



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
April 26, 2004**

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**11-04**

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**DET:det**

The meeting was called to order at 9:06 a.m., with all Members being present with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

Supervisor McConnell arrived at 9:18 a.m.

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

### **BOARD MATTER**

1. **MOMENT OF SILENCE** (9:06 a.m.)

Chairman Connolly requested everyone to remember the situation in Iraq and Afghanistan and the troops overseas as well as the people who are involved, especially innocent women and children.

### **AGENDA ITEMS**

2. **CERTIFICATES OF RECOGNITION PRESENTED TO SOUTH LAKES  
HIGH SCHOOL GIRLS' FREESTYLE RELAY TEAM** (9:08 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to members of the South Lakes High School Girls' Freestyle Relay Team for their accomplishments. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO WESTFIELDS HIGH SCHOOL TRACK AND FIELD TEAMS** (9:10 a.m.)

Supervisor Frey moved approval of the Certificates of Recognition presented to members of the Westfields High School Track and Field Teams for their accomplishments. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. **PROCLAMATION DESIGNATING MAY 7, 2004, AS "BIKE TO WORK DAY" IN FAIRFAX COUNTY** (9:18 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 7, 2004, as "*Bike to Work Day*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2004 AS "FOSTER CARE AND FOSTER RECOGNITION MONTH" IN FAIRFAX COUNTY** (9:25 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May as "*Foster Care and Foster Recognition Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Supervisor Hudgins noted that Fairfax County is kicking off the Kids Safe Program which is another effort to get the community involved in foster care, mentoring, and eventually adopting children, and commended the work of the staff for the work they do with the families by giving them the kind of support they need to take on this task.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION DESIGNATING MAY 2004 AS "ASIAN/PACIFIC AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (9:35 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 2004, as "*Asian/Pacific American Heritage Month*" in Fairfax County. Supervisor DuBois, Supervisor McConnell, and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **PROCLAMATION DESIGNATING APRIL 30, 2004, AS “VIETNAMESE REMEMBRANCE DAY” IN FAIRFAX COUNTY** (9:46 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 30, 2004, as “*Vietnamese Remembrance Day*” in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING MAY 2004 AS “COMMUNITY ACTION MONTH” IN FAIRFAX COUNTY** (9:55 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 2004 as “*Community Action Month*” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **PROCLAMATIONS DESIGNATING MAY 2004 AS “NURSES MONTH” AND MAY 6 – 12, 2004, AS “WEEK OF THE NURSE” IN FAIRFAX COUNTY** (10:09 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamations to designate May 2004 as “*Nurses Month*” and May 6 – 12, 2004, as “*Week of the Nurse*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **PROCLAMATION DESIGNATING MAY 2004 AS “OLDER AMERICANS MONTH” IN FAIRFAX COUNTY** (10:18 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2004 as “*Older Americans Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

11. **PROCLAMATION DESIGNATING APRIL 25 - MAY 2, 2004, AS “SOIL AND WATER STEWARDSHIP WEEK” IN FAIRFAX COUNTY** (10:30 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 25 – May 2, 2004, as “*Soil and Water Stewardship Week*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Supervisor Gross noted that the Soil and Water Conservation District has a website: [www.fairfaxcounty.gov/nvswcd](http://www.fairfaxcounty.gov/nvswcd). Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board provide this information to Merni Fitzgerald, Director, Office of Public Affairs, for advertisement on Channel 16. Without objection it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

NV:nv

12. **10 A.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10, REVISING THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES**

**ADOPTION OF THE FISCAL YEAR (FY) 2005 BUDGET PLAN**

**ACTION ON CONSOLIDATED COMMUNITY FUNDING POOL (CCFP) RECOMMENDATIONS FOR FYs 2005 AND 2006**

**ADOPTION OF THE FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FYs 2005 – 2009 (WITH FUTURE FYs TO 2014)**  
(10:38 a.m.)

(NOTE: The public hearing regarding proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewer Disposal), Article 10, was held on March 29, 2004, and decision deferred until April 19, 2004. At its April 19, 2004, meeting the Board deferred decision until April 26, 2004.)

(NOTE: The public hearings for the remaining items were held March 29–31, 2004, and decision scheduled for April 26, 2004.)

Following opening remarks, with input from Susan Datta, Director, Department of Management and Budget, Supervisor Bulova noted that intrinsic in the actions the Board will take regarding the budget is the assumption that the State will adopt its budget in the near future.

Supervisor Bulova moved that the Board direct staff to continue to monitor the State's adoption of its budget closely and to be prepared to return with proposals to amend the Budget adopted today in order to meet the State's funding failures. Supervisor Kauffman seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, staff presented additional information about the State's budget situation. See Clerk's Summary Item CL#13 and CL#84.)

### **Sewer Service Charges And Availability Fees**

(O) Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), Article 10, Section 2, as follows:

- Subsection (d) Service Charges to maintain the sewer service charges on a multi year basis as included in the ordinance amendment. The sewer service charge rate will be \$3.20 per 1,000 gallons. This is an increase from the FY 2004 service charge of \$3.03 per 1,000 gallons.
- Subsection (a) Availability Charges, to maintain the availability charges on a multi year basis as included in the ordinance amendment. The availability fee for a single family residence increases to \$5,621 from the \$5,431 in FY 2004.

Supervisor Gross 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."

### **Real Property Tax Rate**

Following an explanatory statement, Supervisor Bulova moved that:

- The Board *provisionally* set the real property tax rate at \$1.13 per \$100 of assessed value. The rate is adopted provisionally with the assumption that at least \$677.8 million in State funding will be included as part of FY 2005 General Fund receipts. As a result of this action, the real property tax rate will be greater than the rate specified by *Virginia Code* §58.1-3321 (a), but the real property tax rate for calendar year 2004 will be reduced, provisionally, by \$0.03 from the present rate at \$1.16 per \$100 of assessed value.
- The matter of setting the real property tax rate be continued to a regularly scheduled meeting on or before June 7, 2004.

Supervisor Hyland seconded the motion.

Chairman Connolly noted his intention to schedule the final adoption vote for the regular Board meeting immediately following any action by the General Assembly.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting, “**AYE**,” Supervisor Frey voting “**NAY**.”

(NOTE: Later in the meeting, the Board clarified this action. See Clerk’s Summary Item CL#68.)

### **FY 2005 Tax Rate Resolution**

(R) Having provisionally established the real property tax rate at \$1.13 per \$100 of assessed value in accordance with *Virginia Code* §58.1-3321, Supervisor Bulova moved:

- That the Board provisionally approve the FY 2005 Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Board Agenda Item dated April 26, 2004. Intrinsic in this motion is the assumption that at least \$677.8 million in State funding will be included as part of FY 2005 General Fund Receipts.
- That the FY 2005 Tax Rate Resolution provisionally approved today be returned to the Board on the same day and in conjunction with the continuation of the matter of setting the real property tax rate.

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

(NOTE: Later in the meeting, the Board clarified this action. See Clerk’s Summary Item CL#68.)

### **Real Estate Tax Relief For The Elderly And Disabled**

(O) (NOTE: On March 29, 2004, the Board conducted a public hearing on increasing the eligibility requirement for assets in order to qualify for the County's program of providing tax relief to certain elderly and disabled persons and to permit the prororation of benefits during the year, and the Board kept that record open until April 19, 2004.)

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-14-2:

- Increasing the combined net financial worth threshold for applicants from \$190,000 to \$240,000.
- Permitting the proration of tax relief benefits for otherwise eligible applicants who turn 65 during the tax year or for applicants as of the date they become duly certified as permanently and totally disabled. Without such an amendment, such applicants must wait until the following year to begin receiving tax relief benefits.

Supervisor Gross and Supervisor Hyland jointly 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."

### **FY 2005 Revenue Diversification**

#### **Transient Occupancy Tax**

(O) Supervisor Bulova moved:

- Approval of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Sections 4-13-1, 4-13-2, and 4-13-10 to impose an additional two percent transient occupancy tax beginning July 1, 2004, resulting in additional revenue of \$7 million.
- That no less than 25 percent of the additional revenue or \$1.75 million will be designated for and appropriated to a non-profit convention and visitor's bureau located in Fairfax County along with \$0.25 million in funding from the Economic Development Authority (EDA) for a total appropriation of \$2 million. The 75 percent remaining revenue generated from the additional transient occupancy tax totals \$5.2 million and will be used to support EDA's efforts. After consulting with the local tourism industry organizations, the County Executive recommends that such support of the EDA will attract travelers to the County and generate tourism revenues in the County. Application of this new transient occupancy revenue will free up a like amount in General Fund dollars which can be used for other purposes, including tax relief.

Supervisor Hyland seconded the motion and discussion ensued.

Following discussion, Supervisor Hudgins asked unanimous consent that the Board direct staff to examine the transient occupancy tax as a source of funding for the Greater Reston Chamber of Commerce Incubator Program and provide that information when the Board revisits the budget prior to June 7 and as early as May 10. Without objection, it was so ordered.

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."

#### Emergency Medical Services Transport Fee

- (A) Supervisor Bulova moved that the Board authorize the advertisement a public hearing to be held before the Board on **May 24, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 25-1, regarding imposing fees for Basic Life Support transports, for Advanced Life Support, level 1 transports, and Advanced Life Support, level 2 transports, plus an additional fee for loaded miles traveled for ground transport mileage provided by vehicles operated or maintained by Fairfax County or permitted to Fairfax County, as described in the ordinance. If adopted, this ordinance would become effective on or after January 1, 2005. Supervisor Kauffman seconded the motion.

Following discussion, with input from Ms. Datta, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting "NAY."

