



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 7, 2002**

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/gov/bos/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

21-02

DMB:dmb

The meeting was called to order at 9:30 a.m., with all Members being present, and with Chairman Hanley presiding.

Others present were Anthony H. Griffin, County Executive; Karen J. Harwood, Deputy County Attorney; J. Patrick Taves, Deputy 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.

(NOTE: David P. Bobzien, County Attorney, was absent from the entire meeting.)

BOARD MATTERS

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

Chairman Hanley called the Board Member's attention to their red folders and noted that there were two new County Executive Items distributed around the dais, Admin 13 – Authorization to Advertise Public Hearings on Proposed Amendment to the Public Facilities Manual Concerning the Use of High Density Polyethylene Pipe for Specific Storm Drainage Applications and I-3 – South County High School and Laurel Hill Redevelopment Proposal and Top Rated Offeror.

2. **PUBLIC SAFETY UPDATE REGARDING THE SNIPER SHOOTING EVENTS OF THE PAST WEEK IN THE WASHINGTON AREA** (Tape 1)

Chairman Hanley called the Board's attention to the events concerning last week's sniper shootings that killed six people and wounded one in the Washington area and the recent incident this morning regarding a 13-year-old boy at Benjamin

Tasker Middle School in Prince George's County. She asked Anthony H. Griffin, County Executive, to give an update regarding the safety measures being taken in Fairfax County. Following discussion, Mr. Griffin said that he would keep the Board informed of any changes throughout the Board meeting.

(NOTE: Later in the meeting there was an update regarding this item. See Clerk's Summary Item CL#46.)

3. **CONGRATULATIONS TO SUPERVISOR MCCONNELL FOR THE NATIONAL CAPITAL BUSINESS ETHICS AWARD RECEIVED BY THE ACCOTINK ACADEMY, INCORPORATED** (Tape 1)

Chairman Hanley congratulated Supervisor McConnell for the prestigious National Capital Business Ethics Award received by the Accotink Academy, Incorporated, awarded by the Greater Washington and Northern Virginia Chapters of the Society of Financial Service Professionals. Supervisor McConnell is the President and Chief Executive Officer of the Academy.

AGENDA ITEMS

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE NOVGOROD ALLIANCE** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Novgorod for ten years of sharing professional expertise, organizational efforts, friendship, and commitment to improving communication between the Russian and American people. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

5. **PROCLAMATION DESIGNATING OCTOBER 7 - 13 AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate October 7 - 13 as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KATHERINE CLARK** (Tape 1)

(BACs) Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Catherine Clark for her service to the Information Technology Policy Advisory Committee. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. PAUL BALDINO** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. Paul Baldino for his work and contributions on behalf of the citizens and employees of Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE PARK AUTHORITY** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the Park Authority for receiving accreditation for three sites from the American Association of Museums. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

9. **PROCLAMATION DESIGNATING OCTOBER 26 AS "VOLUNTEERFEST® DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate October 26 as "*VolunteerFest® Day*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FRANCONIA VOLUNTEER FIRE DEPARTMENT** (Tapes 1-2)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to the Franconia Volunteer Fire Department for refurbishing and donating a fire truck to Engine Company Number Three in the Bronx, New York. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

PW:pw

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

Supervisor Connolly moved approval of the Administrative Items with the exception of Admin 2. The second to this motion was inaudible.

Supervisor Hudgins called the Board's attention to Admin 6 – Installation of "Yield to Pedestrians in Crosswalk \$100 - \$500 Violation Fine" Signs. Discussion ensued with input from Christopher D. Wells, Transportation Planner, Department of Transportation.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the Board with a copy of the press release from the recent press conference with the Metropolitan Washington Area Council of Governments on pedestrian safety. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Funeral Chapels and Funeral Homes in Industrial Districts. Discussion ensued with input from Jane Gwinn, Zoning Administrator, Department of Planning and Zoning.

Supervisor Bulova called the Board's attention to Admin 13 – Authorization to Advertise Public Hearings on Proposed Amendment to the Public Facilities Manual Concerning the Use of High Density Polyethylene Pipe for Specific Storm Drainage Applications. Discussion ensued with input from Jan Shaw Leavitt, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

Following further discussion, the question was called on the motion to approve the Administrative Items, with the exception of Admin 2, and it carried by a 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 being out of the room.

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

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

- Application FS-S02-17 to December 9, 2002
- Application FS-B02-16 to December 16, 2002
- Application FS-D02-12 to December 26, 2002

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING COMMERCIAL REVITALIZATION DISTRICT (CRD) IDENTIFICATION SIGNS

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#12.)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FUNERAL CHAPELS AND FUNERAL HOMES IN INDUSTRIAL DISTRICTS

(A)(R) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 4.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 14, 2002, and before the Board on **December 9, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to allow:

- Funeral Chapels by right in the I-1 through I-6 Districts
- Funeral Homes by right in the I-4, I-5, and I-6 Districts

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03050 FOR THE POLICE DEPARTMENT TO ACCEPT A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

(SAR) Approved SAR AS 03050 in the amount of \$192,367 for the Police Department to accept grant funding from the BJA, under the LLEBG program. Of this total, \$173,130 is available from BJA, the remaining \$19,237 is the required local cash match.

ADMIN 5 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS FOR GEORGE MASON UNIVERSITY FOUNDATION, INCORPORATED (BRADDOCK DISTRICT)

(BONDS)
(R)

Adopted the Resolution approving the Proposed Plan of Financing requesting that the EDA issue its revenue bonds to assist the George Mason University Foundation, Incorporated, in refinancing facilities for the benefit of the foundation.

