



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 3, 2001**

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01-24

SBE:sbe

The meeting was called to order at 9:10 a.m., with all Members being present, and with Chairman Hanley presiding.

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 Kauffman asked everyone to keep in thoughts and prayers the Steve Titunick family who lost their son Michael in a tragic accident last week.

Supervisor Hyland asked everyone to keep in thoughts and prayers the family of Warren Johnson who died recently. Mr. Johnson was very active in many Mount Vernon District civic activities.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO THE VIENNA AMERICAN LITTLE LEAGUE ALL-STARS** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Vienna American Little League All-Stars for their accomplishments. Supervisor Connolly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE LANGLEY HIGH SCHOOL GOLF TEAM** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the Langley High School Golf Team for winning the 2001 Virginia State AAA Golf Championship. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO PUBLIC SAFETY PERSONNEL** (Tape 1)

Chairman Hanley relinquished the chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the public safety personnel who responded to the terrorist attack of September 11 on the Pentagon. Supervisor Bulova and Vice-Chairman Hyland jointly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO LONG-SERVING ELECTION OFFICIALS AND STUDENT PAGES** (Tape 1)

Chairman Hanley moved approval of the Certificate of Recognition presented to long-serving election officials and student pages for their service to the community. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. STEVE BROWN** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Steve Brown for his contributions to Inova Health System and Fairfax County. Supervisor Bulova and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING THE WEEK OF DECEMBER 11 AS "GEORGE MASON WEEK " IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation designating the week of December 11 as "*George Mason Week*" in Fairfax County. Vice-Chairman Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **PROCLAMATION TO DECLARE DECEMBER 7 AS "PEARL HARBOR REMEMBRANCE DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley moved approval of the Proclamation declaring December 7 as "*Pearl Harbor Remembrance Day*" in Fairfax County. Supervisor Connolly

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

9. **PROCLAMATION RECOGNIZING THE WEEK OF DECEMBER 3-9 AS "AIDS AWARENESS WEEK" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley moved approval of the Proclamation recognizing the week of December 3-9 as "*Aids Awareness Week*" in conjunction with the December 1 recognition of "*World AIDS Day*." Supervisor Connolly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley

10. **RESOLUTION CONGRATULATING THE GREATER RESTON CHAMBER OF COMMERCE** (Tape 2)

Supervisor Hudgins moved adoption of the Resolution congratulating the Greater Reston Chamber of Commerce on its twentieth anniversary. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

Chairman Hanley recognized the presence of Ann Rodriguez, member of the Economic Development Authority and Greater Reston Chamber of Commerce, and welcomed her to the Board Auditorium.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ROBERT MOORE** (Tape 2)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Robert Moore upon his retirement for his years of service to Fairfax County. Chairman Hanley seconded the motion and it carried by unanimous vote.

12. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY HISTORY COMMISSION** (Tape 2)

Karen Washburn, Chairman, Fairfax County History Commission, presented its annual report.

DMB:dmb

13. **10:15 A.M. – BOARD ADOPTION OF THE 2002 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (Tape 3)

Supervisor Connolly, Chairman, Board's Legislative Committee, briefly addressed key issues related to the Legislative Program for the Virginia General Assembly as contained in the Memorandum to the Board dated December 3, 2001, and discussed the additional three items, which were distributed that were based on the Legislative Committee meeting held on Monday, November 26, 2001, as follows:

- Funding - SOQ Funding/JLARC Report (Joint Position)
- Joint Fairfax County Board of Supervisors and School Board Priority Positions
- Funding - Response to Public Health Threats (Regional Position)

Following discussion, Supervisor Connolly moved adoption of the Legislative Program for the Virginia General Assembly with the inclusion of the three items distributed. Supervisor Bulova seconded the motion.

Supervisor Frey referenced the County's draft legislative position on the local sales tax referendum and moved to amend the motion that the Board's support for any increase in the sales tax be tied to an immediate elimination on the sales tax on food. Supervisor Mendelsohn seconded the motion.

Discussion ensued and Supervisor Mendelsohn withdrew the second to the motion, thereby killing the motion.