#### FY 2005 Appropriation Resolution for County Agencies/Funds

- (APR) Supervisor Bulova moved approval of the FY 2005 Appropriation Resolution for County Agencies/Fund as reflected in Attachment III of the Board Agenda Item dated April 26, 2004. Intrinsic in this motion is the assumption that at least \$677.8 million in State funding will be included as part of FY 2005 General Fund receipts. Supervisor Kauffman 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."

(NOTE: Later in the meeting, the Board clarified this action. See Clerk's Summary Item CL#68.)

#### FY 2005 Appropriation Resolution for School Board Funds

- (APR) Supervisor Bulova moved approval of the FY 2005 Appropriation Resolution for School Board funds as reflected in Attachment IV of the Board Agenda Item dated April 26, 2004. Intrinsic in this motion is the assumption that at least



\$677.8 million in State funding will be included as part of the FY 2005 General Fund receipts. 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."

(NOTE: Later in the meeting, the Board clarified this action. See Clerk's Summary Item CL#68.)

#### **FY 2005 Fiscal Planning Resolution**

(FPR) Supervisor Bulova moved approval of the FY 2005 Fiscal Planning Resolution as reflected in Attachment V of the Board Agenda Item dated April 26, 2004. Intrinsic in this motion is the assumption that at least \$677.8 million in State funding will be included is part of FY 2005 General Fund receipts. 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."

(NOTE: Later in the meeting, the Board clarified this action. See Clerk's Summary Item CL#68.)

#### **FY 2005 – 2009 Capital Improvement Program (CIP)**

Supervisor Bulova moved adoption of the FY 2005 – FY 2009 CIP (with future FYs to 2014) as amended on April 19, 2004. 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."

#### **Consolidated Community Funding Pool (CCFP) Recommendations For Fiscal Years (FY) 2005 And 2006**

Supervisor Bulova moved:

- Adoption of the CCFP contract list and associated award of funds as recommended in Table A of the April 26, 2004, Board Agenda Item by the Selection Advisory Committee (SAC) for FY 2005.

- That in accordance with the CCFP multi-year award process, the Board accept the SAC recommendations for FY 2006 funding contingent upon the Board's decision regarding the CCFP appropriation to be determined in the FY 2006 budget process and by the availability of Community Development Block Grant funds for capital projects.

Supervisor Hyland seconded the motion.

With reference to Good Shepherd Housing and Family Services Incorporated, Supervisor Hyland asked unanimous consent that the Board direct staff to consider, during the contract negotiation process, moving some of the funds within that grant award so that emergency services are covered and return with a recommendation. Without objection, it was so ordered.

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

## **BOARD MATTER**

### 13. **CAR TAX REIMBURSEMENT** (11:19 a.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the County's Budget. See Clerk's Summary Item CL#12.)

Chairman Connolly said that in its continuing debate as to how to balance the State budget, he is concerned that the General Assembly will cap the car tax reimbursement at a dollar rate, rather than a percentage rate. Fairfax County is the largest locality for reimbursement, which is set at \$206 million this year. Currently set at 70 percent on the first \$20,000 of assessed value for personal use vehicles, there have been recent discussions about capping the amount localities can receive.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to return with the implications on the County's budget of a cap. Without objection, it was so ordered.

Chairman Connolly moved that the Board direct staff to send a letter under the Chairman's signature to the County's General Assembly representatives advising them of the administrative issues and, if a cap is to be adopted, urging them to continue to reimburse localities based on a percentage of tax due, rather than capping this at an absolute dollar amount. Supervisor Hyland seconded the motion.

Following discussion, with input from Ms. Datta, Chairman Connolly asked to amend his motion to direct staff to return with the letter before the end of the day, and this was accepted.

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

There was a brief discussion following the vote.

(NOTE: Later in the meeting, staff briefed the Board on this issue. See Clerk's Summary Item CL#84.)

PW:pw

14.

**10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:25 a.m.)

(APPTS)  
(BACs)

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Sully District Representative to the A. Heath Onthank Memorial Award Selection Committee.

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointments of the Providence and Springfield District Representatives to the Advisory Social Services Board.

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointments of the Braddock and Hunter Mill District Representatives to the Airports Advisory Committee.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointments of the Braddock and Dranesville District Representatives to the Animal Services Advisory Commission.

**ATHLETIC COUNCIL**

Supervisor Kauffman moved the reappointment of Mr. Steven Saulnier as the Lee District Alternate Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

**CONFIRMATION:**

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

- Mr. George Lovelace as the Fairfax County Park Authority Representative

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

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

**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.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

Chairman Connolly moved the appointment of Averett Tombes, Ph.D. to fill the unexpired term of Ms. Katherine Fisher as the At-Large Chairman's Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Minority Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

**COMMUNITY ACTION ADVISORY BOARD**

Supervisor Smyth moved the reappointment of Ms. Charlotte Pennington as the Providence District Representative to the Community Action Advisory Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

**CONFIRMATION:**

Supervisor Kauffman moved the confirmation of the following appointment to the Community Action Advisory Board:

- Mr. Steven Bloom as the Fairfax County Council of PTAs Representative

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

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

### **CRIMINAL JUSTICE ADVISORY BOARD**

Supervisor Gross moved the appointment of Mr. Andrew Hunter as the Mason District Representative to the Criminal Justice Advisory Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

### **ENGINEERING STANDARDS REVIEW COMMITTEE**

#### **CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Mr. Scott St. Clair as the Department of Public Works and Environmental Services Representative

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

### **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointments of the At-Large Business Community Representative and the Dranesville and Mount Vernon District Representatives to the Fairfax Area Disability Services Board.

### **FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

#### **CONFIRMATIONS:**

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

- Mr. Darryl Harrison as a Business/Corporation Representative
- Mr. Robert Hager as the INOVA Health Systems Alternate Representative

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

### **HISTORY COMMISSION**

The Board deferred the appointment of the Archaeologist Representative to the History Commission.

### **HUMAN SERVICES COUNCIL**

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

### **LIBRARY BOARD**

The Board deferred the appointment of the Providence District Representative to the Library Board.

### **OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

Supervisor Smyth moved the appointment of Mr. Lawrence Pavlinski to fill the unexpired term of Ms. Eileen Nelson as the Providence District Representative to the Oversight Committee on Drinking and Driving. Supervisor Bulova seconded the motion, which carried by unanimous vote.

### **CONFIRMATION:**

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

- The Honorable William J. Minor, Jr. as the Fairfax County General District Court Representative

Supervisor Bulova 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**

Chairman Connolly moved the reappointment of Mr. Willard Jasper as the At-Large #1 Representative to the Redevelopment and Housing Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Albert McAloon as the Lee District Representative to the Redevelopment and Housing Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Conrad Egan as the Providence District Representative to the Redevelopment and Housing Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey noted that Mr. Kenneth Butler, Sully District Representative to the Redevelopment and Housing Authority, would continue to serve until his term expired in July, at which time he did not wish to be reappointed.

**ROAD VIEWERS BOARD**

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

**ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD**

Supervisor Frey moved the appointment of Mr. Scott Crabtree to fill the unexpired term of Mr. Dallas Hutchison as the Resident/Owner #1 Representative to the Route 28 Highway Transportation District Advisory Board. This motion, the second to which was inaudible, carried by a unanimous vote.

**TENANT LANDLORD COMMISSION**

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

**TREE COMMISSION****CONFIRMATIONS:**

Supervisor Gross moved the confirmation of the following appointments to the Tree Commission:

- Mr. David Bulova as the Northern Virginia Soil and Water Conservation District Representative

- Ms. Rachel Rifkind as the Environmental Quality Advisory Council Representative

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

### **AD HOC COMMITTEES**

#### **LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

Supervisor McConnell moved the appointment of Ms. Elizabeth Bradsher as the Springfield District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

#### **TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE-MONOPOLES**

The Board deferred the appointment of the Sully District Representative to the Telecommunication Land Use Regulations Task Force-Monopoles.

#### 15. **ADMINISTRATIVE ITEMS** (11:32 a.m.)

Supervisor Gross moved approval of the Administrative Items with the exception of Admin 5. 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."

#### **ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04081 FOR THE HEALTH DEPARTMENT’S WOMEN, INFANTS, AND CHILDREN (WIC) GRANT**

(SAR) Approved SAR AS 04081 in the amount of \$43,413 for the Health Department to expand services under the WIC grant from the US Department of Agriculture through the Virginia Department of Health. No local cash match is required.



**ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT AN AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**

- (SAR) Approved the SAR AS 04080 in the amount of \$80,002 for FRD to accept grant funds from FEMA for the Assistance to Firefighters Grant Program. Of this amount, \$56,001 is available through the Assistance to Firefighters Grant, and the remaining \$24,001 is the required local cash match of 30 percent which is required for fire departments serving populations over 50,000.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HOLLOWMAN ROAD AND KENNEDY LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2004, at 3:30 p.m.** to consider endorsing the following roads to be included in the R-TAP for a through truck traffic restriction:
- Holloman Road between Annandale Road and Kennedy Lane
  - Kennedy Lane between Holloman Road and Sleepy Hollow Road

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON SHREVE ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2004, at 3:30 p.m.** to consider endorsing the following road in the R-TAP for a through truck traffic restriction:
- Shreve Road between US Route 29 (Lee Highway) and Gordons Road

**ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM)**

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#16.)

**ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY OFFICE OF THE SHERIFF TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR GRANT FUNDING FOR THE 2004 CRIMINAL JUSTICE RECORD SYSTEM IMPROVEMENT PROGRAM**

- (A) Authorized the Sheriff's Office to apply for the 2004 Criminal Justice Record System Improvement Program in the amount of \$17,763 to purchase live scan equipment for implementation of a system to begin transmitting fingerprint images electronically to enhance the timeliness, accuracy, and completeness of criminal history information for background investigations on potential sworn law enforcement staff, civilian, and volunteer applicants. The required local cash match of 25 percent is \$4,441. The grantor will provide \$13,322.