ADMIN 6 – INSTALLATION OF "YIELD TO PEDESTRIANS IN CROSSWALK \$100 - \$500 VIOLATION FINE" SIGNS

(NOTE: Earlier in the meeting there was a brief discussion of this item. See pages 3-4.)

Endorsed the installation of "Yield to Pedestrians in Crosswalk \$100 - \$500 Violation Fine" signs at the following locations:

- Arlington Boulevard (Route 50) – Patrick Henry Drive (Route 2327) (Mason District)
- Braddock Road (Route 620) – Sully Park Drive (Route 7346) (Sully District)
- Chain Bridge Road (Route 123) – International Drive (Route 6034) (Providence District)
- Franconia-Springfield Parkway (Route 7900) – Bonniemill Lane (Route 7060) (Lee District)
- Franklin Farm Road (Route 6819) – Thorngate Drive (Route 6849) (Sully District)
- Georgetown Pike (Route 193) – Walker Road (Route 681) (Dranesville District)
- Huntington Avenue (Route 1332) – Fenwick Drive (Route 1346) (Mount Vernon District)
- Huntington Avenue – Metroview Parkway (Route 8750) (Mount Vernon District)
- Leesburg Pike (Route 7) – Glen Carlyn Road (Route 714) (Mason District)
- Leesburg Pike – International Drive (Providence District)
- Little River Turnpike (Route 236) – Oasis Drive (Mason District)
- Old Dominion Drive (Route 309) – Chesterbrook Pedestrian Signal (Dranesville District)
- Old Keene Mill Road (Route 644) – Lee Chapel Road (Route 643) (Springfield District)

- Ox Road (Route 123) – University Drive (Route 383)
(Braddock District)
- Reston Parkway (Route 602) – New Dominion Parkway
(Route 6363) (Hunter Mill District)
- Richmond Highway (Route 1) – Backlick Road (Route 617)
(Mount Vernon District)
- Richmond Highway – Beacon Hill Road (Route 1510)
(Lee/Mount Vernon District)
- Richmond Highway – Sherwood Hall Road (Route 626)
(Lee/Mount Vernon District)
- Rolling Road (Route 638) – Tuttle Road (Route 824)
(Springfield/Braddock District)
- Soapstone Drive (Route 4720) – South Lakes Drive (Route 5329)
(Hunter Mill District)

ADMIN 7 – INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of “\$200 Additional Fine for Speeding” signs as part of DOT’s R-TAP at the following locations:
 - Newman Road between Clifton Road and Fairfax Station Road (Springfield District)
 - Henderson Road between Clifton Road and Old Yates Ford Road (Springfield District)

ADMIN 8 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)

- Endorsed the selection of the following streets into the R-TAP for traffic-calming:

- Brookland Road (Lee District)
- Paul Spring Road (Mount Vernon District)
- Elba Road (Mount Vernon District)
- Woodley Place (Providence District)
- Pickwick Road (Sully District)
- Directed staff to work with the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED CUT-THROUGH TRAFFIC RESTRICTION FOR CONSTANTINE AVENUE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 2002, at 4:30 p.m.** to consider a joint Fairfax County Department of Transportation/Virginia Department of Transportation proposal to limit cut-through traffic on Constantine Avenue in the Beverly Forest community, as part of the R-TAP.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, LEE, 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>
Colvin Mill Run, Section 2	Dranesville	Marlene Lane Route 2511 Mill Field Court
Colvin Mill Run, Section 3	Dranesville	Mill Field Court
Glenmont	Dranesville	Montview Court Idylwood Road Route 695 Additional ROW Only
McLean Valley Estates	Dranesville	Orland Street Route 2887

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
		Orland Street Route 2887
Accotink Bluff Estates	Lee	McWeadon Lane Ayers Meadow Lane Hooes Road Route 636 Additional ROW Only Hooes Road Route 636 Additional ROW Only
Kingstowne, Section 1	Lee	Shuttington Drive
Valley View Manor	Lee	Jean Louise Way Dorothy Bolton Court Valley View Drive Route 718 Additional ROW Only
Valley View Manor, Section 2	Lee	Jean Louise Way
Madrillon Oaks	Providence	Madrillon Oaks Court Madrillon Road Route 839 Additional ROW Only George Washington Road Route 2794 Additional ROW Only
Watters Glen	Providence	Watters Glen Court Idylwood Road Route 695 Additional ROW Only Hurst Street Route 719 Additional ROW Only
West Oaks	Providence	“V” Lane Lance Lane East Oaks Court Oakton Road Route 664 Additional ROW Only

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED APPROVAL OF A PROMISSORY NOTE TO BE ISSUED BY THE BAILEY’S CROSS ROADS VOLUNTEER FIRE DEPARTMENT (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 2002, at 5 p.m.** to consider the issuance and/or incurrence by the Bailey’s Cross Roads Volunteer Fire Department, a Virginia nonstock, not-for-profit corporation, of its tax exempt Promissory Note in an aggregate principal amount of up to \$341,000.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED APPROVAL OF A PROMISSORY NOTE TO BE ISSUED BY THE GREATER SPRINGFIELD VOLUNTEER FIRE DEPARTMENT (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 28, 2002, at 5 p.m.** to consider the issuance and/or incurrence by the Greater Springfield Volunteer Fire Department, a Virginia nonstock, not-for-profit corporation, of its tax exempt Promissory Note in an aggregate principal amount of up to \$292,000.

ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL CONCERNING THE USE OF HIGH DENSITY POLYETHYLENE PIPE FOR SPECIFIC STORM DRAINAGE APPLICATIONS

- (A) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 4.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on November 7, 2002, at 8:15 p.m., and before the Board on **November 18, 2002, at 4 p.m.** to consider the proposed amendment to the Public Facilities Manual concerning the use of high density polyethylene pipe for specific storm drainage applications.