Following additional discussion, Supervisor Mendelsohn moved to amend the motion regarding the language of the sales tax referendum to state "to support legislation to allow the citizens of Fairfax County and Northern Virginia to decide by referendum on whether to increase the sales tax in Fairfax County and other Northern Virginia localities with the proceeds to be targeted for local transportation projects vital to relieve traffic congestion and for critical capital improvements for the schools." This motion died for lack of a second.

Supervisor McConnell moved to amend the motion regarding the language of the County's legislative position on dangerous weapons in public facilities to provide an exemption for those who have lawful Concealed Carry Permits. Supervisor Mendelsohn seconded the motion.

Following extensive discussion with input from Michael H. Long, Senior Assistant Attorney, the question was called on the amendment to the motion and it **CARRIED** by a recorded vote of eight, Supervisor Gross and Supervisor Hudgins voting "NAY."

Supervisor Hudgins asked unanimous consent that the Board direct staff to report on the status of the legislative proposal regarding Social Action Linking Together. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to report on the status of the lighting ordinance changes and also provide additional information regarding enabling legislation. Without objection, it was so ordered.

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

PW:pw

14. **10:30 A.M. - APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 4)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Kauffman moved the appointment of Mr. Dennis Pfennig to the fill the unexpired term of Ms. Dawn Hein as the Lee District Representative to the Advisory Social Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

AIRPORTS ADVISORY COMMITTEE

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

The Board deferred the appointment of the At-Large #6 Representative to the Alcohol Safety Action Program Local Policy Board.

ATHLETIC COUNCIL

The Board deferred the appointment of the At-Large (Diverse Population) Representative to the Athletic Council.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

Chairman Hanley moved the re-appointment of Mr. John Yeatman as the Citizen of Fairfax County #3 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Citizen of Fairfax County #2 Representative to the Board of Equalization of Real Estate Assessments.

CHARACTER COUNTS! TASK FORCE

The Board deferred the appointment of the Sully District Representative to the Character Counts! Task Force.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative 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 ORGAN AND TISSUE DONATION AND TRANSPLANTATION

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

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the Mason and Springfield District Representatives to the Criminal Justice Advisory Board.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointments of the Springfield and Sully District Representatives to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large and Springfield District Representatives to the Fairfax Area Disability Services Board.

HUMAN RIGHTS COMMISSION

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

INDUSTRIAL DEVELOPMENT AUTHORITY

Chairman Hanley moved the appointment of Mr. Marcus B. Simon as the At-Large #5 Representative to the Industrial Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Information Technology Policy Advisory Committee.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Juvenile and Domestic Relations District Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointment of the At-Large #5 Representative to the Oversight Committee on Drinking and Driving.

PLANNING COMMISSION

Supervisor Hudgins moved the appointment of Mr. Frank de la Fe as the Hunter Mill District Representative to the Planning Commission. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite outgoing Hunter Mill District Planning Commissioner John Palatiello to appear before the Board to be recognized for his years of service. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board direct staff to invite Mr. de la Fe to appear before the Board to be recognized for his years of service as the Chairman of the Park Authority. Without objection, it was so ordered.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #2 and At-Large #4 Representatives to the Road Viewers Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Tenant Member #1 Representative to the Tenant Landlord Commission.

TREE COMMISSION

The Board deferred the appointments of the Springfield and Sully District Representatives to the Tree Commission.

WATER AUTHORITY

The Board deferred the appointment of the Dranesville District Representative to the Water Authority.

ADHOC COMMITTEES

ANIMAL CARE AND CONTROL COMMITTEE

The Board deferred the appointment of the Dranesville District Representative to the Animal Care and Control Committee.

HEALTH AND MEDICAL CARE DELIVERY TASK FORCE

The Board deferred the appointments of the Braddock, Mason, Springfield, and Sully District Representatives to the Health and Medical Care Delivery Task Force.

SIGN TASK FORCE

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

TELECOMMUNICATIONS (“MONOPOLES”) LAND USE TASK FORCE

The Board deferred the appointment of the Hunter Mill District Representative to the Telecommunications (“Monopoles”) Land Use Task Force.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information about the schedule of this task force. Without objection, it was so ordered.