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, MOUNT VERNON, AND SULLY 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 Forest	Dranesville	Leesburg Pike Route 7 Additional ROW Only
Holly Knoll Section 10		Holly Leaf Court Route 6960
Woodland Park Land Bay B	Hunter Mill	Sunrise Valley Drive Route 5320 Additional ROW Only
The Forest at Southrun Section 2	Mount Vernon	Ambrose Court Brutus Court Catia Lane Southrun Road Route 6070
The Forest at Southrun Section 3		Rocky Gap Drive Silverdale Road Southrun Road
Westfields, Opus 1	Sully	Lee Road Route 8461 Additional ROW Only

**ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-V-002, PETER A. AND VIRGINIA W. FIELD (ENGLISH COUNTRY GARDENS) (MOUNT VERNON DISTRICT)**

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Application SE 01-V-002 to May 6, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 87-A-017, FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (BRADDOCK DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 87-A-017 to March 9, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 10 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (DRANESVILLE DISTRICT)**

Approved the extension of the review period for Public Facility (2322) Review Application FS-D04-20 to August 2, 2004.

**ADMIN 11 – COMMUTER PARKING AT SPRINGFIELD MALL (LEE DISTRICT)**

- Approved in substantial form, the amendment Agreements with the Springfield Mall and the Virginia Department of Transportation for reduced commuter parking.
- Authorized the Director of the Department of Transportation to execute these agreements.

16. **ADMIN 5 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) (11:34 a.m.)**

- (A) (NOTE: Earlier in the meeting, the Board took action to consider this item separately. See page 16.)

Supervisor Smyth asked unanimous consent that the Board direct staff to consider additional amendments to the overall Policy in stormwater management particularly regarding infiltration trenches. Without objection, it was so ordered.

Discussion ensued with input from Jimmie D. Jenkins, Acting Director, Department of Public Works and Environmental Services; Chuck Almquist,

Transportation Planner, Site Analysis Section, Transportation Planning and Operations Division, Department of Transportation; and John Foster, Assistant County Attorney.

Supervisor Frey moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on May 20, 2004, and before the Board on **June 7, 2004, at 3:30 p.m.** to consider the proposed amendments to the PFM. Supervisor Gross seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took further action regarding PFM amendments. See Clerk's Board Summary Item CL#47.)

17. **A-1 – APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AN EXPEDITED INCREASE IN RATES AND CHARGES AND REVISIONS TO THE TARIFFS AND TERMS AND CONDITIONS OF SERVICE FOR NATURAL GAS SERVICE, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2003-00603** (11:40 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation in the case of Washington Gas Light Company for an expedited increase in natural gas rates and charges, SCC Case Number PUE-2003-00603. Supervisor Hyland seconded the motion.

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

18. **A-2 – STRENGTHENING THE EFFECTIVENESS OF THE COUNTY'S EROSION AND SEDIMENT CONTROL PROGRAM** (11:41 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize the Director of the Department of Public Works and Environmental Services (DPWES) to implement, effective July 1, 2004, both a tiered schedule for conservation deposits associated with non-bonded single lot grading plans and a conservation agreement. Supervisor Bulova seconded the motion.

Discussion ensued with input from Craig Carinci, Director, Environmental and Facilities Inspections Division, DPWES.

Supervisor Hyland asked unanimous consent that the Board direct staff to review and respond to a letter he received from Glenda Booth, Chairman, Wetlands Board, regarding issues her board has regarding this plan and share the response with the Board. Without objection, it was so ordered.

Supervisor Smyth asked to amend the motion to direct staff to review and report expeditiously regarding enhancing the erosion and sediment control minimum standards for larger scale developments to better protect downstream properties from runoff. Following discussion, with input from Mr. Carinci, this was accepted.

Following further discussion, Supervisor McConnell asked to amend the motion to direct staff to consider increasing the number of inspectors as part of the plan for strengthening this program to enforce the standards, and this was accepted.

Following discussion, with input from Mr. Carinci, Supervisor DuBois asked to amend the motion to direct staff to consider reevaluating the fees and penalties for violating the standards resulting in numerous inspections, and this was accepted.

Supervisor DuBois asked unanimous consent that the Board direct staff to refer erosion and sediment issues involving swimming pool installations to the Board's Development Process Committee for review. Without objection, it was so ordered.

Supervisor Kauffman asked to amend the motion to direct staff to take into account the change in the nature of development taking place in regard to the close proximity of houses and grading, and this was accepted.

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

19. **A-3 – AUTHORIZATION TO SUBMIT A SECTION 108 LOAN APPLICATION IN THE AMOUNT OF \$1 MILLION TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR LAND ACQUISITION, CONSOLIDATION, AND CONSTRUCTION OF A TOWN CENTER IN THE RICHMOND HIGHWAY REVITALIZATION AREA (MOUNT VERNON AND LEE DISTRICTS)**  
(11:55 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the submission of the \$1 million Section 108 loan application to HUD for the acquisition and consolidation of parcels in the Richmond Highway Revitalization Area and the construction of a town center.

20. **A-4 – APPROVAL OF PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FY 2005** (11:56 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted the *Proposed Consolidated Plan One-Year Action Plan for FY 2005* as issued by the Consolidated Community Funding Advisory Committee.
- Adopted the amendment to the Five-Year Consolidated Plan for FY 2001-2005 to incorporate a Community Development Block Grant Neighborhood Revitalization Strategy in accordance with the US Department of Housing and Urban Development (HUD) Regulations and Guidelines.
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by HUD.

21. **A-5 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE LOCAL CASH MATCH FOR THE RICHMOND HIGHWAY PUBLIC TRANSPORTATION INITIATIVE (MOUNT VERNON AND LEE DISTRICTS)** (11:56 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a project agreement, in substantial form, for the Virginia Department of Transportation Revenue Sharing Funds totaling \$250,000 awarded to the County, and the required \$250,000 in local cash match from the Northern Virginia Transportation Commission.

22. **I-1 – FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT VOLUNTEER INTERPRETERS PROGRAM NAMED A DAILY POINTS OF LIGHT AWARD WINNER** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, announcing the naming of the Fairfax County Juvenile and Domestic Relations District Court Volunteer Interpreters Program as a Daily Points of Light Award Winner by the Points of Light Foundation.

23. **I-2 – NATIONAL ASSOCIATION OF COUNTIES (NACO) SELECTS RESTON COMMUNITY CENTER FOR “ACTS OF CARING” AWARD** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, announcing the selection of the Reston Community Center’s Thanksgiving Food Drive program as the winner of a 2004 Acts of Caring Award by NACo.

24. **I-3 – CONTRACT AWARD – CLARKS CROSSING ROAD (HUNTER MILL DISTRICT)** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, requesting authorization for staff to award a contract to Fort Myer

Construction Corporation in the amount of \$202,137.25 for the construction of Clarks Crossing Road, Project 064182, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

25. **I-4 – CONTRACT AWARD – ANNUAL CONTRACT FOR STORMWATER POND REPAIR AND ENHANCEMENTS** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$556,781.25 for the annual contract for stormwater pond repair and enhancements.

The staff was directed administratively to proceed as proposed.

26. **I-5 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-S04-3, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (SPRINGFIELD DISTRICT)** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, announcing the Planning Commission's approval of Public Facilities Review Application 2232-S04-3.

27. **I-6 – CONTRACT AWARD – ALLEN STREET ROAD IMPROVEMENT (PROVIDENCE DISTRICT)** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, requesting authorization for staff to award a contract to Omni Excavation, Incorporated in the amount of \$314,403.80 for the construction of the Allen Street Road Improvement, Project V00000 (VR40), in Fund 308, Public Works Construction.

The staff was directed administratively to proceed as proposed.

28. **I-7 – NATIONAL ASSOCIATION OF COUNTIES (NACO) SELECTS THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN'S (DFS/OC) EARLY HEAD START/FAMILY CHILD CARE PARTNERSHIP PROGRAM 'CARE FOR KIDS' AWARD** (11:58 a.m.)

The Board next considered an item contained in the Board Agenda dated April 26, 2004, announcing the selection of DFS/OC's Early Head Start/Family Child Care Partnership Program as a winner of the NACo 2004 Counties Care for Kids Award.

**ADDITIONAL BOARD MATTERS**

NV:nv

29. **FAIRFAX FUTURES EARLY LEARNING SUMMIT** (11:59 a.m.)

Chairman Connolly announced that he will be hosting *Early Learning is Good Business*, the Fairfax Futures Early Learning Summit, on June 3, 2004, from 7:30 to 10:30 a.m. at the Fairview Park Marriott. This event is an opportunity to learn about and explore issues that impact the schools, current and future workforce, economic growth, and the well-being of the youngest citizens – ages 0 to 5 years. Chairman Connolly encouraged his colleagues to attend this event as the Board continues to work to ensure that all County children enter kindergarten on the same playing field.

(NOTE: Later in the meeting, the Board took action regarding this event. See Clerk's Summary Item CL#33.)

30. **FAIRFAX COUNTY PUBLIC LIBRARY FOUNDATION'S TENTH ANNIVERSARY** (12 noon)

As noted in Chairman Connolly's written Board Matter, the Fairfax County Library Foundation was launched in 1994 to reinforce the need for continued and increased public support for the Fairfax County Public Library. It serves as a catalyst for attracting private funding from individuals, businesses, organizations, and foundations to enhance library services for the community. On Saturday, May 8, 2004, the foundation will commemorate its tenth anniversary with *The Capital Book Festival: A Celebration of Notable Authors* from 10 a.m. to 4 p.m. at the Government Center.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event and invite representatives from the Public Library System and the Fairfax County Public Library Foundation to appear before the Board to be recognized with a resolution commemorating this tenth anniversary. Without objection, it was so ordered.

