Tape 5)

Chairman Hanley indicated that she had missed the I-66 EIS meeting that was scheduled last week, but that Supervisor Connolly and Supervisor Frey were able to attend. She noted that bus rapid transit now appears in the next phase, yet it had never been identified previously. Discussion ensued, with input from Young Ho Chang, Director, Department of Transportation.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

DMB:dmb

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

(APPTS) Supervisor Mendelsohn moved that the Board confirm the following appointments to the Governing Board of the McLean Community Center:

Adult Candidates - Three-year term

- Ms. Drucie Andersen
- Ms. Holly Harmuth Clement
- Mr. Nicholas Kalis

Adult Candidate - Two-year unexpired term

- Ms. Christiane Lourenco

Youth Candidates

Langley High School Area

- Jamie Segal

McLean High School Area

- Ms. Sarah Sullivan

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

29. **NATIONAL MATHCOUNTS COMPETITION** (Tape 6)

Supervisor Mendelsohn said that members of the Longfellow Middle School mathematics team, which is currently ranked first by the Virginia Mathematics League, were part of a four-person Virginia team that recently defeated 56 other state teams to win the national MathCounts competition in Washington, DC. The State team was chosen March 24 in Richmond at a contest sponsored by the Virginia Society of Professional Engineer and several private corporations. As a result of this competition, three Longfellow students and a student from Carl Sandberg Middle School in Alexandria were chosen to represent Virginia at the national level. Several other Longfellow team members had perfect papers in all three written rounds. MathCounts, which was started in 1983, tests over 500,000 public, private, parochial and home-schooled students using a difficult written and oral problem solving format. Members of the winning team received \$2,000 college scholarships from Dow Chemical Company, trips to the US Space Camp in Huntsville, Alabama, and Compaq Presario notebook computers. The students met with President Bush and Vice-President Cheney following the event.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite:

- The members of the Virginia team and their dedicated teachers from both Longfellow and Sandberg to appear before the Board to be recognized.
- Those students from Longfellow who qualified to represent Fairfax County as individuals or as members of the team at the State competition. The students are:
 - Eric Price of Falls Church, an eighth grader who also placed third in the national contest.
 - Jack Cackler of Falls Church, an eighth grader who also placed third in the national contest.
 - Veronica Pillar of Great Falls, a seventh grader who placed twenty-second in the national contest.
 - Thomas Mildorf, an eighth grader at Carl Sandburg Middle School in Alexandria and his coach Cindy Jones.
 - Robert Brady, Peter Diao, and Jack MacKay who had perfect written scores at the State competition.
 - Barbara Burnett, Longfellow math teacher.
 - Vern Williams, Longfellow math teacher.

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

30. **RECOGNITION OF THE CULINARY SKILLS OF MR. BASIM NAGA**
(Tape 6)

Supervisor Mendelsohn said that on Sunday, May 6, 2001, Basim Naga, a junior at Herndon High School and the Chantilly Academy, competed in a State competition of the Virginia skills - VICA Culinary Institute in Norfolk. Mr. Naga was able to outcook his competition to walk away with a first place State championship and a \$3,000 per year scholarship to the Culinary Institute of America in New York. Mr. Naga will be traveling to Kansas City in June to compete as the Virginia representative at the national competition. Mr. Naga's skills have impressed several Herndon High School parents and the patrons of Paolo's restaurant in Reston where he is employed.

Accordingly, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite Mr. Naga to appear before the Board to receive a Certificate of Congratulations and wish him well in representing Fairfax County and the Commonwealth of Virginia at the national competition. Without objection, it was so ordered.

31. **SUNRISE/INOVA MCLEAN ASSISTED LIVING LLC FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-D-023** (Tape 6)

Supervisor Mendelsohn said that Sunrise/INOVA McLean Assisted Living, LLC, is the applicant for a Special Exception Amendment Application SEA-98-D-023 to reconfigure the previously approved building footprint and architecture for an assisted living facility. The property to be developed is located at Tax Map Number 29-1 ((20)) Parcel A.

Supervisor Mendelsohn noted that on April 30, 2001, the Board approved concurrent processing for this application. Since that time, the applicant has voluntarily deferred its application at the request of the Health Care Advisory Board to provide that body an opportunity to review the application. This has delayed Sunrise beyond the time frame anticipated for final action on its application.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to schedule a public hearing to be held before the Board on this application for June 11, 2001. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the Special Exception Amendment. Chairman Hanley seconded the motion and it carried by unanimous vote.