DMB:dmb

15. **ADMINISTRATIVE ITEMS** (Tape 5)

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

Chairman Hanley called the Board's attention to Admin 9 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Public Facilities Manual, Chapters 6, 7, 8, and 10, regarding Ballfields, Centerline Street Radius, Sanitary Sewer Steel Casing Pipe/Tunnel Detail and Underground Detention, and

discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services (DPWES), and Pamela K. Pelto, Assistant County Attorney.

Supervisor Connolly called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Chapter 64 (Mechanical Provisions), Chapter 65 (Plumbing and Gas Provisions), and Chapter 66 (Electrical Provisions), and discussion ensued with input from Anthony H. Griffin, County Executive, and Monica Mongoven, Director, Permits Division, DPWES.

Supervisor Mendelsohn and Supervisor Connolly called the Board's attention to Admin 12 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding Violations and Penalties, Restoration of Chesapeake Bay Preservation Areas, and Removal of Indigenous Vegetation from Resource Protection Areas, and discussion ensued with input from Mr. Friedman.

Chairman Hanley called the Board's attention to Admin 13 – Authorization to Allocate Housing Trust Funds for the Purchase of One Unit at the Westbriar Plaza Condominium and Approval of Acquisition of the Unit as Additional Housing Pursuant to Title 36 of the Code of Virginia (Providence District), and discussion ensued with input from Jack Clark, Senior Development Officer, Development and Real Estate Finance Division, Department of Housing and Community Development.

Supervisor Mendelsohn called the Board's attention to Admin 21 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Chapter 101 (Subdivision Ordinance), and the Public Facilities Manual, Regarding Tree Preservation and Planting and made a brief comment.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED CONSOLIDATED PLAN ONE YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2003

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 11, 2002, at 7 p.m.** to consider the Proposed Consolidated Plan One Year Action Plan for FY 2003.

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified by their registration number, as Plans Examiners:

- Karen H. Lanham (213)
- Carolyn E. H. Mraz (214)

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE GRAHAM RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 34 (PROVIDENCE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 7, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Graham RPPD, District 34. The proposed District expansion includes the following street blocks:

- Graham Road (Route 1720) from Graham Court North Intersection (Route 2335) to Terry Lane (Route 2385)
- Fenwick Road (Route 1781) from Arlington Boulevard (Route 50) to Lawrence Drive (Route 1781)
- Rogers Drive (Route 1774) from Lawrence Drive to Allen Street (Route 2470)
- Rogers Drive from Allen Street to Elmwood Drive (Route 1780)

ADMIN 4 – INSTALLATION OF "WATCH FOR CHILDREN" SIGNS AT VARIOUS LOCATIONS

(R)

- Adopted the Resolution endorsing the installation of "Watch for Children" signs on the following residential streets:
 - Nottingham Drive (Providence District)
 - Autumn Willow Drive (Springfield District)
- Directed staff to request the Virginia Department of Transportation install these signs at the earliest possible date.

ADMIN 5 – INSTALLATION OF MULTI-WAY STOPS AT VARIOUS LOCATIONS

- Endorsed the installation of multi-way stops at the following locations:
 - Bronzedale Drive and Flemish Mill Court (Sully District)
 - O'Day Drive and Thera Way (Sully District)
 - Barrymore Road and Kamputa Drive (Sully District)
 - Newton Patent Drive and Red House Drive (Sully District)
 - Awbrey Patent Drive and Four Chimney Drive (Sully District)
 - Marston Moor Lane and John Milton Drive (Hunter Mill District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, ESTABLISHING THE ANNANDALE TERRACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 37 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 7, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, establishing the Annandale Terrace RPPD, District 37.

