



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 12, 2004**

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16-04

DT:dt

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, July 12, 2004, at 9:36 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; Karen J. Harwood, Deputy 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** (9:36 a.m.)

Chairman Connolly and Supervisor Kauffman jointly asked everyone to keep in thoughts those who perished in a fire in the Victoria Crossings at the Manchester Lakes complex in the Kingstowne neighborhood.

(NOTE: Later in the meeting, the Board discussed this fire. See Clerk's Summary Item CL#38.)

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. RICKI HARVEY** (9:37 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Ricki Harvey for her contributions to the children of the County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO NOVA UNITED SENIOR WOMEN'S AND MEN'S BASKETBALL TEAMS** (9:44 a.m.)

Supervisor McConnell moved approval of the Certificate of Recognition presented to members of the Nova United Senior Women's and Men's Basketball Teams for their accomplishments. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JEAN VAN DEVANTER WHITE** (9:54 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Ms. Jean Van Devanter White upon her retirement for her 25 years of service to the County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION FOR PRESENTATION TO MR. AND MRS. FARIA** (10:02 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition for presentation to Mr. Bill Faria and Mrs. Liz Faria, for their service to the community. Mrs. Faria was unable to attend. Supervisor McConnell seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. BARRY BRADY** (10:07 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Mr. Barry Brady for his support of the greater Springfield residential and business community. Supervisor McConnell seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO CHRISTOPHER COMPANIES, HABITAT FOR HUMANITY, THE BRIARWOOD CITIZENS' ASSOCIATION, AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)** (10:12 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Christopher Companies, Habitat for Humanity, the Briarwood Citizens' Association, and the HCD for their commitment to affordable housing in the County. Chairman Connolly seconded the motion.

Following a visual presentation, the question was called on the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE ANNANDALE CENTRAL BUSINESS DISTRICT PLANNING COMMITTEE** (10:24 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Annandale Central Business District Planning Committee to recognize its twentieth anniversary. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTERS

9. **INTRODUCTION OF BENJAMIN PACZAK, BOY SCOUT TROOP 875** (10:32 a.m.)

Supervisor Gross introduced Benjamin Paczak and his mother Kathy who were in the audience. Benjamin is a member of Boy Scout Troop 875 and is working on his Citizenship in the Community badge.

10. **INTRODUCTION OF INTERNS LAELA SHALLAL AND SARAH KHASAWINAH OF THE MASON DISTRICT OFFICE** (10:32 a.m.)

Supervisor Gross introduced Laela Shallal of Annandale High School and Sarah Khasawinah of J.E.B. Stuart High School. Ms. Shallal and Ms. Khasawinah are interning in the Mason District Office and are participants in the County Youth Leadership Program.

11. **ANNOUNCEMENT OF CLOSED SESSION FOR PURPOSE OF INTERVIEWING CANDIDATES FOR POSITION OF POLICE CHIEF**
(10:33 a.m.)

Chairman Connolly announced that, pursuant to Virginia Code Section 2.2-3712(B), later today the Board will meet in closed session for the purpose of interviewing a candidate for the position of Police Chief.

(NOTE: Later in the meeting, the Board met in closed session. See Clerk's Summary Item CL#57.)

PW:pw

12. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:34 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

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

AIRPORTS ADVISORY COMMITTEE

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

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor DuBois moved the reappointment of Ms. Joan Parker as the Dranesville District Representative to the Animal Services Advisory Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

ATHLETIC COUNCIL

CONFIRMATION:

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

- Mr. Anthony LaMann as the Youth and Adult Soccer Council Alternate Representative

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

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

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Bulova moved the appointment of Ms. Peggy Kugler as the Braddock District Representative to the Barbara Varon Volunteer Award Selection Committee. This motion, which was multiply seconded, carried by unanimous vote.

The Board deferred the appointments of the Dranesville, Lee, Mount Vernon, and Sully District Representatives to the Barbara Varon Volunteer Award Selection Committee.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to amend the brochure regarding this award to include citizenship in the bulleted item on patriotism. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board made an additional appointment to this committee. See page 12.)

BOARD OF BUILDING CODE APPEALS

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

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

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

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee.

COMMISSION ON AGING

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

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

COMMUNITY ACTION ADVISORY BOARD

Supervisor Kauffman moved the appointment of Ms. Marcy Eisenberg to fill the unexpired term of Ms. Deloris Baskfield as the Lee District Representative to the Community Action Advisory Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

CONSUMER PROTECTION COMMISSION

Supervisor Kauffman moved the reappointment of Mr. Lawrence Fowler as the Fairfax County Resident #1 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Dennis Kirk as the Fairfax County Resident #4 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Gloria Loew as the Fairfax County Resident #11 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

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

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Connolly moved the appointment of Mr. Robert Rudney to fill the unexpired term of Mr. Berry Cuffee as the At-Large Business Community Representative to the Fairfax Area Disability Services Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the appointment of Ms. Lisa Fagan as the Dranesville District Representative to the Fairfax Area Disability Services Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor DuBois asked unanimous consent that the Board direct staff to invite Ms. Martha Glennan to appear before the Board to be recognized for her many years of service to the Fairfax Area Disability Services Board. Without objection, it was so ordered.

Supervisor Kauffman moved the appointment of Mr. Kevin Hyde to fill the unexpired term of Ms. Patricia DeYoung as the Lee District Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. David Norcross to fill the unexpired term of the late Mr. Louis Genuario, Sr., as the Mount Vernon District Representative to the Fairfax Area Disability Services Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

The Board deferred the appointment of the At-Large #3 Representative to the Fairfax County Employees' Retirement System Board of Trustees.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Supervisor Bulova moved the appointment of Mr. Michael Muldoon as the Braddock District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the appointment of Mr. Terre Jones as the Dranesville District Representative to the Fairfax County Convention and Visitors

Corporation Board of Directors. Chairman Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Mr. Keith Clark as the Lee District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Mr. Young Kim as the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. James Rees as the Mount Vernon District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. Chuck Cope as the Providence District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. Roland Gunn as the Springfield District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Joseph Anderson as the Sully District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Chairman's Representative and Hunter Mill District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

HEALTH CARE ADVISORY BOARD

Chairman Connolly moved the reappointment of Mr. J. Martin Lebowitz as the At-Large Chairman's Representative to the Health Care Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

HUMAN SERVICES COUNCIL

Supervisor Hudgins moved the reappointment of Mr. Henry Latimer as the Hunter Mill District #2 Representative to the Human Services Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Molly Lynch as the Mount Vernon District #1 Representative to the Human Services Council. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #2 Chairman's Representative and the Dranesville District #2 Representative to the Human Services Council.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE**CONFIRMATION:**

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

- Mr. Jack Littley as the Northern Virginia Technology Council Representative

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**CONFIRMATION:**

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

- Ms. Janet Jo Anne Douglas as the Alcohol Safety Action Program (ASAP) Representative
- Mr. Dennis Fitzpatrick as the Commonwealth's Attorney Representative
- Mr. Patrick McConnell as the Fairfax-Falls Church Community Services Board Representative
- The Honorable William J. Minor, Jr. as the Fairfax County General District Court Representative

- The Honorable Teena Grodner as the Fairfax County Juvenile and Domestic Relations District Court Representative
- Mr. John Pinckney as the Mothers Against Drunk Drivers (MADD) Representative
- The Honorable Claude Beheler as the Magistrate System Representative
- Captain Paul Camarca as the Office of the Sheriff Representative
- Lieutenant Colonel Dave Rohrer as the Police Department Representative
- Ms. Susan Ferguson as the Professional #1 Representative
- Mr. James Nichols as the Professional #2 Representative
- Mr. James Fell as the Professional #3 Representative
- Ms. Sandy Richardson as the Professional #4 Representative
- Mr. Jim Wright as the Professional #6 Representative
- Mr. Clarence Jones as the Public Schools System Representative
- Mr. Kurt Erickson as the Washington Regional Alcohol Program Representative

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

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

REDEVELOPMENT AND HOUSING AUTHORITY

Supervisor Frey moved the appointment of Mr. John Litzenberger, Jr. as the Sully District Representative to the Redevelopment and Housing Authority. Supervisor McConnell seconded the motion, which carried by unanimous vote.