32. **PERENNIAL STREAMS** (Tape 6)

Supervisor Mendelsohn said that on January 29, 2001, the Board's Environmental Committee met to discuss among other topics, the Environmental Quality Advisory Council's Resolution on Mapping of Perennial Streams. The *Code of the County of Fairfax*, in conformity with the Commonwealth's minimum requirements, uses the United States Geological Survey 7.5 minute quadrangle map to identify perennial streams. These maps are known to include errors that inconsistently and inaccurately depict perennial streams, and it is estimated that as many as 20 percent are misidentified. To comply with the Chesapeake Bay 2000 Act, it is imperative that the County identify and map these perennial streams accurately so that they might be placed in Resource Protection Areas as soon as possible. On May 7, 2001, staff provided the Board with two proposals to accomplish this task.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff place \$196,189 on the Consideration List for Carryover for the purpose of beginning the remapping of the streams in Fairfax County. Chairman Hanley seconded the motion and it carried by unanimous vote.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to review how and at what cost, the remapping might be expedited and report its findings to the Board prior to Carryover. Without objection, it was so ordered.

33. **TREE COVER, TREE PRESERVATION, AND PLANTING REQUIREMENTS** (Tape 6)

Supervisor Mendelsohn said that on May 16, 2001, the Tree Preservation Task Force made a unanimous motion to endorse proposed amendments to the *Code of the County of Fairfax* relating to tree cover, tree preservation, and planting requirements.

This proposal is the result of a three-year collaboration by Fairfax County and representatives of the land development community. The parties were charged with implementing a Tree Preservation Task Force recommendation to examine how to amend the *Code of the County of Fairfax* to increase tree preservation efforts and to update and clarify other requirements relating to the County's tree cover requirements.

Supervisor Mendelsohn distributed to Board Members proposed amendments to the Public Facilities Manual (PFM), the Zoning Ordinance, and the Subdivision Ordinance. In addition, the Tree Preservation Task Force also recommended that staff:

- Devise tracking methodology to gauge the effectiveness of the proposed amendments, should they be enacted

- Continue working with the land development community in order to devise the proposed tree cover modification system
- Add a list to the PFM that identifies desirable trees and encourages the use of native tree species over non-native species.

Therefore, jointly with Supervisor Bulova, Supervisor Mendelsohn moved that the Board direct staff to proceed, on an expedited basis, with proposed amendments to the Code of the County of Fairfax and the PFM relating to tree cover, tree preservation, and planting requirements. Supervisor Gross seconded the motion and it carried by unanimous vote.

34. **TRIAD SALT COUNCIL FOR PROVIDENCE DISTRICT** (Tape 6)

Supervisor Connolly said that TRIAD is a national movement that represents a three-way partnership among a community's older or retired leaders, its local chief of police, and its sheriff.

Supervisor Connolly announced that Providence District is the first supervisor district to establish a district Seniors and Law Enforcement Together (SALT) Council. This group of talented and dedicated seniors is joined by representatives from law enforcement, AARP, the County Commission on Aging, and the Department of Fire and Rescue.

Supervisor Connolly moved that the Board direct staff to invite the Providence District SALT Council to appear before the Board to be recognized for their dedication to crime prevention and to be encouraged in their future efforts. Supervisor Bulova seconded the motion and it carried by unanimous vote.

35. **ROBINSON STUDENTS AND FACULTY PURCHASE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) HEART MACHINE** (Tape 6)

Supervisor Bulova said that students at Robinson Secondary School spearheaded a fundraising and public relations campaign that gathered \$5,000 to purchase an AED. The AED "heart machines" are used in offices, hotels, airplanes, and other public environments, but Virginia health officials believe Robinson is the only high school in the State with one of the devices. The machine is designed to monitor the heart's electrical activity and is capable of delivering an electric shock if necessary. Sudden cardiac arrest kills more than 250,000 Americans each year and almost always strikes without warning, often in an individual with no history of a heart condition.

Supervisor Bulova said that the idea to purchase an AED came from a 2000 graduate of Robinson Secondary School, Jennifer Bowen. The advanced marketing class and 320 Robinson DECA members with the aid of their faculty sponsors orchestrated the fundraising efforts under the leadership of project

director, Heather Lykins. The project was taken to DECA competitions, where Michael Kimlick and Stacey Williams served as the competition interview team. The project rose to the top ten in the public relations division at the National DECA Career Development Conference.

The students worked closely with the American Red Cross as well as the American Heart Association and garnered much media attention in support of the "Teaching Children to Save Lives Act" to provide grants for CPR training in schools. They lobbied, rallied, held press conferences and built a website. Over 50 members of Congress agreed to sign on the bill when it is reintroduced in the 107th Congress thanks to the student's efforts. The Department of Fire and Rescue are using their campaign as a model in order to help other schools in Virginia.

In recognition of these public-spirited accomplishments, Supervisor Bulova asked unanimous consent that the Board direct staff to invite representatives of Robinson's award winning DECA/marketing group to appear before the Board to receive a Certificate of Recognition for their work. Without objection, it was so ordered.

