



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
July 22, 2002**

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**17-02**

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**DS:ds**

The meeting was called to order at 9:35 a.m., with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

Supervisor McConnell arrived at 9:50 a.m.

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

### **BOARD MATTER**

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

Supervisor Hudgins asked everyone to keep in thoughts and prayers the family of Ms. Judy Ley who recently died. She was a longtime resident of Reston, and president of the Lake Anne Merchant's Association.

### **AGENDA ITEMS**

2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE HONOR GUARD OF THE OFFICE OF THE SHERIFF** (Tape 1)

The Honor Guard of the Office of the Sheriff presented the colors.

Supervisor Connolly moved approval of the Certificate to Recognition presented to the Honor Guard of the Office of the Sheriff for distinguished civic service and outstanding accomplishments in the Regional Honor Guard competition resulting

in placing first in the contest and receiving the "Best Dressed Unit" award. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Chairman Hanley recognized the presence of Sheriff Stan Barry and warmly welcomed him to the Board Auditorium, and he briefly addressed the Board.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. WILLIAM BROWN** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. William Brown, formerly of Fair Oaks Hospital, for his service and leadership in the community. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE EARTH DAY/ARBOR DAY HOST, SPONSORS AND PLANNING COMMITTEE** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to representatives of Northern Virginia Community College for hosting Earth Day/Arbor Day. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Supervisor Bulova moved approval of the Certificate of Recognition presented to the sponsors of Earth Day/Arbor Day for invaluable financial support and infinite merit as corporate sponsors for the successful 2002 Earth Day/Arbor Day celebration. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Supervisor Bulova moved approval of the Certificates of Recognition presented to representatives of:

- Target Stores
- Clean Fairfax Council
- Fairfax County Division of Solid Waste Collections and Recycling

for invaluable financial support and infinite merit as corporate sponsors for the successful 2002 Earth Day/Arbor Day celebration. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Supervisor Bulova moved approval of the Certificate of Recognition presented to members of the Earth Day/Arbor Day planning committee for diligent effort, distinguished service, and resolute spirit which ensured the successful celebration

of Earth Day/Arbor Day 2002. Chairman Hanley seconded the motion and it carried by unanimous vote.

5. **RESOLUTION TO RECOGNIZE LEADERSHIP FAIRFAX INCORPORATED** (Tape 1)

Jointly with Supervisor Mendelsohn, Supervisor Frey moved adoption of the Resolution to recognize Leadership Fairfax Incorporated on its fifteenth anniversary. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING 2002 AS "OCCOQUAN WATERSHED YEAR" IN FAIRFAX COUNTY, AND CERTIFICATES OF RECOGNITION PRESENTED TO COUNTY STAFF, COUNTY AGENCIES, COMMUNITY MEMBERS, AND CURRENT STEWARDS OF THE OCCOQUAN WATERSHED** (Tapes 1-2)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation designating 2002 as "*Occoquan Watershed Year*" in Fairfax County. Supervisor Connolly and Supervisor Hudgins jointly seconded the motion.

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

Chairman Hanley presented Certificates of Recognition to the following County staff, County agencies, community members, and current stewards of the Occoquan Watershed on the twentieth anniversary of the decision to downzone part of the Occoquan Watershed to protect the water supply in Fairfax County:

1980 Occoquan Basin Study Citizens Task Force Members who supported the study:

- Maya Huber - Task Force Chairman and Fairfax County Federation of Citizens Associations' representative
- Dave Russell - Annandale District Representative
- Cress Malkerson - Centreville District Representative
- Barbara Nunes - League of Women Voters of the Fairfax Area Representative
- Jan Jeffries - widow of Norm Jeffries who was Tree Commission Representative

- Nancy Brown - Mason District Representative
- Ivy Mitchell - Springfield District Representative
- John Bean - Mount Vernon District Representative

County Organizations and their representatives at the time that served as Amici Curiae (Friends of the Court) for 1985 Court Case Upholding Board's 1985 Decision:

- Sally Ormsby - President, Fairfax County Federation of Citizens Association
- Mary Nightlinger - Chairman, Soil and Water Conservation District Board
- The Honorable Leslie Byrne - President, League of Women Voters of the Fairfax Area
- Fred Morin - Chairman, Fairfax County Water Authority Board
- Randolph Church - Attorney for the Friends of the Court
- John Epling - Director, Northern Virginia Planning District Commission
- The Environmental Defense Fund, Loudoun County, and VACo were also "friends of the court."

County staff who were instrumental in the initial decision and the subsequent court case:

- Theodore Wessel (Retired)
- Steve McGregor
- Bruce Douglas (Retires this week after 24 years with the County)
- David Stroh
- Jack White

County's Legal Defense Team that Defended the County in the 1985 Lawsuit:

- The Honorable David Stitt
- Robert Howell
- George Symanski
- J. Patrick Taves
- Robin Baxter
- Richard Tremaine
- Sid Steele - as Director of the former Office of Comprehensive Planning (now called the Department of Planning and Zoning) after the decision
- Lee Epstein of OCP (now called DPZ) who made significant contributions to the development of the legal strategy
- Audrey Moore - former Board of Supervisors Chair, and Member of Board in 1982 and 1985
- Special thanks to Johanna Fitzpatrick, presiding judge for the Fairfax County Circuit Court, now Chief Judge, Virginia Court of Appeals

Current Stewards of the Watershed:

- Al Akers - President, Occoquan Watershed Coalition
- Bill Cole - Vice President
- Jim Little - Secretary/Treasurer
- Eric Thiel - Transportation Committee Chair
- David Schnare - Chairman, Land Use and Environmental
- Cliff Fairweather - Director, Audubon Naturalist Society's Webb Sanctuary, Clifton, Virginia, and its four Stream Monitor Site Leaders: Brad Hunter, Charles Smith, Jenny Salom, and Neil Sullivan

- Alex Vanegas - President, Friends of the Occoquan, a stream clean-up team, Girl Scout Troop #2033, Service Unit 70-5 from Reston - Susan Funk, Leader)
- Joanna Arciszewski - Northern Virginia Soil and Water Conservation District's Watershed Specialist (Deanna Crumbling and Blythe Merritt - Team Leaders)
- Rowland Shep Oliver - Owner, Oliver Stables
- Ned Foster - President, Friends of Little Rocky Run
- Tom Grizzard - Director, Occoquan Watershed Monitoring Laboratory

Staff and related agencies that are currently involved in the Occoquan Watershed Issues:

- John Wesley White - Director, Department of Public Works and Environmental Services
- John Friedman, Office of Site Development Services, DPWES
- Fred Rose and the entire Stream Protection Strategy Team
- James Zook, Department of Planning and Zoning
- David Bobzien, County Attorney
- Department of Health
- Fairfax County Water Authority
- Northern Virginia Regional Commission
- Northern Virginia Soil and Water Conservation District
- Upper Occoquan Sewage Authority

Supervisor Frey noted that over the years the Western Fairfax County Citizens Association has contributed in helping to protect the Watershed in the Sully District.

Chairman Hanley noted that a representative from the Western Fairfax County Citizens Association will serve on the Task Force that has been established by the Board to look at the future of the Watershed.

Chairman Hanley recognized the presence of former Board Chairman Audrey Moore and warmly welcomed her. Mrs. Moore explained the history of the community campaign against a plan to install sewer in the Occoquan in the early 1970s and provided additional details about citizen and staff support for the 1985 court case.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**PW:pw**

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

(APPTS)  
(BACs)

**AIRPORTS ADVISORY COMMITTEE**

Supervisor Frey moved the appointment of Ms. Kathleen J. Hill to fill the unexpired term of Mr. Cedric DuBard as the Sully District Representative to the Airports Advisory Committee. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

**ANIMAL SERVICES ADVISORY COMMISSION**

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

**ATHLETIC COUNCIL**

Supervisor Frey moved the reinstatement of Mr. Ralph Wills as the Sully District Alternate Representative to the Athletic Council. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

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

**CHARACTER COUNTS! TASK FORCE**

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

**CHILD CARE ADVISORY COUNCIL**

Supervisor Kauffman moved the appointment of Ms. Tamara J. Derenak to fill the unexpired term of Ms. Jane S. Dion as the Lee District Representative to the Child Care Advisory Council. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Hyland moved the appointment of Ms. Karla D. Whalen to fill the unexpired term of Ms. Eileen Friedman as the Mount Vernon District Representative to the Child Care Advisory Council. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Child Care Advisory Council.

**COMMISSION FOR WOMEN**

The Board deferred the appointment of the Mason District Representative to the Commission for Women.

**COMMISSION ON AGING**

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

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

Supervisor Bulova moved the appointment of Mr. Charles W. Dane as the Braddock District Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointments of the At-Large (Minority) Representative, Lee, Springfield, and Sully District Representatives, and Donor Family Member Representative to the Commission on Organ and Tissue Donation and Transplantation.

**COMMUNITY ACTION ADVISORY BOARD**

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



**COMMUNITY IMPROVEMENT COMMITTEE**

The Board deferred the appointments of the At-Large Chairman's Representative, Braddock, Dranesville, Mason, Mason (Fairdale Community), Providence, Springfield, and Sully District Representatives to the Community Improvement Committee.

**CONSUMER PROTECTION COMMISSION**

Supervisor Connolly moved the appointment of Mr. Stephen C. Shannon to fill the unexpired term of Mr. Paul L. Bellamy, Jr., as the Fairfax County Resident #3 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Connolly moved that the Board direct staff to invite Mr. Bellamy to appear before the Board to be recognized for his many years of service to the Consumer Protection Commission. Without objection, it was so ordered.

Supervisor Hyland moved the reappointment of Ms. Mary Jo Tandy as the Fairfax County Resident #2 Representative to the Consumer Protection Commission. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Hanley moved the reappointment of Mr. David L. Bulova as the Fairfax County Resident #5 Representative to the Consumer Protection Commission. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointment of the Fairfax County Resident #7 Representative to the Consumer Protection Commission.

**CRIMINAL JUSTICE ADVISORY BOARD**

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

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Supervisor Connolly moved the appointment of Mr. George W. Lamb to fill the unexpired term of Ms. Mary L. Wolfe as the Providence District Representative to the Environmental Quality Advisory Council. Supervisor Gross seconded the motion, which carried by vote of nine, Supervisor McConnell being out of the room.

Supervisor McConnell moved the appointment of Mr. James A. Roobach, III to fill the unexpired term of Mr. David W. Schnare as the Springfield District

Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

The Board deferred the appointments of the At-Large Chairman's Representative and Springfield District Representative to the Fairfax Area Disability Services Board.