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

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

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Transportation Advisory Commission.

WATER AUTHORITY

Supervisor Smyth moved the reappointment of Ms. Connie Houston as the Providence District Representative to the Water Authority. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

Supervisor Gross asked unanimous consent that the Board direct the Office of the County Attorney to review Virginia Code Section 15.2-5113(D) regarding the issue of appointing alternate members to the Water Authority and report with its findings. Without objection, it was so ordered.

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.

TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE-MONOPOLES

The Board deferred the appointments of the Dranesville, Lee, and Sully District Representatives to the Telecommunication Land Use Regulations Task Force-Monopoles.

2004 FALL BOND REFERENDUM CITIZENS COMMITTEE

Chairman Connolly moved the appointment of Mr. Greg Werkheiser as the At-Large Chairman's Representative to the 2004 Fall Bond Referendum Citizens Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, and Springfield District Representatives to the 2004 Fall Bond Referendum Citizens Committee.

ADDITIONAL APPOINTMENTS**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

Supervisor Kauffman moved the appointment of Ms. Gladys Keating as the Lee District Representative to the Barbara Varon Volunteer Award Selection Committee. Supervisor Hyland seconded the motion, which carried by a unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

Supervisor Kauffman moved the appointment of Dr. Stephen Gilbert Goldberger to fill the unexpired term of Ms. Sharon Kelso as the Lee District Representative to the Health Systems Agency Board. Supervisor Hyland seconded the motion, which carried by a unanimous vote.

DS:ds

13. **ADMINISTRATIVE ITEMS** (10:47 a.m.)

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

Chairman Connolly called the Board's attention to:

- Admin 12 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to Increase the County Cigarette

Tax and to Update Provisions Relating to the Administration and Collection of the Cigarette Tax

- Admin 13 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Relating to the County Recordation Tax

and discussion ensued regarding the revenue that would be generated from these two items and how it could be used.

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

(NOTE: Later in the meeting, additional action was taken regarding the Administrative Items. See Clerk's Summary Item CL#14.)

ADMIN 1 – EXTENSION OF REVIEW PERIOD FOR A 2322 PUBLIC FACILITY REVIEW APPLICATION (MOUNT VERNON DISTRICT)

Approved the extension of review period for Public Facility (2322) Review Application 2232-V04-8 to September 18, 2004.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-012, BETTY M. MEADOWS (MEADOW NURSERY) (DRANESVILLE DISTRICT)

- (AT) Approved the request for seven months of additional time to commence construction for Special Exception Application SE 2002-DR-012, to September 24, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Crippens Corner, Section 2	Hunter Mill	Gatesmeadow Way Aldbury Way Aldbury Court Clover Hunt Court Hunter Gate Way

ADMIN 4 – PROCEDURAL MEMORANDUM ON REGULATIONS FOR PUBLIC USE OF COMMUNITY ROOMS AT FAIRFAX COUNTY DISTRICT GOVERNMENTAL CENTERS

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

Approved the procedural memorandum to establish the procedures and determine the conditions for public use of community rooms at the County District Governmental Centers.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-Y-035, FAIRFAX NURSING CENTER, INCORPORATED (SPRINGFIELD DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Amendment Application SEA 97-Y-035, to February 28, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-073-3, AMERICAN HORTICULTURAL SOCIETY (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Amendment Application SEA 79-V-073-3, to June 3, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), REGARDING THE EMPLOYEES UNIFORMED RETIREMENT SYSTEM – ELIMINATION OF POST-EMPLOYMENT PHYSICALS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 2, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), regarding the Employees Uniformed Retirement System. These changes will eliminate the requirement for post-employment physicals and will require applicants for service-connected disability retirement to disclose all medical records, including the results of pre-employment physicals.

ADMIN 8 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR FREEDOM LANE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- Endorsed the traffic-calming plan for Freedom Lane as proposed by DOT and the Virginia Department of Transportation (VDOT) consisting of one speed table adjacent to 1926, 1927, 1928, and 1929 Freedom Lane.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE PROPOSED SUBLEASING OF A PORTION OF COUNTY LEASED PROPERTY LOCATED AT 11150 SUNSET HILLS ROAD, RESTON, VIRGINIA, TO THE FAIRFAX-FALLS CHURCH UNITED WAY (FFCUW) (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **August 2, 2004, at 4:30 p.m.**, to consider the proposed subleasing of a portion of County leased property at 11150 Sunset Hills Road, Tax Map Number 18-3((1))-0027 to FFCUW.

ADMIN 10 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) TO CONTINUE THE MEDICAL RESERVE CORPS DEMONSTRATION PROJECT

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

Authorized the Health Department to submit an application to HHS for a Medical Reserve Corps Demonstration Project in the amount of \$50,000. No local cash match is required.

ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05016 FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT TO ACCEPT COMPREHENSIVE COMMUNITY CORRECTIONS ACT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)

- (SAR) Approved SAR AS 05016 in the amount of \$522,759 from DCJS for the Fairfax County General District Court to continue pretrial and post-trial supervision of defendants and offenders in the community during Fiscal Year 2005. No local cash match is required.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO INCREASE THE COUNTY CIGARETTE TAX AND TO UPDATE PROVISIONS RELATING TO THE ADMINISTRATION AND COLLECTION OF THE CIGARETTE TAX

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

Authorized the advertisement of a public hearing to be held before the Board on **August 2, 2004, at 5 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to increase the cigarette tax from 5 cents per pack of 20 cigarettes to 20 cents per pack of 20 cigarettes effective September 1, 2004, and to 30 cents per pack of 20 cigarettes effective July 1, 2005, and to update provisions of the County Code relating to the administration and collection of this tax.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), RELATING TO THE COUNTY RECORDATION TAX

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

Authorized the advertisement of a public hearing to be held before the Board on **August 2, 2004, at 5 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), relating to the County recordation tax.

ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD), DEPARTMENT OF FAMILY SERVICES (DFS), AND THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO SUBMIT GRANT APPLICATIONS TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FUNDING THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM, AND AUTHORIZATION FOR MULTIPLE CONSOLIDATED PLAN CERTIFICATIONS

- Authorized HCD, in partnership with Pathway Homes, to submit one new Shelter Plus Care grant application for \$696,480. No local cash match is required.
- Authorized HCD, in partnership with Pathway Homes, to submit five renewal Shelter Plus Care grant applications totaling \$625,968. No local cash match is required for these applications.

- Authorized DFS to submit three renewal applications totaling \$1,108,688 in HUD funds for three existing transitional housing programs for homeless families with children. A local cash match of \$775,358 is required for these applications, for a combined grant total of \$1,884,046. The local cash match will be requested as part of DFS's Fiscal Year 2006 budget request for Fund 102, Federal/State Grant Fund.
- Authorized CSB to submit one renewal application for \$253,332 for an existing transitional housing and treatment program for homeless single individuals. A local cash match of \$52,338 is required for this application.
- Endorsed 13 renewal grant applications by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act, for a total of \$1,992,955 in HUD funds. Two applications by Christian Relief Services for a total of \$508,570 in HUD funds and one application by Psychiatric Rehabilitation Services for a total of \$168,450 in HUD funds require a combined cash match of \$205,430 for a one-year period. This match will be supported with private funds and State pass-through funds to the CSB. The remaining ten nonprofit applications totaling \$1,315,935 in HUD funds require no local cash match; however, a private match of \$444,438 is required and committed by the applicants to support these applications.

**ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 05013 FOR THE OFFICE OF PARTNERSHIPS TO ACCEPT GRANT
FUNDING FROM PROJECT DISCOVERY OF VIRGINIA,
INCORPORATED**

Approved SAR AS 05013 in the amount of \$73,945 for the Office of Partnerships to continue the Fairfax County Project Discovery program. Of this total, \$29,945 reflects funding from Project Discovery of Virginia, Incorporated, while the remaining \$44,000 is the required local cash match.

14. **ADDITIONAL ACTION FROM ADMINISTRATIVE ITEMS** (10:50 a.m.)

(NOTE: Earlier in the meeting, action was taken regarding the Administrative Items. See Clerk's Summary Item CL#13.)

Supervisor Kauffman called the Board's attention to Admin 4 – Procedural Memorandum on Regulations for Public Use of Community Rooms at Fairfax County District Governmental Centers and discussion ensued with input from J. Patrick Taves, Deputy County Attorney, regarding flexibility on a center by center basis and review of the proposed guidelines in a year.

Supervisor Hudgins called the Board's attention to Admin 10 – Authorization for the Health Department to Apply to the Department of Health and Human Services to Continue the Medical Reserve Corps Demonstration Project and discussion ensued with input from Anthony H. Griffin, County Executive, regarding an editorial change to staff listed in the Board Agenda Item.

15. **A-1 – AWARD OF INVESTING IN COMMUNITIES PROGRAM FUNDS TO THE LORTON ARTS FOUNDATION, INCORPORATED, FOR PREDEVELOPMENT COSTS FOR THE WORKHOUSE ARTS CENTER AT LORTON PROJECT (MOUNT VERNON DISTRICT)** (10:53 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and awarded the \$50,000 in Community Development Block Grant funds under the Investing in Communities Program to the Lorton Arts Foundation, Incorporated for the predevelopment costs for the Workhouse Arts Center at Lorton project.

16. **A-2 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE LOCAL CASH MATCH FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (MOUNT VERNON AND LEE DISTRICTS)** (10:53 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Frey, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the project agreement, in substantial form, for Virginia Department of Transportation Revenue Sharing Funds totaling \$350,000 awarded to the County and the required \$350,000 in local cash match from the Northern Virginia Transportation Commission.

17. **A-3 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (10:54 a.m.)

- (R) Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the changes to the Fairfax County Purchasing Resolution, to become effective immediately. Supervisor Hyland seconded the motion.

Discussion ensued with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, regarding the design build process.

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

18. **C-1 – ESTABLISHMENT OF A COORDINATING COUNCIL ON GANG PREVENTION** (10:57 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated July 12, 2004, requesting authorization to:

- Establish a Coordinating Council on Gang Prevention that will be chaired by the County Executive and an executive steering committee.
- Allocate \$200,000 to the Police Department for the creation of a Resource Coordinator for Gang Prevention position, who will report to the County Executive, operating expenses, the creation of publications and brochures, and costs associated with a Gang Prevention Summit.

Following discussion, Supervisor Gross moved establishment of a Coordinating Council as outlined in the Board Agenda Item. Supervisor Hyland seconded the motion.

Supervisor Bulova announced that she would be presenting a Board Matter, later in the meeting, regarding gang activity in the Braddock District.

Following further discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to provide the following information:

- Currently, are there adequate resources available to address the gang issue? If not, what resources will be increased?
- Regarding community awareness and engagement, has the Police Department surveyed other jurisdictions in terms of looking at best practices? If so, what are they?

If best practices are already available, they need to be shared with the County citizens immediately, instead of waiting until after the meeting of a Gang Summit.

Without objection, it was so ordered.

Supervisor Hyland stated that citizen civic association types of organizations should be added to the list composition of the Coordinating Council on Gang Prevention, including the following:

- Federation of Citizens Associations
- Mount Vernon Council

- South County Federation

Chairman Connolly announced that the Council of Governments will be sponsoring a Gang Summit on September 29, 2004.

Supervisor Gross noted that the Gang Summit will be held in Arlington, Virginia.

Following additional discussion, Supervisor Gross stated that the following groups should be added to the Coordinating Council on Gang Prevention:

- Hispanic Committee of Virginia
- Arab American Community
- African American Community
- Girl Scout Council of the Nation's Capital
- Boy Scout Council
- County Council of PTA's
- Representative from the Property Managers

Chairman Connolly recommended that the structure of the council have sub-groups because it should also include liaisons from the Virginia Department of Transportation and the Department of Public Works and Environmental Services when dealing with graffiti issues, as well as the County Attorney in terms of representing legal issues for the Board.

Supervisor Hudgins stated that the groups on the council should not be limited to groups listed in the Board Agenda Item and noted that the Vietnamese Youth Council should be included.

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

Supervisor Frey asked for unanimous consent that the Board direct staff, when providing the Board with revised Agenda Items, to ensure that the revisions are clearly outlined. Without objection, it was so ordered.

(NOTE: Later in the meeting, Supervisor Bulova presented a Board Matter regarding gang activity in the Heritage/Annandale area of the Braddock District. See Clerk's Summary Item CL#44.)

19. **I-1– SUPPLEMENTAL AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PROJECT DEVELOPMENT AND ADMINISTRATION OF THE MASON NECK TRAIL PROJECT (MOUNT VERNON DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 12, 2004, requesting authorization for staff to execute a Supplemental Agreement with VDOT for Project Development and Administration of the Mason Neck Trail project.

The staff was directed administratively to proceed as proposed.

20. **I-2 – CONTRACT AMENDMENT – GREEN SPRING GARDENS PARK PHASE II (MASON DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 12, 2004, requesting authorization for staff to award a contract to Apex Environmental, Incorporated, in the amount of \$158,735 for the construction of pond renovations and related improvements at Green Spring Gardens Park, in Fund 370, Park Authority Bond Construction, Project 474498.

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

21. **I-3 – REVISED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS 2005 THROUGH 2010** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 12, 2004, regarding VDOT's revised Secondary System Construction Program for Fairfax County. The Secondary Program reductions will affect six projects in the County.

Discussion ensued with input from Thomas Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, regarding right-of-way issues for the Centreville Road project.

Supervisor Kauffman asked unanimous consent, if new funding becomes available or if funding is available in next year's six-year program, that the Telegraph Road projects be considered first to be placed back into the six-year program. Without objection, it was so ordered.

Additional discussion ensued regarding the Rolling Road project.

22. **I-4 – CAPITAL IMPROVEMENT PAYDOWN PROJECTS FOR THE \$3 MILLION APPROVED AT THE FISCAL YEAR (FY) 2004 THIRD QUARTER BUDGET REVIEW** (11:21 a.m.)

The Board next considered an item contained in the Board Agenda dated July 12, 2004, requesting authorization for staff to:

- Utilize the \$3 million approved by the FY 2004 Third Quarter Budget Review to implement the streetlight, sidewalk/trail, and storm drainage projects (\$2.5 million), as outlined in the Board Agenda Item.
- Address Countywide maintenance and security enhancement requirements (\$0.5 million), as outlined in the Board Agenda Item.

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

ADDITIONAL BOARD MATTERS

NV:nv

23. **ORDERS OF THE DAY** (11:23 a.m.)

Chairman Connolly announced that the Board would proceed expeditiously with Board Matters, but would recess at 12 noon, and proceed immediately into closed session.