31. **PUBLIC WORKS WEEK** (12 noon)

Chairman Connolly asked unanimous consent that the Board proclaim May 16-22, 2004, "*Public Works Week*" and direct staff to invite appropriate representatives from the Department of Public Works and Environmental Services to be recognized with the proclamation at the May 10, 2004, Board meeting. Without objection, it was so ordered.



32. **COUNTY TRAVEL POLICY REVIEW** (12:01 p.m.)

Chairman Connolly noted that this past Friday he became aware of County records which had been gathered as the result of a *Washington Post* Virginia Freedom of Information Act request that involve, among other things, travel by some County employees. He said that his cursory examination raised questions that he believes warrant a comprehensive review of the County's travel Policy, which was last revised in 2001.

Chairman Connolly noted that the Board recognizes that certain travel is justifiable, necessary, and benefits the County and its residents. Employees are ambassadors for the County and, especially at senior levels, there are inherent benefits, both in bringing business to the County and in sharing and exchanging information and bringing back new and efficient ways of doing things. However, the costs incurred for County employees to travel must always be weighed against other funding priorities and management duties. The County's Policy must recognize the need for strict discipline and constraint at all times, but especially now, when economic challenges threaten the ability to provide homeowner tax relief and to meet the critical needs of children, senior citizens, disabled persons, and all County residents. He asserted that the Board must review certain practices, among them travel, through this prism of competing needs. In addition, he noted that keeping government efficient continues to be a priority for this Board. These efficiencies often mean that, as the County's population continues to grow, employees are dealing with increased workloads. Therefore, an examination of the weight of the benefit of travel against the impact on a department's workload is necessary.

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

- Undertake a comprehensive review of the County's employee travel Policy, as attached to his written Board Matter and distributed to the Board.
- Return with recommendations for amendments aimed at further ensuring that all employee travel is justified and done at the lowest possible cost to the taxpayer.
- Add language to the existing Policy giving guidance to managers to ensure that supervision of their departments does not suffer as a result of travel and that the workload of other employees is respected.

Supervisor McConnell seconded the motion.

Supervisor Gross asked to amend the motion to include the participation of the Financial and Programs Auditor to the Board in this review, and this was accepted.

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

33. **FAIRFAX FUTURES EARLY LEARNING SUMMIT** (12:03 p.m.)

(NOTE: Earlier in the meeting, Chairman Connolly announced this summit. See Clerk's Summary Item CL#29.)

With reference to the Fairfax Futures Early Learning Summit announced earlier, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

With reference to the flyer advertising the event, Supervisor Frey asked unanimous consent that the Board direct staff to determine whether one of the featured speakers, David Lawrence, Jr., former publisher of *The Miami Herald*, is related to the David Lawrence who donated E.C. Lawrence Park to the County. Without objection, it was so ordered.

34. **FAIRFAX COUNTY NAMED TREE CITY USA** (12:04 p.m.)

Chairman Connolly announced that Fairfax County has once again been named a "Tree City USA" by the National Arbor Day Foundation. It is the twenty-first year that the County has received such a distinction. To receive this honor, a jurisdiction must have four things:

- A tree board or department.
- A tree care ordinance.
- A comprehensive community forestry program.
- An Arbor Day observance.

Jointly with Vice-Chairman Bulova, Supervisor Connolly moved that the Board direct staff to invite representatives from the Virginia State Forester's Office, members of the County's Tree Preservation Task Force, and staff from the County's Urban Forestry Office to appear before the Board to present Fairfax County formally with its Tree City USA award for 2003. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

35. **HOSPITALIZATION OF MS. LYNNE STROBEL** (12:05 p.m.)

Chairman Connolly announced that Lynne Strobel, an attorney with Walsh, Colucci, is in the hospital with a serious illness. Her family asked that there be no calls or visits, but Chairman Connolly asked everyone to keep her in thoughts over the next several days.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

36. **EXPANSION OF ROBINSON PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)** (12:06 p.m.)

Supervisor Bulova stated that student parking on residential streets around Robinson Secondary School continues to be a serious problem. She said that an expansion of the Robinson RPPD is needed.

Supervisor Bulova said that on June 20, 2002, her office forwarded an RPPD petition from the residents of three blocks of Concordia Street. These blocks were Linfield Street to Holden Street, Holden Street to Gadsen, and Gadsen Drive to the end of the cul-de-sac. However, at that time, only the section of Concordia Street from Holden Street to Gadsen Drive qualified for inclusion in the RPPD. On January 6, 2003, the Board waived the filing fees for residents of this block at her request. At that time the two blocks that did not qualify were put on hold, pending an increase in the volume of students. Now, almost a year and a half later, the sections of Concordia from Linfield Street to Holden Street and from Gadsen Drive to the cul-de-sac end have finally qualified for inclusion in the RPPD. When this petition was filed, it was generally the Board's Policy to waive the filing fees. Given that Policy, the fees were not collected at the time that the petition was submitted. In addition to this, because the residents of these two blocks have had to wait so long for inclusion in the RPPD, Supervisor Bulova moved that the Board waive the filing fees for residents of these last sections of Concordia Street. Supervisor Kauffman seconded the motion.

Supervisor Bulova noted that this would be the last time for her to request a waiver of these RPPD filing fees.

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

Supervisor Kauffman noted that he will be bringing a similar item to the Board related to boat parking in the Kingstowne area.

37. **SHOWMOBILE FEE WAIVERS** (12:09 p.m.)

Supervisor Bulova stated that the American Cancer Society will stage an annual event at Robinson High School as part of a worldwide effort with 3000 relays planned for the United States, Canada, and Australia. It is the signature fundraising event for the Fairfax community, and more than \$100,000 is raised

annually from many teams participating. The event will begin with a lunch on Saturday to honor cancer survivors and end at 11 a.m. on Sunday with a luminary service in memory of those who lost their battle. In between those events, there will be entertainment. The Fairfax County American Cancer Society requested a waiver of the fee for the use of the Showmobile to maximize the amount of money raised for this event for its programs and for cancer research.

Accordingly, Supervisor Bulova asked unanimous consent that the Board waive the Showmobile fee to aid the fundraising efforts for this event.

Discussion ensued regarding a February 4, 2004, memorandum from the County Executive several months ago in which he stated that the Showmobile fee would be lowered substantially for nonprofit groups, but there would be no more total fee waivers.

Following input from Anthony H. Griffin, County Executive, Supervisor Bulova asked unanimous consent that the Board defer action on this item pending redistribution of the memorandum to the Board. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#44.)

38. **REZONING APPLICATION RZ 2004-SP-013 (SPRINGFIELD DISTRICT)**  
(12:12 p.m.)

Supervisor McConnell said that the applicant, Stanley Martin Companies Incorporated, filed Rezoning Application RZ 2004-SP-013 requesting the rezoning of 8.40 acres in the Springfield District from R-1 District to the R-8 District [Tax Map Number 56-1-01-11C (pt.), 11E, 11F, 11G (pt.)]. The applicant requested concurrent processing of the site plan and subdivision plans along with the rezoning request in order that certain contractual obligations are met.

Therefore, Supervisor McConnell moved that the Board approve concurrent processing of the site plan and subdivision plans along with the rezoning application. This motion does not relieve the applicants from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Hyland seconded the motion and it carried by unanimous vote.

39. **SPECIAL EXCEPTION APPLICATION SE 2003-SP-041 (SPRINGFIELD DISTRICT)** (12:14 p.m.)

- (A) Supervisor McConnell said that the applicant, Cox Com, Incorporated, doing business as Cox Communications of Northern Virginia, requested an expedited Board of Supervisor's hearing date for Special Exception Application SE 2003-SP-041. It was recently brought to the applicant's attention that a

request for approval for a Resource Protection Area (RPA) exception must run concurrently with the special exception process. Since this RPA exception process will require additional time, the original Planning Commission date was rescheduled to May 26, 2004. Due to certain contractual obligations, she asserted that it is important that this matter be heard by the Board before June 21, 2004. She said that she had been advised by staff that an expedited hearing date would still allow for the timely processing of this application.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2003-SP-041 on June 7, 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. Chairman Connolly seconded the motion.

Following brief input from Anthony H. Griffin, County Executive, Chairman Connolly noted that once the Board received the exact time from staff, the Board would announce it later in the meeting.

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

(NOTE: Later in the meeting, the Board set the hour for this public hearing. See Clerk's Summary Item CL#45.)

40. **SHELTER HOUSE (MASON DISTRICT)** (12:15 p.m.)

Supervisor Gross said that Shelter House operates a family homeless shelter at 3080 Patrick Henry Drive in the Mason District in a building owned by Fairfax County. Shelter House, a charitable, non-profit organization that is not affiliated with any church, has provided this service to Fairfax County residents for 24 years. However, after many years of use, the Shelter House facility is in need of renovation and expansion. The Northern Virginia Building Industry Association agreed to undertake these renovations and to expand the Shelter House facility, and an application for a building permit for this work was filed on behalf of Shelter House.

Based on the foregoing, Supervisor Gross moved that the Board waive all fees associated with the building permit filed on behalf of Shelter House for this work, as well as any other County fees that may arise during the course of this project.

A brief discussion ensued with input from David P. Bobzien, County Attorney, who opined that this waiver is permissible and appropriate.