#### **FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD**

Supervisor Frey moved the appointment of Mr. James M. Haislip as the Electrical Tradesman #2 Representative to the Fairfax County Construction Trades Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

#### **FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

Chairman Hanley moved the reappointment of Mr. Frank M. Alston as the At-Large #4 Representative to the Fairfax County Employees' Retirement System Board of Trustees. Supervisor Gross seconded the motion, which carried by unanimous vote.

#### **HEALTH SYSTEMS AGENCY BOARD**

Supervisor Hyland moved the appointment of Ms. Sarah "Sallie" Eissler as the Provider #2 Representative to the Health Systems Agency Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Consumer #2 and #6 Representatives to the Health Systems Agency Board.

#### **HUMAN RIGHTS COMMISSION**

The Board deferred the appointment of the At-Large #12 Representative to the Human Rights Commission.

#### **HUMAN SERVICES COUNCIL**

Supervisor Hudgins moved the reappointment of Ms. Barbara F. Freeman as the Hunter Mill District #1 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Robert L. Faherty as the Lee District #2 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Sidney Savage as the Mason District #1 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Geraldine B. Pogue as the Mount Vernon District #2 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the reappointment of Mr. Henry S. Wulf as the Providence District #1 Representative to the Human Services Council. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

Supervisor Mendelsohn moved the appointment of Mr. David M. Hunt as the Dranesville District Representative to the Oversight Committee on Drinking and Driving. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Jeffrey A. Levy as the Mount Vernon District Representative to the Oversight Committee on Drinking and Driving. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the appointment of Ms. Eileen Nelson as the Providence District Representative to the Oversight Committee on Drinking and Driving. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Hunter Mill, Lee, Springfield, and Sully District Representatives to the Oversight Committee on Drinking and Driving.

#### **ROAD VIEWERS BOARD**

The Board deferred the appointment of the At-Large #2 Representative to the Road Viewers Board.

#### **TENANT LANDLORD COMMISSION**

The Board deferred the appointments of the Tenant Member #1 and #3 Representatives to the Tenant Landlord Commission.

**TRANSPORTATION ADVISORY COMMISSION**

Supervisor Mendelsohn moved the reappointment of Mr. George F. Smith, Jr. as the Dranesville District Representative to the Transportation Advisory Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Camille S. Klein as the Hunter Mill District Representative to the Transportation Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Richard D. Frank as the Sully District Representative to the Transportation Advisory Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

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

**TREE COMMISSION**

The Board deferred the appointment of the Springfield District Representative to the Tree Commission.

**AD HOC COMMITTEES****SIGN TASK FORCE**

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

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

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

Supervisor Connolly asked to amend the motion to consider Admin 19 separately, and this was accepted.

Supervisor Bulova asked to amend the motion to consider Admin 18 separately, and this was accepted.

Chairman Hanley called the Board's attention to Admin 7 - Supplemental Appropriation Resolution AS 03028 for the Office of Partnerships to Accept Grant Funding from Project Discovery of Virginia, Incorporated and said that this item was signed on May 22, 2002, and that it had taken too long to come before the Board.

Supervisor Frey called the Board's attention to Admin 9, 10, and 11 and thanked staff of the Department of Transportation, particularly Douglas Hansen and William Parman, for their hard work.

Supervisor Kauffman called the Board's attention to Admin 13 - Supplemental Appropriation Resolution AS 03035 for the Health Department's Public Health Preparedness and Response to Bioterrorism Grant. Discussion ensued with input from JoAnne M. Jorgenson, Director of Patient Care Services, Department of Health.

Chairman Hanley called the Board's attention to Admin 14 – Authorization to Advertise a Public Hearing to Repeal Chapter 8 (Security Alarm Systems) of the Code of the County of Fairfax and clarified that the attachment that will replace Chapter 8 is the attachment Chapter 8.1.

Supervisor Connolly called the Board's attention to Admin 17 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles And Traffic), Regarding an Ordinance Enabling the Installation of Yield to Pedestrians in the Crosswalk Signs. Discussion ensued with input from Christopher Wells, staff, Department of Transportation.

Supervisor Connolly asked unanimous consent that the Board refer to the Legislative Committee for review the issue that Virginia statute allows a driver to go around a pedestrian in a crosswalk rather than coming to a full stop.

Further discussion ensued with input from Michael Long, Senior Assistant County Attorney. Supervisor Connolly asked to amend his request to refer all pedestrian issues to the Legislative Committee for review. Without objection, as amended, it was so ordered.

Following further discussion, the question was called on the motion to approve the Administrative Items, as amended, with the Exception of Admin 18 and Admin 19, and it carried by a unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

**ADMIN 1 – ADOPTION OF A RESOLUTION APPROVING THE PROPOSED ISSUANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$12,000,000 BY NISH [FORMALLY KNOWN AS NATIONAL INDUSTRIES FOR THE SEVERELY HANDICAPPED] (PROVIDENCE DISTRICT)**

Bonds  
(R)

Adopted the Resolution authorizing the issuance of revenue bonds pursuant to the plan of financing by NISH in an amount not to exceed \$12,000,000.

**ADMIN 2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03032 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) TO CONTINUE THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) EMPLOYMENT STRATEGIES FOR THE HARD-TO-SERVE PROGRAM**

- (SAR) Approved SAR AS 03032 in the amount of \$208,860 from the VDSS to continue the TANF Employment Strategies for the Hard-to-Serve Program. No local cash match is required.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO TEMPORARILY RELOCATE THE POLLING PLACE FOR FORT BUFFALO PRECINCT (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of public hearing to be held before the Board on **August 5, 2002, at 4:30 p.m.** to consider an ordinance that would temporarily move the polling place for Fort Buffalo precinct from the James Lee Community Center, located at 2588-A Annandale Road, Falls Church, to the Second Baptist Church, located at 6626 Costner Drive, Falls Church.

**ADMIN 4 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (DRANESVILLE DISTRICT)**

Authorized the extension of the review period for Public Facility (2232) Review Application 2232-D02-13 to October 3, 2002.

**ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, PROVIDENCE, SPRINGFIELD, 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>
Deep Glen	Dranesville	Tackroom Lane Hobnail Court
Willow Oaks Corporate Center	Providence	Willow Oaks Corporate Drive Route 8200
Spring Lake Farms	Springfield	Spring Lake Drive Route 7101 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Sully Station, Phase II	Sully	Sully Park Drive Route 7346 Braddock Road Route 620 Additional ROW Only

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT FAIRFAX COUNTY FIRE STATION NUMBER 29 AT 1560 SPRING HILL ROAD TO TYSONS FIREHOUSE LLC**

(A) Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 3:30 p.m.** regarding the proposed leasing of a portion of County-owned property at the County Fire Station Number 29 site at 1560 Spring Hill Road [Tax Map 29-3((1))57B] to Tysons Firehouse LLC for the purpose of:

- Vehicular parking (specifically excluding junk vehicles).
- The building and operation of a 10,000 square foot one story mini-storage building or a 11,300 square foot building used as a vehicular make ready facility, subject to final approval of plans and specifications for the building(s) by the County's Division of Facilities Management and the Fire and Rescue Department.

**ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03028 FOR THE OFFICE OF PARTNERSHIPS TO ACCEPT GRANT FUNDING FROM PROJECT DISCOVERY OF VIRGINIA, INCORPORATED**

(SAR) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 12.)

Approved SAR AS 03028 in the amount of \$72,533 for the Fairfax County Project Discovery program. A local cash match of \$44,000 is included from the County.

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03025 FOR THE FAIRFAX COUNTY GENERAL DISTRICT COURT TO ACCEPT COMPREHENSIVE COMMUNITY CORRECTIONS ACT (CCCA) GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)**

(SAR) Approved SAR AS 03025 in the amount of \$522,759 to allow the Fairfax County General District Court to accept CCCA Grant funding from DCJS for continued pretrial and post-trial supervision of defendants and offenders in the community

during Fiscal Year 2003. Acceptance of this funding requires no local cash match.

**ADMIN 9 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, DRANESVILLE, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)**

(NOTE: Earlier in the meeting there was a brief comment on this item. See page 13.)

Endorsed the following streets to be considered for traffic-calming measures as part of the R-TAP:

- Ashmeade Drive (Braddock District)
- Roosevelt Street (Dranesville District)
- Summerfield Road (Providence District)
- Golden Ball Tavern Court (Springfield District)
- Old Centreville Road between Compton Road, Flamborough Road, north intersection (Sully District)

**ADMIN 10 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR HUNTER GATE WAY AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (HUNTER MILL DISTRICT)**

(NOTE: Earlier in the meeting there was a brief comment on this item. See page 13.)

Endorsed the traffic-calming plan for Hunter Gate Way as proposed by DOT and the Virginia Department of Transportation, consisting of the following measures:

- Multi-way stop installed at the intersection of Hunter Gate Way and Crippen Vale Court
- One speed hump on gas line easement near Murray Downs Way
- Multi-way stop removed at Hunter Gate Way and Murray Downs Way



- Multi-way stop installed at the intersection of Hunter Gate Way and Gatesmeadow Way
- Multi-way stop installed at the intersection of Hunter Gate Way and Aldbury Way

**ADMIN 11 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS AS PART OF THE FAIRFAX COUNTY RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)**

(R) (NOTE: Earlier in the meeting there was a brief comment on this item. See page 13.)

- Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Department of Transportation's R-TAP at the following locations:
  - Old Centreville Road between Compton Road and Flamborough Road, north intersection (Sully District)
- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

**ADMIN 12 – INSTALLATION OF MULTI-WAY STOPS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK AND SULLY DISTRICTS)**

- Endorsed the installation of multi-way stops as part of DOT's R-TAP at the following locations:
  - Southhampton Drive and Yorkshire Street (Braddock District)
  - Emerald Chase Drive and Pleasant Glen Court (Sully District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03035 FOR THE HEALTH DEPARTMENT'S PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM GRANT**

(SAR) (NOTE: Earlier in the meeting there was a brief discussion of this item. See page 13.)

Approved SAR AS 03035 in the amount of \$82,933 to fund the Health Department's Public health Preparedness and Response to bioterrorism Grant. This grant award will allow the Health Department to establish 1/1.0 SYE Bioterrorism Coordinator (Management Analyst III) grant position, as well as the purchase of furniture and communication equipment. No additional local cash match is required.

**ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO REPEAL CHAPTER 8 (SECURITY ALARM SYSTEMS) OF THE CODE OF THE COUNTY OF FAIRFAX**

(A) (NOTE: Earlier in the meeting there was clarification of this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 3:30 p.m.** to repeal Chapter 8 (Security Alarm Systems) of the Code of the County of Fairfax. Chapter 8 has been replaced by Chapter 8.1 (Security Alarm Systems) which now governs the operation of alarm systems within the County.

**ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) REGARDING REVISIONS TO SECTION 3-3-20 GRANDFATHERING MEMBERSHIP IN THE UNIFORMED RETIREMENT SYSTEM FOR DEPUTY SHERIFFS WORKING AS CORRECTIONAL HEALTH NURSES**

(A) Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 3:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees) to amend Section 3-3-20 to allow current deputy sheriffs working as correctional health nurses to remain members of the Uniformed Retirement System when positions are reclassified to civilian job class series.

**ADMIN 16 – AUTHORIZATION FOR THE OFFICE OF PARTNERSHIPS, IN COLLABORATION WITH COMMUNITY AND BUSINESS PARTNERS, TO APPLY TO THE US DEPARTMENT OF EDUCATION, COMMUNITY TECHNOLOGY CENTERS PROGRAM**

Authorized the Office of Partnerships to apply to the US Department of Education, Office of Vocational and Adult Education, Community Technology

Centers Program, for funding to extend intergenerational educational activities through technological and Internet classes and services to underserved families in the Lorton, Virginia area.

**ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), REGARDING AN ORDINANCE ENABLING THE INSTALLATION OF YIELD TO PEDESTRIANS IN THE CROSSWALK SIGNS**

- (A) (NOTE: Earlier in the meeting additional action was taken on this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **September 9, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), regarding an ordinance to provide for higher penalties for certain crosswalk violations.

**ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMEMDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING THE LOCAL TAX ABATEMENT PROGRAM** (Tape 3)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#9.)

**ADMIN 19 – AUTHORIZATION FOR FAIRFAX COUNTY TO APPLY TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF COMMUNITY SERVICES FOR THE COMPASSION CAPITAL FUND DEMONSTRATION PROGRAM** (Tape 3)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#10.)

9. **ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE) REGARDING THE LOCAL TAX ABATEMENT PROGRAM** (Tape 3)

- (A) (NOTE: Earlier in the meeting the Board took action to consider this item separately. See page 12.)

Supervisor Bulova moved to authorize the advertisement of a public hearing to be held before the Board on **August 5, 2002, at 5 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to consider

changes to the local tax abatement program. Supervisor Hyland seconded the motion.

Following discussion, with input from Kevin C. Greenlief, Director, Department of Tax Administration, Supervisor Hyland seconded the motion, which **CARRIED** by a recorded vote of eight, Supervisor Connolly and Supervisor Mendelsohn voting "NAY."

Chairman Hanley clarified for the record that the tax abatement Countywide for commercial properties would expire.

10. **ADMIN 19 – AUTHORIZATION FOR FAIRFAX COUNTY TO APPLY TO THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, OFFICE OF COMMUNITY SERVICES FOR THE COMPASSION CAPITAL FUND DEMONSTRATION PROGRAM** (Tape 3)

(NOTE: Earlier in the meeting the Board took action to consider this item separately. See page 12.)

Discussion ensued with input from Verdiana L. Haywood, Deputy County Executive, and Marguerite M. Kiely, Director, Department of Systems Management for Human Services.

Supervisor Connolly moved that the Board authorize Fairfax County to apply for the Compassion Capital Fund Demonstration Program provided that, should this grant be awarded, the Consolidated Community Funding Advisory Committee will help to oversee these funds as it does the normal community pool. Supervisor Hyland seconded the motion and it carried by unanimous vote.

11. **A-1 – REQUEST TO APPROVE A PRE-HEARING JOINT STIPULATION ON AN APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR APPROVAL OF CERTAIN ASPECTS OF A PLAN TO REMEDY BILLING ERRORS, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2002-00178** (Tape 3)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection and the County Attorney's Office to enter into a joint stipulation in SCC Case Number PUE-2002-00178.

12. **A-2 – ENDORSEMENT OF DESIGN PLANS TO WIDEN INTERSTATE-95 (I-95) TO FOUR LANES EACH WAY FROM THE FAIRFAX COUNTY PARKWAY (ROUTE 7100) TO GORDON BOULEVARD (ROUTE 123) IN PRINCE WILLIAM COUNTY (MOUNT VERNON AND LEE DISTRICTS)** (Tape 3)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and endorse the design plans to widen I-95 to four lanes each way, from the Fairfax County Parkway (Route 7100) to Gordon Boulevard (Route 123) in Prince William County, including roadway, bridge, lighting, TMS, stormwater management, and drainage improvements, as presented at the June 6, 2002, public hearing. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Following the vote there was a brief discussion with input from Young Ho Chang, Director, Department of Transportation.

13. **A-3 – APPROVAL OF FISCAL YEAR (FY) 2003 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (DMHMRSAS)** (Tape 3)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve the FY 2003 State Performance Contract between the CSB and DMHMRSAS. Supervisor Connolly seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to clarify the local share that this Board allocates to the local CSB.

Discussion ensued with input from Verdia L. Haywood, Deputy County Executive, and John Morrow, Ph.D., Director of Planning and Information Management, CSB. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

14. **A-4 – STAFF RESPONSE TO THE TRANSPORTATION ADVISORY COMMISSION'S RECOMMENDATIONS FROM THE 2001 TRANSPORTATION SUMMIT ON PEDESTRIAN ACCESS ISSUES** (Tapes 3-4)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the recommendations for implementing pedestrian improvements as

contained in the Board Agenda dated July 22, 2002. Supervisor Connolly seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive; Young Ho Chang, Director, Department of Transportation; and Captain Jesse F. Bowman, Traffic Division, Police Department.

Supervisor McConnell moved that the Board "hire someone" and reduce the funds for the consultant study. This motion died due to the lack of a second.

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

(NOTE: Earlier in the meeting the Board discussed another pedestrian safety issue. See Clerk's Summary Item CL#42.)

15. **A-5 – LOCATION STUDY AND ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE WIDENING OF THE CAPITAL BELTWAY (I-495) FROM THE AMERICAN LEGION BRIDGE TO THE SPRINGFIELD INTERCHANGE (DRANESVILLE, BRADDOCK, MASON, AND PROVIDENCE DISTRICTS)** (Tape 4)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the draft letter as contained in the Board Agenda dated July 22, 2002, from Chairman Hanley to Secretary Clement transmitting the comments and recommendations to the Virginia Department of Transportation (VDOT) regarding the Location Study and EIS for the widening of the Capital Beltway (I-495) from the American Legion Bridge to the Springfield Interchange with the following change:

- In the second bulleted item of the draft letter, to add language after the words "Beltway corridor" to take cognizance of other ideas, such as public-private partnerships, that are not included in the draft EIS.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to replace the comma after the words "Beltway corridor" with a period and delete the remainder of the sentence, and this was accepted.

Supervisor Connolly further moved that the Board direct staff to include in the letter specific examples regarding more intrusive impacts to neighborhoods and businesses such as Barbour Road and Tysons Corner.

Following further discussion, Chairman Hanley asked to amend the motion to include emphasis in the letter regarding the delineation of proffered rights-of-way

using a line that has been made public by VDOT previously, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following continued discussion, Chairman Hanley seconded the motion.

Following further discussion, Supervisor Mendelsohn asked to amend the motion to direct staff to make the letter broad enough to address all the interchanges, and this was accepted.

Supervisor Mendelsohn asked to amend the motion to direct staff to include in the letter a paragraph requesting the Commonwealth Transportation Board to resolve this quickly so that the "cloud of uncertainty" of the impact may be removed from the affected properties, and this was accepted.

Following further discussion, Supervisor Gross asked to amend the motion to correct the date in the first paragraph of the letter to *July 22*, and this was accepted.

Chairman Hanley noted that she will replace "at the request of" to "on behalf of" in the first paragraph of the letter.

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

Discussion continued briefly.

**DS:ds**

16. **C-1 – BOND REFERENDUM COMMITTEE, EXPLANATION OF REFERENDUM QUESTIONS AND INFORMATION PAMPHLET**  
(Tape 5)

(BACs) The Board next considered an item contained in the Board Agenda dated July 22, 2002, regarding the Bond Referendum Committee, explanation of referendum questions, and information pamphlet.

Supervisor Bulova moved approval of the:

- Appointment of a citizen committee to assist in informing the voters about the two Fairfax County bond referendum questions to be placed before the voters on November 5, 2002.
- Publication of an explanation of each referendum question that will be posted at voter registration sites and polling places.

- Proposed content, format, and distribution of an informational pamphlet to be mailed to voters in mid-October.

Supervisor McConnell seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman and asked to amend the motion to include the Northern Virginia Sales Tax Referendum for Transportation in addition to Parks and Public Safety facilities questions, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

17. **I-1 – CONTRACT AWARD – LONG BRANCH STREAM RESTORATION (MASON DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, requesting authorization for staff to:

- Award a contract to Environmental Quality Resources, Incorporated in the amount of \$456,079.16 for the construction of Project X00087, Long Branch Stream Restoration, Fund 310, Storm Drainage Construction.
- Reallocate funds in the amount of \$278,157.79 within Fund 310, Storm Drainage Bond Construction, to Project X00099, Storm Bond Contingency, to fund possible shortfalls in other projects within this fund.

The staff was directed administratively to proceed as proposed.

18. **I-2 – CONTRACT AWARD – MCLEAN HEIGHTS SANITARY SEWER EXTENSION AND IMPROVEMENT (DRANESVILLE DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, requesting authorization for staff to award a contract to Martin and Gass, Incorporated in the amount of \$169,000 for the construction of McLean Heights Sanitary Sewer Extension and Improvement, in Project X00826, Extension Project FY 1996, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.



19. **I-3 – STREAM PHYSICAL ASSESSMENT** (Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, requesting authorization for staff to award a contract to CH2M Hill in the amount of \$1,086,782 for one year, to provide consulting engineering services for performing physical assessments of the County's stream network.

The staff was directed administratively to proceed as proposed.

20. **I-4 – CONTRACT AWARD – MEDICAL DETOXIFICATION SERVICES**  
(Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, requesting authorization for staff to finalize negotiations and award a contract to Prince William Health System in the amount of \$450,000 for Medical Detoxification Services for the Fairfax-Falls Church Community Services Board Alcohol and Drug Services Program.

The staff was directed administratively to proceed as proposed.

21. **I-5 – JAMES LEE ROAD IMPROVEMENT PROJECT PHASE IV (PROVIDENCE DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, requesting authorization for staff to award a contract to Cube construction Company in the amount of \$469,256.00 for the construction of the Project 003910, James Lee Road Improvement Project Phase IV, in Fund 142 (Community Development Block Grant).

The staff was directed administratively to proceed as proposed.

