



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 27, 2004**

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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, September 27, 2004, at 9:05 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Michael Frey, Sully District, arrived at 9:07 a.m.

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:09 a.m.

Supervisor Dana Kauffman, Lee District, arrived at 9:12 a.m.

Supervisor Elaine McConnell, Springfield District, arrived at 10:16 a.m.

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 MATTER1. **MOMENT OF SILENCE** (9:05 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of former Centreville District Supervisor Martha Pennino, who died recently. She said that former Supervisor Pennino served on many boards and her service to the County has made it a much better place.

Supervisor Hyland said former Supervisor Pennino was a wonderful example of a public servant who cared so much and truly left her mark across the County, particularly in the area of human services.

(NOTE: Later in the meeting, during the presentation of a certificate of recognition, a performance was dedicated to the memory of former Supervisor Pennino. See Clerk's Summary Item CL#2.)

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE CARTER GOSPEL SINGERS** (9:09 a.m.)

The Carter Gospel Singers performed two songs which Supervisor Hyland dedicated to the memory of Ms. Martha Pennino. (NOTE: Earlier in the meeting, the Board asked everyone to keep in thoughts the family of former Supervisor Pennino, who died recently. See Clerk's Summary Item CL#1.)

Supervisor Hyland moved approval of the Certificate recognizing the thirty-fifth anniversary of the Carter Gospel Singers. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE MCLEAN LITTLE LEAGUE 11-12-YEAR-OLD GIRLS' ALL-STAR SOFTBALL TEAM** (9:26 a.m.)

Supervisor DuBois moved approval of the Certificates recognizing members of the McLean Little League 11-12-year-old Girls' All-Star Softball Team for its accomplishments. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Supervisor DuBois recognized the presence of former Dranesville District Supervisor Nancy Falck, the grandmother of one of the team members, and warmly welcomed her to the Board Auditorium.

4. **PROCLAMATION DESIGNATING OCTOBER 3–9, 2004, AS “MENTAL ILLNESS AWARENESS WEEK” IN FAIRFAX COUNTY** (9:37 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 3–9, 2004, as “*Mental Illness Awareness Week*” in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MARTHA KNOX GLENNAN** (9:42 a.m.)

(BACs) Supervisor DuBois moved approval of the Resolution recognizing Ms. Martha Knox Glennan for her years of service to the Disability Services Board. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. CAROL ANN CORYELL** (9:52 a.m.)

(BACs) Supervisor Frey moved approval of the Certificate recognizing Ms. Carol Ann Coryell for her years of service to the Health Systems Agency Board. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Gross being out of the room, Supervisor McConnell not yet having arrived.

ADDITIONAL BOARD MATTER

7. **ITEMS FOR THE BOARD'S LEGISLATIVE COMMITTEE** (9:58 a.m.)

(BACs) (NOTE: Earlier in the meeting, the Board recognized the services of two former members of County boards. See Clerk's Summary Items CL#5 and CL#6.)

Supervisor Frey said that the last two individuals who received presentations were not leaving because of their desire not to serve, but due to legislative statutes. He said that volunteers are limited in the amount of time that they can contribute to the County.

Supervisor Frey asked unanimous consent that the Board refer this issue to the Board's Legislative Committee for review. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the request that the Board direct staff to report with volunteer term limits, and the rationale, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

AGENDA ITEMS

8. **PROCLAMATION DESIGNATING OCTOBER 3-9, 2004, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:59 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 3-9, 2004, as "*Fire Prevention Week*" in Fairfax County. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **CERTIFICATES OF RECOGNITION PRESENTED TO THE CORE GROUP OF 50 VOTING MEMBERS OF THE BRADDOCK DISTRICT COMMUNITY DIALOG GROUP** (10:09 a.m.)

Supervisor Bulova moved approval of the Certificates recognizing the core group of 50 voting members of the Braddock District Community Dialog group. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

10. **WELCOME TO A VISITOR FROM THE NETHERLANDS** (10:28 a.m.)

Supervisor Hyland recognized the presence of Mr. Pieter van der Hulst, a visitor from the Netherlands' School of Public Administration. He said that Mr. van der Hulst is here studying the processes of County government, particularly the Laurel Hill project. On behalf of the Board, Supervisor Hyland warmly welcomed him to the Board Auditorium.

AGENDA ITEMS

11. **PROCLAMATION DESIGNATING OCTOBER 2, 2004, AS "OAKTON CLASSIC DAY" IN FAIRFAX COUNTY** (10:29 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 2, 2004, as "*Oakton Classic Day*" in Fairfax County. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor Gross being out of the room.

12. **PROCLAMATION DESIGNATING OCTOBER 2004 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 2004 as "*Domestic Violence*

Awareness Month” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

13. **PROCLAMATION DESIGNATING SEPTEMBER 2004, AS “FOOD SAFETY EDUCATION MONTH” IN FAIRFAX COUNTY** (10:45 a.m.)

Chairman Connolly moved approval of the Proclamation designating September 2004, as “*Food Safety Education Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

14. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX COUNTY GOVERNMENT CABLE CHANNEL 16** (10:51 a.m.)

Chairman Connolly moved approval of the Resolution recognizing the twentieth anniversary of Fairfax County Government Cable Channel 16. This motion, which was multiply seconded, carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Staff from the Department of Cable Communications Consumer Protection presented Board Members with VHS and DVD videotapes commemorating the past 20 years.

15. **REPORT OF THE HUMAN RIGHTS COMMISSION 2003** (11:05 a.m.)

(BACs) Victor Dunbar, Chairperson, Human Rights Commission, and Michael Cash, Executive Director, Human Rights Commission, presented the 2003 Report of the Commission.

Following discussion regarding sexual orientation and hate crime investigations, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Attorney to recirculate the memorandum, which was distributed to the Board several years ago, about the County's ability to adopt an ordinance regarding this issue. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross moved that the Board direct staff to refer this issue to the Legislative Committee for review. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Further discussion ensued regarding the report of the Commission.

PW:pw

16. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:31 a.m.)

(APPTS)

(BACs)

ADVISORY SOCIAL SERVICES BOARD

Chairman Connolly moved the reappointment of Mr. Marcus Simon as the At-Large Chairman's Representative to the Advisory Social Services Board. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor McConnell moved the reappointment of Ms. Joan Dolberg as the Springfield District Representative to the Advisory Social Services Board. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Connolly moved the reappointment of Mr. John Colby as the Engineer/Architect/Planner #2 Representative to the Affordable Dwelling Unit Advisory Board. Supervisor DuBois seconded the motion, which carried by unanimous vote.

AIRPORTS ADVISORY COMMITTEE**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment to the Airports Advisory Committee:

- Ms. Judith Anderson as the League of Women Voters of the Fairfax Area Representative

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

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

ANIMAL SERVICES ADVISORY COMMISSION

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

ARCHITECTURAL REVIEW BOARD

Supervisor Hyland moved the reappointment of Mr. Charles Bierce as the Architect #1 Representative to the Architectural Review Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Mr. John Boland as the Attorney Representative to the Architectural Review Board. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Mark Lewis as the Landscape Architect Representative to the Architectural Review Board. Supervisor McConnell seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Related Professional Group #4 Representative to the Architectural Review Board.