24. **FIFTIETH ANNIVERSARY OF THE “FILL THE BOOT” CAMPAIGN** (11:23 a.m.)

Chairman Connolly noted that for the past 50 years over a quarter million firefighters across the US and Canada have supported the Muscular Dystrophy Association in its fight against neuromuscular diseases. Accordingly, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to issue a resolution commending the fiftieth anniversary of the “Fill the Boot” campaign as well as the annual event scheduled for Labor Day weekend in September and invite appropriate representatives from the Department of Fire and Rescue to receive the resolution at the August 2, 2004, Board meeting. Without objection, it was so ordered.

25. **NATIONAL ASSOCIATION OF COUNTIES (NACo) ACHIEVEMENT AWARDS** (11:24 a.m.)

Jointly with Supervisor Hyland, Chairman Connolly announced that the County recently received 15 achievement awards from NACo. Begun in 1970, the annual Achievement Award Program is a non-competitive awards program which seeks

to recognize innovative county government programs called County Model Programs. Created as a part of NACo's *New County, USA* campaign, the Achievement Award Program continues to embody the grassroots and local government energy the program was designed to promote. This year the following departments were all honored with achievement awards:

- Department of Community and Recreation Services
- Office of Emergency Management
- Department of Finance
- Health Department
- Department of Housing and Community Development
- Library
- Park Authority
- Police Department
- Department of Public Works and Environmental Services
- Department of Purchasing and Supply Management
- Department of Systems Management for Human Services
- Department of Tax Administration
- Department of Transportation

On behalf of the Board, Chairman Connolly commended these departments for their hard work and dedication to serving the citizens of the County and maintaining an esteem for which all can be proud.

There was a brief discussion regarding the fact that NACo often uses County programs as models.

26. **SCOOTERS AND MOPEDS** (11:26 a.m.)

Chairman Connolly stated that law enforcement today is facing the problem of the proliferation of small gas-powered mini-motorcycles known as "pocket bikes" and gas-powered scooters. Motorized scooters resemble the push scooter of old except for the engine mounted over the back wheel. Existing codes prohibit children under 16 from operating these on public roads, but many parents are unaware of this law. There are children on County roadways operating these

scooters in excess of 20 miles per hour. He asserted that this is dangerous for not only the operator, but also for pedestrians and other drivers.

Chairman Connolly said that the Police Department is developing a brochure which will present a comprehensive review of existing legislation so that stores selling mopeds and scooters, parents, operators, and police officers will be aware of the laws that govern their use. Unfortunately, the police must deal with a myriad of often confusing and overlapping codes. He stated that the County needs legislation that is up-to-date, clear, consistent, and easily understood by buyers, dealers, and the police.

Accordingly, Chairman Connolly moved that the Board refer to the Legislative Committee the need for comprehensive legislation which would address the requirements for mopeds and motorized scooters and that the Board direct staff to bring that legislation before the Legislative Committee for its review and recommendation to the Board. Supervisor Kauffman seconded the motion.

Following discussion, Supervisor Hudgins asked to amend the motion to direct staff to work with the brain injury community on this issue, and this was accepted.

Chairman Connolly asked unanimous consent that the Board direct staff to also review the County's helmet law. Without objection, it was so ordered.

Following further discussion regarding scooters for persons with disabilities, the question was called on the motion, as amended, which carried by unanimous vote.

27. **CITIZENS CORPS** (11:29 a.m.)

Chairman Connolly said that the County has a Citizen Corps Council, chaired by Merrily Pierce, which focuses on emergency preparedness and neighborhood building by bringing together various groups in the community. These groups include the Citizen Emergency Response Team ("CERT") as well as the Volunteers in Police Service ("VIP") program that now numbers close to 200 volunteers. The Medical Corps Reserve has 6,000 members in training. He had the opportunity to attend a recent meeting of the council and commended its efforts.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim the month of September "*Fairfax Prepares Month*" in Fairfax County and direct staff to invite the members of the Fairfax County Citizen Corps Council to appear before the Board on September 13 to receive the proclamation. Without objection, it was so ordered.

28. **"CELEBRATE 350: JEWISH LIFE IN AMERICA, 1654-2004"** (11:30 a.m.)

Chairman Connolly stated that in September 2004 the American Jewish community will launch a year-long series of programs entitled "Celebrate 350:

Jewish Life in America, 1654-2004,” to mark 350 years of Jewish communal life in the US.

Accordingly, Chairman Connolly moved that the Board direct staff to invite leaders in the Jewish community, including rabbis from local synagogues and those active in Jewish community organizations, to appear before the Board on September 13 to receive a resolution proclaiming September 2004 “*Jewish Heritage Month*” in Fairfax County and to mark this celebration of the three hundred fiftieth anniversary of Jewish communal life in America and to honor the contributions that Jewish Americans have made to the County and nation. Supervisor Gross and Supervisor McConnell jointly seconded the motion, which carried by unanimous vote.

29. **EXTENSION OF COMMENT PERIOD ON THE CAPITAL BELTWAY ENVIRONMENTAL IMPACT STATEMENT** (11:31 a.m.)

Chairman Connolly stated that the Virginia Department of Transportation (VDOT) recently held two public meetings on June 29 and 30 to solicit the public comment on two additional proposed build alternatives for the Capital Beltway. He moved that the Board direct staff to write to VDOT and advise it that the Board will be briefed on the Beltway project at the July 19 Transportation Committee meeting and request that the County be allowed to provide its official comments soon after this briefing. Supervisor McConnell seconded the meeting, which carried by unanimous vote.

30. **PROPOSED LEGISLATIVE COMMITTEE MEETING DATES** (11:31 a.m.)

(BACs) Chairman Connolly distributed the following proposed schedule for the Legislative Committee in preparation for the 2005 General Assembly session:

Friday, September 17	4 p.m.	Committee Meeting
Friday, October 15	4 p.m.	Committee Meeting
Friday, November 5	4 p.m.	Committee Meeting
Wednesday, November 10	12 noon	Draft Legislative Program available to the public
Monday, November 15	To Be Announced (TBA)	Board Adoption of 2005 General Assembly Legislative Program
Friday, December 3	4 p.m.	Committee Meeting (if necessary)

Monday, December 6	TBA	Board Adoption of 2005 General Assembly Legislative Program
TBA	TBA	Legislative Breakfast with Fairfax County Delegation

Chairman Connolly urged Board Members to clear their calendars to participate in the Legislative Program this year.

31. **PRESENTATION OF A CHECK TO THE CONVENTION AND VISITORS BUREAU** (11:32 a.m.)

Chairman Connolly announced that the Board would participate in a check presentation later in the meeting.

(NOTE: Later in the meeting, the Board made this presentation. See Clerk's Summary Item CL#56.)

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

32. **ATHLETIC SERVICES APPLICATION FEE** (11:32 a.m.)

Supervisor Hudgins noted that the athletic services application fee was included in the County's Fiscal Year (FY) 2005 Budget to partially offset the cost of scheduling and coordinating community use of County-owned public fields and facilities. This fee and its implementation were developed by the Department of Community and Recreation Services (CRS), the Athletic Council, and, in part, the athletic community.

Supervisor Hudgins said that upon adoption of the FY 2005 Budget, the Board directed, "CRS staff to perform an evaluation of the fee's implementation, its subsequent impact on the various athletic organizations and on field maintenance at the end of one year. This evaluation will include involvement from County athletic organizations."

Accordingly, Supervisor Hudgins asked unanimous consent that, when making that evaluation of impact, the Board direct the County Executive and CRS staff to take into consideration the documented contributions made by individual sports organizations and clubs in support of County fields. Without objection, it was so ordered.