22. **I-6 – PROPOSED PROJECTS FOR FAIRFAX COUNTY SECONDARY ROAD FUNDS CONTAINED IN THE NORTHERN VIRGINIA SALES TAX REFERENDUM FOR TRANSPORTATION** (Tape 5)

The Board next considered an item contained in the Board Agenda dated July 22, 2002, presenting staff recommendations on proposed projects for Fairfax County Secondary Road funds contained in the Northern Virginia Sales Tax Referendum for Transportation.

Supervisor Connolly moved that the Board endorse the staff recommendation. Supervisor Bulova and Supervisor Kauffman jointly seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include the Metrorail, the Virginia Railway Express, and other transit centers on the map. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The question was called on the motion and it **CARRIED** by a recorded by a vote of nine, Supervisor McConnell abstaining.

### **ADDITIONAL BOARD MATTERS**

**NV:nv**

23. **COUNTY EXECUTIVE RECEIVES INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA) AWARD** (Tape 6)

Chairman Hanley announced that the ICMA named Anthony H. Griffin, County Executive, as the recipient of the Award for Local Government Education as part of its 2002 Professional and Program Excellence Awards and she extended the Board's congratulations.

Following a brief discussion, with input from Mr. Griffin, Chairman Hanley also noted that the ICMA Executive Board named former County Executive Robert J. O'Neill, Jr. as its Executive Director.

24. **PROMOTION OF BREASTFEEDING** (Tape 6)

Chairman Hanley stated that the Fairfax County Work/Family Task Force will open the first Mother's Room for nursing mothers at the Government Center as part of World Breastfeeding Week. As noted in her written Board Matter, the County has been asked to join with the World Health Organization and its partners in 120 countries to promote the health of mothers and children through breastfeeding.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the appropriate representatives to appear before the Board on August 5, 2002, to receive a proclamation declaring the week of August 1 - 7, 2002, as "*Breastfeeding Week*" in Fairfax County. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

25. **DAY OF REMEMBRANCE** (Tape 6)

Chairman Hanley announced that Faith Communities in Action and George Mason University, along with other organizations, are sponsoring *A Day of Remembrance: An Interfaith Gathering United for Peace* on Wednesday, September 11, 2002, at 7 p.m. at the University campus. The event will provide a countywide interfaith remembrance and unity gathering.

Therefore, Chairman Hanley moved that the Board direct staff to invite the appropriate representatives to appear before the Board on September 9, 2002, to receive a proclamation declaring September 11, 2002, as "*A Day of Remembrance: An Interfaith Gathering United for Peace*" in Fairfax County. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

26. **HISPANIC HERITAGE MONTH** (Tape 6)

Chairman Hanley stated that September 15 through October 15 is traditionally celebrated as Hispanic Heritage Month to recognize the history, contributions, concerns and achievements of Hispanic Americans.

Accordingly, Chairman Hanley moved that the Board direct staff to invite the appropriate representatives to appear before the Board on September 9, 2002, to receive a proclamation declaring September 15 through October 15 as "*Hispanic Heritage Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

27. **FOOD SAFETY EDUCATION MONTH** (Tape 6)

Chairman Hanley said that in conjunction with national observances, the Health Department requests that the County observe September as Food Safety Education Month. Therefore, she moved that the Board direct staff to invite the appropriate representatives to appear before the Board on September 9, 2002, to receive a proclamation declaring September as "*Food Safety Education Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by unanimous vote.

28. **FUNDING FOR CHESAPEAKE BAY FINANCIAL ASSISTANCE TO LOCALITIES** (Tape 6)

Chairman Hanley distributed copies of a letter she had received from Scott Crafton, Acting Executive Director of the Commonwealth of Virginia's Chesapeake Bay Local Assistance Department (CBLAD), regarding an update on CBLAD funding. The letter reported that CBLAD had found some alternative funding sources for some of its financial assistance to localities.

29. **CHESAPEAKE BAY BUDGET CONSIDERATION ITEM** (Tape 6)

Chairman Hanley distributed copies of a memorandum from the Northern Virginia Soil and Water Conservation District (NVSWCD) regarding the funding for mandated responsibility in the Chesapeake Bay Preservation Act. She noted that the NVSWCD does not have the financial resources to fully fund the required position. Accordingly, she asked unanimous consent that the Board direct staff to prepare a Consideration Item for the Carryover Budget Review in the amount of \$24,610. Without objection, it was so ordered.

30. **UNFUNDED MANDATES** (Tape 6)

Chairman Hanley distributed copies of the response by Susan W. Datta, Director, Department of Management and Budget, to the Virginia Municipal League/Virginia Association of Counties survey of unfunded Federal and State mandates.

31. **SCHOOL RESOURCE OFFICERS (SROs)** (Tape 6)

Chairman Hanley distributed copies of a letter she received from Stuart D. Gibson, Chairman of the School Board, regarding SROs at middle schools. Discussion ensued with input from Anthony H. Griffin, County Executive.

32. **LETTER REGARDING BUDGET CONSIDERATION ITEM FOR WOLF TRAP FOUNDATION** (Tape 6)

Chairman Hanley distributed copies of a letter she had received from Terrence D. Jones, President and CEO of the Wolf Trap Foundation, regarding a Carryover Budget Review Consideration Item for its new Center for Education. She noted that Supervisor Hudgins had previously requested this Consideration Item.

33. **COMMONWEALTH OF VIRGINIA'S HIGHER EDUCATION BOND REFERENDUM** (Tape 6)

Chairman Hanley distributed copies of a letter from Alan G. Merten, President of George Mason University, requesting Board support of the Commonwealth of Virginia's higher education bond referendum. Accordingly, she moved that the Board declare support for the higher education bond referendum. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

34. **DISCHARGE OF EFFLUENT** (Tape 6)

(P) Chairman Hanley called the Board's attention to an issue regarding the discharge of effluent in the Virginia Department of Transportation (VDOT) right-of-way.

Supervisor Bulova explained that the State allows effluent to be discharged into VDOT right-of-ways with a permit. There is a situation in the Braddock District where a homeowner has requested to do so. VDOT denied the request and reconsideration has been requested.

Accordingly, Chairman Hanley moved that the Board refer this issue to staff to draft a letter for her signature supporting VDOT's denial of the CE-7 permits in the County as a matter of Policy and send the letter to the Commonwealth Transportation Board, the State Board of Health, and the Department of Environmental Quality. Supervisor Bulova seconded the motion, which carried by unanimous vote.

35. **E-GOVERNMENT RECOGNITION** (Tape 6)

Chairman Hanley announced that Fairfax County was recognized as one of the 12 Top International e-Government Leaders as part of an international best practice example in the "Balanced e-Government" study conducted by the Bertelsmann Foundation of Germany.

36. **RESPONSE FROM SENATOR GEORGE ALLEN** (Tape 6)

Chairman Hanley reported that she had received a response to a letter she had written to Senator George Allen regarding the County's requested funding for public safety personnel.

37. **PUBLIC TRANSPORTATION STUDY** (Tape 6)

Chairman Hanley stated that last week a newspaper had published a study entitled *Conserving Energy and Preserving the Environment: The Role of Public Transportation*. She asked unanimous consent that the Board direct staff to provide copies of the study to the Board. Without objection, it was so ordered.

38. **RAIL** (Tape 6)

Chairman Hanley announced that she had information for those interested in the "Rail-Volution: Building Livable Communities" event to be held in October.

39. **LEAGUE OF WOMEN VOTERS TEA** (Tape 6)

Chairman Hanley announced that the League of Women Voters will be celebrating the woman's right to vote with a tea in August.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**PMH:pmh**

40. **DULLES RAPID TRANSIT PROJECT** (Tape 7)

Supervisor Mendelsohn said that the Washington Metropolitan Area Transit Authority (WMATA) has released its Draft Environmental Impact Statement (EIS) for the Dulles Corridor Rapid Transit Project and has scheduled public hearings on the EIS in late July. All of the build alternatives for Bus Rapid Transit and/or metrorail being proposed by WMATA may create substantial impacts on the residential communities surrounding these transportation facilities. There are several residential communities in the vicinity of this project that are expected to experience increased noise and vibration impacts, as well as increased traffic.

Supervisor Mendelsohn expressed concern about the neighborhoods near the West Falls Church Metro Station, which is proposed to accommodate 26 additional rail cars at its Service and Inspection Yard. He said that he is particularly concerned about the impact of the Service Inspection Yard on homes in the Lemon Road community. Rail cars entering and leaving the yard at late night and early morning hours are a source of increased noise, loud horns and squealing breaks. The project team has identified this impact, but has not specifically proposed any mitigation strategies.

Supervisor Mendelsohn said that the current noise abatement recommendations for properties near Hallcrest Heights include a three-foot tall parapet along the aerial rail sections next to residential areas. It is clear that this may be insufficient to reduce the noise generated by the meeting of rails and wheels on a curve.

Supervisor Mendelsohn said that in addition, significant noise and traffic impacts may be caused by the proposed 2000 car parking structure on Route 7 at Tysons Corner. The current proposals do not address the noise impact that could reasonably be expected from increased traffic, which already exceeds levels predicted in 1981.

Therefore, Supervisor Mendelsohn moved that the Board direct staff to communicate the concerns detailed above regarding noise and traffic impacts of the Dulles Corridor Rapid Transit Project to WMATA staff and to request a written response from WMATA addressing these concerns and plans for appropriate mitigation efforts. Chairman Hanley seconded the motion.

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

41. **SUPERVISOR MENDELSON ANNOUNCES HE WILL NOT SEEK RE-ELECTION** (Tape 7)

Supervisor Mendelsohn announced that he will not be seeking re-election as the Dranesville District Supervisor.

There was a brief discussion.

42. **PEDESTRIAN SAFETY** (Tape 7)

(NOTE: Earlier in the meeting the Board discussed another pedestrian safety issue. See Clerk's Summary Item CL#14.)

Jointly with Supervisor Hyland, Supervisor Kauffman said that pedestrian safety is a significant and growing concern along the Richmond Highway corridor.

Supervisor Kauffman noted that earlier in the day the Board took action to implement a pedestrian safety program and pedestrian improvement plan to begin addressing such significant safety issues Countywide.

To further assist these efforts along what has proven to be the County's most dangerous corridor, and jointly with Supervisor Hyland, Supervisor Kauffman moved that the Board direct staff to prepare a Consideration item regarding the transfer of the remaining balances in the Fiscal Year 2002 Lee and Mount Vernon District office budgets to County Fund 307, Sidewalk Construction. These funds could then be appropriated to projects for pedestrian safety along the Richmond Highway. Supervisor Hyland seconded the motion.