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

41. **EARLY INTERVENTION AWARENESS MONTH** (12:18 p.m.)

Supervisor Gross noted that children are among the most valuable, precious, and vulnerable County residents. That is why they need proper care and attention as soon as they are born and throughout their formative years to ensure that they develop to their fullest potential as productive members of the community. She asserted that additionally, early intervention is cost-effective because it saves the taxpayers dollars in diagnosing and providing early remediation to mitigate potentially costly developmental problems and disabilities.

Accordingly, Supervisor Gross asked unanimous consent that the Board proclaim the month of May 2004, as “*Early Intervention Awareness Month*” in Fairfax County and direct staff to invite the appropriate individuals to appear before the Board to receive the proclamation. Without objection, it was so ordered.

42. **HISTORY OF FAIRFAX COUNTY IN THE MODERN ERA** (12:18 p.m.)

Supervisor Gross noted that her next Board Matter was the outgrowth of a conversation she had with Chairman Connolly at the recent fiftieth anniversary celebration of the Thomas Jefferson Library and is presented as a joint Board Matter with him.

Supervisor Gross asserted that the modern era in Fairfax County is arguably as interesting as the Colonial, Revolutionary, and Civil War eras that preceded it. However, as far as she could determine, there has been no definitive history written about Fairfax County since Nan Netherton’s history book was published in 1976. The commemorative edition published for the County’s 250<sup>th</sup> anniversary in 1992 was not updated.

Supervisor Gross said that the last 30 years have seen tremendous population growth, the building of many new neighborhoods and commercial areas, including Tyson’s Corner, and development of a high tech industry second to none. Fairfax County has matured from a bedroom suburb supporting jobs in the Nation’s Capital into an international economic, educational, and cultural center. All this extraordinary activity needs to be documented for current and future generations, especially while modern “pioneers” can still provide the first-hand remembrances so important to historical researchers. An updated history of Fairfax County might be appropriate to coincide with the activities surrounding the 400<sup>th</sup> anniversary of Virginia’s founding at Jamestown.

Therefore, jointly with Chairman Connolly, Supervisor Gross moved that the Board direct the County Executive to review the possibility of updating the history of Fairfax County in the modern era, and report his findings as soon as possible. Chairman Connolly seconded the motion.

Following discussion, Supervisor Frey clarified with Supervisor Gross that the motion includes input from the History Commission through the County's Executive's review.

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

43. **SENIOR CITIZEN NEEDS (MASON DISTRICT)** (12:21 p.m.)

Supervisor Gross said that last week, during mark-up of the FY 2005 budget, a number of comments were made about senior citizen needs, now and in the future, in Fairfax County. Two years ago, the Mason District Senior Citizen Task Force released a report entitled *Looking Toward 2020: the Future for Senior Citizens*. The report lists some short-term and long-term achievable goals that could serve as the basis for new or enhanced policies on senior citizen issues. Of special interest are the sections on housing, safety and security, and legal services.

Supervisor Gross reported that the task force analyzed a number of existing programs and made recommendations specific to Mason District, but its recommendations could apply Countywide. Noting that she provided copies in 2002, she circulated an additional copy of the task force report to each Board Member, and offered its recommendations for consideration.

44. **SHOWMOBILE FEE WAIVERS** (12:22 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action regarding a Showmobile waiver. See Clerk's Summary Item CL#37.)

Chairman Connolly noted that the earlier referenced memorandum regarding Showmobile fee waivers was distributed around the dais.

Supervisor Bulova moved to waive the \$50 fee for the use of the Showmobile by the American Cancer Society at Robinson High School. The second to this motion was inaudible.

Following discussion, Supervisor Hyland moved a substitute motion to eliminate the entire fee for non-profit groups, which includes County government, public school entities, community groups, and other non-profit organizations. Supervisor McConnell seconded the motion.

Following discussion, the question was called on the substitute motion, and it **CARRIED** by a recorded vote of nine, Supervisor DuBois voting "NAY."

45. **SPECIAL EXCEPTION APPLICATION SE 2003-SP-041 (SPRINGFIELD DISTRICT)** (12:28 p.m.)

(A) (NOTE: Earlier in the meeting, the Board directed staff to schedule this public hearing. See Clerk's Summary Item CL#39.)

Anthony H. Griffin, County Executive, announced that the public hearing to be held before the Board for Special Exception Application SE 2003-SP-041 will be scheduled for **June 7, 2004, at 3 p.m.**

46. **PUBLIC HEARING DEFERRALS (PROVIDENCE DISTRICT)** (12:29 p.m.)

Supervisor Smyth announced her intent to defer, at the appropriate time later in the meeting, the following public hearings:

- Rezoning Application RZ 2002-PR-031 – to be deferred indefinitely.
- Rezoning Application RZ 2004-PR-003 and Special Exception Application SE 2004-PR-007 because of an affidavit defect. It will be deferred until May 10 at 3 p.m.

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Item CL#71 and CL#75.)

47. **PUBLIC FACILITIES MANUAL (PFM) AMENDMENT ON DRAINAGE DIVIDES** (12:30 p.m.)

(NOTE: Earlier in the meeting, the Board discussed amendments to the PFM. See Clerk's Summary Item CL#16.)

Supervisor Smyth stated that the Department of Public Works and Environmental Services is currently proposing an amendment to the PFM guidelines pertaining to drainage divides. Stormwater management is becoming a growing concern for the County as development continues, increasing the amount of pervious surface in the watersheds.

Therefore, Supervisor Smyth asked unanimous consent that the Board refer the aforementioned proposed amendment to the Board's Development Review Committee as well as the Board's Environmental Committee for review and comment. Without objection, it was so ordered.



48. **PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/FDPA 2002-PR-016 (PROVIDENCE DISTRICT)** (12:31 p.m.)

Supervisor Smyth stated that the WEST\*GROUP is submitting a proffered condition amendment/final development plan amendment (PCA/FDPA) application for its high-rise residential property parcel [Tax Map 29-4 ((7)) A-3]. The revised plans involve the replacement of townhouses with loft units located above a proposed grocery store and the addition of a corner park at Westpark and Park Run Drives. No increase in gross floor area or the total number of units is requested. Lenders are requiring an approved PCA/FDPA and site plan as prerequisites for closing, scheduled at the end of the second quarter of 2004. The WEST\*GROUP is therefore requesting expedited processing.

Therefore, Supervisor Smyth moved that the Board direct staff to expedite and concurrently process Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 2002-PR-016, and its associated site plan.

Under the original approval of Rezoning Application RZ 2002-PR-016, the applicant was granted a waiver of the Public Facilities Manual (PFM) standard for underground stormwater management facilities to permit an underground facility within a residential development. Supervisor Smyth further moved that the Board reaffirm that waiver at this time.

Supervisor Smyth stated that 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, or that future PFM modification previously discussed.

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

**PMH:pmh**

49. **CEREMONY REGARDING FIRST POLIO VACCINE SHOT** (12:36 p.m.)

Supervisor DuBois announced that a very special ceremony will be taking place this morning at Franklin Sherman Elementary School in McLean. It was 50 years ago, on April 26, 1954, that a critical milestone was reached when Dr. Richard Mulvaney gave the world's first polio vaccine shot to Randy Kerr, age six, at Franklin Sherman Elementary School. Hundreds of thousands of American schoolchildren were given this potentially risky vaccine called "the biggest experiment in US medical history" according to *Life* magazine. At the time the trial began, 50,000 children were suffering from this debilitating disease. Just 25 years later, there were zero cases reported in the US.

To honor this triumph of science and volunteerism for the success of Dr. Jonas Salk's vaccine to eradicate polio, the March of Dimes is returning to Franklin Sherman to issue a national call to action to improve childhood immunization rates. Both Dr. Mulvaney and Mr. Kerr will be returning to Franklin Sherman Elementary School as part of this special occasion, rich with the legacy of the March of Dimes' first, great triumph, and full of the promise of its current mission: to improve the health of babies by preventing birth defects and infant mortality.

A brief discussion ensued.

50. **OAKCREST SCHOOL (DRANESVILLE DISTRICT)** (12:35 p.m.)

Supervisor DuBois said that Oakcrest School in McLean is beginning to renovate the interior of the building. This renovation will temporarily displace some classrooms. The school is seeking to rent two temporary classroom trailers during the project and needs an amendment to its special exception to do so. The applicant would like to have the two trailers in place at the beginning of the fall 2004 school year so that renovations may proceed with as little disruption as possible. The application has been filed and accepted.

Therefore, Supervisor DuBois moved that the Board direct the Department of Planning and Zoning to:

- Expedite the review of Special Exception Amendment Application SEA 00-D-006.
- Schedule the Board public hearing for a date certain on or before August 2, 2004.

This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and it does not prejudice the consideration of the application in any way. Chairman Connolly seconded the motion and it carried by unanimous vote.

51. **REZONING APPLICATION RZ 2003-DR-058 (DRANESVILLE DISTRICT)** (12:36 p.m.)

- (A) Supervisor DuBois said that Landmark Properties is the applicant for Rezoning Application RZ 2003-DR-058, the Young Property. Landmark Properties agreed to a deferral of the Planning Commission date so that stormwater management issues could be worked out to the benefit of the neighborhood and the region. She noted that the applicant worked very cooperatively with its neighbor, the Kingston Chase Community.

Therefore, Supervisor DuBois moved that the Board direct staff to schedule a public hearing to be held before the Board on Rezoning Application

RZ 2003-DR-058 on **June 7, 2004, at 3 p.m.** This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and it does not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

52. **REQUEST FOR CONCURRENT PROCESSING OF SPECIAL EXCEPTION APPLICATION SE 2004-DR-004 AND ALL ASSOCIATED SITE PLANS (DRANESVILLE DISTRICT)** (12:36 p.m.)