ATHLETIC COUNCIL

Supervisor Smyth moved the reappointment of Mr. Frank Williams, III as the Providence District Alternate Representative to the Athletic Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Ms. Kerri Gilmore Mesiah as the Women's Sports Association Alternate Representative to the Athletic Council. Supervisor McConnell seconded the motion, which carried by unanimous vote.

CONFIRMATION:

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

- Mr. Brian Daly as the Fairfax County Park Authority Alternate Representative

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Frey moved the appointment of Ms. Olga Hernandez as the Sully District Representative to the Barbara Varon Volunteer Award Selection Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor Kauffman moved the reappointment of Ms. Phyllis Ford as the At-Large #1 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Donald Weber, Sr. as the At-Large #2 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Christopher Welker as the At-Large #3 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Cheryl Berry as the At-Large #4 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor Bulova moved the reappointment of Ms. Janet Reimer as the Braddock District Representative to the Child Care Advisory Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Ms. Elizabeth Knab as the Dranesville District Representative to the Child Care Advisory Council. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Bernice Mayfield as the Hunter Mill District Representative to the Child Care Advisory Council. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Robert Berman as the Springfield District Representative to the Child Care Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

CIVIL SERVICE COMMISSION

Supervisor Hudgins moved the appointment of Mr. Ronald Copeland to fill the unexpired term of Mr. Robert Greaux as the At-Large #2 Representative to the Civil Service Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

CONFIRMATION:

Chairman Connolly moved the confirmation of the following appointment to the Community Action Advisory Board:

- Mr. Louis D'Allessandro as the Federation of Citizens Associations Representative

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

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

COMMUNITY CRIMINAL JUSTICE BOARD

CONFIRMATION:

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

- Mr. Dallas Shawkey as the Criminal Justice Advisory Board #2 Representative

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

The Board deferred the appointment of the Fairfax County At-Large #2 Representative to the Community Criminal Justice Board.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether Mr. Shawkey could serve concurrently on the Community Criminal Justice Board and the Criminal Justice Advisory Board. Without objection, it was so ordered.

ECONOMIC DEVELOPMENT AUTHORITY

Chairman Connolly moved the appointment of Mr. Michael Lewis to fill the unexpired term of Mr. Harry Doyle, Jr. as the At-Large Citizen #2 Representative to the Economic Development Authority. The motion, which was multiply seconded, carried by unanimous vote.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Ms. Diana Saccone to fill the unexpired term of Ms. Marcia Johns as the Hunter Mill District Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Ms. Allison Anderson to fill the unexpired term of Mr. Craig Potter as the Mount Vernon District Representative to the Environmental Quality Advisory Council. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Ms. Rosemary Ryan as the Advisory Social Services Board Representative
- Ms. Betty Ransom as the Alzheimer's Association Representative
- Mr. Kenneth Connelly as the Assisted Living Representative

- Ms. Marilyn Bersoff as a Business/Corporation Representative
- Mr. Darryl Harrison as a Business/Corporation Representative
- Ms. Lin Wagner as a Business/Corporation Representative
- Mr. Gerald Hopkins as a Business/Corporation Representative
- Mr. Charles Greenfield as a Business/Corporation Representative
- Ms. Sarah Parks as a Business/Corporation Representative
- Ms. Elly Doyle as the Commission on Aging Representative
- Ms. Lisa Sparks as a Community Representative
- The Honorable Nancy Falck as a Community Representative
- Mr. Theodore Nell as a Community Representative
- Ms. Jackie Mills-Fernald as a Community Representative
- Mr. Verdia Haywood as the Deputy County Executive Representative
- Mr. Michael La Juene as the Disability Community Leader Representative
- Ms. Dorothy Sorrell as the City of Fairfax Representative
- Mr. Ronald Christian as the Fairfax County Redevelopment and Housing Authority Representative

- Ms. Jessica Burmester as the Fairfax-Falls Church Community Services Board Representative
- Mr. Michael Behrmann as the George Mason University Representative
- Ms. Susan Kulp Randall as the Health Care Advisory Board Representative
- Mr. Philip Reeves as the Health Systems Agency Board Representative
- Ms. Donna Fleming as the Human Services Council Representative
- Mr. Robert Hager as the INOVA Health System Alternate Representative
- The Honorable James Scott as the INOVA Health System Representative
- Ms. Karen Brown as a Long Term Care Task Force Representative
- Mr. Michael Creedon as a Long Term Care Task Force Representative
- Ms. Eileen Dohmann as a Long Term Care Task Force Representative
- Ms. Sally S. Hottle as a Long Term Care Task Force Representative
- Ms. Heisung Lee as a Long Term Care Task Force Representative
- Ms. Diane Wilson as a Long Term Care Task Force Representative
- Mr. Joseph Potosnak as a Long Term Care Task Force Representative
- The Honorable Joseph Gartlan as a Senior Leader Representative
- Ms. Mary Smith as the United Way Representative

Supervisor Hudgins asked to amend the motion to include the appointment of Ms. Patricia Williams as a Business/Corporation Representative, and this was accepted.

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Fairfax County Convention and Visitors Corporation Board of Directors:

- Mr. Richard Frisch as the Northern Virginia Hospitality Council #11 Representative

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

HEALTH CARE ADVISORY BOARD

Supervisor Kauffman moved the reappointment of Mr. David West as the Lee District Representative to the Health Care Advisory Board. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #7 Representative to the History Commission.

HUMAN RIGHTS COMMISSION

Chairman Connolly moved the reappointment of Ms. Saima Makhdoom as the At-Large #4 Representative to the Human Rights Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Emanuel Solon as the At-Large #5 Representative to the Human Rights Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Michel Margosis as the At-Large #7 Representative to the Human Rights Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #6 Representative to the Human Rights Commission.

HUMAN SERVICES COUNCIL

Supervisor DuBois moved the reappointment of Ms. Winifred Pizzano as the Dranesville District #2 Representative to the Human Services Council. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Gangadhar Kori as the Springfield District #1 Representative to the Human Services Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory 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 Mr. Michael Dillon to fill the unexpired term Mr. John Fuller as the Citizen Member #3 Representative to the Tenant Landlord Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

UNIFORMED RETIREMENT SYSTEM

Supervisor Hyland moved the reappointment of Mr. Vincent Bollon as the Citizen Representative #3 to the Uniformed Retirement System. Chairman Connolly seconded the motion, which carried by unanimous vote.

WATER AUTHORITY

Supervisor Kauffman moved the appointment of Mr. Frank Begovich to fill the unexpired term of Mr. Fred Morin as the Lee District Representative to the Water Authority. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman noted that at the October 18, 2004, Board meeting Mr. Morin is scheduled to appear before the board to be recognized for his 43 years of service to the Water Authority.

AD HOC COMMITTEES**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**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment to the Stormwater Advisory Committee:

- Mr. Larry Butler as the Homeowners' Association Representative

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

Supervisor Gross noted that the seats for the Small/Medium Commercial/Office Property Representative and Non-Profit Coalition Representative were still vacant and that due to the limited amount of time for this committee to make its recommendations to the Board, they may not be filled.