Supervisor Kauffman noted that contained in the written Board Matter are letters of support from Captain Shawn Barrett, Commander of the Mount Vernon Police Station and Mr. Dave Lyons of the "Safe Crossings Campaign." Both the Mount Vernon Police and the citizen-led "Safe Crossings Campaign" have been instrumental in promoting pedestrian safety along the highway corridor and seeking solutions to this important issue.

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

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

Supervisor Bulova said that on Tuesday, August 6, 2002, the Middleridge community will be holding a National Night Out in the Middleridge Park, off Governor Yearly Drive in Fairfax. The neighborhood is planning a number of activities including games for the children and a live concert. They have arranged for the County's Showmobile so that they will have a stage and electricity.

To help the Middleridge community with this safety-oriented activity, Supervisor Bulova moved that the Board waive the fees for use of the County's Showmobile. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

44. **AUDIT OF SCHOOL SPENDING/PROGRAMS** (Tape 7)

Supervisor Bulova said that last month the Board of Supervisors joined the School Board in a joint discussion about the County's economic situation, revenue projections for the current and next fiscal year, and State and federal policies and potential legislation that could affect Fairfax County schools. They also engaged in a brief discussion with individuals from School Match who were interested in performing an audit of the Fairfax County Public Schools. Marty Irving, Chairman of the Schools' Foundation, said at that time that the Foundation would consider participating in the funding of such an audit (whoever performed it), but would only do so knowing that the Board of Supervisors concurred with the scope of the evaluation.

Supervisor Bulova noted that whatever organization conducts the audit, she agrees with the Foundation that the study include an evaluation of issues/programs/areas that the Board of Supervisors would like to see examined. She said that she has agreed to solicit from Board Members a list of items that the Board would like to have included in the scope of an audit. Through informal discussions with some Board Members, she assembled a list that includes the following things:

- How does Fairfax County compare with other world-class school systems in the number of programs and services offered? Is the County trying to do too much and stretching it too thin? Or are the County offerings in line with other school systems that are noted for excellence?
- Is there duplication among programs offered in the Schools? Are numerous programs trying to address the same need or target the same student population? Could some programs be merged with others to address overlapping programs?
- Is there a systematic review of the effectiveness of school programs? Is there a method for measuring successful outcomes? Are less effective programs abolished or changed or replaced with more effective ones?
- What is the utilization of various school programs? What are the smallest and largest ones? Are some programs so specialized that they serve very few students and are therefore expensive to provide?
- Are there specialized and/or highly technical programs (cosmetology, veterinarian, et cetera) that are especially expensive to offer? Are there areas where the private sector could participate to help bring costs down?
- Is the County providing special education to children way beyond what is required for those with physical or mental disabilities? Is the County "customizing" education for so many children that it is difficult to provide an excellent education to the regular school population? How do County costs and spending in the area of special education compare to other major school systems?
- What is the experience of other world-class school systems when it comes to Gifted and Talented (GT) programs? Do other systems have both "center-based" as well as "in-school" GT programs? By eliminating "in-school" or "center-based" GT program, would



more children benefit from enhanced construction in the classrooms?

- How does Fairfax County Public Schools legal spending compare with other excellent school systems? What is the structure among other school systems for legal representation (i.e. in-house staff? contract out? Utilize County/City/Town legal staff?)
- Do the Schools provide sufficient funding for programs that address prevention and early intervention so that they are not later incurring greater costs to remediation?
- What tools do other school systems use for conducting regular analytical screening and pruning of school programs, administrative costs, et cetera to identify savings so they can re-direct funding to their highest priorities and most effective programs?
- Are other school systems availing themselves of funding that Fairfax County Schools could be seeking and using?

Therefore, Supervisor Bulova moved that the Board direct staff to forward the questions to the School Board as issues of the Board of Supervisors' request to be included in the scope of an evaluation of school programs and funding. Supervisor Connolly seconded the motion.

Following discussion, Supervisor McConnell referred to the following question: "Is the County providing special education to children way beyond what is required for those with physical or mental disabilities?" She pointed out that federal law mandates that special education must be customized.

Supervisor Bulova clarified the question as follows: Does Fairfax County exceed the federal requirements in providing special education to children way beyond what is required for those with physical or mental disabilities? And, if so, by how much? Does the County go beyond the children who would be eligible under that law?

Supervisor Gross asked unanimous consent that the Board direct staff to design the questions in essay form. Without objection, it was so ordered.

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

45. **INTRODUCTION OF BENJAMIN CLICK, INTERN** (Tape 7)

Supervisor Kauffman introduced Benjamin Click, who is participating in the County Executive's student internship program. He added that Mr. Click attends West Springfield High School.

46. **QUESTIONS REGARDING THE COUNTY'S RECYCLING PROGRAM**  
(Tape 7)

Supervisor Gross said that recently several constituents have been faced with cleaning out their homes due to preparations for sale or as the result of a fire. In some cases, these are situations that border on hoarding, so that families are faced with excessive amounts of trash or items for bulk pick-up, which can remain at curbside for weeks awaiting space on a truck.

Supervisor Gross noted that if residents have private garbage collections, they can rent a roll-off from their hauler to help deal with the problem. However, if they are in a sanitary service district, as many Mason District residents are, the situation may be more difficult. The following questions arise:

- Can the County's Recycling Program offer sanitary service district customers a similar roll-off service?
- What would be the anticipated need, and cost?
- What would be the elements of such a program?
- Are there programs in other jurisdictions that might provide some guidelines?

Therefore, Supervisor Gross asked unanimous consent that this issue be referred to the County Executive for response and recommendations. Without objection, it was so ordered.

47. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR CAPTAIN DANNY BICKMAN** (Tape 7)

Supervisor Gross said that Fire Captain Danny Bickman recently retired after 35 years of service to the Fairfax County Fire and Rescue Department. Captain Bickman's outstanding record is well-known, and his leadership in the Urban Search and Rescue Team is exemplary.

In recognition of his 35 years of service to the people of Fairfax County, Supervisor Gross moved that the Board direct staff to invite Captain Bickman to be honored at a future Board meeting. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

48. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 01-M-041 (KFC OF AMERICA, INCORPORATED (MASON DISTRICT))** (Tape 7)

Supervisor Gross announced her intent later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Application SE 01-M-041.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Summary Item CL#80.)

49. **INTRODUCTION OF MS. ELIZABETH MCKEEBY** (Tape 7)

Supervisor Gross introduced Elizabeth McKeeby, who will serve as the Mason District land use expert.

50. **NATIONAL ASSOCIATION OF COUNTIES (NACo) CONFERENCE** (Tape 7)

Supervisor Gross distributed Mardi Gras beads from New Orleans to Board Members. She added that she obtained them at the NACo Conference.

Supervisor Gross reminded Board Members that the NACo conference will be hosted in Richmond in 2007.

51. **QUILTS** (Tape 7)

Supervisor Gross said that the Department of Systems Management for Human Services assembled quilts at its booth during Celebrate Fairfax and three of them have been completed. She said that they will be in the conference room on display for Board Members. She has volunteered to display a quilt in her office.

52. **NO BOARD MATTERS FOR SUPERVISOR FREY** (Tape 7)

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

NV:nv

53. **STREETLIGHTS** (Tape 8)

Supervisor Hudgins said that she was recently contacted by a constituent concerned with the lack of oversight that Dominion Virginia Power maintains over the streetlights they are charged with maintaining in the County. In accordance with its agreement with Fairfax County, Virginia Power requires that the company be notified by an outside party of specific outages in order to replace the bulb and repair the outage. This can cause problems and lapses in the lighting of streets when constituents are not vigilant enough to report all outages.

Streetlights in Fairfax County play a critical role in the safety of drivers and pedestrians who use the roads after dark.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff in the Office of Public Affairs to publicize information about the streetlight agreement between Fairfax County and Dominion Virginia Power, particularly the importance for residents to call Dominion Virginia Power at 1-888-667-3000 to report streetlight outages. Additionally, staff must inform residents that the current agreement with Dominion Virginia Power holds that the County will receive bill credits if the work is not completed in a timely fashion.

Supervisor Gross noted that the pole number must be reported for streetlight outages.

Following a brief discussion, without objection, the request was so ordered.

54. **DOG PARK** (Tape 8)

Supervisor Hudgins noted that on July 13, 2002, the Hunter Mill District added another dog park with an opening in Vienna.

55. **COMMUNITY MEETING** (Tape 8)

Supervisor Hudgins announced that Wednesday, July 24 at South Lakes High School there will be a community meeting regarding the Dulles Rail Project. The purpose of the meeting is to meet with the Hunter Mill District Task Force and the citizens prior to the formal public hearing on August 5.

56. **INTRODUCTION** (Tape 8)

Supervisor Hudgins introduced Caroline Bellis, a rising sophomore at South Lakes High School, who is volunteering in her district office for the summer.

57. **NEW STAFF MEMBER** (Tape 8)

Supervisor Connolly introduced and welcomed Brent Krasner, a new staff member who will be handling transportation issues in the Providence District Office.

58. **FAIRFAX COUNTY SETS THE TELEWORK STANDARD FOR THE REGION AS JURISDICTIONS CONFRONT IMPLICATIONS OF COURT RULING ON NON-COMPLIANCE WITH ENVIRONMENTAL PROTECTION AGENCY'S (EPA) AIR QUALITY STANDARDS** (Tape 8)

Supervisor Connolly referred to his written Board Matters which noted that a recent court ruling has put the Metropolitan Washington region in immediate non-compliance with EPA air quality standards. Of all behavioral changes that can be

made – including the highly effective park and ride stations – telework has been found to be the single most effective measure in reducing ground level ozone. He asserted that the County has one of the best local telework programs in the region and he wanted to highlight what the County is doing which may serve as a model for other municipalities. He also indicated his belief that the region is losing some momentum at the local level. He noted that the County hosted one of the most successful telework conferences in the country, the Washington Area Conference on Telework (WACOT), cosponsored by the County, the Metropolitan Washington Council of Governments (COG), and the International Association and Conference on Telework (ITAC) and held in the Government Center on October 24, 2000.

Accordingly, Supervisor Connolly moved that the Board direct Carol Stuart Goldberg, manager of Fairfax County's Telework Expansion Project, to appear before the Board in September and report on the state of telework in Fairfax County government. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved that the Board formally endorse another WACOT to be held in 2003 and that this endorsement formally be transmitted to COG.

Supervisor McConnell asked to amend the motion to include the Economic Advisory Committee in the conference and this was accepted.