36. **SCHOOL CONSTRUCTION** (Tape 6)

Supervisor Bulova said that last week a press conference was held by Delegates Jack Rust and Dave Albo regarding a proposal to accelerate the construction of schools for renewal and new schools. She said that previously she had asked staff to research their proposal for a build-lease proposal and County staff responded to several of their proposals, one with a County land swap, proffers for schools, and build-leasing; however, the actual proposal that was presented at this press conference was not specifically addressed.

Accordingly, Supervisor Bulova asked unanimous consent that the Board direct County staff to work with School staff to respond directly to the proposal that was presented at the press conference earlier this week. Without objection, it was so ordered.

PMH:pmh

37. **FINE ARTS FESTIVAL AND RELAY FOR LIFE** (Tape 7)

Chairman Hanley and Supervisor Hudgins noted that Reston had a busy weekend with the Fine Arts Festival and the Relay for Life.

38. **COLLEGE PARTNERSHIP FOR YOUTH** (Tape 7)

Supervisor Hudgins said that the College Partnership for Youth hosted the seniors that are graduating and that participated in the program. It was hosted at the Government Center as part of the Fairfax County Government employees being a participant and partner in the program.

Supervisor Hudgins congratulated the employees who participated in the program and provided leadership and mentoring relationships with the students.

39. **FOREST RIDGE ELEMENTARY SCHOOL WINS VIRGINIA ODYSSEY OF THE MIND** (Tape 7)

Supervisor Hudgins said that a team of seven students from Forest Edge Elementary School for the second year in a row earned the opportunity to compete in the Odyssey of the Mind World finals. Odyssey of the Mind is an international problem-solving competition for students from kindergarten through college. The team placed first in the Middle School Division at the Virginia Odyssey of the Mind Association finals on April 28, 2001, in Fairfax defeating last year's defending champions.

Supervisor Hudgins moved that the Board direct staff to invite the students from Forest Edge Elementary School to appear before the Board to be recognized for their outstanding accomplishments. Supervisor Hyland seconded the motion and it carried by unanimous vote.

40. **WAIVER OF FEES FOR USE OF THE SHOWMOBILE** (Tape 7)

Supervisor Hudgins announced that the Vienna Community will celebrate the eighteenth Annual Viva Vienna festival on Saturday, May 26, 2001, from 10 a.m. until 11 p.m. and Sunday, May 27, 2001, from 12:30 p.m. until 7 p.m., along historic Church Street in Vienna. The Viva Vienna festival committee has requested a fee waiver for use of the Showmobile for the eighteenth Annual celebration.

Therefore, Supervisor Hudgins moved that the Board grant the fee waiver to the Viva Vienna festival for use of the Showmobile. Supervisor Connolly seconded the motion.

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

Supervisor Hudgins invited Board Members to join her in celebrating 18 years of Viva Vienna!

41. **FAIRFAX LEADERSHIP AND RESILIENCY PROGRAM** (Tape 7)

Supervisor Frey referred to the Fairfax Leadership and Resiliency Program sponsored by the staff of the Alcohol and Drug Services and announced that it was one of 20 model programs selected by the federal Center for Substance Abuse Prevention.

Supervisor Frey asked unanimous consent that the Board direct staff to invite staff from the Alcohol and Drug Services to appear before the Board to be recognized for their hard work. Without objection, it was so ordered.

42. **RETIREMENT OF PRINCIPAL CAROL FRANZ** (Tape 7)

Supervisor Gross said that at the end this school year, Carol Franz will be retiring as the principal of Baileys Elementary School for the Arts and Sciences. This is a great loss not only for the school, but for the entire community.

Supervisor Gross moved that the Board direct staff to invite Principal Franz to be honored before the Board, at a date to be determined. Supervisor Connolly seconded the motion and it carried by unanimous vote.

43. **BUS SHELTER REPLACEMENT** (Tape 7)

Supervisor Gross referred to the bus shelter that was destroyed at the corner of Little River Turnpike at the old Hechinger's which is now the Home Depot. She announced that the shelter has been replaced.

Anthony H. Griffin, County Executive, noted that the shelter was replaced by the County.

A brief discussion ensued.

44. **CULMORE DAY LABORERS' COMMITTEE** (Tape 7)

Supervisor Gross said that in 1998, the Hispanic Committee of Virginia, Saint Anthony's Catholic Church, the Woodrow Wilson Action Group, and his office, formed the Culmore Day Laborers' Committee Trade Skills Training Project, which is a pilot, public-private partnership working for the Culmore community.

The committee was formed to consider and address the needs of the day laborer community, which congregates at the 7-11 Store on Glen Carlyn Road. Through the administration of the Hispanic Committee of Virginia, a unique program was established to help the day laborers by combining vocational and language instruction. With the generous support of volunteer instructors and private sector companies, this public-private partnership has been a resounding success.