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE**CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointments to the Virginia 2007 Community Citizen Planning Committee:

- Mr. C. Arnie Quirion as the Fairfax County Convention and Visitors Corporation Board of Directors Representative

- Mr. Timothy Sargeant as the Laurel Hill Adaptive Reuse Plan Advisory Committee Representative

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

17. **ADMINISTRATIVE ITEMS** (11:45 a.m.)

Supervisor Gross moved approval of the Administrative Items. The second to this motion was inaudible.

Supervisor Gross called the Board's attention to Admin 6 – Authorization for the Office of Partnerships to Apply and Accept a Grant from the Virginia Department of Education for the Twenty-First Century Community Learning Center regarding grant submission deadlines. Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the need for staff to adhere to deadlines.

Supervisor Hyland called the Board's attention to Admin 7 – Additional Time to Commence Construction for Special Exception Application SE 00-V-040, W and N Company and asked to amend the motion to approve nine months instead of six months April 8, 2005, instead of January 8, 2005, and that no further extensions be granted. This was accepted.

Supervisor Hyland called the Board's attention to Admin 8 – Additional Time to Establish the Use for Special Exception Application SE 01-V-039, Costco Wholesale Corporation and asked to amend the motion to approve 12 months instead of 24 months to August 25, 2005, instead of August 25, 2006, and that no further extensions be granted. This was accepted.

Supervisor Kauffman called the Board's attention to Admin 10 – Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs and asked to amend the motion to direct staff to add the intersection of Westchester Street and Franconia Road to the list of locations recommended in Attachment One of the Board Agenda Item dated September 27, 2004. This was accepted.

Discussion ensued with input from Mr. Griffin regarding enforcement of the signs and the presentation of a report in six months.

The question was called on the motion, as amended, 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."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT 3300 GALLOWS ROAD TO APC REALTY AND EQUIPMENT COMPANY (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 4:30 p.m.** to consider the proposed leasing of a portion of County-owned property at 3300 Gallows Road, Merrifield, Virginia, 22031 [Tax Map 59-2 ((1)) 1A], for the purpose of installing a telecommunications base station.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE 50/WAPLES MILL ROAD PROJECT (PROVIDENCE AND SPRINGFIELD DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 4 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project 007701 – Route 50/Waples Mill Road in Fund 301 – Developer Contributed Roadway Improvement Funds.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND PROVIDENCE DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Oakmill, Section 4	Hunter Mill	Azalea Woods Way
Armistead Park, Phase 1	Providence	Barkley Gate Lane Garden Gate Drive

ADMIN 4 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS ON POST OAK TRAIL AND ON CARIS GLENNE DRIVE (HUNTER MILL DISTRICT)

- (R) Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Department of Transportation's Residential Traffic Administration Program at the following locations:
- Post Oak Trail
 - Caris Glenne Drive

ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (HUNTER MILL, LEE, AND SULLY DISTRICTS)

Approved the extension of review periods for the following 2232 Public Facility Review Applications:

- FS-Y04-50 to November 26, 2004
- FS-L04-55 to December 11, 2004
- FS-H04-52 to December 12, 2004
- 2232-Y01-15 to March 31, 2005

ADMIN 6 – AUTHORIZATION FOR THE OFFICE OF PARTNERSHIPS TO APPLY AND ACCEPT A GRANT FROM THE VIRGINIA DEPARTMENT OF EDUCATION (DOE) FOR THE TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTER

(NOTE: Earlier in the meeting, the Board discussed this item. See page 16.)

Authorized the Office of Partnerships, Computer Learning Centers Partnership to apply for and accept a grant in the amount of \$179,583 from the Virginia DOE for the Twenty-First Century Community Learning Center. No local cash match is required.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-V-040, W AND N COMPANY (MOUNT VERNON DISTRICT)

(AT) (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 16.)

Amended the request and approved **nine** months of additional time to commence construction for Special Exception Application SE 00-V-040, W and N Company, to **April 8**, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance, **with no further extensions to be granted.**

ADMIN 8 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 01-V-039, COSTCO WHOLESALE CORPORATION (MOUNT VERNON DISTRICT)

(AT) (NOTE: Earlier in the meeting, the Board took additional action on this item. See page 16.)

Amended the request and approved **12** months of additional time to establish the use for Special Exception Application SE 01-V-039, Costco Wholesale Corporation, to August 25, **2005**, pursuant to the provisions of Section 9-015 of the Zoning Ordinance, **with no further extensions to be granted.**

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05033 FOR THE HEALTH DEPARTMENT’S WOMEN’S, INFANTS, AND CHILDREN (WIC) GRANT

(SAR) Approved SAR AS 05033 in the amount of \$1,213,593 for the Health Department to accept Fiscal Year 2005 grant funds to continue services under the WIC Grant from the US Department of Agriculture through the Virginia Department of Health. No local cash match is required.

ADMIN 10 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE SIGNS

(NOTE: Earlier in the meeting, the Board took additional action on this item. See page 16.)

Amended and endorsed the installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine signs at the 75 subject locations shown in Attachment One of the Board Agenda Item dated September 27, 2004, **with the addition of the intersection of Westchester Street and Franconia Road.**

ADMIN 11 – ADDITION OF TWO SEGMENTS OF FAIRFAX COUNTY PARKWAY (ROUTE 7100) TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (HUNTER MILL DISTRICT)

(R) Adopted the Resolution requesting that two segments of the Fairfax County Parkway be added to the Secondary System of State Highways.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTIONS 82-5A, 82-5B, AND 82-5-7 REGARDING RESIDENTIAL PERMIT PARKING, COMMUNITY PARKING, AND COMMERCIAL PARKING IN RESIDENTIAL DISTRICTS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 5 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Sections 82-5A, 82-5B, and 82-5-7 regarding residential permit parking, community parking, and commercial parking in residential districts.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-35 “COMPLIANCE WITH CHAPTER; PENALTY FOR VIOLATION OF CHAPTER”

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 18, 2004, at 5 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-1-36 regarding compliance with the chapter and penalties for violation of the chapter.

ADMIN 14 – INSTALLATION OF "NO PARKING" SIGNS ON SOLUTIONS DRIVE (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution restricting parking on the semicircle at the intersection of Solutions Drive and SAIC Drive.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05044 FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM SUPPLEMENTAL AWARD FROM THE DISTRICT OF COLUMBIA OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

- (SAR) Approved SAR AS 05044 in the amount of \$2,030,000 for FRD to accept the DHS Fiscal Year 2003 Urban Areas Security Initiative Grant Program Supplemental Award from the DC Office of Deputy Mayor for Public Safety and Justice. These funds will be used to enhance the capabilities of local first responders by acquiring 500 radios and accessories, including the programming, assembly, and maintenance thereof, in conjunction with the Montgomery County,

Maryland Department of Fire and Rescue Services. No local cash match is required.

18. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (BATFE)** (11:51 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and authorize staff to sign a MOU between the FCPD and the BATFE, authorizing the Fairfax County Gang Units assigned to the Northern Virginia Gang Task Force to become deputized as Deputy US Marshals. Supervisor Hyland seconded the motion.

Supervisor Gross asked to amend the motion to reflect approval of a Memorandum of **Agreement** and not a Memorandum of Understanding. This was accepted.