12. **ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING COMMERCIAL REVITALIZATION DISTRICT (CRD) IDENTIFICATION SIGNS** (Tape 3)

- (A)(R) (NOTE: Earlier in the meeting the Board took action to consider this item separately. See page 3.)

Supervisor Kauffman moved adoption of the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on November 14, 2002, and before the Board on **December 9, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the CRD identification sign provisions.

Following discussion, Supervisor Connolly asked to amend the motion to direct staff to draft language that would include revitalization areas such as Merrifield and Lake Anne in the advertisement and this was accepted.

Supervisor Hyland seconded the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

13. **A-1 – AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION (SFDC) AND APPROVAL OF AN ALLOCATION OF FUNDS FOR A PUBLIC/PRIVATE PROJECT IN THE RICHMOND HIGHWAY CORRIDOR (LEE DISTRICT)** (Tape 3)

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

- Authorize staff to enter into a contract with the SFDC.
- Approve an allocation of funds in the amount of \$25,000 for a public/private project in the Richmond Highway Corridor.

Supervisor Hyland seconded the motion.

Supervisor Frey requested clarification regarding the legal issues of making contributions of public funds and property to private property owners. Discussion ensued with input from Karen J. Harwood, Deputy County Attorney; Paula C. Sampson, Director, Department of Housing and Community Development; and Richard Neel, President, SFDC.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board request that SFDC provide follow up, perhaps in the form of the next annual report, on the outcome of this project. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

14. **C-1 – 2002 VIRGINIA ASSOCIATION OF COUNTIES (VACO) ANNUAL MEETING** (Tape 3)

The Board next considered an item contained in the Board Agenda dated October 7, 2002, requesting designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting.

Supervisor Hyland moved that the Board designate Chairman Hanley as the Voting Delegate.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and moved that the Board designate Supervisor Hyland as the Alternate Voting Delegate.

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

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

15. **I-1 – CONTRACT AWARD – PRESCRIPTION AND NON-PRESCRIPTION MEDICATIONS** (Tape 3)

The Board next considered an item contained in the Board Agenda dated October 7, 2002, requesting authorization for staff to award a contract to Diamond Pharmacy Services, for prescription and non-prescription medications for the Fairfax County Adult Detention Center, Pre-Release Center, and all annexes and other correctional housing facilities.

The staff was directed administratively to proceed as proposed.

16. **I-2 – FINAL RECOMMENDATIONS OF THE CHARACTER COUNTS! TASK FORCE** (Tape 3)

(BACs) The Board next considered an item contained in the Board Agenda dated October 7, 2002, requesting authorization for staff to:

- Create and select volunteers from the community and County agencies for the Character Council.
- Continue working with the community and other County agencies on implementation of the strategies identified in the action plan.

A brief discussion ensued.

The staff was directed administratively to proceed as proposed.

17. **I-3 – SOUTH COUNTY HIGH SCHOOL AND LAUREL HILL REDEVELOPMENT PROPOSAL AND TOP RATED OFFEROR** (Tape 3)

The Board next considered an item contained in the Board Agenda dated October 7, 2002, regarding the South County High School and Laurel Hill redevelopment proposal.

Supervisor Hyland thanked staff for moving quickly on this proposal and congratulated all the parties involved for finding a way to produce school facilities in a more efficient, less costly way.

Chairman Hanley clarified for the record that this item is a notification to the Board of a top rated offeror, with which the County will now enter into negotiations.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

18. **AMERICAN INDIAN HERITAGE MONTH** (Tape 4)

Chairman Hanley stated that the month of November is nationally recognized as American Indian Heritage Month. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the Office of Equity Programs and the American Indian community to appear before the Board on October 28, 2002, to receive a proclamation declaring November as "*American Indian Heritage Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

19. **FLAGS AND FLAGPOLES** (Tape 4)

Supervisor Mendelsohn announced that as of September 30, 2002, the Great Falls Library has a flagpole and flag. He explained that during the November 2001 election, when the site was used as a polling station, someone called to his attention that there was no flagpole or flag at this new library. In the interest of time, he and Congressman Frank Wolf donated the flagpole and flag for this location. The dedication was held on September 30 and was described in a newspaper article that Supervisor Mendelsohn distributed to the Board. The flag had flown over the United States Capitol and is dedicated to the memory of the six Great Falls residents who died in the crash of American Airlines Flight 77 at the Pentagon on September 11, 2001.

Supervisor Mendelsohn moved that the Board direct staff to:

- Investigate and report on the policy for placement of flagpoles and flags in the front of County buildings and which existing County buildings do not have flagpoles and flags.
- Provide the budgetary impact and steps necessary to ensure that all existing and future County buildings include flagpoles and flags.

Supervisor Gross seconded the motion.

Following discussion, Supervisor Gross asked to amend the motion to direct staff to provide additional information about the provision of flags at polling places, and this was accepted.

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

20. **NATIONAL 4-H WEEK** (Tape 4)

Supervisor Mendelsohn announced that October 6-12 has been declared National 4-H Week and will commemorate the hundredth anniversary of that organization. He provided copies of a resolution adopted by the United States House of Representatives recognizing this event.

Supervisor Mendelsohn noted that Fairfax County 4-H, as part of the Virginia Cooperative Extension and the County's Department of Community and Recreation Services, has enriched the lives of thousands of youth and he described its programs. Accordingly, he moved that the Board recognize October 6-12, 2002, as "*National 4-H Week in Fairfax County*" and direct the Office of Public Affairs to publicize this milestone in 4-H and prepare a congratulatory letter for the Chairman's signature. Chairman Hanley seconded the motion, which carried by unanimous vote.