Supervisor Gross moved that the Board direct staff to send certificates of recognition to two individuals who volunteered their time and resources to help make this program possible:

- Alvin Pardo, volunteer instructor for the Intermediate Electricity Course

- Marco Reguerin, who donated two \$1000 scholarships which will be donated to graduates to further their study in HVAC-Heating and Cooling Repair

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

NV:nv

45. **RECOGNITION OF MPO JAMES F. KELLY, JR., UPON HIS RETIREMENT FROM THE POLICE DEPARTMENT** (Tape 8)

Jointly with Supervisor Hyland, Supervisor Kauffman announced that MPO James F. Kelly, Jr., of the Mount Vernon District Police Station, is retiring after 25 years of dedicated service to the citizens of the County. After noting his citizen involvement, Supervisor Kauffman moved that the Board direct the Office of Public Affairs to invite MPO Kelly to appear before the Board to receive a certificate of appreciation for his years of service and his contribution to a good quality of life for the residents of the Richmond Highway Corridor. Supervisor Hyland seconded the motion, which carried by unanimous vote.

46. **REQUEST FOR CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 1997-LE-019** (Tape 8)

Supervisor Kauffman stated that Proffered Condition Amendment Application PCA 1997-LE-019 has been filed to change the use of a building in the Richmond Highway revitalization area from a former tile and flooring store to a medical office building. The new tenant for the medical office building is moving from an existing location in the corridor to expand his services.

Because the application is in a revitalization district and will result in an improved use for the existing vacant building, Supervisor Kauffman moved that the Board approve concurrent processing with the site plans and related engineering drawings associated with Proffered Condition Amendment Application PCA 1997-LE-019. He noted that this motion shall in no way prejudice the merits of the pending zoning applications in any way. Supervisor Hyland seconded the motion, which carried by unanimous vote.

47. **ANNOUNCEMENTS OF INTENT TO DEFER PUBLIC HEARINGS** (Tape 8)

Supervisor Kauffman announced his intent to defer later in the meeting at the appropriate time, the public hearing on Out-of-Turn Plan Amendment S00-IV-MV4 for the Sky View Drive area.

Supervisor Gross announced her intent to defer later in the meeting at the appropriate time the public hearing on Proffered Condition Amendment Application PCA 76-M-112-2.

Following input from Catherine A. Chianese, Assistant to the County Executive, Supervisor Frey announced his intent to defer later in the meeting at the appropriate time the public hearing on Special Exception Application SE 01-Y-003.

(NOTE: Later in the meeting the Board formally deferred these public hearings. See Clerk's Summary Items CL#62, CL#65, and CL#69.)

48. **PURCHASE OF LIDAR LASER BEAM SPEED MEASURING DEVICE**
(Tape 8)

Supervisor McConnell reminded the Board that on May 5, 2001, there was a tragic double fatality motor vehicle crash on the Fairfax County Parkway between Waterline Drive and Old Keene Mill Road. She noted that she had asked the Chief of Police to provide her with a crash and enforcement statistics package, which he did. Subsequently she learned of problems with the use of conventional radar on this roadway because of the traffic volume.

Supervisor McConnell stated that the Commonwealth of Virginia has approved Lidar, a laser beam speed measuring device for use by police departments in enforcing traffic speed violations. This device emits a beam that spreads only three inches wide at a distance of one thousand feet and is accurate enough to aim like a pistol. The Police Department had requested these devices, but they were not recommended during the budget process.

Accordingly, Supervisor McConnell moved that the Board direct the County Executive to use funds from her office budget to purchase two Lidar speed measuring devices (at \$4000 each) immediately and determine whether there are other funds available for the purchase of this device. Supervisor Bulova seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Hyland asked to amend the motion to a unanimous consent request to direct the County Executive to:

- Review available funds to purchase two of these devices immediately.
- Provide further information on this matter.

This was accepted. Without objection, the request was so ordered.

49. **EXPRESSION OF APPRECIATION TO THE POLICE DEPARTMENT**
(Tape 8)

Supervisor McConnell related a recent instance of the Police Department's immediate response to a call for service regarding the brandishing of a weapon. She expressed appreciation to the Police Department for its quick response and its part in making the community feel safe.

50. **CLIFTON PRESBYTERIAN CHURCH** (Tape 8)

Supervisor McConnell stated that the Clifton Presbyterian Church, which was originally built in 1852, is located within the Town of Clifton limits. For many years a church, classrooms, and day care facility have operated at this location, which is served by sewer. Church representatives are desirous of updating their annex building, built in the 1950s and known as the "Manse," and in doing so must conform to the currently applicable laws and regulations. Board approval is necessary for an increase in the number of fixture units on the lot to allow the present use to be continued under revised regulations that will take effect with the remodeling. Such approvals have been accomplished in the past through a Board Consideration Item.