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

19. **A-2 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) AND ADDENDUM BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US MARSHALS SERVICE** (11:52 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to sign the MOU between the FCPD and the US Marshals Service, authorizing the assignment of the Fairfax County Fugitive Section to the Capital Area Regional Fugitive Task Force.

20. **A-3 – EMPLOYER CONTRIBUTION FOR EMPLOYEE DENTAL INSURANCE** (11:52 a.m.)

On motion of Supervisor Gross, jointly seconded by Supervisor Bulova and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized provision of a 50 percent employer contribution for all eligible active County employees who elect dental coverage.

21. **A-4 – AUTHORIZATION FOR A COOPERATIVE PROCUREMENT AGREEMENT WITH THE ROUTE 28 DISTRICT COMMISSION AND DESIGNATION OF THE FAIRFAX COUNTY PURCHASING AGENT TO PROCURE DISTRICT SERVICES** (11:52 a.m.)

- (R) On motion of Supervisor Frey, seconded by Supervisor Hudgins, and 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," the Board concurred in the recommendation of staff and adopted the Resolution authorizing a Cooperative Procurement Agreement for County staff to assist in the procurement process to allow the Commission to perform a required audit in accordance with the Virginia Code as necessary.

22. **A-5 – PROCESS FOR BOARD CONSIDERATION OF SCHOOL SITES DETERMINED TO BE SURPLUS** (11:53 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve a process for evaluating School Board requests for approval of the sale of surplus real property that the School Board owns and the retention of the proceeds from the sale as outlined in the revised Board Agenda Item dated September 27, 2004. Supervisor Gross seconded the motion.

Discussion ensued regarding the addition of the following language:

- Upon receipt of notification from the School Board, County staff will evaluate the property to determine whether or not it would support already identified facility needs in the County's Capital Improvement Program. This could apply to all or part of the property. County staff will identify for the Board any such opportunity.

Additional discussion ensued regarding the necessity of holding a public hearing and duplicating the process with the School Board.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting "NAY."

23. **C-1 – 2004 VIRGINIA ASSOCIATION OF COUNTIES' (VACo) ANNUAL MEETING** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting designation of voting delegates to represent the County at the VACo annual meeting.

Supervisor Gross moved to designate:

- Chairman Connolly as the voting delegate.
- Supervisor Hyland as the alternate voting delegate.

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

24. **I-1 – FAIRFAX COUNTY’S INVESTMENT POLICY CERTIFIED BY THE ASSOCIATION OF PUBLIC TREASURERS (APT) OF THE US AND CANADA** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, announcing that for the sixth consecutive year the County’s Investment Policy has been certified by the APT.

25. **I-2 – WASTE DELIVERY/DISPOSAL AGREEMENT WITH THE DISTRICT OF COLUMBIA** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for staff to execute an agreement with the District of Columbia regarding waste delivery/disposal.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide an itemization of the tonnage going to the Energy/Resource Recovery Facility and the source of the tonnage. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

26. **I-3 – AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR WASTE-TO-ENERGY FACILITY** (11:59 a.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for staff to award the contract to Dvirka and Bartilucci Consulting Engineers, HDR Engineering, Incorporated, and Malcolm Pirnie, Incorporated, in a total estimated amount of \$200,000 annually, with an annual cap of \$600,000, for professional engineering services for the Waste-to-Energy Facility.

The staff was directed administratively to proceed as proposed.

27. **I-4 – PEDESTRIAN TASK FORCE STATUS AND OPEN HOUSE REPORT** (11:59 a.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, regarding the Pedestrian Task Force status and Open House report.

Discussion ensued with input from Christopher D. Wells, staff, Department of Transportation, regarding the coordination of the different agencies responsible for sidewalks and trails.

Further discussion ensued regarding possible legislative initiatives to change the current law from "yield to pedestrians" to "stop for pedestrians" and the "quick take" eminent domain issue for sidewalk, trail, and bus stop projects. Supervisor Kauffman asked unanimous consent that the Board direct staff to refer these issues to the Board's Legislative Committee for further action. Without objection, it was so ordered.

Additional discussion ensued regarding proposed recommendations of the task force.

28. **I-5 – AMENDMENTS TO THE REZONING AFFIDAVIT, THE SPECIAL EXCEPTION AFFIDAVIT, AND THE SPECIAL PERMIT/VARIANCE AFFIDAVIT FORMS** (12:05 p.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for staff to amend the affidavit forms for applications filed and accepted on or after January 1, 2005, to require the disclosure of any gift or donation of more than \$100, singularly or in the aggregate, during the 12-month period prior to the public hearing for such applications.

Following brief comments, the staff was directed administratively to proceed as proposed.

29. **I-6 – APPROVAL OF AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PROJECT DEVELOPMENT AND ADMINISTRATION OF THE BEULAH ROAD TRAIL FEASIBILITY PROJECT (HUNTER MILL DISTRICT) AND THE UNION MILL TRAIL UPGRADE PROJECT (SPRINGFIELD DISTRICT)** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for staff to execute agreements with VDOT for the development and administration of the Beulah Road Trail Feasibility Study Project and the Union Mill Road Trail Upgrade Project.

The staff was directed administratively to proceed as proposed.

30. **I-7 – COST-SHARING AGREEMENT AMONG FAIRFAX COUNTY, THE US DEPARTMENT OF THE ARMY, AND THE CITY OF ALEXANDRIA TO COMPLETE A FEASIBILITY STUDY FOR THE CAMERON RUN WATERSHED** (12:06 p.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for the County Executive to sign an agreement with the US Department of the Army and the City of Alexandria to complete a feasibility study for the Cameron Run watershed.

Discussion ensued with input from Anthony H. Griffin, County Executive; Jimmie D. Jenkins, Acting Director, Department of Public Works and Environmental Services (DPWES); and Carl E. Bouchard, Director, Stormwater Planning Division, DPWES, regarding the affected jurisdictions and their contribution to this agreement.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to pursue a contribution from the City of Falls Church. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Additional discussion ensued regarding the possibility of Federal assistance with this project.

The staff was directed administratively to proceed as proposed.

31. **I-8 – CONTRACT AWARD – EMPLOYEE DENTAL INSURANCE**
(12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated September 27, 2004, requesting authorization for staff to award a contract for Employee Dental Insurance to Delta Dental.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

32. **TREE-RELATED OZONE REDUCTION MEASURES** (12:10 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly asserted that ground level ozone represents a serious health threat to the citizens and detracts from the quality of life. He said that on September 17, 2004, the Board's Legislative Committee discussed this issue and directed staff to prepare for the Board's review correspondence to the Virginia Congressional Delegation requesting that Congress direct the Environmental Protection Agency (EPA) to accept tree-related ozone mitigation measures as part of required air quality management plans.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to prepare a letter for the Chairman's signature requesting the County's Congressional Delegation to review the matter and to take appropriate steps whereby Congress directs the EPA to expedite resolution of the remaining technical issues and to establish policy that

acknowledges in air quality management plans the positive relationship between trees and clean air.

Supervisor Smyth asked to amend the request to revise the proposed letter to include the impact on fine particulate matter by trees, and this was accepted.

Without objection, the request, as amended, was so ordered.

33. **PEDESTRIAN SAFETY AWARENESS MONTH** (12:11 a.m.)