21. **VALUE ENGINEERING FOR PROPOSED EXPANSION TO THE JUDICIAL CENTER** (Tape 4)

Supervisor Mendelsohn said that the \$60 million Public Safety Bond Referendum on the November 5, 2002, ballot includes expansion of the Judicial Center. The McLean Citizens Association expressed concern about the cost of the Judicial Center renovation and requested that the County consider a value engineering study before bonds are sold for the project.

Supervisor Mendelsohn noted his understanding that a value engineering study was prepared for the previous Judicial Center expansion that received funding from the 1998 bond. He asserted that a value engineering study would prove useful for the current expansion proposed for the current Public Safety Bond Referendum.

Accordingly, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to perform a value engineering study for the expansion of the Judicial Center before the sale of bonds for the \$60 million Public Safety improvements addressed by the November 5, 2002, referendum, if such a study is not already planned.

Following discussion, Anthony H. Griffin, County Executive, stated for the record that the County performs a value engineering study on any large project such as the Judicial Center expansion and that one would be completed.

22. **SCHOOL ENROLLMENT** (Tape 4)

Supervisor Mendelsohn distributed copies of an article in the *Northern Virginia Journal* regarding enrollment figures for County Schools. Actual student enrollment resulted in 600 fewer students than projected in the budget.

23. **STATE BUDGET CUTS IN AID TO LOCALITIES** (Tape 4)

Chairman Hanley noted that there is discussion about how the Governor will implement his proposed budget cuts that will be released October 15, 2002. One scenario has the State cutting aid to localities and allowing the localities to determine where to make the adjustments. She noted her confusion over how this would be implemented because the School's State funding does not flow through the County's general budget.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to inquire as to how such funding cuts would be implemented. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

24. **EXPEDITED SCHEDULING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2002-HM-009** (Tape 4)

Supervisor Hudgins stated that Bradford White and Associates has a pending land use application, Rezoning/Final Development Plan Application RZ/FDP 2002-HM-009, to rezone 4.43 acres from the R-1 District to the PDH-2 District. The proposed rezoning is for seven single-family lots with an average lot size of 13,643 square feet and a density of 1.58 dwelling units per acre. The application is scheduled for a Planning Commission hearing on October 17, 2002.

Accordingly, Supervisor Hudgins moved that the Board approve an expedited Board date for Rezoning/Final Development Plan Application RZ/FDP 2002-HM-009. 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. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

25. **PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 (PPEA)** (Tape 4)

Supervisor McConnell stated that the PPEA, which was enacted into the *Virginia Code* on July 1, 2002, grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine there is a need for the project and that private involvement may provide the project to the public in a timely or cost effective fashion.

Supervisor McConnell noted that in passing the legislation, the General Assembly directed the Governor and the chairs of the House and Senate Committees on General Laws to facilitate the development of Model Guidelines to assist in the implementation of the PPEA. These Model Guidelines were issued on September 27, 2002. To utilize this opportunity for public-private partnerships, the respective governing body of each public entity must first adopt procedures for individual or all of the County's departments and agencies that it will follow to receive and evaluate any proposal submitted to the public entity under the provisions of the PPEA. The School Board would have to adopt these guidelines for the School Division for that entity to entertain public-private partnerships.

Accordingly, Supervisor McConnell moved that the Board direct the County Attorney and appropriate staff to review the Model Guidelines recently provided by the Commonwealth and to submit to the Board a process, which includes setting an application fee and a point of contact for receipt of all submissions, that would enable the County to move expeditiously toward partnerships under the PPEA. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Chairman Hanley stated for the record that the proposed public-private partnership for a high school for the South County/Laurel Hill area is not affected by this legislation.

PW:pw

26. **INTENT TO DEFER PUBLIC HEARINGS** (Tape 5)

Supervisor Kauffman announced his intent to defer the public hearings on Rezoning Application 1998-LE-064, Special Exception Application SE 01-L-020,

and Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3 (Springfield East, LC).

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Item CL#65.)

27. **PARK AUTHORITY WINS THE NATIONAL RECREATION AND PARK ASSOCIATION'S (NRPA) HEALTHY COMMUNITY AWARD FOR 2002**
(Tape 5)

Supervisor Kauffman announced that the Park Authority won the NRPA Healthy Community Award for 2002. The Award honors communities that have done the most to promote fitness and wellness through "collaborative initiatives and leadership." Five awards are given annually to communities of different sizes and the Park Authority was selected as the best in cities and counties with a population of more than 200,000. Some of the community partnerships that were recognized through winning this award included Self-defense classes for at-risk youth, Youth Golf Initiative, Arthritis Water Exercises classes, and the Northern Virginia Senior Games. The Park Authority is also a finalist for a NRPA's Gold Medal award this year which recognizes the most outstanding park and recreation agency in the nation.

Supervisor Kauffman moved that the Board direct staff to invite the appropriate Park Authority representatives to appear before the Board on October 28, 2002, for formal recognition. This motion, the second to which was inaudible, carried by unanimous vote.

Following discussion regarding the number of presentations scheduled for October 28, 2002, Chairman Hanley announced that the October 28, 2002, Board meeting will begin at 9 a.m.

28. **NEW HOPE HOUSING CELEBRATES ITS TWENTY-FIFTH ANNIVERSARY** (Tape 5)

Supervisor Kauffman and Supervisor Hyland jointly announced that on October 19, 2002, New Hope Housing will celebrate its twenty-fifth anniversary of service to homeless and needy families in Fairfax County, particularly residents of the southeastern portion of the County. It will be having a celebration on October 19, 2002, from 11 a.m. to 3 p.m. at Mondloch House.