Supervisor DuBois said that Dr. Shoreh H. Armani of McLean is pursuing Special Exception Application SE 2004-DR-004 in the McLean Central Business Center. This application was delayed due to an error in the mapping of the site in which a portion of formerly owned Virginia Department of Transportation condemned property was not recorded properly. The delay caused Dr. Armani to seek other temporary office space with no guarantee of lease extension. Due to these leasing issues, the applicant is requesting concurrent processing of the special exception and the site plans.

Therefore, Supervisor DuBois moved that the Board direct the Department of Planning and Zoning and the Director of Department of the Public Works and Environmental Services to concurrently process Special Exception Application SE 2004-DR-004 and all site plans associated with it. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and it does not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

53. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR RABBI ROSALIND GOLD (HUNTER MILL DISTRICT)** (12:38 p.m.)

Supervisor Hudgins announced that, after 23 years of service to the Reston community, Rabbi Rosalind Gold will be retiring at the end of May. In recognition of her service to the greater Northern Virginia faith community, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare and send a certificate of recognition for her service to the community. Without objection, it was so ordered.

54. **BURGUNDY VILLAGE COMMUNITY CENTER OPERATIONS BOARD (LEE DISTRICT)** (12:38 p.m.)

Supervisor Kauffman said that in 1998, the Board approved the bylaws of the Burgundy Village Community Center Operations Board. The bylaws delegated the Operations Board certain authority to operate the community building with the Department of Community and Recreation Services (CRS) performing specific operational functions. Each year residents and homeowners in the Burgundy Village community elect candidates to the Operation Board. CRS conducts the

annual preference poll and at times contracts with the League of Womens Voters, an organization experienced in conducting elections and preference polls. The League of Women Voters are again needed to conduct this year's preference poll.

Therefore, Supervisor Kauffman moved that the Board direct CRS to make up to a \$1,000 contribution from the Burgundy Village Community Center budget to the League of Women Voters to cover the expenses associated with conducting the preference poll. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

55. **REPLACEMENT HOMES IN ESTABLISHED COMMUNITIES (MOUNT VERNON DISTRICT)** (12:39 p.m.)

Supervisor Hyland said that there has been great concern expressed by Fairfax County residents when older homes are torn down and replaced by much larger homes, on the same lots. He said that he included with this Board Matter copies of letters expressing such sentiments. In addition, he included a letter from Glenda Booth, Chairman of the Wetlands Board and resident of the Tauxemont Community in the Mount Vernon District.

Supervisor Hudgins said that there are many older, established communities in the Mount Vernon District with Tauxemont and Hollin Hills among them. He said that he focused on these two because they were developed in the 40s, 50s, and 60s based on a philosophy that houses needed to be harmoniously developed with nature, i.e. leaving mature stands of trees and carefully building houses with tree preservation in mind. With the intense population growth in the County and other metropolitan area suburbs, this concept seems to have gotten lost in the attempt to manage stormwater, provide streets and sidewalks, et cetera.

Accordingly, Supervisor Hyland moved that the Board refer this issue to staff to determine what, if anything, can be done under existing authority to retain the integrity of neighborhoods of older, smaller homes, and to preserve the character of these neighborhoods; and further what legislative changes would be available to the County to achieve such an objective. Chairman Connolly seconded the motion.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to include Supervisor Hyland's motion with a previous motion made by Chairman Connolly regarding this issue, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

A brief discussion ensued.

Supervisor Smyth asked to amend the motion to direct staff to review the Zoning Ordinance with regard to the height of houses, and this was accepted.

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

56. **AUTHORIZATION TO DIRECT STAFF TO PROCESS AN OUT-OF-TURN PLAN AMENDMENT AND ACCEPT FOR SIMULTANEOUS REVIEW A REZONING APPLICATION FOR THE LORTON VALLEY SUBDIVISION (MOUNT VERNON DISTRICT)** (12:44 p.m.)

Supervisor Hyland said that members of a small community in South Lorton, known as Lorton Valley [Tax Map 113-2((2)), lots 1-15] have petitioned him to request an Out-of-Turn Plan Amendment and allow simultaneous processing of a rezoning application for the Lorton Valley Subdivision. Over the past year, the properties immediately across Gunston Cove Road and Cranford Street from Lorton Valley have requested rezonings. These properties are planned for either 8-12 dwelling units per acre (du/ac) in the case of the property across Gunston Cove Road or 4-5 du/ac in the case of the property across Cranford Street and both pending rezonings are within those planned density guidelines. The current Plan language calls for Lorton Valley to be developed at 1-2 du/ac.

The Lorton Valley owners have consolidated over 90 percent of their parcels and agreed to sell to a residential developer. With an Out-of-Turn Plan Amendment and simultaneous review of a rezoning application, the Lorton Valley application can proceed nearly contemporaneously with the other two rezonings currently pending.

Therefore, Supervisor Hyland moved that the Board:

- Authorize staff to process an Out-of-Turn Plan Amendment for Sub-Unit E11 of Area IV Lower Potomac Planning District; LP2-Lorton-South Route 1 Community Planning Sector to consider changing the Plan's language to permit, upon consolidation of at least 75 percent of the Lorton Valley Subdivision dwelling units at a density of 5-8 du/ac.
- Direct staff to accept a rezoning application for Tax Map 113-2((2)), lots 1-15 for processing concurrently with the aforesaid Out-of-Turn Plan Amendment.

This motion does not relieve the applicant of the proposed rezoning or the community seeking the Out-of-Turn Plan Amendment from recognizing that all regulations, ordinances or adopted standards of Fairfax County must be complied with and does not prejudice the consideration of either the Out-of-Turn Plan Amendment or the Rezoning Application in any way. Supervisor Frey seconded the motion and it carried by a vote eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

57. **LIVALERT EMERGENCY COMMUNICATIONS** (12:46 p.m)

Supervisor Hyland said that Internetworkx, Incorporated through its LivAlert Emergency Communications program, provides local communities with the means to reach out directly and immediately to their constituents through the cooperative efforts of public and private sector entities. LivAlert is an operational communications system providing anywhere, anytime notifications and alerts and monitors satellite data feeds 24/7 for a variety of alert data from severe weather to homeland security and Amber alerts.

While TV, radio, and newspapers provide everyday useful information, “Alerts” are delivered to desktops, cell phones, and wireless and will soon be extended to land-wired phones.

Supervisor Hyland said this automatic emergency notification system is available at no charge to local governments. LivAlert is scheduled for its public debut in the DC Metro area with support from its Media Partners and the Disaster Mitigation Coalition this spring. Fairfax County has been invited to participate.

Supervisor Hyland asked unanimous consent that the Board direct staff to review this item and report with recommendations to the Board as to whether the County should consider becoming a participant in LivAlert. Without objection, it was so ordered.

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

58. **PROHIBITION AGAINST CUT TREES** (12:48 p.m.)

Supervisor Hyland referred to his written Board Matter which indicated that the Commonwealth of Virginia adopted the 2000 edition of the International Codes effective October 1, 2003. One section of the Code as modified and adopted as the Virginia Statewide Fire Prevention Code was more restrictive than previous codes. Section 804.1 entitled “Natural Cut Trees” which effectively prohibits such cut trees (such as Christmas trees) in occupancies such as public assemblies, apartments, and condominiums not equipped with an automatic fire sprinkler system.

Supervisor Hyland asked unanimous consent that the Board refer his written Board Matter regarding cut trees to staff with a request that they inform the Board as to what is being done to follow the direction they were given by the Board.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report with suggestions for enabling legislation or changes to the State code. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

59. **LAND PRESERVATION ALONG WATERWAYS AND CREEKS**  
(12:50 p.m.)

Supervisor Hyland said that he has received considerable correspondence on the subject of preserving land along waterways and creeks as included with his written Board Matter. In their cover note to him, Ms. Betsy Martin and Mr. Paul Siegel of the Stratford Landing community make reference to a recent Board decision to buy an historic easement on Oak Hill. Then, in their enclosed typed letter to the president of the Stratford Landing Civic Association they ask:

- "What is the County willing to do to preserve and protect the creek side [*referring to Little Hunting Creek*] parcels as open space, while also protecting the property rights of the owners?"

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to review this matter and provide recommendation as to whether the County has the means for addressing the preservation of creek side parcels and, how such protection might be implemented, i.e. available tools for preserving land which abuts waterways. Without objection, it was so ordered.

60. **TECHNICAL ASSISTANCE TO AND COMMUNICATIONS WITH THE WETLANDS BOARD** (12:51 p.m.)

(BACs) In a memorandum to Supervisor Hyland, Glenda Booth, Chair of the Wetlands Board, raised the following question:

- Can the Department of Public Works and Environmental Services (DPWES) provide technical assistance to the Wetlands Board by identifying and assigning a staffer to determine the nature and importance of erosion questions in connection with a Wetlands applications?

Ms. Booth suggested, with input from County staff, that assignment of an engineer from DPWES, to work on a regular basis with the Wetlands Board, would help that body make informed determinations regarding erosion questions on applications. Further, Ms. Booth also asks that a clear policy and procedure be instituted to ensure that all wetlands permits and their conditions are communicated to the appropriate County staff.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to refer these two possibilities to staff for review and recommendation as to how they might be addressed, i.e., whether additional authority is needed to delegate staff assistance and how a workable policy and procedure can be developed to avoid miscommunication regarding the status of wetlands applications. Without objection, it was so ordered.

61. **FUND FOR WETLANDS ENHANCEMENT, RESTORATION, OR CREATION** (12:52 p.m.)