(NOTE: Earlier in the meeting, the Board discussed pedestrian safety. See Clerk's Summary Item CL#27.)

Chairman Connolly noted that October is Pedestrian Safety Awareness Month. Accordingly, he asked unanimous consent that the Board declare October as "*Pedestrian Safety Awareness Month*" in Fairfax County and direct staff to prepare an appropriate resolution. Without objection, it was so ordered.

34. **SOUTH COUNTY BUS SERVICE LAUNCH (LEE AND MOUNT VERNON DISTRICTS)** (12:11 p.m.)

Chairman Connolly noted that he, Supervisor Hyland, and Supervisor Kauffman joined staff in launching the new South County Bus Service on Sunday, September 26. The plan increases bus service in the southern part of the County by approximately 40 percent and adds a new, limited-stop service along Richmond Highway dubbed REX for Richmond Highway Express.

Accordingly, jointly with Supervisor Hyland and Supervisor Kauffman, Chairman Connolly moved that the Board direct staff to invite staff from the Department of Transportation, along with appropriate staff from Connex/Yellow Transportation, the Virginia Department of Transportation, and Metro to appear before the Board at an appropriate time to be recognized for their efforts. Supervisor Hyland seconded the motion.

Following a brief discussion regarding bus usage and an excellent customer service attitude by staff, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

35. **CHARACTER COUNTS! WEEK** (12:13 p.m.)

Chairman Connolly noted that the Board traditionally celebrates Character Counts! Therefore, he moved that the Board proclaim October 17-23, 2004, as "*Character Counts! Week*" in Fairfax County and direct staff to invite appropriate representatives from the Department of Community and Recreation Services, the Partnership for Youth, and other appropriate representatives to

receive the proclamation at the October 18, 2004, Board meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board specified other invitees. See Clerk's Summary Item CL#36.)

36. **LIGHTS ON AFTERSCHOOL DAY** (12:14 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding Character Counts! Week. See Clerk's Summary Item CL#35.)

Chairman Connolly noted that the County is firmly committed to quality afterschool programs and activities for youth. These programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, and academic skills. They also support working families by ensuring their children are safe and productive after the regular school day. According to the US Department of Labor, parents of more than 28 million school-aged children work outside the home and as many as 7 million latchkey children go home to an empty house. Those who engage in afterschool activities not only have a safe harbor, but are also less likely to be prey to gang recruitments.

Accordingly, Chairman Connolly moved that the Board proclaim October 14, 2004, as "*Lights on Afterschool Day*" in Fairfax County and direct staff to:

- Invite appropriate representatives from the Office of Partnerships, Fairfax County Public Schools, and others to be presented with the proclamation and report on the event at the October 18, 2004, Board meeting.
- Publicize this event by issuing a media release and including it on the County website and all other appropriate outlets.

Supervisor Gross seconded the motion and asked to amend this motion as well as the previous request for recognition of "*Character Counts! Week*" to include the 23 Community Coalitions for the Schools, and this was accepted.

Supervisor Kauffman asked to amend the motion to include representatives from the Department of Community and Recreation Services, and this was accepted.

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

37. **QUARTERLY AUDIT COMMITTEE REPORT** (12:16 p.m.)

(BACs)(P) Chairman Connolly commended John Adair, the Board's Financial and Programs Auditor, for his examination of County travel procedures. Chairman Connolly

noted that the County will adopt a Travel Policy that mirrors the federal guidelines with a per diem system and an approval process for justification. He said that the auditor is also reviewing the Vehicle Policy for utilization rates and justification.

Chairman Connolly moved to accept the “Quarterly Status Report on Operations as of September, 21, 2004,” as distributed to the Board. Supervisor Gross seconded the motion.

Following discussion regarding the promulgation of the Travel Policy, with input from Anthony H. Griffin, County Executive, Supervisor Gross asked unanimous consent that the Board direct staff to include on the next Personnel Committee’s agenda a briefing on the new policy. Without objection, it was so ordered.

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

38. **CONSERVATION EASEMENTS** (12:18 p.m.)

Chairman Connolly said that the Potomac Conservancy contacted County staff and expressed an interest in co-owning a number of conservation easements along the Potomac River, especially in the Dranesville District. These easements encompass several properties totaling over 300 acres along the Potomac Gorge and Bull Neck Run, and would allow the County to protect these environmentally sensitive properties from development without expending resources to buy them outright. The Board’s Environmental Vision encourages the protection of open space and natural resources through partnerships with organizations such as the Potomac Conservancy, and the Comprehensive Plan identifies land conservation in these areas as a key part of the strategy. While the County has not yet co-owned such an easement with the Potomac Conservancy, the County has entered into similar arrangements with groups such as the Northern Virginia Conservation Trust and the McLean Land Conservancy.

Accordingly, Chairman Connolly moved that the Board direct staff to work with the Potomac Conservancy and prepare a Consideration Item with the details of the workings of such an easement ownership for Board review. Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

39. **CONCURRENT PROCESSING FOR SITE AND BUILDING PLANS WITH REZONING APPLICATION RZ 2003-HM-042 (HUNTER MILL DISTRICT)** (12:19 p.m.)

Supervisor Hudgins announced that Tysons 89, LLC filed an application to rezone 6.19 acres of property in Vienna from R-1 to R-2. The application was submitted

nearly one and one-half years ago and has been delayed for months due to negotiations associated primarily with the US Government ownership of a portion of Ashgrove Lane adjacent to the property. The applicant seeks to submit and begin processing the site plan to expedite the construction process.

Accordingly, Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the site and building plans for Tax Map 28-4((1)) 22B, 23 and US Government Property Identified as Ashgrove Lane on the Tax Map concurrent with the review of Rezoning Application RZ 2003-HM-042. She noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

40. **BREAST CANCER AWARENESS MONTH AND MAMMOGRAPHY DAY** (12:21 p.m.)

Supervisor Hudgins noted that October is celebrated nationally as Breast Cancer Awareness Month and October 15 is recognized as National Mammography Day. She said that significant progress has been made against this devastating disease and as a community the County needs to celebrate and embrace the survivors while continuing to encourage all women to be proactive for early detection through diagnosis and treatment. She noted that the community is fortunate to have caring individuals who are available both to support breast cancer patients and to provide mammography services for uninsured women of low income.

Accordingly, Supervisor Hudgins moved that the Board direct staff to:

- Invite the appropriate representatives from the American Cancer Society's support group and representatives from the Vietnamese Resettlement Association, which operates the only free mammography clinic in Northern Virginia, to appear before the Board on October 18, 2004, to receive resolutions declaring October as "*Breast Cancer Awareness Month*" in Fairfax County.
- Obtain information for distribution to County employees, to provide the information in *News to Use*, and to issue a press release promoting the availability of Breast Cancer Awareness information.

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

A brief discussion ensued with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the high number of presentations scheduled for

October 18. Chairman Connolly announced that Board meetings will commence at 9 a.m. for the foreseeable future.

41. **NATIONAL HOLIDAY TREE FROM VIRGINIA** (12:23 p.m.)