33. **RETIREMENT RECEPTION FOR FORMER MAYOR RICHARD C. THOESEN, TOWN OF HERNDON (DRANESVILLE DISTRICT)** (11:32 a.m.)

Supervisor DuBois noted that Richard C. Thoesen retired as mayor of the Town of Herndon. The Herndon Town Council is hosting a reception in his honor the evening of Tuesday, July 13. She noted that former Mayor Thoesen has a long and honorable history of service to both the town and the County as the Dranesville District Representative to the Park Authority and as a 1998 Lord Fairfax representing the Dranesville District.

Accordingly, Supervisor DuBois asked unanimous consent that she and Chairman Connolly join in presenting, on behalf of the Board, a resolution to Mr. Thoesen at the reception to acknowledge his dedication and service to the Dranesville District, the Town of Herndon, and the County. Without objection, it was so ordered.

34. **VIRGINIA VILLAGE APARTMENTS (MASON DISTRICT)** (11:34 a.m.)

Supervisor Gross said that a special permit application has been submitted for the Virginia Village apartments, located on tax map parcel 72-3((01))-54, proposing the addition of a community building for Virginia Village residents. The applicant is working with the Department of Transportation (DOT) on a street vacation request for Southland Avenue. Prior to the proposed vacation, however, the underlying fee ownership of the street is held by the Board.

Therefore, Supervisor Gross moved to allow that a small portion at the south end of Southland Avenue, indicated on the applicant's plan, be included in the special permit application as filed with the Department of Planning and Zoning. If this motion passes, the special permit application may proceed into its review process while DOT reviews the larger street vacation request. This motion should not be construed as a favorable recommendation on this application or related applications by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards, in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

35. **HISTORIC MASON DISTRICT VIDEO** (11:35 a.m.)

(BACs) Supervisor Gross presented to Board Members a copy of the new video entitled *Historic Mason District*. The video, which was conceived and produced by Mason District resident and History Commission member Naomi Zeavin, charts the development of what is now Mason District from the early colonial period to the present time. It features comments by several Mason District Supervisors and examines the dynamic changes which have contributed to the diverse community of Mason District today.

Supervisor Gross said that the video was developed with funds obtained through the federal EDI grant program, not with County funds, although her office did help with some of the research and filming sites. She expressed the hope that this video might encourage other supervisor districts to undertake similar projects, especially to preserve the oral and visual history of the growth of the County.

Supervisor Gross acknowledged for the record that the video contained a small mistake. Northern Virginia Community College is not in the Mason District; it is across the street in the Braddock District.

A brief discussion ensued about the launch of a history project and capturing oral living history.

PW:pw

36. **REZONING APPLICATION RZ 2004-SP-004 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-S-097-3 (SPRINGFIELD DISTRICT)** (11:39 a.m.)

Supervisor McConnell stated that the applicant, Random Hills Investment, LLC requested an expedited Board public hearing date for Rezoning Application RZ 2004-SP-004 and Proffered Condition Amendment Application PCA 88-S-097-3. Due to contractual obligations, it is important that this matter be heard by the Board by September 27, 2004.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board on Rezoning Application RZ 2004-SP-004 and Proffered Condition Amendment Application PCA-88-S-097-3 on September 27, 2004. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

37. **INTRODUCTION OF CHIEF OF STAFF STEVE EDWARDS (SPRINGFIELD DISTRICT)** (11:40 a.m.)

Supervisor McConnell introduced Steve Edwards, the new chief of staff for the Springfield District office.

38. **COMMENDATION TO RESPONDING AGENCIES REGARDING RECENT FIRE AT VICTORIA CROSSING AT MANCHESTER LAKES (LEE DISTRICT)** (11:40 a.m.)

(NOTE: Earlier in the meeting, the Board mentioned this fire. See Clerk's Summary Item CL#1.)

Supervisor Kauffman commended all the departments who responded to the fire at Victoria Crossing at Manchester Lakes yesterday. He stated that everyone whom he spoke with was complimentary of the services provided by fire and police departments. He thanked the Red Cross for its involvement in providing food and establishing shelter. The homeowner's association also assisted in coordinating services.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide the same expedited services to the Manchester Lakes Community as those provided to the citizens who suffered losses during Hurricane Isabel in the Belle View community. Without objection, it was so ordered.

39. **SPRINGFIELD UNITED METHODIST CHURCH (LEE DISTRICT)**
(11:42 a.m.)

Supervisor Kauffman, jointly with Supervisor McConnell, stated that this year, the Springfield United Methodist Church is celebrating 50 years of service to the greater Springfield community.

Supervisor Kauffman outlined the service that the church has provided throughout the years, and he asked unanimous consent that the Board direct staff to invite co-pastors Dan and Pam Horner and members of the church to appear before the Board at a future meeting for formal recognition and that a certificate be prepared to the Springfield United Methodist Church. Without objection, it was so ordered.

40. **APPOINTMENTS TO THE BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD (LEE DISTRICT)** (11:43 a.m.)

(APPTS) Supervisor Kauffman announced that the appointments of three members of the Burgundy Village Community Center Operations Board were never formally confirmed by the Board as required by the memorandum of understanding.

Therefore, Supervisor Kauffman moved the confirmation of the following appointments to the Burgundy Village Community Center Operations Board:

- Mr. Gary Griesmyer, term expiration June 2005
- Ms. Carole Shazer, term expiration June 2006
- Ms. Frances Wilkerson, term expiration June 2005

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

41. **CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-31 AND SPECIAL EXCEPTION APPLICATION SE 2004-LE-015 (LEE DISTRICT)** (11:44 a.m.)

Supervisor Kauffman stated that pending Proffered Condition Amendment Application PCA C-448-31 and Special Exception Application SE 2004-LE-015 are applications for minor improvements and a building expansion at the existing mini-golf/driving range facility located in Kingstowne.

Supervisor Kauffman pointed out that the applicant requested permission to begin concurrently processing the necessary site plan. Given the absence of any significant community or staff concerns that cannot be resolved, he moved that the Board authorize staff to concurrently process the site plan and other engineering approvals associated with pending Proffered Condition Amendment Application PCA C-448-31 and Special Exception Application SE 2004-LE-015. Approval of this motion shall in no way prejudice or affect any ongoing staff review and should not be construed as support for the application by the Board. This motion, the second to which was inaudible, carried by a unanimous vote.

42. **OUT-OF-TURN PLAN AMENDMENT NEAR THE BEACON GROVETON CORE AREA (LEE DISTRICT)** (11:45 a.m.)

Supervisor Kauffman said that the Board authorized an out-of-turn plan amendment to consider high density residential support retail and office use at an intensity of up to 1.8 floor area ratio for land located near the Beacon Groveton core area.

Supervisor Kauffman asked unanimous consent to clarify that the subject area of the out-of-turn plan amendment includes the entire block bounded by Richmond Highway, Memorial Street, Groveton Street, and Donora Drive. Without objection, it was so noted.

PMH:pmh

43. **DANBURY FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (11:46 a.m.)

Supervisor Bulova stated that on March 18, 2004, her office received a request from the Danbury Forest Community Association to establish a CPD along Danbury Forest Drive and Clydesdale Road.

Supervisor Bulova moved that the Board waive the minimum size requirement for the establishment of the Danbury Forest CPD along Danbury Forest Drive and Clydesdale Road. Without objection, it was so ordered.

44. **GANG ACTIVITY AND REVITALIZATION ISSUES IN THE HERITAGE/ANNANDALE AREA OF BRADDOCK DISTRICT**
(11:46 a.m.)

(BACs) (NOTE: Earlier in the meeting, the Board established a Coordinating Council on Gang Prevention. See Clerk's Summary Item CL#18.)