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

59. **CHILD PASSENGER SAFETY SEATS** (Tape 8)

Noting that he shares space with Fire Station 30 and with reference to his written Board Matter, Supervisor Connolly said many citizens come to the fire station and even to his office requesting assistance with the correct installation of child safety seats. His office discovered that there are many different programs and there is confusion among the citizens as to where and when to go for assistance.

Supervisor Connolly asked unanimous consent that the Board direct the County Executive to review the present system of providing child car seat inspections with the goal of offering a comprehensive one-stop information point. A component of this review should be ways to encourage the private sector to expand the inspections also. Without objection, it was so ordered.

60. **UNITED WAY** (Tape 8)

Supervisor Connolly said that recently there have been a number of articles appearing in the local press concerning financial accounting practices employed by the United Way of the National Capital Area. Questions have been raised concerning the amount of money taken out for overhead as well as whether local

donations are subjected to what is euphemistically called “a double haircut” – that is, overhead costs deducted by the local United Way and then a second time by the parent or regional United Way. Since donations are funneled through the Fairfax-Falls Church United Way in order to reach the United Way of the National Capital Area, he expressed some concerns about the possibility of a “double haircut.” With Fairfax County Government and Fairfax County Public School employee contributions representing a significant portion of the monies collected in the annual campaign, he asserted that it is imperative that employees have factual information regarding the ultimate disposition of their donations.

Supervisor Connolly moved that the Board direct the County Executive to report on the manner in which donations to the United Way are handled. Answers should be provided for the following questions:

- In 2001 what percentage was deducted for overhead by the Fairfax-Falls Church United Way and then what percentage was taken out of the same donation by the National Capital Area United Way?
- Were undesignated donations subject to a percentage deduction different from designated donations?
- How will 2002 campaign contributions be handled, if at all differently?

Following discussion, Chairman Hanley asked to amend the motion to invite representatives of both the local and/or national capital council to address those questions, rather than the County Executive. This was accepted.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Hanley seconded the motion, as amended, and it carried by unanimous vote.

61. **PROPOSED LEGISLATIVE COMMITTEE MEETING DATES** (Tape 8)

Supervisor Connolly provided the Board with the schedule of Legislative Committee meeting dates and other related dates. The first committee meeting will be Friday, September 13, at 4 p.m.

62. **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) CATCH 22** (Tape 8)

Supervisor Connolly said that a constituent who is a resident of Yorkville Cooperative, an affordable housing cooperative in Providence District, contacted his office because he was recently told that he is ineligible for the County’s First Time Homebuyer Program. According to the constituent, he was notified that he is ineligible because he lives in a cooperative, despite the fact that he does not

own the unit and has no right to sell it. According to County staff, individuals, even if they receive Section 8 certificates, are defined by the Present Ownership Interest Statute as “tenant shareholders with an interest,” because they may claim mortgage interest on their taxes. Some residents may not be aware of such a deduction, and those that are, seldom claim it because it is usually so small. If this constituent were to move out into another rental property (one that is not a cooperative), HUD regulations say he has to wait three years before he would be able to reapply for the First Time Homebuyer Program. With overcrowded shelters and affordable housing rapidly diminishing the County needs to encourage those in affordable housing to become homeowners.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to work with staff, the Housing Authority, and HUD to explore initiatives, including legislation, that would allow Section 8 residents of affordable housing cooperatives to participate in the First Time Homebuyer Program, and report his findings. Supervisor Hyland seconded the motion and it carried by unanimous vote.

63. **INDIRECT RATE INCREASES AND COX COMMUNICATIONS** (Tape 8)

Supervisor Connolly said that several constituents have contacted his office regarding Cox Communications' digital upgrade. According to his constituents, although Cox advertised that it would not raise rates on its analog service, it has indirectly increased the price by forcing them to get digital. Supervisor Connolly said that his constituents have advised him that before the digital conversion, they received up to four premium channels, but after the conversion, if they wish to stay with analog, the four premium channels are taken away. If they wished to continue with their old cable lineup, that may include the four premium channels, individuals are forced to purchase digital, resulting in a price increase.

Supervisor Connolly moved that the Board direct staff to investigate whether this “indirect rate hike” constitutes a violation of the franchise agreement or any other Consumer Protection standards, or the pledge Cox representatives made to the Board not to raise its rates, and advise the Board what if, any action, might be taken. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting the Board took action regarding another issue with Cox Communications. See Clerk's Summary Item CL#93.)

64. **TEN FAIRFAX COUNTY RESIDENTS HONORED BY A&E NETWORK FOR EXTRAORDINARY COMMUNITY CONTRIBUTIONS** (Tape 8)

Supervisor Connolly referred to his written Board Matter which announced a recent event that honored an impressive group of Fairfax County residents. Ten individuals, including former chairman of the Fairfax County Board of Supervisors Jean Packard, were honored this month for their extraordinary

contributions to this community at a ceremony in Tysons Galleria sponsored by A&E Television Network. The event was part of A&E's "Biography 15 Years Celebration Tour," a 10-city nationwide tour. Ms. Packard was honored for a lifetime of community work, especially her formidable contribution to environmental quality in this region. Other honorees included the following persons who were involved in the rescue and relief efforts at the Pentagon following the September 11 terrorist attack:

- Navy Lieutenant Commander David Tarantino, who performed emergency medical service on a victim he rescued.
- Career firefighter-paramedic Kat Gaines, who saw the crash, rushed to the Pentagon, helped direct people to safety and developed a triage area.
- Fairfax County Fire and Rescue Lieutenant Jerome Williams, who served as a medical specialist at the Pentagon in the wake of September 11.
- Meg Falk, Director of the Office of Family Policy in the Department of Defense, who established a center for relatives of victims 24-hours after the attack.
- Dr. Denny Nissley, Director of Christ in Action, a national aid organization, that set up an area in the Pentagon parking lot to provide food, supplies, and counseling to victims and recovery workers.

Also honored were:

- Stanley Bradley, Director of the S.B. Step Ahead Program, for a lifetime of work on behalf of children.
- Judy Mueller, founder and CEO of the Women's Center.
- Dogwood Elementary Principal Rickie Harvey, for her extraordinary commitment in guiding the community through the rebuilding of her school after it was destroyed by fire.
- Fairfax County School Board Member Robert Frye for his significant role in helping establishing Fairfax County Public Schools as the finest large school district in the nation.



65. **LORTON CELEBRATION** (Tape 8)

Supervisor Connolly expressed his concern about the possible scheduling of the Lorton celebration for August 24 because many persons may not be available at that time. Discussion ensued about the scheduling challenges, with input from Merni Fitzgerald, Director, Office of Public Affairs.

66. **MOUNT VERNON COUNCIL PROPOSES INCREASE IN FINES** (Tape 8)

Supervisor Hyland said that at its meeting on June 26, 2002, the Mount Vernon Council of Citizens Associations approved a resolution requesting the Board to increase fines for drivers convicted of failure to yield the right-of-way to a pedestrian crossing a street or highway as follows:

- \$100 fine plus court fees for the first violation
- \$200 fine plus court fees for the first violation occurring within a school zone
- \$300 fine plus court fees for any subsequent violation within three years whether within a school zone or not

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this issue to staff for review and recommendation to the Board. Without objection, it was so ordered.

67. **RECOMMENDATION FROM THE WETLANDS BOARD** (Tape 8)

Supervisor Hyland said that he has received two proposals which are contained in his written Board Matters from the Fairfax County Wetlands Board requesting that they be included in the 2003 Legislative Program to the General Assembly.

Supervisor Hyland noted that one proposal involves wetlands mitigation and the other request repealing exemption for State and local government wetlands projects, i.e., require permits from wetlands boards.

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

68. **REQUEST FOR CONCURRENT PROCESSING FOR SKYVIEW PARK**  
(Tape 8)

Supervisor Hyland referred to his written Board Matter regarding Skyview Park which was a request to have the Department of Public Works and Environmental Services (DPWES) concurrently process the preliminary plat, site plan, and subdivision plat for the Skyview project. Accordingly, Supervisor Hyland moved

that the Board direct the staff of the DPWES to concurrently process the preliminary plat, site plan, and final subdivision plat for Skyview Park. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

69. **LETTER DATED JULY 9, 2002, TO THE NATIONAL CAPITAL PLANNING COMMISSION** (Tape 8)

Supervisor Hyland said that in reviewing staff's comments addressed to Mr. William Dowd pertaining to the Sub Area Master Plan Update for Fort Belvoir's Regional Community Support Center, he observed that the letter was signed by staff and in the first paragraph it indicates that the comments contained in the letter ". . . represent the views of County staff and do not necessarily represent positions of the Fairfax County Board of Supervisors."

Supervisor Hyland asked unanimous consent that the Board direct staff to resubmit this letter with a cover letter from the Board under the Chairman's signature indicating that these staff comments have been fully endorsed and represent the position of the Board. Without objection, it was so ordered.

70. **REQUEST TO RECOGNIZE DAVIS INDUSTRIES** (Tape 8)

Supervisor Hyland said contained in his written Board Matters are photographs of Fairfax County Fire and Rescue Department (FRD) personnel as they practice cutting into cars on the property of Davis Industries to become expert at retrieving accident victims in an effort to save lives. These practice sessions are held regularly at Davis Industries, which makes its facilities available to FRD practice teams.

Supervisor Hyland said that in addition to helping firefighters hone their skills in this practical manner, Davis Industries has generously donated to the FRD's efforts for burned children. Davis Industries is one of ten locations that the FRD uses for collecting donated aluminum cans for our program of Aluminum Cans for Burnt Children. In addition, Davis Industries has made donations to burned children. In 1995, when the Oklahoma bombing occurred, Davis Industries made a dollar for dollar match of \$50,000 for the children of Oklahoma City.

Accordingly, Supervisor Hyland moved that the Board direct staff to invite representatives of Davis Industries to appear before the Board for recognition of their meaningful and generous support of FRD's efforts regarding both the use of their facilities as well as their help with the burned children campaign. Chairman Hanley seconded the motion, which carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Mendelsohn being out of the room.

71. **REQUEST FOR STAFF TO REVIEW THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 6 (WEAPONS), SECTION 6-1-2.1** (Tape 8)

Supervisor Hyland said that he received an email from Ms. Kathy Corish in which she indicated that her niece received a BB-gun for Christmas, which according to the current Code of the County of Fairfax she has been unable to use because she is in the "wrong part of the County." Also contained in his written Board Matters is an email from Mr. Frederic Meeker (the purchaser of the 50 acres) in which he challenges the constitutionality of prohibiting the use of BB-guns because he has been informed that the property in question is in the "wrong part of the County."