Therefore, Supervisor McConnell moved that the Board direct the County Executive to prepare a Consideration Item to address the Church's request to increase the number of fixture units allowed for the Clifton Presbyterian Church's "Manse" property, Lot 13, located in the Town of Clifton, for the June 11, 2001, Board meeting. The Clifton Town Council has reviewed this request and agrees with this action. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

51. **PHONICS WHISPER PHONE - THE TEACHER'S AIDE** (Tape 8)

Supervisor Hyland stated that he had recently discovered an exciting but simple device that markedly enhances the process of teaching children to read by assisting the user of the device to phonetically break down sounds. The device is called a "Phonic Whisper Phone" and was produced by the Candl Foundation at the request of an elementary school principal in Huntsville, Alabama. He distributed a device and videotape on its use to each Board Member.

Supervisor Hyland stated that the Candl Foundation will give one case of these phones to any elementary school in the United States and then provide any additional phones at a current cost of \$2 per phone. The Kent Gardens Elementary School in McLean is using these phones.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to provide several copies of the videotape and the Phonic Whisper Phone to the Fairfax County School Superintendent and his staff for review and consideration for use by the School System. Without objection, it was so ordered.

52. **MEMORANDUM OF AGREEMENT (MOA) ASSOCIATED WITH MOUNT VERNON ESTATE PARKING NEEDS** (Tape 8)

With reference to his written Board Matters that he had distributed to the Board, Supervisor Hyland called the Board's attention to a MOA between the Mount Vernon Ladies' Association, the Department of the Interior National Park Service, the Virginia Department of Transportation, the County, and the Department of Transportation Federal Highway Administration. This MOA concerns a study regarding the provision of additional parking at the Mount Vernon Estate and possible transportation improvements in this area. He noted that this MOA had been negotiated over the last several months.

Accordingly, Supervisor Hyland moved that the Board:

- Grant its approval of the referenced MOA.
- Authorize the County Executive to sign the document on behalf of the County.
- Direct the County's Department of Transportation to be the lead agency in providing assistance to the parties outlined therein.

Following brief input from David P. Bobzien, County Attorney, who indicated his approval, Chairman Hanley seconded the motion, which carried by unanimous vote.

Discussion continued briefly.

53. **INTERPRETATION OF REZONING APPLICATION RZ 97-MV-008 FOR MOUNT VEE** (Tape 8)

Supervisor Hyland referenced his written Board Matter on the subject of an interpretation of Rezoning Application RZ 97-MV-008 and noted a proffer that creates a problem for the owner of the property who desires to remove his old house. Supervisor Hyland asked unanimous consent that the Board direct staff to find a solution administratively to permit Mr. Hanley to demolish his old house and to sell his lot, known as Mount Vee, Tax Map 101-4((30))((4)) 25. Without objection, it was so ordered.

Chairman Hanley stated for the record that she was not related to the above-referenced Mr. Hanley.

Discussion continued briefly.

54. **PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL)** (Tape 8)

Supervisor Hyland reminded the Board that on March 5, 2001, he had raised the issue of including hedgehogs, specifically the "African pygmy" variety, as acceptable pets in Fairfax County. He called the Board's attention to a recent memorandum from the County Executive that stated that other jurisdictions in Virginia allow the adoption of African pygmy hedgehogs. Based on this and the concurrence of the Virginia Department of Health, it is recommended that the Board amend the Code so that these types of hedgehogs are excluded from the definition of "wild and exotic animals."

Accordingly, Supervisor Hyland moved that Board direct staff to proceed with process of amending the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), to consider the addition of the African pygmy hedgehog to the list of exclusions under the definition of wild and exotic animals. Supervisor Bulova seconded the motion.

Following discussion, Supervisor Kauffman asked to amend the motion to specify "domestic" hedgehogs or those "bred in the United States" and this was accepted.

Following further discussion, the question was called on the motion, as amended, which carried by unanimous vote.

55. **REQUEST TO SCHEDULE PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-MV-37-5** (Tape 8)

Supervisor Hyland stated that Proffered Condition Amendment Application PCA 1996-MV-37-5 for Lorton Station concerns the revision to the proffers for Lorton Station to specify a County fund for the Lorton Road contribution to be escrowed with Fairfax County by KSI Services, Incorporated. He moved that the Board direct staff to schedule a public hearing to be held before the Board for this application not later than August 6, 2001. Supervisor McConnell seconded the motion, which carried by unanimous vote.

56. **RECESS/CLOSED SESSION** (Tape 8)

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

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.1-344 (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 § 2.1-344(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 § 2.1- 344(A)(7).