Supervisor Hudgins said that since 1974, the National Holiday Tree has been selected from a National Forest. For the first time, a Virginia tree has been selected and it hails from the George Washington and Jefferson National Forest. Before arriving in the Nation's Capital, the designated holiday tree will travel through 40 Virginia localities, with its final stop on December 5 in the Town of Vienna. More than 5000 ornaments handcrafted by Virginia residents will decorate the 60 plus foot tree.

To recognize the singular honor to the County, Supervisor Hudgins asked unanimous consent that the Board direct staff to:

- Invite the appropriate representatives from the Town of Vienna to appear before the Board on November 15 to receive a certificate of recognition for Vienna's extended holiday celebration.
- Widely disseminate information to all County residents on the viewing hours for the National Holiday Tree.

Noting that Chairman Connolly will be the incoming president of the Virginia Association of Counties, Supervisor Hyland asked to amend the request to direct staff to also invite representatives of the County of origin of the tree, and this was accepted.

Without objection, the request, as amended, was so ordered.

42. **DEDICATION OF ISLAND WALK (HUNTER MILL DISTRICT)**
(12:25 p.m.)

Supervisor Hudgins acknowledged Chairman Connolly's presence at the recent dedication of Island Walk as it completed its first building in the preservation of 102 housing units. A brief discussion ensued regarding the preservation of affordable housing units.

43. **ANNOUNCEMENT OF INVESTING IN COMMUNITIES PROGRAM (ICP) FOR SMALL BUSINESS** (12:25 p.m.)

Supervisor Hyland said that the County is proud to announce its new ICP, designed to assist small businesses in attaining growth through renovation, expansion, or the addition of new equipment. Applicants can apply for financing from \$10,000 to \$500,000 and use these funds in combination with other private funds to improve building facades; acquire, rehabilitate or construct property; or buy equipment. Applicants can also propose their own uses. Approximately

\$2.4 million is currently available in funding for ICP. Priority is given to projects in the seven County Revitalization locations: Annandale, Bailey's Crossroads and Seven Corners, Lake Anne, McLean, Merrifield, Richmond Highway, and Springfield.

Supervisor Hyland said that this program and its Web site show that the Board thinks that small business is an important priority for the County. Small business is big business in the County.

Supervisor Hyland noted that a business card-sized CD with more program information and an application is available to small businesses and developers by contacting the Office of Revitalization at 703-246-5171. Brochures with program information are also available in Spanish and Korean. Information is also available on the new Revitalization Web site at www.fcrevet.org/icp. The media will have a sample of the business card placed in press boxes at the Government Center.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to coordinate with the Revitalization staff to publicize this opportunity. Without objection, it was so ordered.

44. **NORMANDY** (12:27 p.m.)

Supervisor Hyland said that he was out of town when former Centreville District Supervisor Martha V. Pennino died. He explained that he was traveling back to Normandy, France where he was stationed years ago in the military. He attended a reunion of persons who were assigned to the airbase associated with the 317 Airwing. He shared poignant memories of his trip.

45. **FEASIBILITY OF CREATING A FUNDING POOL FOR YOUTH AND GANG PREVENTION PROGRAMS** (12:31 p.m.)

Jointly with Chairman Connolly, Supervisor Kauffman noted that in Fiscal Year 1997, the Board approved the development and implementation of the Consolidated Community Funding Pool, a competitive funding process to fund the many human service programs offered by community-based agencies and non-profit organizations. Before this date, funding was through a County contribution or through a contract with an individual County agency. There were no standardized criteria or measurements against which a specific program could be evaluated. Since the competitive funding process has been in place, both taxpayers and service providers have benefited. Programs funded through this process are required to develop and track program outcome measures. Evaluation criteria encourage agencies to leverage County funding through strategies such as cash match from other non-County sources. The criteria encourage non-profits to demonstrate cooperation and collaboration with other organizations to minimize duplication or to achieve efficiencies in service delivery or administration.

Supervisor Kauffman stated his belief that funding for the many youth and anti-gang organizations was before the creation of the Consolidated Community Pool. In light of how successful the pool has been in leveraging limited resources and responding to service needs, he expressed the belief that the County could benefit from applying the same common sense and good management to the youth program funding and prioritization. He stated that he believed that Consolidated Community Funding Pool-type oversight and guidance could be provided by an organization such as the Partnership for Youth that already coordinates and partners with a wide variety of organization and programs.

Accordingly, jointly with Chairman Connolly, Supervisor Kauffman moved that the Board direct staff to study the feasibility of creating such a funding pool for youth and gang prevention programs and to report expeditiously with its findings. Chairman Connolly seconded the motion.

Following discussion of this initiative and the success of the Community Funding Pool, Supervisor Bulova asked unanimous consent that the Board direct staff to examine whether other County programs, such as those relating to partnering on environment issues, could also benefit by participating in a similar process. Without objection, it was so ordered.

Following further discussion, Supervisor Hudgins asked to amend the motion to include the School Division in the process, and this was accepted.

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

46. **RETIREMENT OF ANDY SZAKOS** (12:36 p.m.)

Jointly with Supervisor Frey, Supervisor Kauffman acknowledged the retirement of Andy Szakos, Chief, Transit Services Division, Department of Transportation, effective October 29, 2004. His written Board Matter outlined Mr. Szakos' long career.

Accordingly, jointly with Supervisor Frey, Supervisor Kauffman asked unanimous consent that the Board direct the staff of the Office of Public Affairs to:

- Invite Mr. Szakos to appear before the Board at a future meeting for formal recognition.
- Prepare a certificate for presentation on November 15.

Without objection, it was so ordered.

47. **FIFTIETH ANNIVERSARY OF THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB (LEE AND SPRINGFIELD DISTRICTS)** (12:37 p.m.)

Supervisor Kauffman announced that the Springfield-Franconia Host Lions Club is celebrating its fiftieth anniversary this year. He asked unanimous consent that the Board direct the staff of the Office of Public Affairs to invite Chris Poston, president of the club, and other members to appear before the Board at a future Board meeting for formal recognition. Without objection, it was so ordered.

DET:det

48. **AUTHORIZATION FOR OUT-OF-TURN-PLAN AMENDMENT (MASON DISTRICT)** (12:38 p.m.)

Supervisor Gross requested authorization for an Out-of-Turn-Plan Amendment to evaluate the potential residential redevelopment of blighted and vacant parcels in her district. These parcels abut either side of Opah Street, an unimproved, stub, right-of-way off of Lacy Boulevard in the Baileys Crossroads area. Currently dilapidated homes stand on the two parcels at the corner of Lacy Boulevard and Opah Street and the rest of the approximate 3.7 acres is surplus Virginia Power land. The property, zoned R-3, is recognized in the Comprehensive Plan as part of the Baileys Conservation Area in the Baileys Planning District.

Supervisor Gross noted that she would not normally request this authorization while the regular Annual Plan Review process for Mason district was a year away, however a potential consolidation and redevelopment of these properties would relieve the surrounding community of some seriously blighted property. Some of the referenced property has been the subject of numerous zoning violations as well as host to activities requiring police action.

Supervisor Gross added that she had learned of a proposal seeking the feasibility of developing this land as either single family homes at approximately 5.3 dwelling units per acre (du/ac) or as townhomes at approximately 8 to 12 du/ac. She expressed her belief that a study of the Opah Street properties would offer the community a strong opportunity for improvement.