Supervisor Kauffman moved that the Board direct staff to prepare a proclamation to be co-signed by Chairman Hanley, Supervisor Hyland, and himself, proclaiming October 19, 2002, as "New Hope Housing Day" in Fairfax County for presentation at the October 19, 2002, event. Supervisor Hyland seconded the motion and it carried by unanimous vote.

29. **REQUEST FOR EXPEDITED PROCESSING FOR REZONING APPLICATION 2002-BR-017 (ZION DRIVE NORTH)** (Tape 5)

Supervisor Bulova said that Rezoning Application RZ 2002-BR-017 is an application for residential development at R-3 on the north side of Zion Drive. The application was filed in early summer, but the rezoning was deferred while the developer worked to bring in the remaining parcels. This rezoning will now consolidate all the remaining parcels between Windsor Hills and Roberts Road into a single seventeen-acre subdivision.

Supervisor Bulova noted that although there are challenges associated with this site that have to be addressed, this rezoning is scheduled to be heard by the Planning Commission on November 20, 2002. To continue to be evaluated under the current development criteria, the applicant has asked for an expedited processing. She added that she has agreed with the understanding that the January 6, 2003, public hearing date is a goal and not a given.

Therefore, Supervisor Bulova moved that the Board direct staff in the Department of Planning and Zoning to schedule a public hearing to be held before the Board on Rezoning Application RZ 2002-BR-017 on January 6, 2003, at a time to be determined. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards nor does it prejudice the consideration of this application in any way. Chairman Hanley seconded the motion and it carried by unanimous vote.

PMH:pmh

30. **MASON DISTRICT FALL TOWN MEETNG** (Tape 6)

Supervisor Gross announced that the Mason District fall town meeting will be held on Thursday, October 10, 2002, at 7:30 p.m. at the Mason District Governmental Center.

31. **PLANTINGS AND LANDSCAPING REGULATIONS FOR SCHOOLS AND PUBLIC BUILDINGS** (Tape 6)

Supervisor Gross noted that the current drought has taken a toll on plantings, both public and private. She added that School System contractors are required to plant in the summertime rather than in the spring or the fall, which are widely known as the best times to plant in Northern Virginia. Apparently a waiver process is available, but it has not been used with the installation of modular facilities at Baileys and Glen Forest Elementary Schools this summer.

Supervisor Gross pointed out that the result, of course, is that the new plantings die. The schools are surrounded with dead and dying landscape materials, paid for with taxpayer dollars, despite the best efforts of school staff and parents to hand water via bucket brigade.

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

- What the planting and landscaping regulations are for schools and public buildings.
- If the regulation needs to be changed to accommodate fall plantings.

Without objection, it was so ordered.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

32. **DECAL AND PERSONAL PROPERTY TAX PROCEDURE FOR LEASED PRIVATE VEHICLES** (Tape 6)

Supervisor Gross said that personal property taxes and decal fees are due today across the County. In most cases, the process works smoothly, and the County employees in the Department of Tax Administration are to be commended for the extra effort they put in at this time of the year.

However, sometimes things go awry, especially when residents try to obtain a decal for a leased private vehicle. Supervisor Gross said that she received an e-mail from a constituent outlining a series of problems that he encountered in obtaining a decal for his leased private vehicle. She added that the constituent's experience is not an isolated one.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to refer the constituent's e-mail to staff for review of the decal and personal property tax procedure for leased private vehicles, and that a written response be shared with the Board. Without objection, it was so ordered.

A brief discussion ensued.

33. **NO BOARD MATTERS TO PRESENT FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (Tape 6)

Supervisor Frey announced that he had no Board Matters to present today.

34. **POLICE DEPARTMENT ISSUES ITS ANNUAL REPORT** (Tape 6)

Supervisor Connolly said that the Police Department has issued its annual report for 2002 and he noted that it is an excellent report.

Supervisor Connolly commended the Police Department.

35. **SYRACUSE CIRCLE CELEBRATION** (Tape 6)

Supervisor Connolly said that on Saturday, September 7, 2002, the residents of Syracuse Circle held their fortieth consecutive annual block party.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to prepare a certificate to be sent to the Syracuse Circle in light of its fortieth consecutive annual block party. Without objection, it was so ordered.

36. **SPECIAL LEGISLATION THAT PROVIDES GROUPS WITH AN EXEMPTION FROM COUNTY PROPERTY TAXES** (Tape 6)

Supervisor Connolly moved that the Board suspend consideration of tax exemption requests until further notice due to the fiscal situation and pending legislative action in the General Assembly that will transfer full authority for these matters back to localities. Supervisor Bulova seconded the motion.

A brief discussion ensued with input from Karen J. Harwood, Deputy County Attorney.

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

37. **NON-MOVING VIOLATIONS** (Tape 6)

Supervisor Connolly said in April the Board requested a comparison survey of fees for fire lane violations to determine if the Fairfax County penalty for a fire lane violation was less than surrounding jurisdictions. The County Executive sent a memorandum this past week that showed the following:

- City of Alexandria \$48
- Arlington County \$40
- Loudoun County \$40
- Prince William County \$35

Supervisor Connolly noted that his staff determined fees for the following jurisdictions:

- Town of Herndon \$40
- City of Falls Church \$50
- City of Fairfax \$50

Supervisor Connolly pointed out that Fairfax County assesses a \$25 fee for a fire lane violation. This low fee serves to encourage the view that a fire lane violation can be viewed as the cost of doing business and also encourages moves across a jurisdictional line to avoid a higher assessment.