- *Cost Containment, Inc. v. Ashe County, North Carolina, et al.* (United States Bankruptcy Court, E.D.N.C., 99-01939-5-ATS)
- *Katie A. Gible v. County of Fairfax, Virginia*, Civil Action No. 00-1665-A (E.D. Va.)
- *Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, At Law No. 188771 (Fx. Co. Cir. Ct.) (Dranesville District)
- *Paradise Learning Center, t/a Deliverance Praise Temple, and Vanessa Weathers v. Fairfax County Board of Zoning Appeals*, In Chancery No. 193379 (Fx. Co. Cir. Ct.) (Braddock District)
- *Board of Supervisors v. Mohammed Aliabadi, et al.*, At Law No. 195386 (Fx. Co. Cir. Ct.) (Springfield District)
- *National Rifle Association v. The Board of Supervisors of Fairfax County*, At Law No. 192519 (Fx. Co. Cir. Ct.) (Providence District)

and in addition:

- *Jane Gwinn, Fairfax County Zoning Administrator, versus John M. Thoburn, et al.*, In Chancery Number 161908
- Tax System Modernization Project, Contract Number RQ-96-00-11716

- *John D. Fowler versus Fairfax County Police Officers Retirement System*, In Chancery Number 169977
- Proffers Under *Virginia Code 15.2-2203*
- Board of Zoning Appeals Decision on Appeal by CESC Tysons Dulles Plaza, LLC, Appeal Number A-2000-PR-040

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

Chairman Hanley announced that closed session would convene at 1:25 p.m.

DS:ds

At 3:30 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

57. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 9)

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

58. **AUTHORIZATION FOR SETTLEMENT IN COST CONTAINMENT, INCORPORATED VERSUS ASHE COUNTY, NORTH CAROLINA, ET AL.** (Tape 9)

Supervisor Mendelsohn moved that the Board authorize the settlement *in Cost Containment, Incorporated versus Ashe County, North Carolina, et al.*, (United States Bankruptcy Court, E.D.N.C., 99-01939-5-ATS), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

59. **APPEAL BY CESC TYSONS DULLES PLAZA LLC (APPEAL A 200-PR-040)** (Tape 9)

Supervisor Connolly moved that the Board join the Zoning Administrator in filing an appeal of the Board of Zoning Appeals Decision on the appeal by CESC Tysons Dulles Plaza LLC (Appeal A 200-OR-040), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

60. **LORTON CORRECTION COMPLEX** (Tape 9)

Supervisor Hyland moved that the Board authorize the County Executive to finalize a contract with the United States of America to acquire all of the Lorton Correction Complex land east on Route 123 excluding the area planned for private development north of Silverbrook Road in accordance with the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

61. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-059, AND SPECIAL EXCEPTION APPLICATION SE 00-V-031 (TOSCO REFINING LP) (MOUNT VERNON DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 89-V-059 property is located on the north side of Ox Road, opposite its intersection with Palmer Drive, Tax Map 106-2 ((1)) pt. 9; 106-2 ((7)) 1, 4 and 5.

The Special Exception Application SE 00-V-031 property is located on the north side of Ox Road, opposite its intersection with Palmer Drive, Tax Map 106-2 ((1)) pt. 9.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 89-V-059, subject to the executed proffers dated February 27, 2001.
- Approval of Special Exception Application SE 00-V-031, subject to the development conditions dated May 21, 2001.
- Reaffirmation of modifications of the transitional screening and barrier requirements, and reaffirmation of the waiver of the service drive requirement along Route 123 in favor of the previously approved barriers and buffers.

- Modification of the transitional screening requirements and waiver of the barrier requirements along the western and southern property boundaries of Special Exception SE 00-V-031, in favor of the buffer shown on the special exception plat.

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

62. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-M-112-2 (SEVEN OAKS II HOMEOWNERS ASSOCIATION) (MASON DISTRICT)** (Tape 9)

Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 76-M-112-2 until June 11, 2001, at 3 p.m. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Following discussion, Supervisor Gross moved to defer the time of the public hearing for Proffered Condition Amendment Application 76-M-112-2 until **June 11, 2001, at 5 p.m.** instead of 3 p.m. Supervisor Connolly seconded the motion and it carried by unanimous vote.

63. **3 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-019 (WASHINGTON HOMES, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 9)

- (O) The Rezoning Application RZ 2000-MV-019 property is located west of I-95 and east of Silverbrook Road at its intersection with Plaskett Lane, Tax Map 107-1 ((1)) 2; 107-2 (1) 30 - 32, 34 - 39; 107-4 ((1)) 6.

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

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.

Discussion ensued with input from Chuck Almquist, Transportation Planner, Department of Transportation.

Following the public hearing, which included testimony by three speakers, Peter Braham, Senior 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 2000-MV-019,

from the R-1 District to the PDH-12 District, subject to the proffers dated May 18, 2001.