(BACs) Supervisor Hyland said that he recently received a memorandum on the subject of a conflict between the letter of the law regarding mitigation of wetlands and the reality of the situation in Fairfax County and similar jurisdictions.

In a memorandum to Supervisor Hyland, Glenda Booth, Chair of the Wetlands Board, states that under current Virginia law and the guidelines of the Virginia Marine Resources Commission, compensatory mitigation for tidal wetlands impacts less than 1,000 square feet is not required. However, most tidal wetlands permits granted in the County have impacts less than 1,000 square feet. Therefore, tidal wetlands are not being restored and the County will not meet the goals of no-net-loss of wetlands established at the State and federal levels.

Ms. Booth asserts that the County Attorney's office has stated that the Wetlands Board has the authority to adopt a policy modeled on the one in James City County. This authority would enable the Wetlands Board to require "compensation" from applicants who are unable to meet the existing criteria for mitigating wetlands.

Supervisor Hyland asked unanimous consent that the Board refer this matter to staff for review and recommendations as to what steps would be required to implement such a policy. It is further requested that this recommendation be provided to the Wetlands Board for it to be considered at that body's June meeting. Without objection, it was so ordered.

62. **REQUEST FOR CERTIFICATE OF RECOGNITION AND INTRODUCTION OF NEW CHIEF ADMINISTRATIVE AIDE (MOUNT VERNON DISTRICT)** (12:54 p.m.)

Supervisor Hyland announced the retirement of Rose Lambert, Chief Administrative Aide, and he asked unanimous consent that the Board direct staff to invite Ms. Lambert to appear before the Board to be recognized for her years of service at the next Board meeting. Without objection, it was so ordered.

Supervisor Hyland introduced his new Chief Administrative Aide, Charles Unger.

63. **DEFERRALS** (12:55 p.m.)

Supervisor Frey announced his intent later in the meeting, at the appropriate time, to defer the Board decision on Spot Blight Abatement Ordinance for 16001 Lee Highway.

Chairman Connolly noted these additional public hearings to be deferred:

- Rezoning Application RZ 2004-PR-003



- Special Exception Application SE 2004-PR-007
- Rezoning Application RZ 2002-PR-031

(NOTE: Later in the meeting, the Board's decision on the Spot Blight Abatement Ordinance and the aforementioned public hearings were formally deferred. See Clerk's Summary Item CL#69, CL#71, and CL#75.)

64. **NEWGATE SUBDIVISION (SULLY DISTRICT)** (12:56 p.m.)

Supervisor Frey said that it has come to his attention that the townhome sections of the Newgate subdivision were constructed under the older, less restrictive Zoning Ordinance requirements of 2.0 spaces per unit, and that many of the residents believe that there is inadequate parking within the community. To address this problem, the community association initiated a private program to construct additional spaces to attempt to meet the current standard of 2.3 spaces per unit.

During the initial process of seeking construction permits for this project, it was determined that the original developer/builder apparently did not record a sufficient amount of qualifying open space to meet the proffers of the original zoning case. As a result, the Zoning Administrator determined that a proffered condition amendment application would be required to allow a reduction in open space, to permit additional parking spaces.

Supervisor Frey noted that Newgate has been working over the last four years with County staff to resolve the details of the required PCA and has recently filed amended application materials. Given the amount of time already expended, the community has asked that the Board authorize concurrent processing, and expedite the scheduling of the public hearings.

The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way.

Accordingly, Supervisor Frey moved that that the Board:

- Direct staff to process the requisite site plans, plats, waivers, permits, and related documents concurrent with Proffered Condition Amendment Application PCA C-131-06.
- Direct staff to schedule the public hearings to be held before the Board on Proffered Condition Amendment Application PCA C-131-06 prior to the August recess, if possible.

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

65. **ESTABLISHED BREED AND RESCUE GROUPS TO RECEIVE LICENSING NECESSARY TO USE DOG PARKS** (12:59 p.m.)

(BACs) Supervisor Frey said that a local dog rescue group that places dogs temporarily in foster homes was unable to use County dog parks because the dogs did not yet have licenses. He said that he spoke with Kevin Greenlief, Director of the Department of Tax Administration, about this and he agreed to initiate a program to provide established breed and rescue groups the licensing they need to enjoy the dog parks. Breed and rescue groups will be given a certain number of tags for use by dogs that are temporarily placed in foster homes.

Therefore, Supervisor Frey asked unanimous consent that the Board direct the Office of Public Affairs, the Animal Shelter, and the Animal Services Advisory Commission to spread the word on the availability of this program to the public and to the local breed and rescue groups. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to communicate with the dog park coalition group regarding this issue. Without objection, it was so ordered.

66. **RECESS/CLOSED SESSION** (1:01 p.m.)

At 1:01 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. *Carl Jackson and Gloria Willingham v. Sgt. Douglas A. Crooke, et al.*, Civil Action No. 00-2053-A (E.D. Va.)

2. Application of Qwest Communications Corporation of Virginia, Case No. PST-2003-00069 (Virginia State Corporation Commission) (Countywide)
3. Application of XO Virginia, LLC., Case No. PST-2003-00071 (Virginia State Corporation Commission) (Countywide)
4. *Joseph V. Buonassissi, II, et al. v. Fairfax County, et al.*, In Chancery No. 186304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
5. *Adel S. Kebaish, et al. v. Board of Zoning Appeals, et al.*, At Law No. 193641 (Fx. Co. Cir. Ct.) (Sully District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Nasreen M. Sheikh and Mazhar U. Sheikh*, In Chancery No. 187940 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr., and Village Turf, Inc.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
8. *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)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Joaquin Gamaliel Garcia, Sr., and Ann Garcia*, In Chancery No. 189057 (Fx. Co. Cir. Ct.) (Providence District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. 189092 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- The Grievance Appeal of Major E. Clemons; Fairfax County Civil Service Commission
- Spot Blight Abatement Ordinance for 2211 Farougi Court
- Negotiations Over Access to Trunk Sewer Line at Cub Run

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

**DMB:dmb**

At 3:49 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

#### **ACTIONS FROM CLOSED SESSION**

67. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:49 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."

68. **CLARIFICATION OF EARLIER BOARD ADOPTED BUDGET MOTIONS** (3:49 p.m.)

NOTE: Earlier in the meeting, additional action was taken regarding this issue. See Clerk's Summary Item CL#12.)

Supervisor Bulova moved that the Board approve a clarification of its earlier adopted budget motions indicating that the \$677.8 million in State funding is part of the total Fiscal Year 2005 Fund, receipts all funds. 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."

**AGENDA ITEMS**

69. **3 P.M. – BOARD DECISION ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 16001 LEE HIGHWAY (SULLY DISTRICT)**  
(3:50 p.m.)

(NOTE: At its November 17, 2003, meeting the Board held a public hearing on this item and deferred decision until January 5, 2004. On January 5, 2004, the Board deferred decision on this item until February 23, 2004. On February 23, 2004, the Board deferred decision on this item until April 26, 2004.)

Supervisor Frey moved to defer decision on the Spot Blight Abatement Ordinance for 16001 Lee Highway until **June 21, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

70. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-065 (BOARD OF SUPERVISORS, OWN MOTION) (MOUNT VERNON DISTRICT)** (3:50 p.m.)

- (O) The application property is located in the southeast quadrant of Radford Avenue and Richmond Highway, Tax Map 101-3 ((3)) 1.

Mr. Louis V. Genuario reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Genuario Properties, Incorporated

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

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-065, from the R-8, C-8, and HC Districts to the R-8, C-8, HC, and CRD Districts. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Kauffman and Supervisor McConnell being out of the room.

71. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-PR-003 AND SPECIAL EXCEPTION APPLICATION SE 2004-PR-007 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)**  
(3:54 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2004-PR-003 and Special Exception Application SE 2004-PR-007 until **May 10, 2004, at 3 p.m.** Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

72. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-038 (CLOVER TYSONS LIMITED PARTNERSHIP), PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-D-045-4, AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-D-038-4 (GREENSBORO CENTER LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)** (3:55 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2002-PR-038, Proffered Condition Amendment Application PCA 81-D-045-4, and Special Exception Amendment Application SEA 82-D-038-4 until **May 24, 2004, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

73. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-051 (VIRGINIA BUILDERS GROUP) (MOUNT VERNON DISTRICT)**  
(3:56 p.m.)

The application property is located on the west side of Gambrill Road and 100 feet south of Gambrill Lane, Tax Map 98-1 ((1)) 37.

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

Following discussion, Supervisor Hyland moved to defer decision on Rezoning Application RZ 2003-MV-051 to **May 10, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

74. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-026 (SAFEWAY INCORPORATED) (PROVIDENCE DISTRICT)** (4 p.m.)

The application property is located at 9121 Lee Highway, Tax Map 48-4 ((1)) 12F pt.

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, which included testimony by eight speakers, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, Supervisor Smyth moved to defer decision on Special Exception Application SE 2003-PR-026, until **May 24, 2004, at 3 p.m.** Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

75. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-031 AND FINAL DEVELOPMENT PLAN APPLICATION FDP 2002-PR-031 (ERNESTO V. AND NILA M. CASTRO) (PROVIDENCE DISTRICT)** (4:35 p.m.)

The application property is located on the south side of Arlington Boulevard approximately 500 feet east of its intersection with Barkley Drive, Tax Map 48-4 ((1)) 40.

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2002-PR-031 and Final Development Plan Application FDP 2002-PR-031 indefinitely. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

76. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT APPLICATION APR 01-II-1M, LOCATED SOUTHEAST OF CHAIN BRIDGE ROAD AND DAVIDSON ROAD INTERSECTION (DRANESVILLE DISTRICT)** (4:35 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2004.