Supervisor Gross moved that the Board authorize an Out-of-Turn Plan Amendment for the property described above, to permit review of redevelopment at single family and townhouse density. She noted that this motion should not be construed as a favorable recommendation by the Board on the proposed Plan Amendment or any subsequent development applications.

Supervisor Bulova seconded the motion.

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

49. **WEAPONS OF MASS DESTRUCTION DRILL** (12:40 p.m.)

Supervisor Bulova informed the Board that this past summer, the Fairfax County Detention Center conducted a highly successful Weapons of Mass Destruction Drill which was done in coordination with the Police Department, the Department of Fire and Rescue, and their counterparts in several other jurisdictions.

The drill was an enactment of a jail evacuation during a biological event. A unique feature of the drill was the identification of resources in the community for housing a large and dangerous inmate population outside the confines of the jail for a prolonged period of time. In addition to alternative shelter, emergency plans were also put in place for transporting inmates, securing food, and providing medical support. This was the largest such drill to date and was well-documented in a short video.

Supervisor Bulova asked unanimous consent that the Board direct staff to invite individuals from the Sheriff's Department and other public safety officials who were involved in the planning and execution of the drill to appear before the Board for recognition of their outstanding efforts, and that arrangements be made for the Board to view a brief video of the event. Without objection, it was so ordered.

PMH:pmh

50. **TEMPORARY SPECIAL PERMITS** (12:42 p.m.)

Supervisor Smyth announced that staff is continuing to review the issues regarding temporary special permits.

51. **LUTHER JACKSON MIDDLE SCHOOL WEEK (PROVIDENCE DISTRICT)** (12:42 p.m.)

Supervisor Smyth said that Luther Jackson Middle School, which is a vibrant middle school located in the Providence District, is celebrating its 50 year legacy of education and contribution to the community.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to:

- Prepare a proclamation designating the week of November 8-12, 2004, as "*Luther Jackson Middle School Week*" in Fairfax County and coordinate this designation with Schools' staff and Luther Jackson Middle School.

- Invite representatives of the school to appear before the Board on October 18, 2004, in celebration of its fiftieth anniversary and to receive the proclamation.

Without objection, it was so ordered.

52. **NO BOARD MATTERS FOR SUPERVISOR DUBOIS (DRANESVILLE DISTRICT)** (12:43 p.m.)

Supervisor DuBois announced that she had no Board Matters to present.

53. **NATIONAL CAPITAL LAND AND DEVELOPMENT INCORPORATED (SULLY DISTRICT)** (12:43 p.m.)

Supervisor Frey said that National Capital Land and Development Incorporated (applicant) is the contract purchaser of approximately 17 acres located generally on the east side of Centreville Road and south of Armfield Farms Subdivision. The applicant proposes to rezone the subject property from R-1 to PDH-5 and is processing Rezoning Application RZ 2004-SU-015. The application has experienced some delays as a result of affidavit and historic district issues. For contractual reasons, the applicant has requested the Board's assistance in scheduling the Planning Commission and Board public hearing dates to ensure that the Board public hearing occurs prior to the end of the year.

Therefore, Supervisor Frey moved that the Board support the scheduling of the Planning Commission public hearing during November and the Board public hearing to occur on December 6, 2004. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning applications or future abandonment/vacation requests in any way. Supervisor McConnell seconded the motion and it carried by unanimous vote.

54. **DOG REGISTRY** (12:45 p.m.)

Supervisor Frey said that there was an article in the September 23, 2004, *Centreville Times* regarding the fatal attack of a Himalayan cat by two huskies in the Manorgate community in the Sully District. The owner of the cat, Mr. Peter Zworka, stated that he contacted the Department of Animal Control and gave staff a description of the dogs; the dogs were wearing collars, but were not known to the residents of the community.

Mr. Zworka, neighbors, and the Department of Animal Control could not locate the dogs, and therefore, Mr. Zworka then asked the Department of Animal Control if it had a database to search for dogs by breed in the general vicinity to help in the investigation. Animal Control stated that they do not have such a database and to collect this type of information would require a change in the law.

Therefore, Supervisor Frey moved that the Board direct staff to study the issue of collecting breed type data and the conveyance of that information to Animal Control. Supervisor McConnell seconded the motion and it carried by unanimous vote.

55. **TORNADO RELIEF (SULLY DISTRICT)** (12:47 p.m.)

On behalf of neighborhoods hit by last week's tornado, Supervisor Frey expressed appreciation to Anthony H. Griffin, County Executive, and staff for their rapid response.

A brief discussion, with input from Mr. Griffin, ensued regarding the tornado.

56. **OUT-OF-TURN PLAN AMENDMENT (SPRINGFIELD DISTRICT)** (12:52 p.m.)

Supervisor McConnell said that Center Pointe Church at Fair Oaks (formerly known as Fairfax Assembly of God) has been located on Legato Road for more than 40 years. This is the church across the street from the Fair Oaks Mall. Over the last decade, the church has assembled all of the property in Sub-unit J3 in the Fairfax Center area of the Comprehensive Plan.

During the 2002 South County Cycle Annual Plan Review, the Board approved an amendment to the Plan to include a recommendation for an option to expand the church.

Since the Board's approval of that amendment, the church has engaged in detailed engineering studies for the expansion and has prepared a rezoning application for the expansion.

However, those detailed engineering studies have revealed that one element of the Plan recommendation inserted during the 2002 South County Cycle Annual Plan Review presents a serious obstacle to the church's expansion plans. The specific language states:

- "Locate the parking structure on the northern portion of the property adjacent to Legato Road."

Church representatives contend that engineering studies have demonstrated that a parking structure at the location currently recommended by the Plan will interfere with vehicular circulation on Legato Road, the abutting public street, by causing traffic entering the parking garage to form a queue onto Legato Road. It is also their Church's contention that a garage in this location has also been found to create an unsafe and inefficient internal vehicular circulation pattern and poses a serious risk to pedestrian safety on the church property.

Therefore, Supervisor McConnell moved that the Board authorize an Out-of-Turn Plan Amendment to remove this language from the Plan. It should be noted that the Board's initiation of this amendment should not be construed to prejudice the consideration of this request in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

57. **TRANSPORTATION SUMMIT** (12:54 p.m.)

Supervisor McConnell announced that a Transportation Summit will be scheduled in March of 2005. She noted that she will be asking each Board Member to support a budget for the Summit and provide a staff member to assist with it.

58. **WILD HORSE AND BURRO ADOPTION (MOUNT VERNON DISTRICT)**
(12:56 p.m.)

Supervisor Hyland announced that a wild horse and burro adoption will occur on October 2-3, 2004, with a preview date on October 1. He added that the adoption will be held at Meadowood Farm at Mason Neck on Lorton Road.

59. **DEFERRAL OF THE PUBLIC HEARING ON OUT-OF-TURN PLAN AMENDMENT OTPA S02-II-V2 FAIRLEE (PROVIDENCE DISTRICT)**
(12:57 p.m.)

Supervisor Smyth announced that the public hearing on Out-of-Turn Plan Amendment OTPA S02-II-V2 had been deferred until October 18, 2004.

60. **RECESS/CLOSED SESSION** (12:58 p.m.)