ADMIN 7 – ADOPTION OF A RESOLUTION TO ADD PORTIONS OF STRINGFELLOW ROAD, CLIFTON ROAD, AND LISA DAWN LANE; DISCONTINUE A PORTION OF STRINGFELLOW ROAD; AND RENUMBER A SEGMENT OF ARROWHEAD PARK DRIVE (SULLY AND SPRINGFIELD DISTRICTS)

(R) Adopted the Resolution requesting that:

- Segments of Stringfellow Road, Clifton Road, and Lisa Dawn Lane be added to the Secondary System of State Highways.
- A segment of Stringfellow Road be discontinued from the Secondary System.
- A segment of Arrowhead Park Drive be renumbered for the Secondary System.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, ESTABLISHING THE JEB STUART RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 38 (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 7, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, establishing the JEB Stuart Residential RPPD, District 38.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM), CHAPTERS 6, 7, 8, AND 10, REGARDING BALLFIELDS, CENTERLINE STREET RADIUS, SANITARY SEWER STEEL CASING PIPE/TUNNEL DETAIL AND UNDERGROUND DETENTION

(NOTE: Earlier in the meeting there was discussion of this item. See page 8.)

(A) Authorized the advertisement of a public hearing to be held before the Planning Commission on February 21, 2002, and before the Board on March 18, 2002, to consider proposed amendments to the PFM regarding ballfields, centerline street radius, sanitary sewer steel casing pipe/tunnel detail, and underground detention.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (SULLY DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Camberley East	Sully	Parpet Way Commodore Court Blakesley Hall Court Thompson Road Route 669 Additional ROW Only Oxon Road Route 764 Additional ROW Only
Shirley Gate Estates	Sully	Shirley Gate Court

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), CHAPTER 64 (MECHANICAL PROVISIONS), CHAPTER 65 (PLUMBING AND GAS PROVISIONS), AND CHAPTER 66 (ELECTRICAL PROVISIONS)

- (BACs) (NOTE: Earlier in the meeting there was discussion of this item. See page 9.)
(A)

Authorized the advertisement of a public hearing to be held before the Board on **January 7, 2002, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Chapter 64 (Mechanical Provisions), Chapter 65 (Plumbing and Gas Provisions), and Chapter 66 (Electrical Provisions) regarding modification of the Office of Building Code Services fee schedule, and consolidation of the Electrical, Mechanical, and Plumbing Advisory Boards.

ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING VIOLATIONS AND PENALTIES, RESTORATION OF CHESAPEAKE BAY PRESERVATION AREAS, AND REMOVAL OF INDIGENOUS VEGETATION FROM RESOURCE PROTECTION AREAS

- (As) (NOTE: Earlier in the meeting there was discussion of this item. See page 9.)

Authorized the advertisement of public hearings to be held before the Planning Commission on January 24, 2002, and before the Board on **February 25, 2002, at**

3:30 p.m. to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding violations and penalties, restoration of Chesapeake Bay preservation areas, and removal of indigenous vegetation from resource protection areas.

ADMIN 13 – AUTHORIZATION TO ALLOCATE HOUSING TRUST FUNDS FOR THE PURCHASE OF ONE UNIT AT THE WESTBRIAR PLAZA CONDOMINIUM AND APPROVAL OF ACQUISITION OF THE UNIT AS ADDITIONAL HOUSING PURSUANT TO TITLE 36 OF THE CODE OF VIRGINIA (PROVIDENCE DISTRICT)

(NOTE: Earlier in the meeting there was discussion of this item. See page 9.)

- Authorized the acquisition of one two-bedroom condominium at Westbriar Plaza.
- Authorized the use of Housing Trust Funds as a funding source for the purchase.

ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02050 FOR THE HEALTH DEPARTMENT'S TUBERCULOSIS (TB) NURSE COORDINATOR GRANT

(SAR) Approved SAR AS 02050 in the amount of \$68,723 for the Health Department's continuation of a TB Nurse Coordinator grant from the Virginia Department of Health, Bureau of TB Control. No local cash match is required.

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02046 FOR THE HEALTH DEPARTMENT'S WOMEN, INFANTS, AND CHILDREN (WIC) GRANT

(SAR) Approved SAR AS 02046 in the amount of \$19,000 from INOVA to partially fund an existing Nutritionist position in the WIC grant. No local cash match is required.