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

Supervisor DuBois moved adoption of the Comprehensive Plan text, as recommended by the Planning Commission, for APR 01-II-1M. This recommendation will encourage new development on the remaining parcels in Sub-Area number one that is compatible with the adjacent existing development. Supervisor DuBois said her handout dated April 26, 2004, shows the recommended Plan text. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

77. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-IV-MV4 FOR LAND UNIT E OF THE BEACON/GROVETON COMMUNITY BUSINESS CENTER AND A PORTION OF THE MEMORIAL HEIGHTS AREA, LOCATED SOUTHEAST OF RICHMOND HIGHWAY AND EAST LEE AVENUE (MOUNT VERNON DISTRICT)** (4:39 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 8 and April 15, 2004.

Following the public hearing, which included testimony by one speaker, Denise M. James, Planner III, Environment and Development Review Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendation.

Following discussion, with input from John Bell, Staff, Environment and Development Review Branch, PD, DPZ, Supervisor Hyland moved approval of the Planning Commission recommendations for Out-of-Turn Plan Amendment S03-IV-MV4, which allows Comprehensive Plan text modification as set forth in the staff report dated March 24, 2004, and the handout dated April 26, 2004, which shows the Planning Commission recommendation. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.



DET:det

78. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – GALLOWS ROAD/ANNANDALE ROAD/HUMMER ROAD (MASON AND PROVIDENCE DISTRICTS)** (4:44 p.m.)

(R) 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 April 8 and April 15, 2004.

Discussion ensued with input from James Ratliff, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), and Larry Ichter, Branch Chief, Transportation Design Branch, DPWES.

Following the public hearing, which included testimony by four speakers, discussion ensued with input from Mr. Ratliff, Mr. Ichter, and Frank Roberts, Engineer II, Planning and Design Division, DPWES.

Supervisor Gross moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 006616 – Gallows Road/Annandale Road/Hummer Road, in Fund 300, Countywide Roadway Improvement Fund. Chairman Connolly seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion that the Board direct staff to continue to work with the affected homeowners regarding the issues raised with particular emphasis on compensation, design and landscape issues, and safety features. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, the question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

79. **4:30 P.M. – PH ON THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, LEE, AND MASON DISTRICTS)** (5:19 p.m.)

(R) 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 April 8 and April 15, 2004.

Discussion ensued with input from Terry Czarny, Management Analyst II, Division of Solid Waste Collection and Recycling, Department of Public Works and Environmental Services.

Following the public hearing, Supervisor Hudgins moved adoption of the Resolution for the enlargement of Small and Local Sanitary Districts within Dranesville, Hunter Mill, Lee, and Mason Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District A3 within Small District 1 within Dranesville District (2205 Great Falls Street)	Enlarge	Refuse	Approve
Small District 6 within Dranesville District (Langley Forest Area)	Enlarge	Refuse	Approve
Small District 7 within Dranesville District (Churchill Subdivision Area)	Enlarge	Refuse and Leaf	Approve
Small District 7 within Dranesville District (2124 Powhatan Street)	Enlarge	Refuse and Leaf	Approve
Small District 3 within Hunter Mill District (Somerset West)	Enlarge	Refuse	Approve
Local District C within Small District 1 within Lee District (Brookland Estates Area)	Enlarge	Refuse and Leaf	Approve
Small District 4 within Mason District (6479 Overlook Drive)	Enlarge	Refuse and Leaf	Approve

Supervisor DuBois seconded the motion.

Supervisor DuBois asked to amend the motion to defer decision on Small District 4, within the Dranesville District, Rosemont Subdivision Area. This was accepted.

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

80. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-031 (WINCHESTER HOMES INCORPORATED) (DRANESVILLE DISTRICT)** (5:21 p.m.)

(O) (At its March 29, 2004, meeting the Board deferred the public hearing on this item until April 26, 2004.)

The application property is located on the east side of Great Falls Street approximately 1000 feet north of Haycock Road, Tax Map 40-2 (1) 20, 21, 22, 22A, 22B, 23, and 24A; 40-2 ((34)) A.

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.

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

- Under the threshold from Arlene, Jeremiah, and Francis A. McDermott

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

- In excess of \$200 from Mr. Francis A. McDermott

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

Following discussion with input from Mr. McDermott, Supervisor DuBois referred to Proffer 10C regarding the public's access easement for pedestrian access to the park and requested that Mr. McDermott state on the record that, as soon as practicable, safety concerns be addressed on the site and that it not be

connected at the very last moment. Mr. McDermott assured Supervisor DuBois that the connection would be provided as soon as practicable during the development of the community.

Supervisor DuBois moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-DR-031, from the R-1 and R-3 Districts to the PDH-5 District, and approval of the Conceptual Development Plan, subject to the proffers dated April 7, 2004.
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the transitional screening requirement and waiver of the barrier requirement along the western property line in favor of that shown on the CDP/FDP.

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

The Planning Commission approved Final Development Plan Application FDP-2003-DR-031 on April 7, 2004, subject to the proposed development conditions dated March 12, 2004.

**DS:ds**

81. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-053 (KUSTOM KASTLES, LLC) (LEE DISTRICT)** (6:07 p.m.)

(O) The application property is located in the southeast quadrant of the intersection of Franconia Road and Elder Avenue, Tax Map 90-2 ((12)) 3.

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

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

- In excess of \$200 from Jerry A. Lagarde of Target Surveys, Incorporated

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

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

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-053, from the R-1, R-2, and HC Districts to the R-4 and HC Districts, subject to the proffers dated March 29, 2004.
- Approval of a height increase, in accordance with Paragraph 3F of Section 10-104, to permit the noise attenuation fence located in the front yard to be a maximum height of eight feet.

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

82. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-061 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-Y-050 (STANLEY MARTIN COMPANIES, INCORPORATED) (SULLY DISTRICT)** (6:11 p.m.)

(O) The application properties are located on the south side of Old Mill Road approximately 700 feet west of Mount Olive Road, Tax Map 65-1 ((1)) 6, 18, 19, 20, and 21 pt. and a portion of Old Mill Road to be vacated and/or abandoned.

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, which included testimony by two speakers, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SU-061, from the R-1 and WS Districts to the PDH-3 and WS Districts, subject to the proffers dated March 25, 2004. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 94-Y-050, subject to the development conditions dated March 10, 2004. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

The Planning Commission approved Final Development Plan Application FDP-2003-SU-061 on March 24, 2004, subject to the development conditions dated March 10, 2004.

83. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MA-052 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-L-071 (THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, AND ALAN FISCHER) (MASON DISTRICT)**  
(6:23 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2003-MA-052 and Special Exception Amendment Application SEA 88-L-071 until **May 10, 2004, at 4:30 p.m.** Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

#### **ADDITIONAL BOARD MATTER**

84. **UPDATE ON GENERAL ASSEMBLY ACTION REGARDING PERSONAL PROPERTY TAX RATES** (6:24 p.m.)

(NOTE: Earlier in the meeting, action was taken regarding the personal property tax rates. See Clerk's Summary Item CL#13.)

Chairman Connolly announced that breaking news had just been received from Richmond regarding personal property tax rates.

Discussion ensued with input from Kevin Greenlief, Director, Department of Tax Administration, who announced that the Senate Finance Committee passed House Bill 5008, and companion Bill 5005, which would radically change how the car tax reimbursements would be funded to localities. Under current law the personal property car tax is funded to localities based on 70 percent of the taxes on the first \$20,000 of assessed value for personal use vehicles. For Fairfax County that equates to a reimbursement of approximately \$206 million in Fiscal Year 2005.

This new bill freezes the reimbursement level at approximately \$950 million for the State, which would be an absolute dollar amount, not necessarily a 70 percent reduction.

### AGENDA ITEMS

85. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-DR-022 (CHESTERBROOK RESIDENCES, INCORPORATED) (DRANESVILLE DISTRICT)** (6:28 p.m.)

The application property is located at 2030 Westmoreland Street, Tax Map 40-2 ((1)) 26B and 26C.

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Ms. Nina S. Toups

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

- In excess of \$200 from Ms. Jane Pasolli Edmondson
- In excess of \$200 from Mr. James H. Edmondson, Jr.
- In excess of \$200 from Ms. Nina S. Toups

Mr. Fifer 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, which included testimony by 16 speakers, Catherine Belgin, 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 2003-DR-022, subject to the development conditions dated April 26, 2004.
- Modification of the transitional screening requirement along the southern property line of parcel 26C to permit the existing vegetation to remain with the addition of supplemental vegetation as shown on the SE plat.

- Modification of the Additional Standards for Medical Care Facilities, pursuant to Section 9-308 of the Zoning Ordinance, which requires the building to be located a minimum of 100 feet from any lot line which abuts an R-A through R-4 District, to permit the building to be located within 66 feet of the public school property to the north.
- Waiver of the barrier requirement along the southern property line of parcel 26C subject to written consensus of the immediate adjacent homeowners.
- Waiver of the transitional screening and barrier requirements along the Westmoreland Street frontage of parcel 26B.

Supervisor Kauffman seconded the motion.

Following discussion, with input from Mr. Fifer, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

86. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:53 p.m.)

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

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

- Mr. Rigoberto Luis regarding the Ethiopian Community Development Council.
- Ms. Brenda Williams regarding Micro-Lending for County residents.
- Mr. Jim Riddel expressing appreciation to the Board and the County Attorney on behalf of retired police officers.
- Mr. Emmanuel Mpfayokurera regarding assets building in Fairfax County.



87. **BOARD ADJOURNMENT** (8:14 p.m.)

At 8:14 p.m., the Board adjourned.

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