Supervisor Bulova stated that at the February 9, 2004, Board meeting, she reported on plans for a *Braddock District Community Dialog Series on Gang Activity and Revitalization Issues*. She said that her office has been hosting "Community Dialogs" for the past three years. Each program in a Dialog series includes an educational element, followed by community discussion. By the end of the series, Dialog attendees who have participated in most of the programs, and learned about the complexities of the issues, qualify as "voting members" of the Dialog and, as "informed voters," adopt final recommendations.

Approximately 300 people participated in the Community Dialog on Gang Activity and Revitalization. At the first meeting on February 11, 2004, the audience adopted a mission statement, which is included with her written Board Matter. In the mission statement, the group agreed to limit the scope of dialog recommendations to the Heritage/Annandale area to have end products that could be specific and manageable. By the end of the five-part series, 50 people had attended at least four of the five programs and qualified as voting members.

In addition to the Community Dialog series, the Braddock District office hosted a weekend "Community Engagement" exercise, which was held May 21-22, 2004. This activity was facilitated by officials from the US Department of Justice, Office of Community-Oriented Policing Services. Participants included many individuals already active in the Community Dialog, along with an expanded list of stakeholders in the County identified as having a role, or potential role, in addressing the emergence of gang activity in the Annandale area and beyond.

Supervisor Bulova said that the Community Dialog ended on June 9 with the adoption of a slate of five top recommendations. The Braddock District Spring Town meeting on June 23 summarized the Community Dialog and included, as panelists, a number of discussion leaders. Members of the panel described the series, what they learned, and how recommendations were reached. This meeting is being broadcast on Cable Channel 16 at 8 p.m. on the evenings of July 16 and July 19. She said that videotapes are also available in her office.

Supervisor Bulova said that detailed recommendations from the Dialog are attached to her written Board Matter. In short, they are:

- Revitalize Heritage/Annandale neighborhoods and the defunct community association structures.
- Establish stronger school-community partnership.

- Coordinate communication and outreach to the community for understanding gang activity and promoting awareness of intervention and prevention resources.
- Establish job/employment programs for young people in the Annandale area.
- Increase and enhance community policing/presence in the Heritage/Annandale area.

Supervisor Bulova said that these recommendations very closely reflect the direction the Countywide anti-gang initiative is taking. Already a number of activities, focused in the Heritage/Annandale area, are underway as a result of the Community Dialog.

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

- Circulate the recommendations of the Dialog to County agencies and departments that can assist with following up on these efforts.
- Invite the core group of 50 "voting members" of the Dialog to appear before the Board at the soonest appropriate date, to be thanked for their significant investment in the community.

Without objection, it was so ordered.

45. **FAIRFAX AREA DISABILITIES SERVICES BOARD (FA-DSB)**
(11:52 a.m.)

(BACs) Supervisor Bulova referred to a letter from the FA-DSB regarding emergency management.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to follow up on the recommendation to direct all County agencies and offices involved with emergency preparedness and management, including volunteer programs, to set up town hall meetings with persons with disabilities. These meetings should share what current policies and plans are in place for all aspects of emergency preparedness and management, offer a forum for individuals with disabilities and organizations/agencies that work with them to provide recommendations for needed revisions, and develop plans to incorporate those recommendations. Without objection, it was so ordered.

46. **IVY DEVELOPMENT LC (SULLY DISTRICT)** (11:53 a.m.)

Supervisor Frey referred to his written Board Matter and said that Ivy Development LC has submitted a nomination as part of the 2004 North County Area Plans Review (APR) Cycle for properties identified among the tax map reference 65-1 ((1)) 15 and 16.

Supervisor Frey reviewed the history of the property and noted that the Board is scheduled to consider the 2004 North County Cycle Plan Nominations in June-July of 2005. In the meantime, the applicant intends to reactivate Rezoning/Final Development Plan Application RZ/FDP 2002-SU-042 for the nominated property this fall so that it may be evaluated to coincide with the Board's action on the APR nominations. Given the amount of time it has already invested in the development of the property, the applicant has requested the ability to concurrently process subdivision plats, site plans, architectural drawings, and other development plans as may be necessary with Department of Public Works and Environmental Services.

Therefore, Supervisor Frey moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous processing subdivision plats, site plans, architectural drawings, or other development plans, and any other plats or documents as may be necessary, in conjunction with the processing of Rezoning/Final Development Plan Application RZ/FDP 2002-SU-042 by Ivy Development LC. 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.

47. **OUT-OF-TURN PLAN AMENDMENT S00-III-UP2 (SULLY DISTRICT)** (11:55 a.m.)

Supervisor Frey stated that an out-of-turn plan amendment was authorized several years ago for land known as the Middleton Farm. The proposed plan amendment and a related development application were indefinitely deferred due to staff and community issues. Rather than reactivate this long deferred item, property owners were encouraged to submit Area Plans Review (APR) nominations as a way to update their proposal and bring it back for community review.

Supervisor Frey moved that the Board rescind its authorization of Out-of-Turn Plan Amendment S00-III-UP2 so that APR items submitted for properties located south of Frying Pan Road and north of Park Center Drive can be considered as part of the 2004 North County APR. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

48. **CENTREVILLE HISTORIC DISTRICT (SULLY DISTRICT)** (11:56 a.m.)

Supervisor Frey stated that he had been approached recently by a number of property owners and interested citizens about protecting and enhancing the Centreville Historic District. In discussions with staff and members of the community, it appears that the most effective means of accomplishing this goal may be to expand the boundaries of the Historic District.

Therefore, Supervisor Frey moved that the Board direct staff from the Department of Planning and Zoning to review the current boundaries of the Centreville Historic District, as well as the provisions of the Zoning Ordinance related to the District, to determine whether expansion and/or modifications are appropriate at this time. He added that he hoped the Board will be able to authorize a Board's Own Motion rezoning application on July 26, 2004, in furtherance of this goal.

Supervisor Frey said that there have been three Area Plans Review (APR) items filed which incorporate portions of the existing Centreville Historic District and which propose slightly different visions for the area. He added that it would be appropriate to ask the Planning Commission to pull those items from the APR process. He said that depending on the outcome of the rezoning application and possible Zoning Ordinance amendments, amendments to the Comprehensive Plan will be needed for consistency and clarity. He noted that at the appropriate time, he will ask the Board to authorize an out-of-turn plan amendment for the appropriate area.

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

49. **CITIZEN'S GUIDE TO THE 2004 NORTH COUNTY APR (PROVIDENCE DISTRICT)** (11:58 a.m.)

Supervisor Smyth stated that in Tysons Corner, 21 APR nominations (20 in Providence District and 1 in Hunter Mill District) have been submitted for consideration during the 2004 North County APR cycle. Almost all of the nominations are linked to rail coming through Tysons Corner.

The *Citizen's Guide to the 2004 North County APR* indicates that the Planning Commission may defer a group of nominations if, in its opinion, these items represent complex issues that should not be evaluated on an individual basis.

Therefore, Supervisor Smyth moved that the Board:

- Request the Planning Commission to consider deferring all Tysons Corner nominations, except for any nominations which are not linked to rail related redevelopment.

- Direct the Department of Planning and Zoning to outline possible schedules and parameters for a Special Study to review the deferred Tyson Corner rail-related nominations.

Additionally, Supervisor Smyth said that it is critical that this Tysons Corner Special Study include a transportation analysis and urban design evaluation, which will require consultant assistance.

Therefore, Supervisor Smyth moved that Board direct staff to:

- Include as a consideration item in the Fiscal Year 2004 Carryover Budget Package funding to support an analysis of transportation and urban design issues as part of the Tysons Special Study.
- Develop the scope and estimated cost of this consultant assistance.