At 12:58 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. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. 184232 (Fx. Co. Cir. Ct.) (Dranesville District)
2. *William E. Shoup, Fairfax County Zoning Administrator v. Hugo T. Sejas*, In Chancery No. 191093 (Fx. Co. Cir. Ct.) (Dranesville District)
3. *William E. Shoup, Fairfax County Zoning Administrator v. Arita Marie Cruz*, In Chancery No. 191103 (Fx. Co. Cir. Ct.) (Dranesville District)
4. *William E. Shoup, Fairfax County Zoning Administrator v. Chai Liang Hsu, et al.*, In Chancery No. 191142 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- Potomac Hills Project Z00018-Z131
- Van Metre Development, Incorporated versus Board of Supervisors for the County of Fairfax, Virginia and the County of Fairfax, Virginia; In Chancery Number 187643
- Golf Park, Incorporated and Hunter Mill East, LLC versus Board of Zoning Appeals of Fairfax County; At Law Number 200072
- Board of Supervisors of Fairfax County, Virginia versus Batman/McNair Associates, LP, et al., At Law Number 198027, and Board of Supervisors of Fairfax County, Virginia versus Batman Company, Incorporated, At Law Number 211721

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

DET:det

At 4:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION61. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:06 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 Hudgins 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.

Chairman Connolly noted for the record that Supervisor DuBois had to leave at 4 p.m. for an appointment.

62. **VAN METRE VERSUS BOARD OF SUPERVISORS, CHANCERY NUMBER 187643** (4:07 p.m.)

Supervisor Hyland moved that the Board reject the settlement offer of Van Metre, and make a counteroffer according to the terms and conditions, for the reasons outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion.

Supervisor Hyland noted that he had reviewed the agreement that had been proposed, and particularly the question of the pending litigation and whether the litigation should be stayed or not suited. He expressed his hope that the litigation would be stayed pending the filing of a waiver.

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

63. **BOARD OF SUPERVISORS VERSUS BATMAN AND WESTCHESTER, LAW NUMBERS 198027 AND 211721** (4:08 p.m.)

Supervisor Hudgins moved that the Board reject the proposal of Batman and Westchester, for the reasons outlined by the County Attorney in closed session.

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

DMB:dmb

AGENDA ITEMS

64. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-P-039-08 (BEAZER HOMES CORPORATION) (PROVIDENCE DISTRICT)** (4:09 p.m.)

(NOTE: At its September 13, 2004, meeting the Board deferred the public hearing on this item until September 27, 2004.)

The application property is located on the west side of Nutley Street approximately 400 feet north of Lee Highway, Tax Map 48-4 ((1) 58.

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, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued with input from Sterling Wheeler, Chief, Policy and Plan Development Branch, Planning Division, DPZ, regarding how much commercial development could have been built in and around the Vienna Metro Station site.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 80-P-039-8 and the Conceptual Development Plan, subject to the proffers dated September 27, 2004. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Smyth moved:

- Modification of the loading space requirement from four to two loading spaces.
- Modification of the requirements of Paragraph 5 of Section 6-206 in order to allow dwellings as a secondary use to exceed 50 percent of the gross floor area of all principal uses to a total of approximately 75 percent.

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

Supervisor Smyth submitted an item for the record.

On July 29, 2004, the Planning Commission approved Final Development Plan Amendment Application FDPA 80-P-039-8, subject to the development conditions contained in Attachment II of the staff report addendum.

ADDITIONAL ACTION FROM CLOSED SESSION

65. **APPOINTMENT OF JIMMIE JENKINS TO THE POSITION OF DIRECTOR, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (4:18 p.m.)

Supervisor Gross moved the appointment of Jimmie Jenkins to the position of Director, Department of Public Works and Environmental Services (DPWES), at grade E-13, at an annual salary of \$140,000, effective October 2, 2004.

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

AGENDA ITEM

66. **3:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-I-B2 FOR AREA NORTHEAST OF LEESBURG PIKE AND SOUTH GEORGE MASON DRIVE INTERSECTION IN THE BAILEYS CROSSROADS COMMUNITY BUSINESS CENTER (MASON DISTRICT)** (4:19 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 September 9 and September 16, 2004.

Following the public hearing, which included testimony by four speakers, Supervisor Gross moved approval of Out-of-Turn Plan Amendment S04-I-B2, as recommended by the Planning Commission and as shown on a handout dated September 27, 2004. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Dubois, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Gross submitted items for the record.

67. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-131-06 (NEWGATE HOMEOWNERS ASSOCIATION, INCORPORATED) (SULLY DISTRICT)** (4:36 p.m.)

The application property is located on the east and west sides of Newton Patent Drive, Tax Map 54-1 ((9)) T and 54-3 ((10)) A, A1, C, D, F, G, H, K, L, M, P, and R.

Mr. Todd A. Sinkins reaffirmed the validity of the affidavit for the record and 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.

Mr. Gregory Budnik, GJB Engineering, Incorporated, engineer for the applicant, proceeded to present the case.

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA-C-131-06 subject to the proffers dated July 21, 2004. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

68. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-SP-004 (RANDOM HILLS INVESTMENT, LLC) (SPRINGFIELD DISTRICT)**

AND

PH ON PCA 88-S-097-03 (RANDOM HILLS INVESTMENT, LLC) (SPRINGFIELD DISTRICT) (4:47 p.m.)

(O) The application property is located north of Random Hills Road and west of Ridge Top Road, Tax Map 56-2 ((11)) B1.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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 contributions which he had received:

- In excess of \$200 from Random Hills Investment, LLC
- In excess of \$200 from The Lessard Architectural Group, Incorporated
- In excess of \$200 from Diane Cox Basheer

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

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 88-S-097-03.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SP-004, from the PDC and HC to R-12 and HC, subject to the proffers consistent with those dated September 21, 2004.
- Waiver of the 600-foot maximum length requirement for private streets and modification of the maximum fence height to permit a 10-foot tall noise wall along Lee Jackson Memorial Highway.

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

69. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)**
(4:55 p.m.)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 2003-MV-059, until **October 18, 2004 at 3 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

70. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION 84-L-020-21 (WAL-MART REAL ESTATE BUSINESS TRUST) (LEE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-22 (WAL-MART REAL ESTATE BUSINESS TRUST) (LEE DISTRICT) (4:56 p.m.)

(NOTE: At its September 13, 2004, meeting, the Board deferred the public hearing on this item until September 27, 2004.)

The application property is located in the southwest quadrant of Kingstowne Boulevard and Sir Viceroy Drive, Tax Map 91-2 ((1)) 32B pt.

Ms. Elizabeth M. Fischer reaffirmed the validity of the affidavit for the record.

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

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Applications PCA 84-L-020-21 and PCA 84-L-020-22, subject to the proffers dated July 27, 2004.
- Approval of a variance of the requirements of Paragraph 7 of Section 16-404 of the Zoning Ordinance to allow a six-foot wall along King Center Drive, as shown on the proffered plan.

The motion, the second to which was inaudible, carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

On July 29, 2004, the Planning Commission approved Final Development Plan Amendment Application FDPA 84-L-020-02-12.

71. **BOARD ADJOURNMENT** (5:01 p.m.)

At 5:01 p.m., the Board adjourned.

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