Supervisor Connolly moved that the Board direct the County Executive to conduct in a timely fashion, a comparison survey of fees for all non-moving violations currently assessed in the County and recommend adjustments to the County's fee structure if warranted. This survey should include not only neighboring counties but also the towns and cities sharing boundaries with Fairfax County. Supervisor Kauffman seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to direct staff to provide its report at the November 18, 2002, Board meeting, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

38. **COORDINATION OF THE DISSEMINATION OF INFORMATION INCLUDING AVAILABLE SERVICES** (Tape 6)

Supervisor Connolly said that when the Department of Public Works and Environmental Services, Land Development Services, Deck Inspections Division, inspects existing decks it does not regularly provide information to elderly homeowners about the various services available to assist them with needed repairs. Services provided through the Department of Housing and Community Development (HCD) include low interest loans, grants, and blight abatement.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to implement a process of disseminating information of available services and programs. Without objection, it was so ordered.

39. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-V-042 (BELLE HAVEN COUNTRY CLUB, INCORPORATED)** (Tape 6)

Supervisor Hyland announced his intent later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Amendment Application SEA 98-V-042 until October 28, 2002, at 4:30 p.m.

(NOTE: Later in the meeting the public hearing was formally deferred. See Clerk's Summary Item CL#51.)

40. **UNITED WAY CAMPAIGN** (Tape 6)

Chairman Hanley raised the issue of whether there will be a United Way Campaign.

Anthony H. Griffin, County Executive announced that there will be a campaign and that he will be informing employees.

A brief discussion ensued.

41. **LEE DISTRICT FALL TOWN MEETING** (Tape 6)

Supervisor Kauffman announced that the Lee District fall town meeting will be held on Saturday, October 26, 2002, at Lane Elementary School. He added that the doors will open at 9 a.m. for displays and the meeting will be held from 10 a.m. until 1 p.m.

Supervisor Kauffman said that for information regarding registration of the third annual bicycle event, interested parties should call 703-971-6262.

42. **BRADDOCK DISTRICT FALL TOWN MEETING** (Tape 6)

Supervisor Bulova announced that the Braddock District fall town meeting will be held on Wednesday, October 9, 2002.

43. **KINGSTOWNE FAITH 5K RACE** (Tape 6)

Supervisor Kauffman recognized the individuals who coordinated the Kingstowne Faith 5K race.

44. **PETS ON WHEELS (PAWS) RUN** (Tape 6)

Chairman Hanley announced that she handed out awards to participants of the PAWS run.

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

At 11:55 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely

affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
1. *Board of Supervisors v. Kenney Builders, Inc., et al.*, At Law No. 200141 (Fx. Co. Cir. Ct.) (Dranesville District)
 2. *Richard M. Robertson v. The Board of Supervisors of Fairfax County, et al.*, In Chancery No. 160618 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
 4. *State Building Code Technical Review Board v. Zofia A. Zager, Fairfax County Building Official and Director, Fairfax County Office of Building Code Services; Record No. 0820-02-4 and Avalon Homes, Inc., v. Zofia A. Zager, Fairfax County Building Official and Director, Fairfax County Office of Building Code Services; Record No. 0778-02-4* (Ct. of Appeals of Va.) (Dranesville District)
 5. *Norman Mixon, et al. v. Board of Zoning Appeals of Fairfax County, et al.*, At Law No. 207252 (Fx. Co. Cir. Ct.) (Providence District)
 6. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Charlie C. Hwang, a/k/a Chi Won Hwang, and John C. Hwang, a/k/a Chi Kwon Hwang*, In Chancery No. 176589 (Fx. Co. Cir. Ct.) (Lee District)

7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
8. *Brookfield Washington, Inc., et al. v. Board of Supervisors of Fairfax County, Virginia, et al.*, In Chancery No. 207493 (Fx. Co. Cir. Ct.) (Providence District)
9. *W. John Layng and Carol Layng, Individually, and DBA Layng and Company Greenhouses v. Jane Gwinn, Zoning Administrator of Fairfax County, Virginia and Board of Supervisors of Fairfax County, Virginia*, In Chancery No. 162042 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Richard L. Dobson*, In Chancery No. 179152 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson*, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Juan C. Rojas and Gihovana Valda*, In Chancery No. 179173 (Fx. Co. Cir. Ct.) (Mason District)
13. *Jane W. Gwinn, Fairfax County Zoning Administrator v. John Y.C. Wang, Individually and As Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang, Wang-Shi Wang, Individually and As Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang, and the Living Trust of John Y.C. Wang and Wan-Shi Wang*, In Chancery No. 179935 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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

DS:ds

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

ADDITIONAL BOARD MATTER**46. FAIRFAX COUNTY PUBLIC SCHOOL OUTDOOR ACTIVITIES CANCELLED FOR TODAY (Tape 7)**

(NOTE: Earlier in the meeting there was additional discussion related to this item. See Clerk's Summary Item CL#2.)

Anthony H. Griffin, County Executive, updated the Board on County school activities planned for today. He said that, in light of the school shooting in Prince George's County earlier today, all outdoor school activities planned for this afternoon have been cancelled, but all indoor activities are still scheduled.

ACTIONS FROM CLOSED SESSION**47. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (Tape 7)**

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

48. AUTHORIZATION OF AN APPEAL TO THE SUPREME COURT OF VIRGINIA IN RICHARD M. ROBERTSON VERSUS BOARD OF SUPERVISORS ET AL., IN CHANCERY NUMBER 160618 (Tape 7)

Supervisor Mendelsohn moved that the Board authorize an appeal to the Supreme Court of Virginia of the decision of the Circuit Court reversing the Board's denial of Proffered Condition Amendment Application PCA 74-3-087 in *Richard M. Robertson versus The Board of Supervisors of Fairfax County, et al.* In Chancery Number 160618 (Fx. Co. Cir. Ct.). Supervisor Connolly seconded the motion and it carried by unanimous vote.