ADMIN 16 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 97-Y-058, VIRGINIA TOWERS, LC (SULLY DISTRICT)

(AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 97-Y-058 to October 5, 2002, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 17 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE, LEE, MOUNT VERNON, PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)

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

- Application 2232-L01-22 to January 28, 2002
- Application 2232-P01-26 to January 28, 2002
- Application FS-P01-52 to February 11, 2002
- Application FS-V01-56 to February 24, 2002
- Application 2232-V01-27 to February 28, 2002
- Application 2232-S01-28 to February 28, 2002
- Application 2232-P01-29 to March 9, 2002
- Application 2232-L01-28 to March 9, 2002
- Application 2232-D01-32 to March 18, 2002
- Application 2232-Y01-34 to April 1, 2002
- Application 2232-Y01-33 to April 8, 2002
- Application 2232-D01-31 to April 29, 2002

**ADMIN 18 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 02048 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT A COMMONWEALTH OF VIRGINIA GRANT
AWARD TO FUND THE SMOOTH OPERATOR ENFORCEMENT AND
EDUCATION PROGRAM**

(SAR) Approved SAR AS 02048 in the amount of \$30,000 for the FCPD to continue the Smooth Operator Enforcement and Education Program. The local match requirement will be satisfied through the provision of in-kind services. No additional County funding is required.

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02047 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A COMMONWEALTH OF VIRGINIA GRANT AWARD TO FUND THE OPERATION KIDS FITTING STATIONS CHILD PASSENGER PROGRAM

- (SAR) Approved SAR AS 02047 in the amount of \$20,000 for the FCPD to continue the Operation Kids Fitting Stations Child Passenger Program. The local match requirement will be satisfied through the provision of in-kind services to be performed by existing staff. No additional County funding is required.

ADMIN 20 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 02049 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A COMMONWEALTH OF VIRGINIA GRANT AWARD TO FUND THE TRAFFIC SAFETY WATCH PROGRAM

- (SAR) Approved SAR AS 02049 in the amount of \$25,000 for the FCPD to continue the Traffic Safety Watch Program. The local match requirement will be satisfied through the provision of in-kind services to be performed by existing staff. No additional County funding is required.

ADMIN 21 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), CHAPTER 101 (SUBDIVISION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM), REGARDING TREE PRESERVATION AND PLANTING

- (A)(R) (NOTE: Earlier in the meeting this item was mentioned. See page 9.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 16, 2002, and before the Board on **February 11, 2002, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Chapter 101 (Subdivision Ordinance), and the PFM regarding tree preservation and planting, and tree cover.

16. **A-1 – APPROVAL OF AMENDMENTS TO THE CLASSIFICATION AND COMPENSATION PLANS** (Tape 5)

On the motion of Supervisor Gross, seconded by Supervisor Connolly, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and approved the proposed amendments to the Classification and Compensation plans for the Human Rights Specialist series and classes of Nutritionist Assistant and Mental Health/Mental Retardation/Substance Abuse Services Aide.

17. **A-2 – APPROVAL OF A REALLOCATION OF FUND 145, HOME INVESTMENT PARTNERSHIPS GRANT PROGRAM FUNDS TO THE CATHOLICS FOR HOUSING (CFH) NON-PROFIT HOUSING DEVELOPMENT CORPORATION**

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the reallocation of \$24,200 in HOME funds to CFH to continue a program of rental assistance for eligible senior citizens throughout the County. Supervisor Hudgins seconded the motion.

Following discussion with input from Audrey Spencer-Horsley, Acting Director, Community Development Division, DHCD, Supervisor Connolly moved to amend the motion to delete the reference to fundraising, and this was accepted.

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

18. **A-3 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2003 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (Tape 5)

Supervisor Hyland moved that the Board concur in the recommendation of staff and endorse the CAO Task Force's two primary recommendations on the FY 2003 VRE budget. Discussion ensued with input from Tom Biesiadny, Head, Coordination and Funding Section, Department of Transportation.

The question was called on the motion, the second to which was inaudible, and it carried by unanimous vote.

19. **A-4 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD) TO APPLY FOR SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES PROGRAM (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)** (Tape 5)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and authorize DHCD to apply for funding through the VHDA's SPARC Program. Supervisor Hyland seconded the motion. Discussion ensued with input from Paula C. Sampson, Director, DHCD.