Supervisor Hyland moved that the Board refer this matter to staff for review and recommendation as to whether or not to amend the Code of the County of Fairfax to accommodate discharging BB-guns based on the size of an undeveloped parcel. Supervisor Kauffman seconded the motion, which carried by a vote of eight, Supervisor Bulova and Supervisor Mendelsohn being out of the room.

72. **TRAILS IN OCCOQUAN** (Tape 8)

(NOTE: Earlier in the meeting, the Board discussed the Occoquan Watershed. See Clerk's Summary Item CL#6.)

With reference to the morning's discussion regarding the protection of the Occoquan Watershed, Supervisor McConnell noted that maps were never changed to reflect the changes in trails designations.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor McConnell moved that the Board direct staff to prepare an out-of-turn plan amendment to remove the trails affected by the downzoning.

Supervisor Bulova seconded the motion with the understanding that the plan amendment would entail an analysis of the trails and a review of the density in the Occoquan Watershed with recommendations to remove trails as applicable. This was accepted.

Supervisor Frey asked to amend the motion to limit the amendment to the Springfield District portion of the Occoquan Watershed, and this was accepted.

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

73. **SPECIAL ELECTION FOR THE 37<sup>TH</sup> SENATORIAL DISTRICT** (Tape 8)

Supervisor McConnell noted that the Governor has ordered a special election to fill Senator Warren Barry's vacancy and this special election will be held in the new 37th Senatorial District. By holding the special election in the new 37th Senatorial District and not the old district, those Fairfax County citizens who were

previously located within the old 37th Senatorial District (five Springfield District precincts: Newgate, Clifton, Fairfax Station, Woodyard, and Silverbrook) will not be entitled to vote for someone to replace their previous representative until the next general election.

Supervisor McConnell also noted that the Prince William County Board of Supervisors will discuss this issue tomorrow.

Therefore, Supervisor McConnell moved the Board:

- Affirm that the citizens should have the right to vote and to be represented by a candidate of their choosing during the transition period.
- Call for the prompt resolution of those issues raised in Haddow versus Warner.

This motion died due to the lack of a second.

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

At 1:30 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(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. *Richard M. Robertson v. The Board of Supervisors of Fairfax County, et al.*, In Chancery No. 160618 (Fx. Co. Cir. Ct.) (Dranesville District)

2. Claim of Cooper-Page, Inc., Against the County of Fairfax, Virginia (Mount Vernon District)
3. Authorization to Petition the General District Court for a Subpoena on Behalf of the Human Rights Commission in Ranft v. Butler Technology Solutions d/b/a Butler International, Inc., HRC NO. 2001139VN, EEOC NO. 10DA1046
4. *KMart Corporation v. Board of Supervisors of Fairfax County*, At Law No. 200932 (Fx. Co. Cir. Ct.) (Sully District)
5. *Fairfax County Park Authority v. George A. Fath, et al.*, At Law No. 196661 (Fx. Co. Cir. Ct.) (Springfield District)
6. *Commonwealth of Virginia v. Jose J. Ramirez-Mendez* (Fx. Co. Cir. Ct. Criminal No. K101149)
7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jose P. Velasco and Luz M. Zambrano*, In Chancery No. 177564 (Fx. Co. Cir. Ct.) (Mason District)
8. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Mubarik Ahmad*, In Chancery No. 179037 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Richard L. Dobson*, In Chancery No. 179152 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Patricia M. Judd v. Vincent J. Mears, et al.*, In Chancery No. 160209 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Board of Supervisors v. JWC Properties, et al.*, At Law No. 197228 (Fx. Co. Cir. Ct.) (Sully District)

12. *Board of Supervisors v. Roger DeMarco, et al.*, At Law No. 202313 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Board of Supervisors v. Bentor Homes at Holly Knoll, LLC, et al.*, At Law No. 205667 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Board of Supervisors v. Centrum-Fairfax Limited Partnership, et al.*, At Law No. 205409 (Fx. Co. Cir. Ct.) (Sully District)
15. *Board of Supervisors v. WNB Corporation and Professional Asset Management in Virginia, Inc.*, At Law No. 205408 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Cox Cable Franchise Agreement
- *Zofia A. Zager versus Rukhsana Khalid*, In Chancery Number 177844
- Department of Environmental Quality Consent Special Order, Noman M. Cole, Jr. Pollution Control Plant
- *The Board of Supervisors of Fairfax County, Virginia versus Governors Run L.P. aka Governors run L.P., and Airston Group III, Incorporated*, At Law Number 201904

David P. Bobzien, County Attorney, announced an additional legal item, the Indian Run Drainage Project and possible litigation involving that. Supervisor Connolly amended his motion to include this item. The second to this motion was inaudible.

Chairman Hanley announced that should this motion carry, closed session would convene at 1:45 p.m.

#### **DEFERRAL OF PUBLIC HEARING**

Supervisor Hudgins announced her intent to defer, later in the meeting at the appropriate time, the public hearing on the proposed establishment of the Vantage Hill Restricted Parking District.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Summary Item CL#83.)

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

**DMB:dmb**

At 4:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

### **ACTIONS FROM CLOSED SESSION**

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

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

76. **DENIAL OF THE CLAIM OF COOPER PAGE, INCORPORATED** (Tape 9)

Supervisor Bulova moved that the Board deny the claim of Cooper-Page, Incorporated, as premature based on Copper-Page's failure to invoke state inverse condemnation procedures. Supervisor Hudgins seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Hyland voting "NAY."

77. **AUTHORIZATION OF AN APPEAL REGARDING RICHARD M. ROBERTSON VERSUS THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, ET AL., IN CHANCERY NUMBER 160618 (FAIRFAX COUNTY CIRCUIT COURT)** (Tape 9)

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

78. **AUTHORIZATION OF THE COUNTY ATTORNEY TO PETITION THE GENERAL DISTRICT COURT FOR A SUBPOENA ON BEHALF OF THE HUMAN RIGHTS COMMISSION** (Tape 9)

Supervisor Hyland moved that the Board authorize the County Attorney to petition the General District Court for a subpoena on behalf of the Human Rights Commission in the case titled *Ranft versus Butler Technology Solutions doing business as Butler International, Incorporated*, Human Rights Commission Number 2001139VN, EEOC Number 10DA1046. Supervisor Bulova seconded the motion and it carried by unanimous vote.

### **AGENDA ITEMS**

79. **3 P.M. – PH ON REZONING APPLICATION RZ 2001-HM-052 (KEYSTONE LLC) (HUNTER MILL DISTRICT)** (Tape 9)

Supervisor Hudgins moved to indefinitely defer the public hearing on Rezoning Application RZ 2001-HM-052. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

80. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-M-041 (KFC OF AMERICA, INCORPORATED) (MASON DISTRICT)** (Tape 9)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 01-M-041 until **August 5, 2002, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

81. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1997-SU-002 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-Y-002 (CHANTILLY ASSOCIATES, INCORPORATED) (SULLY DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 1997-SU-002 property is located on the east side of Stonecroft Boulevard, approximately 400 feet south of Westfields Boulevard, Tax Map 44-3 ((6)) 21D.

The Special Exception Amendment Application SEA 97-Y-002 property is located at 5000 Westone Plaza, Tax Map 44-3((6))21D.

Mr. James L. McCormack reaffirmed the validity of the affidavit for the record.

Mr. McCormack 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 Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Richard L. Saslaw

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

- In excess of \$200 from Mr. Richard L. Saslaw

Supervisor Bulova disclosed the following campaign contributions which she had received in excess of \$200 from:

- Mr. Richard L. Saslaw
- Mr. Ronald K. Harrell

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

- In excess of \$200 from Mr. John T. DeBell

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 1997-SU-002 subject to the proffers dated May 15, 2002. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 97-Y-002, subject to the development conditions dated May 16, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

### **ADDITIONAL BOARD MATTER**

82. **WELCOME TO SENATOR RICHARD L. SASLAW** (Tape 9)

Chairman Hanley recognized the presence of Senator Richard L. Saslaw and warmly welcomed him to the Board Auditorium.

**AGENDA ITEMS**

83. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ON THE PROPOSED ESTABLISHMENT OF THE VANTAGE HILL RESTRICTED PARKING DISTRICT (RPD) AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (HUNTER MILL DISTRICT)** (Tape 9)

Supervisor Hudgins moved to defer the public hearing on the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), on the proposed establishment of the Vantage Hill RPD as part of R-TAP. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

SBE:sbe

84. **3:30 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT ITEM S01-CW-3CP, ADDRESSING INFORMATION AND RECOMMENDATIONS ON WATER SUPPLY** (Tape 10)

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 July 4 and July 11, 2002.

Following the public hearing, Supervisor McConnell moved approval of Comprehensive Plan Amendment Item S01-CW-3CP, as recommended by the Planning Commission and found on pages 3-12 of the staff report contained in Attachment I of the Board Agenda dated July 22, 2002. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

85. **3:30 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT ITEM S01-CW-5CP, ADDRESSING INFORMATION AND RECOMMENDATIONS ON SANITARY SEWER** (Tape 10)

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 July 4 and July 11, 2002.

Following the public hearing, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval Comprehensive Plan Amendment Item S01-CW-5CP, as recommended by the Planning Commission and found on pages 3-14 of the staff report contained in Attachment I of the Board Agenda dated July 22, 2002. Supervisor Bulova and Vice-Chairman Hyland jointly

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

86. **3:30 P.M. – PH ON PROPOSED COMPREHENSIVE PLAN AMENDMENT ITEM S01-CW-6CP, ADDRESSING INFORMATION AND RECOMMENDATIONS ON EQUIPMENT MANAGEMENT** (Tape 10)

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 July 4 and July 11, 2002.

Following the public hearing, Supervisor Hyland moved approval of Comprehensive Plan Amendment Item S01-CW-6CP, as recommended by the Planning Commission and found on pages 2-5 of the staff report contained in Attachment I of the Board Agenda dated July 22, 2002. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Gross, and Supervisor McConnell being out of the room.

87. **3:30 P.M. – PH ON A PROPOSAL TO VACATE RIGHT-OF-WAY DEDICATED FOR THE WIDENING OF ROUTE 123 (SPRINGFIELD DISTRICT)** (No Tape)

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item CL#89.)

88. **4 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S02-IV-MV1 FOR PROPERTY LOCATED NORTH OF RICHMOND HIGHWAY IN THE VICINITY OF CENTRAL AVENUE (LEE DISTRICT)** (Tape 10)

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 July 4 and July 11, 2002.

Following the public hearing, Supervisor Kauffman moved approval of Out-of-Turn Plan Amendment S02-IV-MV1 as recommended by the Planning Commission with the elimination of the last bullet which states "dedication of right-of-way for Richmond Highway provided as determined by the Department of Transportation." Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor Gross being out of the room.