49. **AUTHORIZATION FOR COUNTY ATTORNEY TO NONSUIT BOARD OF SUPERVISORS VERSUS KENNEY BUILDERS, INCORPORATED, ET AL., AT LAW NUMBER 200141** (Tape 7)

Supervisor Mendelsohn moved that the Board authorize the County Attorney to nonsuit *Board of Supervisors versus Kenney Builders, Incorporated, et al.*, At Law Number 200141 (Fx. Co. Cir. Ct.), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

50. **3 P.M. – PH ON REZONING APPLICATION RZ 2002-DR-019 (WATERFORD MCLEAN, LLC) (DRANESVILLE DISTRICT)** (Tape 7)

- (O) The application property is located on the north side of Lowell Avenue, east of Laughlin Avenue, and west of Emerson Avenue, Tax Map 30-2 ((9)) 56-66.

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

Supervisor Mendelsohn moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-DR-019, from the PDC, HC, SC, and CRD Districts to the PRM, HC, SC, and CRD Districts, subject to the proffers dated September 18, 2002, and approval of the conceptual development plan, subject to the development conditions contained in Appendix Two of the staff report.
- Modification of the peripheral parking lot landscaping on the northern boundary in accordance with that depicted on the CDP/FDP and reduction of the loading space requirement for the project to three spaces.
- Authorization to the County Executive to execute the escrow agreement associated with the proffers.

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

51. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-V-042 (BELLE HAVEN COUNTRY CLUB, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SEA 98-V-042 until **October 28, 2002, at 4:30 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER

52. **BURKE CENTER PARKING LOT** (Tape 7)

Supervisor Bulova said she had just conversed with Tom Wade, Executive Director of the Burke Center Conservancy, and he expressed concerns about overcrowding in the Burke Center parking lot. She said that there are currently only six spaces available for Virginia Railway Express commuters, and they are all being occupied. This creates a problem with illegally parked cars due to the parking space shortage.

Supervisor Bulova noted that staff is trying to resolve this issue and she asked unanimous consent that the Board direct staff to return with a status report regarding the solution. Without objection, it was so ordered.

AGENDA ITEMS

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-011 (EASTWOOD PROPERTIES, INCORPORATED) (SULLY DISTRICT)**
(Tape 7)

- (O) The application property is located at the terminus of Nicholas Schar Way, Tax Map 65-3 ((1)) 7.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Frey moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SU-011, be amended from the R-1 and WS Districts to the R-3 and WS Districts, subject to the proffers dated September 19, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross and Supervisor McConnell being out of the room.

Supervisor Frey further moved:

- Waiver of the minimum district size for the R-3 cluster district.
- Waiver of the open space requirements of Paragraph 4 of Section 2-309 of the Zoning Ordinance to allow less than one acre of the open space area to be outside the floodplain.
- Waiver of Public Facilities Manual standard 2-0103-2 to allow more than 20 percent of the lots to be on a pipestem.

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

54. **3:30 P.M. – PH ON A PROPOSAL TO ABANDON A SEGMENT OF CENTREVILLE ROAD (ROUTE 657) AND VACATE AND ABANDON A PORTION OF SQUIRREL HILL ROAD (ROUTE 820) (HUNTER MILL DISTRICT)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Discussion ensued with input from J. Patrick Taves, Deputy County Attorney, and Michael A. Davis, Transportation Planner, Department of Transportation.

Following the public hearing, Supervisor Hudgins moved adoption of the:

- Ordinance vacating a portion of Squirrel Hill Road.
- Order abandoning portions of Centreville Road and Squirrel Hill Road.

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

55. **BOARD RECESS** (Tape 7)

At 3:40 p.m. the Board recessed briefly, and at 4 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTERS

56. **PEDESTRIAN SAFETY CAMPAIGN INITIATIVES AND STREET SMART ADS** (Tape 7)

Chairman Hanley called the Board's attention to the handouts, Pedestrian Safety Campaign Initiatives and the Street Smart Ads, and announced that the handouts will be located in various places. There will also be some television and radio spots.

57. **NEW PA FORMAT FOR RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) EXPANSIONS** (Tape 7)

Chairman Hanley said that the new map format for the RPPDs is a little confusing. She suggested that staff return to the old format of the map, because it is difficult for the public to see the entire area.

AGENDA ITEMS

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)** (Tape 7)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report and recommendations.

Following the public hearing, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor

Vehicles and Traffic), Appendix G, expanding the West Springfield RPPD, District 7. The proposed district expansion includes the following street blocks:

- James Creek Drive from Center Road (Route 777) to the end
- Beatrice Court from Center Road to the end

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

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE LEE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 32 (LEE DISTRICT)**
(Tape 7)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report and recommendations.

Following the public hearing, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Lee RPPD, District 32.

The proposed district expansion includes the following street block:

- Crozet Court (Route 3733) from Deepford Street (Route 2178) to the end

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

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE JEFFERSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 27 (MASON DISTRICT)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report and recommendations.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Mr. Majdi.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Jefferson RPPD, District 27. The proposed district expansion includes the following street block:

- Weyanoke Court (Route 3574) from Braddock Road (Route 620) to the end

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

61. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)** (Tape 7)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Hamid Majdi, Transportation Planner, Department of Transportation, presented the staff report and recommendations.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Annandale RPPD, District 14. The proposed district expansion includes the following street block:

- Mayfield Court (Route 3063) from Mayfield Drive (Route 3060) to the end

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

ADDITIONAL BOARD MATTER

62. **RECOGNITION OF BOY SCOUT TROOP 991** (Tape 7)

Supervisor Bulova recognized the presence of Boy Scouts from Troop 991, who are sponsored by Ravensworth Elementary School, and are working on their government badge. They were accompanied by Wayne Smedley, their Assistant Scout Master, and Ann Norton and Betty Morgan. On behalf of the Board, Supervisor Bulova warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

SBE:sbe

63. **BOARD RECESS** (Tape 8)

At 4:15 p.m. the Board recessed briefly, and at 4:30 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

64. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE LAKE BRADDOCK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 5 (BRADDOCK DISTRICT)** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 19 and September 26, 2002.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Lake Braddock RPPD, District 5. The proposed district expansion includes the following street blocks:

- Lake Braddock Drive (Route 3647) from Old Burke Lake Road (Route 645) to Renoir Port Lane (Route 6460)
- Lake Braddock Drive from Renoir Port Lane to Queen Victoria Court (Route 7620)

Supervisor Connolly 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.