Supervisor Bulova moved to amend the motion to direct staff to add the words "and other areas" to the application. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

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

20. **A-5 – APPROVAL OF A RESOLUTION OF SUPPORT FOR A GRANT APPLICATION TO THE CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT (CBLAD) BY THE NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)** (Tape 5)

(R) On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn and Chairman Hanley voting "AYE," Supervisor Bulova being out of the room, the Board concurred in the recommendation of staff and adopted the Resolution that:

- Supports an application by the NVRC for a grant from the CBLAD to undertake several efforts in support of Fairfax County's Comprehensive Plan requirements under the Chesapeake Bay Preservation Area Designation and Management Regulations.
- Directs staff to work closely with NVRC to develop planning documents that meet these requirements.
- Authorizes the County Executive to sign a multi-party agreement among the NVRC, CBLAD, and Fairfax County relating to the NVRC proposal.

21. **A-6 – DETERMINATION BY THE BOARD THAT A CERTAIN TYPE OF MAIL PROCESSING FACILITY IS A CATEGORY 5 SPECIAL EXCEPTION USE** (Tape 5)

On motion of Supervisor Frey, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and determined that a mail processing facility involving the inspection and testing of mail for explosive materials and/or chemical and biological hazards and/or decontamination of such mail is a Category 5 special exception use pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 9-501, Paragraph 13FF.

22. **A-7– APPROVAL OF PROPOSED TESTIMONY FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION PUBLIC HEARING REGARDING VIRGINIA TRANSPORTATION DEVELOPMENT PLAN (VTDP) HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEAR (FY) 2002 THROUGH FY 2007** (Tape 5)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve the letter contained in Attachment I of the Memorandum to the Board dated December 3, 2001, to Secretary Ybarra for the Chairman's signature. Supervisor Hudgins seconded the motion.

Following discussion with input from Young Ho Chang, Director, Department of Transportation, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to insert language indicating that the Board understands that there will be a further loss in the newly proposed budget regarding the Virginia Railway Express Track Leases and Signal Improvements, and this was accepted.

Chairman Hanley asked unanimous consent that the Board direct staff to delete the term "BRT" in reference to Dulles Corridor Express Bus Service (Dulles BRT), and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

23. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS**
(Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, requesting authorization for the County Executive or the appropriate Deputy County Executive or the Chief Financial Officer to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

24. **I-2 – FISCAL YEAR (FY) 2001 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, announcing that the FY 2001 CAFR will be presented by December 31, 2001.

25. **I-3 –NEW DOMAIN NAME FOR FAIRFAX COUNTY GOVERNMENT WEB SITE** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, announcing the new domain name for the Fairfax County Government web site: www.fairfaxcounty.gov.

Discussion ensued with input from David J. Molchany, Chief Information Officer.

26. **I-4 – CONTRACT AWARD - GUM SPRINGS PHASE IV AND V STORM DRAINAGE IMPROVEMENT (MOUNT VERNON DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, requesting authorization for staff to award a contract to William B. Hopke Company, Incorporated, in the amount of \$1,041,100 for the construction of Gum Springs Phase IV and V Storm Drainage Improvement, in Project 003905, Gum Springs Public Improvements, in Fund 340, County Housing Assistance Program.

The staff was directed administratively to proceed as proposed.

27. **I-5 – SUPPLEMENTAL AGREEMENT NUMBER ONE WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR THE DEVELOPMENT AND ADMINISTRATION OF CHAIN BRIDGE ROAD STREETScape AND TRAFFIC CALMING PROJECT (DRANESVILLE DISTRICT)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, requesting authorization for staff to execute Supplemental Agreement Number 1 with VDOT for the Chain Bridge Road Streetscape and Traffic Calming project which includes brick paver sidewalks and crosswalks, bus shelters, streetlights, landscaping, and other streetscape enhancements between Westmoreland Street and Old Chain Bridge Road.

The staff was directed administratively to proceed as proposed.

28. **I-6 – CONTRACT AWARD – FAIRFAX CONNECTOR BUS OPERATION AT HUNTINGTON DIVISION (LEE, MOUNT VERNON, BRADDOCK, MASON, AND SPRINGFIELD DISTRICTS)** (Tape 5)

The Board next considered an item contained in the Memorandum to the Board dated December 3, 2001, requesting authorization for staff to award a contract to Yellow Transportation/Connex for the management and operation of FAIRFAX CONNECTOR bus service in the southeastern portion of Fairfax County.