89. **3:30 P.M. – PH ON A PROPOSAL TO VACATE RIGHT-OF-WAY DEDICATED FOR THE WIDENING OF ROUTE 123 (SPRINGFIELD DISTRICT)** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 4 and July 11, 2002.

Following the public hearing, Supervisor McConnell moved adoption of the Ordinance vacating right-of-way dedicated for the widening of Route 123. Chairman Hanley seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “AYE,” Supervisor Frey, Supervisor Gross, and Supervisor Kauffman being out of the room.

90. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-010 (KRISTIAN C. AND SANDRA M. MOTZ) (PROVIDENCE DISTRICT)** (Tape 10)

The property is located at 2121 Woodford Road, Tax Map 39-1 ((7)) 11.

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

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

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

Supervisor Connolly moved approval of Special Exception Application SE 2002-PR-010, subject to the development conditions dated July 18, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

91. **4 P.M. – PH ON REZONING APPLICATIONS RZ 2002-MV-002 AND RZ 2002-MV-018, AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-MV-037-6 (SOUTH STATION, LLC) (MOUNT VERNON DISTRICT)** (Tape 10)

- (Os) The Proffered Condition Amendment Application PCA 1996-MV-037-6 is located on the west side of Lorton Station Boulevard, approximately 1,000 feet north of Lorton Road, Tax Map 107-2 ((1)) 43 pt., 44 pt., and 48 pt.

The Rezoning Application RZ 2002-MV-002 is located on the west side of Lorton Station Boulevard, approximately 1,000 feet north of Lorton Road, Tax Map 107-2 ((1)) 43 pt.

The Rezoning Application RZ 2002-MV-018 property is located on the west side of Lorton Station Boulevard, approximately 1,000 feet north of Lorton Road, between the Fredericksburg and Potomac Railroad and I-95, Tax Map 107-2 ((1)) 27 pt.

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

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

Following the public hearing, which included testimony by two speakers, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 1996-MV-037-6, subject to the proffers dated July 15, 2002.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-002 from the PDC District to the PRM District, subject to the proffers dated July 15, 2002.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-018 from the R-1 District to the R-1 District for open space and trail purposes with no attributable density, subject to the proffers dated July 15, 2002.
- Waiver of the transitional screening and barrier requirements along the entire site periphery and between the PDC and PRM Districts to that shown on the site plan.

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

92. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-H-049 (AT&T WIRELESS SERVICES, INCORPORATED, D/B/A AT&T WIRELESS) (HUNTER MILL DISTRICT)** (Tape 10)

The property is located within a portion of the right-of-way of the intersection of Baron Cameron Avenue and the Fairfax County Parkway, formerly part of Tax Map 17-1 ((12)) 8.

Mr. Christopher W. Hembree reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from AT&T Wireless

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Dominion Resources

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

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 01-H-049, subject to the development conditions dated June 27, 2002.
- Waiver of the transitional screening and barrier requirements along the northern and eastern boundaries.

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

**ADDITIONAL ACTION FROM CLOSED SESSION**93. **ACTIONS RELATED TO MATERIAL BREACH OF THE CABLE TELEVISION FRANCHISE HELD BY COXCOM, INCORPORATED d/b/a COX COMMUNICATIONS OF NORTHERN VIRGINIA** (Tape 10)

Supervisor Connolly stated that he had three motions concerning the material breach of the cable television franchise held by Cox Communications, Incorporated, doing business in the County as Cox Communications Northern Virginia. Additionally, he asked unanimous consent that the Board direct staff to make a part of the record the attachments to the written motion containing several documents that provide relevant background information. Without objection, it was so ordered.

Supervisor Connolly moved that the Board Find Cox Communications Northern Virginia in material breach of its cable television franchise, pursuant to Section 12(1)(2) of its franchise agreement, for violations identified in the County's Notice of Franchise Violation, dated June 4, 2002.

Supervisor Connolly noted that the Board, pursuant to the Code of the County of Fairfax, Section 9.1-4-1 (c), has the sole authority to revoke or shorten the term of a franchise and may do so according to the provisions stated in the Cable Franchise Agreement Between Fairfax County, Virginia and Cox Communications Northern Virginia, Section 11 (f), *Shortening, Revocation, or Termination of Franchise*.

Therefore, Supervisor Connolly moved that the Board Direct the County Executive to provide Cox Communications Northern Virginia, the Franchise Grantee, and Cox Communications, Incorporated, the Franchise Guarantor, written notice of the default in Cox Communications Northern Virginia's performance and to identify the corrective actions, as detailed below, that Cox Communications Northern Virginia must take within 60 calendar days of the receipt of such notice, in order to avoid Board action to revoke or shorten its cable franchise. Such corrective actions are:

- Cox Communications Northern Virginia shall provide, within 60 calendar days of the receipt of such notice, a detailed construction schedule that results in the completion of 95 percent of its upgrade to the Home Subscriber Network (HSN) by May 31, 2003, and includes interim construction goals and the means by which to ascertain the percentage of completion, both of which are acceptable to the County.
- Cox Communications Northern Virginia shall agree to accept, without challenge, the County's assessment of liquidated damages of \$2,000 per day beginning July 22, 2002, and continuing until such time as the HSN is 95 percent complete. The County shall

waive such liquidated damages if Cox Communications Northern Virginia completes 95 percent of its upgrade to the HSN by May 31, 2003, as specified in (a) above, but if the upgrade is not 95 percent complete by May 31, 2003, such liquidated damages shall be immediately payable to the County. Cox Communications Northern Virginia shall hold in escrow to the benefit of the County such liquidated damages until such time as the HSN is 95 percent complete or until May 31, 2003, whichever is earlier.

- Cox Communications Northern Virginia shall provide within 60 calendar days of the receipt of such notice, a detailed construction schedule that results in the completion of 95 percent of its construction of the Institutional Network (I-Net) by May 31, 2003, and includes interim construction goals and the means by which to ascertain the percentage of completion, both of which are acceptable to the County.
- Cox Communications Northern Virginia shall agree to deduct from the I-Net Purchase Price, as established in the Cable Franchise Agreement Between Fairfax County, Virginia and Cox Communications Northern Virginia, I-Net Appendix, an amount acceptable to the County that offsets the reasonable monthly expenditures incurred as a result of Cox's failure to construct the I-Net.
- Cox Communications Northern Virginia's corrective actions shall be set forth in a corrective action agreement acceptable to the County. The agreement shall set forth how each corrective action identified above shall be taken. Within the prescribed 60-day period, Cox Communications Northern Virginia and Cox Communications, Incorporated must sign such agreement and return it to the County Executive.

Supervisor Connolly further moved that the Board reaffirm that by approving these motions it does not waive any of its rights, including, but not limited to, those under Chapter 9.1 or the Cable Franchise Agreement Between Fairfax County, Virginia and Cox Communications Northern Virginia, and also to reaffirm that if Cox Communications Northern Virginia does not undertake and complete all corrective actions identified in the prior motion, the Board will take action to impose liquidated damages and to revoke or shorten the Cox Communications Northern Virginia cable franchise.

Supervisor Gross seconded the motions. Discussion ensued with input from Ronald B. Mallard, Director, Department of Cable Communications and Consumer Protection.

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



**AGENDA ITEMS**

94. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-PR-058 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-P-045-4 (TYCON TOWER I INVESTMENT LIMITED PARTNERSHIP AND TYCON TOWER III INVESTMENT CORPORATION) (PROVIDENCE DISTRICT)** (Tape 10)

The Proffered Condition Amendment Application PCA 1998-PR-058 property is located on the north side of Towers Crescent Drive approximately 1,000 feet northwest of the intersection of Leesburg Pike and the Capital Beltway, Tax Map 39-2 ((29)) 1A1, 1D1 and B.

The Special Exception Amendment Application SEA 83-P-045-4 property is located at 8000 Towers Crescent Drive, Tax Map 39-2 ((29)) 1A1, 1D1 and B.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavits for the record.

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

- In excess of \$200 from Tycon Tower II Investment Corporation

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

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

Supervisor Connolly moved:

- Approval of Proffered Condition Amendment Application PCA 1998-PR-058, subject to execution of proffers dated June 20, 2002.
- Approval of Special Exception Amendment Application SEA 83-P-045-4, subject to the development conditions dated June 14, 2002.

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

**ADDITIONAL BOARD MATTER**95. **AFFIDAVITS** (Tape 10)

Following discussion, Supervisor Gross asked unanimous consent that the Board direct staff to continue to use colored paper for copies of the affidavits. Without objection, it was so ordered.

**AGENDA ITEMS**96. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 6 (DEFERRED COMPENSATION PLAN ORDINANCE)**  
(Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 4 and July 11, 2002.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 6, relating to the Fairfax County Deferred Compensation Plan. Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting “AYE,” Supervisor Bulova, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelson being out of the room.

97. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-050 (STANLEY-MARTIN HOMEBUILDING, LLC) (PROVIDENCE DISTRICT)** (Tape 10)

Supervisor Connolly moved to defer the public hearing on Rezoning Application RZ 2001-PR-050 until **August 5, 2002, at 3:30 p.m.** Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

98. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-SP-001 AND SPECIAL EXCEPTION APPLICATION SE 02-S-001 (PENDER VETERINARY CLINIC, A VIRGINIA PARTNERSHIP) (SPRINGFIELD DISTRICT)** (Tapes 10-11)

- (O) The Rezoning Application RZ 2002-SP-001 property is located on the north terminus of Legato Road in the southeast quadrant of the intersection of West Ox Road and Lee Jackson Memorial Highway.

The Special Exception Application SE 02-S-001 property is located at 4001 Legato Road. Both applications reference Tax Map 46-3 ((1)) 52A, 52B; 46-3 ((8)) 17.

Mr. Charles L. Shumate reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor McConnell moved to waive the reading of the staff and Planning Commission recommendations. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-SP-001, from the C-6, C-7, and HC Districts, to the C-7 and HC Districts, subject to execution of proffers dated July 1, 2002.
- Approval of Special Exception Application SE 02-S-001, subject to the development conditions dated June 5, 2002.
- Modification of the transitional screening and barrier in favor of that shown on the GDP/SE Plat, should it be determined necessary.

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

### **ADDITIONAL BOARD MATTER**

99. **AUGUST 5, 2002, BOARD MEETING** (Tape 11)

Chairman Hanley announced that August 5, 2002, would be the Board's last Board meeting until after Labor Day. It would be a full day and begin at 9 a.m.

100. **BOARD ADJOURNMENT** (Tape 11)

At 5:40 p.m., Supervisor Hyland moved to adjourn the meeting. Supervisor Frey seconded the motion and it carried by a unanimous vote.

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