65. **4:30 P.M. – PH ON REZONING APPLICATION RZ 1998-LE-064, SPECIAL EXCEPTION APPLICATION SE 01-L-020, AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS SEA 91-L-053-4 AND SEA 91-L-054-3 (SPRINGFIELD EAST, LC) (LEE DISTRICT)** (Tape 8)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 1998-LE-064, Special Exception Application SE 01-L-020, and Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3 until **October 28, 2002, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

66. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-011 (FRANCIS FORTIN, JR.) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located at 10510 Leesburg Pike, Tax Map- 12-4 ((1)) 55.

Ms. Susan F. Earman reaffirmed the validity of the affidavit for the record.

Ms. Earman 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, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Application SE 2002-DR-011, subject to the development conditions dated August 28, 2002.

- Modification of the screening and barrier requirements along the south side and northeastern corner of the property.

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

67. **BOARD RECESS** (Tape 8)

At 4:55 p.m. the Board recessed briefly, and at 5:05 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

68. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-013 AND SPECIAL EXCEPTION APPLICATION SE 2002-PR-035 (TRUSTEES FOR OAKTON UNITED METHODIST CHURH) (PROVIDENCE DISTRICT)** (Tape 8)

- (O) The Rezoning Application RZ 2002-PR-013 property is located in the southwest quadrant of the intersection of Chain Bridge Road and Oakton Meadows Court, Tax Map 47-2 ((1)) 91 pt.

The Special Exception Application SE 2002-PR-035 property is located at 2951 Chain Bridge Road, Tax Map 47-2 ((1)) 91.

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.

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

Following discussion with input from Ms. Strobel, Supervisor Connolly moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-013, from the C-5 District to the C-6 District, subject to the proffers dated August 28, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Kauffman and Supervisor McConnell being out of the room.

Supervisor Connolly moved:

- Approval of Special Exception Application SE 2002-PR-035, subject to the development conditions dated September 16, 2002.

- Modification of the transitional screening requirements to allow the existing vegetation to remain along all lot lines, as depicted on the GDP/SE Plat and as qualified by the SE development conditions.
- Waiver of the barrier requirements along all lot lines.

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

69. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-015 (IVY DEVELOPMENT, LC) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located on the east side of Utterback Store Road, approximately 200 feet north of its intersection with Farm Road, Tax Map 7-3 ((7)) E.

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.

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 Mendelsohn moved:

- Approval of Special Exception Application SE 2002-DR-015, subject to the development conditions dated September 19, 2002.
- Waiver of the sidewalk requirement along Utterback Store Road in favor of an equestrian trail.

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

70. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-114-3 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-129-3 (WINCHESTER HOMES, INCORPORATED) (SPRINGFIELD DISTRICT)** (Tape 8)

The Proffered Condition Amendment Application PCA 84-P-114-3 is on the south side of Lee Jackson Memorial Highway, approximately 1,000 feet east of the Fairfax County Parkway, Tax Map 45-4 ((1)) 6A.

The Special Exception Amendment Application SEA 84-P-129-3 property is located at 12475 Lee Jackson Memorial Highway, Tax Map 45-4 ((1)) 6A.

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

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

Following the public hearing, 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 84-P-114-3, subject to the proffers dated September 24, 2002.
- Approval of Special Exception Amendment Application SEA 84-P-129-3, subject to the development conditions dated September 4, 2002.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the perimeter of the site and between the medical care facilities and the single family attached units, in accordance with the Generalized Development Plan.
- Waiver of the 600-foot maximum length requirement for private streets for the single family attached dwelling unit portion of the site.

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

71. **BOARD RECESS** (Tape 8)

At 5:29 p.m. the Board recessed briefly and at 5:30 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly and Supervisor Mendelsohn, and with Chairman Hanley presiding.

72. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2001-LE-024 (EQUITY HOMES, LP) (LEE DISTRICT)** (Tape 9)

The application property is located in the triangle formed by the intersection of Old Telegraph Road and Telegraph Road, Tax Map 100-1 ((2)) 1–3; 100-1 ((4)) 1; 100-1 ((9)) A, 1 and 2.

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.

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

Discussion ensued with input from Ms. Lewis and Mr. Riegle.

Supervisor Kauffman moved to defer decision on Rezoning Application RZ-2001-LE-024 indefinitely. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Connolly, and Supervisor Mendelsohn being out of the room.

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

At 5:45 p.m., the Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-3
Items Presented by the County Executive	
Administrative Items	3-11
Action Items	11
Consideration Items	12
Information Items	12-13
Board Matters	
Chairman Hanley	13, 15, 22, 29
Supervisor Bulova	18, 22, 27, 32
Supervisor Connolly	19-21
Supervisor Frey	N/A
Supervisor Gross	18-19
Supervisor Hudgins	15-16
Supervisor Hyland	21
Supervisor Kauffman	16-17, 22
Supervisor McConnell	16
Supervisor Mendelsohn	13-15
Actions from Closed Session	25-26
Public Hearings	26-37