- Modification of the transitional screening yard requirements along the southern boundary and adjacent to parcel 33.
- Waiver of the barrier requirements along the southern property in favor of a fence enclosing the privacy yards for the single family attached dwelling units along that boundary and referenced in the proffers.
- Waiver of the limitation on the length of private streets.
- Modification of requirements of Section 2-414 of the Zoning Ordinance to allow the parking garage attached to the multi-family buildings to be located in the required 200-foot setback from an interstate highway .

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

64. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), SECTION 2, REGARDING CORPORATE SURETY BONDS** (Tape 9)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2001.

Following the public hearing which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the PFM, Section 2, as set forth in the staff report dated April 2, 2001, as recommended by the Planning Commission on May 2, 2001. Supervisor Mendelsohn seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland and Supervisor McConnell being out of the room.

65. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-Y-003 (FEDERATED DEPARTMENT STORES, INCORPORATED) (SULLY DISTRICT)** (Tape 9)

Supervisor Frey moved to defer the public hearing for Special Exception Application SE 01-Y-003 until **June 25, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

66. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-H-049 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-H-066 (TOSCO REFINING LP) (HUNTER MILL DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 95-H-049 and Special Exception Amendment Application SEA 95-H-066 properties are located in the northeast quadrant of the intersection of Coppermine Road and Centreville Road, Tax Max 16-3 ((1)) 38A.

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

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

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

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 95-H-049, subject to the executed proffers dated March 21, 2001. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Hudgins moved approval of Special Exception Amendment Application SEA 95-H-066, subject to the development conditions dated March 21, 2001. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Hudgins moved that the Board reaffirm the modification of the transitional screening and waiver of the barrier requirements to the south and east of the site. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

67. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-BR-061 (BOURJ LIMITED) (BRADDOCK DISTRICT)** (Tape 9)

Supervisor Bulova moved to defer the public hearing on Rezoning Application RZ 2000-BR-061 until **June 11, 2001, at 3 p.m.** Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

68. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-MA-065 (6315 BREN MAR ASSOCIATES, LP) (MASON DISTRICT)** (Tape 9)

(O) The Rezoning Application RZ 2000-MA-065 property is generally located on the south side of Bren Mar Drive at the south termini of Sheldon Drive and Beryl Road, Tax Map 81-1 ((1)) 9 and 9A.

Mr. Keith 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, Fran Burns, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2000-MA-065, from the I-3 and I-1 Districts to the I-4 District, subject to the proffers dated May 18, 2001.
- Modification of the transitional screening and barrier requirements along the northern property boundary in favor of that shown on the generalized development plan and as conditioned.
- Waiver of the transitional screening and barrier requirements along the eastern property boundary, as conditioned.
- Waiver of the transitional screening and barrier requirements along the southern property boundary, as conditioned.

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

69. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-IV-MV4 FOR THE SKY VIEW DRIVE AREA (LEE DISTRICT)** (Tape 9)

Supervisor Kauffman moved to defer the public hearing on Out-of-Turn Plan Amendment S00-IV-MV4 until **June 11, 2001, at 3 p.m.** Supervisor Mendelsohn seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Hyland, and Supervisor McConnell being out of the room.

70. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S98-CW-4CP FOR PROPOSED TRANSIT STATION AREAS IN THE DULLES CORRIDOR (HUNTER MILL AND DRANESVILLE DISTRICTS)** (Tapes 10-13)

(BACs) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2001.

Discussion ensued with input from Fred R. Selden, Director, Planning Division, Department of Planning and Zoning (DPZ); Robert O. Owolabi, Branch Chief, Long Range Planning, Department of Transportation; and Kohann H. Whitney, Chairman, Dulles Corridor Land Use Task Force.

Following the public hearing, which included testimony by 26 speakers, Supervisor Hudgins moved adoption of Out-of-Turn Plan Amendment S98-CW-4CP as recommended by the Planning Commission with the following revisions:

- Attachment 2, Page 6 of 7, Recommendation Number 3 – Change the fourth sentence to reflect "If the land is not acquired as a park, it is recommended that this land **and any adjacent parcel submitted under a common development plan** be developed under the conditions outlined above in the General and Core Area Recommendations, and that a minimum of ten acres be dedicated to the Fairfax County Park Authority to serve the active recreation needs of the employees and the area."
- Attachment 1, Page 42 of 51, *Transit-oriented Residential Mixed-Use Option*, for Sub-Unit H-1, on line five – Change the recommended intensity from the 1.0 FAR to the **.75 FAR**.
- Attachment 1, Page 43 of 51:
 - *Transit-oriented Residential Mixed-Use Option*, for Sub-Unit H-2, on line five – Change the recommended intensity from the 1.25 FAR to the **.75 FAR**.