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

50. **BOARD POLICY REGARDING THE CREATION OF NEW BICYCLE LANES DURING MAJOR ASPHALT MAINTENANCE ON THE ROADWAYS** (noon)

Supervisor Smyth stated that the County does not have a policy on creating new bicycle lanes during major asphalt maintenance on the roadways. Rather than investigate this matter as it relates to only one road in the Providence District, she suggested that the Transportation Committee review the policy and procedures associated with planning bicycle lanes and coordinate with the Virginia Department of Transportation (VDOT) on this effort.

Therefore, Supervisor Smyth asked unanimous consent that:

- This matter be referred to the Transportation Committee for review.
- If warranted, the Department of Transportation and the Non-motorized Transportation Committee, as well as VDOT, be involved in this review and that the Committee report the whole of its findings to the Board.

Without objection, it was so ordered.

51. **NOISE VARIANCE PROCESS** (12:01 p.m.)

Supervisor Smyth stated that she was contacted by a constituent who endured the noise associated with 6.5 hours of night work (from 11 p.m. until 5:30 a.m.) on Arlington Boulevard, westbound. Milling and paving are often done throughout

the County, and, in this case, the constituent was fully supportive of doing this work at night.

Supervisor Smyth said that in this case only four days of notice were given to the community and to her office. She said that as part of the noise variance being granted, staff suggests that the contractor "limit the amount of backing up of vehicles and equipment." Unfortunately, in this case much of the backing up noise occurred in the early hours of the morning and kept residents from sleeping.

Supervisor Smyth noted that the process by which Supervisors' offices participate in evaluating sections of road for night work is adequate. This motion serves only to evaluate and possibly refine the notification process for affected residents.

Therefore, Supervisor Smyth moved that the Board direct:

- Staff to evaluate the noise variance process as it relates to notification of affected residents.
- The County Executive to forward this evaluation to the Board.

Without objection, it was so ordered.

52. **RESOLUTION IN SUPPORT OF GRANTING AN EXCEPTION TO THE OCCOQUAN RESERVOIR (MOUNT VERNON DISTRICT)** (12:02 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the granting of an exception to the Occoquan Reservoir Shoreline Easement Policy for an expansion of a boathouse.

Therefore, Supervisor Hyland moved that the Board convey its support for this exception to the Fairfax County Water Authority. Supervisor Gross seconded the motion and it carried by unanimous vote.

53. **VACATION AND ABANDONMENT OF MHI HUNTINGTON LLC (MOUNT VERNON DISTRICT)** (12:03 p.m.)

Supervisor Hyland stated that the motion to authorize vacation and abandonment of MHI Huntington LLC is proposing to rezone property located along Foley Street and Hunting Creek Road to permit redevelopment in keeping with the Comprehensive Plan. As a part of its development plan, the applicant proposes to vacate and abandon a portion of Foley Street, and thus, needs the consent of the Board to include the right-of-way in the rezoning application.

Therefore, Supervisor Hyland moved that the Board authorize the inclusion of an approximate .58 acre portion of Foley Street in a rezoning application to be filed by MHI Huntington LLC on property identified among the Fairfax County tax map records as 83-1 ((1)) 56, 57, 62A, 62B, 63-65, 67-74, 76, 76A, 78-80, 82, 83,

85; 83-1 ((18)) 1-4; and 83-3 ((1)) 95-99. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor McConnell seconded the motion and it carried by unanimous vote.

54. **MORTGAGES** (12:04 p.m.)

Supervisor Hyland referred to an article in *The Washington Post* regarding a new targeted-financing concept called "neighborhood champions" mortgages for teachers, public safety workers, etcetera.

Supervisor Hyland asked unanimous consent that the Board direct staff to contact Fannie Mae and request information it has that can be distributed to appropriate individuals. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct:

- Anthony H. Griffin, County Executive, to contact Paula Sampson, Director, Department of Housing and Community Development.
- Staff to report with an Information Item at the August 2, 2004, Board meeting reporting on how the Board can take advantage of this program.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins noted that Fannie Mae is on the agenda for the Housing Committee meeting in September.

Supervisor Hyland announced that interested buyers can call 1-800-900-9000 for more information.

55. **INTENT TO DEFER PUBLIC HEARINGS** (12:06 p.m.)

Chairman Connolly announced the Board's intent to defer the following public hearings:

- Rezoning Application RZ 2003-MV-036
- Rezoning Application RZ 2003-PR-043
- Proffered Condition Amendment Application PCA 87-C-060-11

- Special Exception Amendment Application SEA 94-Y-038-03
- Rezoning Application 2003-LE-048
- Proffered Condition Amendment Application C-448-30
- Proffered Condition Amendment Application PCA 79-L-109-02

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items CL#63, CL#64, CL#67, CL#72, and CL#73.)

56. **FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION CHECK PRESENTATION** (12:07 p.m.)

James Wordsworth, president of the new Fairfax County Convention and Visitors Corporation, was presented with a check for \$2 million to the Corporation as seed money from the newly imposed tax for hotel rooms.

57. **RECESS/CLOSED SESSION/DEFERRALS** (12:09 p.m.)

At 12:09 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 2.1-344 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. *Trinity Centre One, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*, At Law No. 219651 (Fx. Co. Cir. Ct.) (Sully District)
 2. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County*,

- Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
3. *Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkensdorfer, Donald N. Huff, and Robert F. Rosenbaum*, At Law No. 218175 (Fx. Co. Cir. Ct.) (Dranesville District)
 4. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals*, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)
 5. *William E. Shoup, Fairfax County Zoning Administrator v. Emma C. Whitney, Duane Whitney, Edward Whitney, and Leslie Whitney*, In Chancery No. 152580 (Fx. Co. Cir. Ct.) (Providence District)
 6. *County of Fairfax, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid, Rashid Khalid, GMAC Mortgage Corporation, and Specialized, Inc. of Virginia*, In Chancery No. 185680 (Fx. Co. Cir. Ct.) (Braddock District)
 7. *William E. Shoup, Fairfax County Zoning Administrator v. Luis A. Rosas*, In Chancery No. 189605 (Fx. Co. Cir. Ct.) (Braddock District)
 8. *William E. Shoup, Fairfax County Zoning Administrator v. Curtis Centre LLC, Gimbert Properties LLC, and Davinder Singh*, In Chancery No. 190614 (Fx. Co. Cir. Ct.) (Sully District)
 9. *Adel S. Kebaish, et al. v. Board of Zoning Appeals, et al.*, Record No. 041427 (Va. Sup. Ct.) (Hunter Mill District)

10. *Price Club Plaza (RZ 87-S-023B), Plan No. 6552-SP-04 (Springfield District)*
11. *Board of Supervisors v. Hunter Development Company of Fairfax, Inc., et al., At Law No. 223641 (Fx. Co. Cir. Ct.) (Sully District)*
12. Request for Information by the United States Department of Justice, Civil Rights Division, Concerning the County's Compliance With the 1982 Consent Decree
13. *Parrish v. Commonwealth of Virginia, et al., At Law No. 202879 (Fx. Co. Cir. Ct.) (Mt. Vernon District)*
14. *Arkansas Chronicle, a Division of Sienna Broadcasting Corp., et al. v. R. Mark Easley, et al., C. A. No. 04-110-A (E.D. Va.)*
15. *Mireya Lyle and Jessica Cubas v. County of Fairfax, U.S.D.C. Case No. 04-519-A (E.D. Va.)*
16. *Jonathan Wells v. Anthony Griffin, At Law No. 222571 (Fx. Co. Cir. Ct.)*
17. *Mark Price v. Anthony Griffin, in his capacity as County Executive, At Law No. 221191 (Fx. Co. Cir. Ct.)*
18. Appeal of Luther Campbell, Civil Service Commission

And in addition:

- Susan S. Roesch, et al. versus Irwin L. Auerbach, et al., In Chancery Number 188817.
- Board of Supervisors versus Batman/McNair; At Law Number 216744.
- James M. Banner, et al. versus United States of America, et al., Case Number 04-5190.

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

DT:dt

At 4:57 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

58. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:57 p.m.)

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

59. **APPOINTMENT OF THE CHIEF OF POLICE OF THE COUNTY** (4:58 p.m.)

Chairman Connolly, on behalf of the Board, announced the selection of Lieutenant Colonel David M. Rohrer, of the Police Department, as the next Chief of Police. Chairman Connolly introduced Lieutenant Colonel Rohrer, who was in the auditorium, and thanked Acting Police Chief Suzanne Devlin and Deputy Chief of Police Chuck Peters for their service to the community.

Supervisor Gross moved the appointment of Lieutenant Colonel Rohrer as County Chief of Police at an annual salary of \$137,000, effective July 12, 2004. Supervisor Hyland seconded the motion and it carried by unanimous vote.

60. **AMENDMENT TO REAL ESTATE SALES AGREEMENT (LAND BAY A)** (5:01 p.m.)

Chairman Connolly relinquished the gavel to Vice-Chairman Bulova, and on behalf of Supervisor McConnell, moved that the Board authorize the County Executive to execute, on behalf of the Board, an amendment to Real Estate Sales Agreement for the Sale of Land Bay A, Tax Map No. 55-2((1))15, amending the Real Estate Sales Agreement made as of July 7, 2003, between the Board and The Peterson Companies LC, as subsequently modified and assigned by The Peterson Companies LC to East Market Investments LLC. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

61. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO RESOLVE THE PENDING CASE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS BATMAN/MCNAIR ASSOCIATES, LP, AT LAW NUMBER 216744** (5:02 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to resolve the pending case *Board of Supervisors of Fairfax County, Virginia v. Batman/McNair Associates, LP*, Law Number 216744, according to the terms and conditions outlined by the County Attorney in Closed Session. Chairman Connolly seconded the motion and it carried by unanimous vote.

62. **AUTHORIZATION OF THE SETTLEMENT OF TRINITY CENTRE ONE, LLC VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AT LAW NUMBER 219651** (5:02 p.m.)

Supervisor Frey moved that the Board authorize the settlement of *Trinity Centre One, LLC versus Board of Supervisors of Fairfax County, Virginia*, At Law Number 219651, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

63. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT)** (5:03 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2003-MV-036 until **July 26, 2004, at 4 p.m.** Supervisor McConnell seconded the motion and it carried by unanimous vote.

64. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-043 (VAN METRE LAND LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)** (5:04 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2003-PR-043 until **July 26, 2004, at 4:30 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

DMB:dmb

65. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LOCATION OF OFF-STREET PARKING RELATIVE TO THE FRONT LOT LINE** (5:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2004.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding location of Off-Street Parking Relative to Front Lot Lines, as presented in the staff report. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Supervisor Frey moved consideration of a subsequent Zoning Ordinance Amendment to allow the Board of Zoning Appeals, in conjunction with the approval of a special permit, to waive or modify the ten-foot setback requirement for off-street parking at the same time as waiving or modifying the ten-foot wide peripheral parking lot landscaping requirement. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

66. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-DR-004 (SHOREH H. ARMANI) (DRANESVILLE DISTRICT)** (5:07 p.m.)

The application property is located at 1580 Chain Bridge Road, Tax Map 30-4 ((2)) (6) 46.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Ms. Kelsey 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 DuBois moved:

- Approval of Special Exception Application SE 2004-DR-004, subject to the proposed development conditions dated June 24, 2004, with Condition Number Nine, page two, deleted in its entirety and the following text substituted: "All exterior lighting on the property should conform to the requirements of Part Nine, of Article 14, Outdoor Lighting Standards. Parking area pole lights should limited to seven feet in height and shall be turned off by 7 p.m. All other exterior lighting shall be residential in style, character, and output.
- Modification of the transitional screening yard requirements and barrier requirements as shown on the Special Exception Plat.
- That the Board direct the Director of the Department of Public Works and Environmental Services to:
 - Waive the loading space requirement, pursuant to the provisions of Section 11-202.
 - Modify the travel lane requirement to allow a 15-foot wide travel lane as shown on the Special Exception Plat.
 - Waive the frontage improvements, including curb and gutter and right-of-way improvements, along Pathfinder Lane.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

Supervisor DuBois submitted items for the record.

67. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-11 (BATMAN/MCNAIR ASSOCIATES, LP) (HUNTER MILL DISTRICT) (5:14 p.m.)**

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA 87-C-060-11, due to an affidavit issue, until **July 26, 2004, at 4 p.m.** Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

68. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE KINGSTOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (5:15 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2004.

Following the public hearing, which included testimony by four speakers, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Kingstowne CPD, encompassing the entire length of:

- Clapman Road
- Kingstowne Commons Drive
- Lake Village Drive
- Park Village Drive
- Summer Ridge Road

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

Supervisor Kauffman submitted items for the record.

69. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-009 (JOHN F. KELLY AND FAIRFAX COUNTY BOARD OF SUPERVISORS) (MOUNT VERNON DISTRICT)** (5:27 p.m.)

The application property is located at 6423 Thirteenth Street, Tax Map 93-2 ((8)) (27) 1.

Mr. John F. Kelly reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland moved approval of Special Exception Application SE 2004-MV-009, subject to the development conditions dated July 6, 2004. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Gross being out of the room.

70. **4 P.M. – PH ON A PROPOSAL TO ABANDON A PORTION OF WALL ROAD (ROUTE 645) (SULLY DISTRICT)** (5:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2004.

Following the public hearing, Supervisor Frey moved adoption of the Order abandoning a portion of Wall Road. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being out of the room.

71. **4 P.M. – PH ON THE EMERGENCY UNCODIFIED ORDINANCE TO CONTINUE THE 50-CENT TAXICAB FUEL SURCHARGE UNTIL DECEMBER 31, 2004** (5:35 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of June 24 and July 1, 2004.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Gail Eskew, Acting Director, Department of Cable Communications and Consumer Protection, regarding the percentage increase in the proposed trip cost in miles of trips and she clarified that the one-time charge is 50 cents **per trip** and not **per passenger**, which is consistent with neighboring jurisdictions.

Supervisor Bulova moved to reaffirm adoption of the emergency Uncodified Ordinance to provide emergency rate relief to the taxicab industry as temporarily adopted on June 21, 2004, which will extend the fuel surcharge until December 31, 2004. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

72. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-Y-038-03 (ROBERT M. ROSENTHAL) (SULLY DISTRICT)** (5:43 p.m.)

Supervisor Frey moved to defer the public hearing on Special Exception Amendment Application SEA 94-Y-038-03, until **July 26, 2004, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

73. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-048 (GAYFIELDS ROAD ASSOCIATES, LLC)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA C-448-30 AND PCA 79-L-109-02 (GAYFIELDS ROAD ASSOCIATES, LLC) (LEE DISTRICT) (5:43 p.m.)

Supervisor Kauffman moved to defer the public hearings on Rezoning Application RZ 2003-LE-048 and Proffered Condition Amendment Applications PCA C-448-30 and PCA 79-L-109-02 until **July 26, 2004, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

74. **BOARD ADJOURNMENT** (5:46 p.m.)

At 5:46 p.m., Supervisor Bulova moved to adjourn.. Supervisor Frey seconded the motion and it carried by unanimous vote.

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