- *Rail-oriented Residential Mixed Use Option*, for Sub-Unit H-2, on line four – Change the recommended intensity of the 1.5 FAR to **1.25 FAR**.
- Attachment 1, Page 44 of 51, *Transit-oriented Mixed-Use Option*, for Sub-Unit I-1, on line five – Change the recommended intensity from the 1.0 FAR to the **.75 FAR**.
- Attachment 1, Pages 37 of 51 and 38 of 51, for Sub-Unit G-4 – Add a bulleted item to all of the Transit-oriented Options that states "**a second point of access preferably to Sunset Hills Road to this Sub-Unit G-4 should be provided.**"

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

Supervisor Hudgins moved that the Board modify the Comprehensive Plan map as follows:

- Change Land-Unit B of the Herndon Monroe Transit Station area from alternative uses to "**mixed uses**."
- Change Land-Unit C of the Herndon Monroe Transit Station area from alternative uses to "**office use**." These are Sub-Units C-1, C-3, and Public Facilities Sub-Unit C-2.

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

Supervisor Hudgins moved that the Board direct staff to invite the following individuals to appear before the Board to be appropriately recognized for their hard work and excellent outcome in the task force:

- Members of the Dulles Corridor Land Use Task Force
- Fred R. Selden, Director, Planning Division (PD), DPZ
- Heidi T. Merkel, Planner III, PD, DPZ
- Genya J. Stefanoff, Planner II, PD, DPZ
- Ms. Mary Ann Tsai

- Ms. Goldie Harrison
- Other staff who have supported it

Supervisor Mendelsohn seconded the motion and asked to amend the motion that the Board also direct staff to invite the following individuals:

- Mr. Shane Murphy
- Ms. Vicky Dorman

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

71. **4:30 P.M. – PH ON A PROPOSAL TO VACATE TWO TEN-FOOT-WIDE ALLEYS ADJOINING LOWELL AVENUE (DRANESVILLE DISTRICT)**
(Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2001.

Following the public hearing, Supervisor Mendelsohn moved adoption of the Ordinance vacating two ten-foot-wide alleys adjoining Lowell Avenue. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 5 (OFFENSES), SECTION 5-1-15 "DISTURBING THE PEACE"** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2001.

Discussion ensued with input from David P. Bobzien, County Attorney; Karen L. Gibbons, Assistant County Attorney; and Colonel William Brown, Deputy Chief of Patrol, Police Department.

Supervisor Hyland asked unanimous consent that the Board direct staff to report with the date that the *Code of Virginia* was amended regarding "Disturbing the Peace." Without objection, it was so ordered.

Following the public hearing, Supervisor Bulova moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 5 (Offenses), Section 5-1-15, "Disturbing the Peace." Supervisor Frey seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Frey,

Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell and Chairman Hanley voting "AYE," Supervisor Connolly voting "NAY," Supervisor Mendelsohn being out of the room.

73. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), THAT WOULD (1) CREATE NEW ELECTION PRECINCTS TO FOLLOW THE BOUNDARIES OF THE NEWLY ESTABLISHED ELECTION DISTRICTS FOR THE MEMBERS OF THE VIRGINIA GENERAL ASSEMBLY; (2) PROVIDE FOR THE TEMPORARY RELOCATION OF TWO SATELLITE ABSENTEE VOTING LOCATIONS; AND (3) EXTEND THE HOURS OF SATELLITE ABSENTEE VOTING LOCATIONS PRIOR TO THE NOVEMBER GENERAL ELECTION** (Tape 13)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of May 3 and May 10, 2001.

Discussion ensued with input from Michael Long, Senior Assistant County Attorney; and Carol Ann Coryell, Electoral Board Secretary.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the proposed amendments to Chapter 7 (Central Absentee Voter Election District), that would:

- Create new election precincts to follow the boundaries of the newly established election districts for the members of the Virginia General Assembly.
- Provide for the temporary relocation of two satellite absentee voting locations
- Extend the hours of satellite absentee voting locations prior to the November general election.

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

ADDITIONAL BOARD MATTERS74. **WAIVER OF FEES FOR AMERICAN HORTICULTURAL SOCIETY (AHS)** (Tape 13)

Supervisor Hyland said that the AHS has requested a waiver of the filing fees for a special exception amendment.

Therefore, Supervisor Hyland moved that the Board waive the filing fees for the special exception amendment application, contingent upon the County Attorney asserting that AHS is a qualified 501(c)(3) organization. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

75. **SNOW AND ICE REMOVAL** (Tape 13)

Supervisor McConnell said that her brother-in-law is visiting from Montana, and he has informed her that Montana uses a liquid, instead of sand, for removal of snow and ice. She said that the liquid does not leave a residue, or deteriorate the highways, and does not cause any damages. Supervisor McConnell asked unanimous consent that the Board direct staff to request the Virginia Department of Transportation to research this.

Chairman Hanley said that Supervisor McConnell should determine the kind of liquid Montana uses, and then the staff could research it.

76. **BOARD ADJOURNMENT** (Tape 13)

At 8:20 p.m. the Board adjourned.

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