Discussion ensued with input from Andy Szakos, Chief, Transit Services Division, Department of Transportation.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS29. **LETTER FROM THE DEPARTMENT OF DEFENSE** (Tape 6)

Chairman Hanley distributed copies of a letter she had received from D.O. Cooke, Director, Administration and Management, US Department of Defense, expressing appreciation to the Board for its support following the terrorist attack on September 11, 2001.

30. **POLICY ON STUDENT ABSENCES TO APPEAR BEFORE THE BOARD OF SUPERVISORS** (Tape 6)

Chairman Hanley distributed copies of a memorandum from Daniel A. Domenech, School Superintendent, to Anthony H. Griffin, County Executive, regarding the School policy on student absences to appear before the Board of Supervisors. This was in response to a Board inquiry on the subject. She noted that the excused absence is at the school principal's discretion.

Following discussion, Chairman Hanley stated that she would speak with the Chairman of the School Board on this subject.

31. **EMERGENCY COMMUNICATIONS** (Tape 6)

Chairman Hanley said that the five emergency preparedness community meetings that have taken place so far have been informative, if not crowded. Those meetings have given all of the County and community presenters an opportunity to learn what issues are uppermost on attendees' minds as well as receive suggestions.

Chairman Hanley said that the number one issue of concern deals with the issue of communication to the citizens during an emergency. It also generated many suggestions. The most frequently asked question is "Where do I get clear, accurate, up-to-date information?"

Chairman Hanley noted that communication between localities and other government entities, and as well as between County agencies, is important and is being addressed at several levels and in several venues. She said that it is clear to her how Fairfax County uses the communication tools available in an emergency and that it is an important part of the overall picture.

Therefore, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct the Office of Public Affairs, the Department of Information Technology, and Cable Channel 16 staff to work together to develop a format for the Fairfax County website and Channel 16 that responds in real time in an emergency and provides citizens with relevant information up front. She clarified that this applied to the home page, as well as links to other sites, without

the necessity of navigating several layers. She also noted that those agencies should engage others as they deem applicable. Supervisor McConnell seconded the motion.

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

32. **NORTHERN VIRGINIA REGIONAL COMMISSION GUIDE** (Tape 6)

Chairman Hanley circulated a copy of the Northern Virginia Regional Commission's *Home Guide to Emergency Preparedness*. She noted that it will be distributed in the December 16, 2001, edition of *The Washington Post*, and will be mailed to non-subscribers.

33. **QUARTERLY REPORT OF THE AUDIT COMMITTEE** (Tape 6)

Noting that Board Members received copies of the report in their offices, Chairman Hanley moved that the Board accept the Audit Committee's *Quarterly Status Report on Operations as of November 28, 2001*. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

PMH:pmh

34. **REQUEST FOR CONCURRENT PROCESSING FOR THE HUNTER DEVELOPMENT COMPANY** (Tape 7)

Supervisor Mendelsohn said that the Hunter Development Company is the applicant for a rezoning on approximately 3.54 acres of land located at Tax Map 20-3((1)). If approved, the application would rezone the property from the R-E zoning category to the R-1 zoning category and allow three single-family homes to be constructed.

Supervisor Mendelsohn said that the applicant has worked to resolve nearly all concerns with the surrounding neighbors and continues to work with staff and his office on the issue of the vacation of a portion of Sparger Street.

Therefore, Supervisor Mendelsohn moved that the Board direct to proceed with concurrent processing of this application. This motion does not relieve the applicant from compliance with the provision of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the special exception application. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

35. **INCLUSION OF RIGHTS-OF-WAY REGARDING THE DIXCENGATO REZONING APPLICATION** (Tape 7)

Supervisor McConnell said that on August 6, 2001, the Board authorized the inclusion of approximately 4.25517 acres of right-of-way for portions of Ruffin Drive, Deming Drive, Dixie Hill Road, Rhett Lane, and Quality Street within the land area of the Centex Homes DixCenGato rezoning application. Centex has consolidated additional land areas and requests the Board add it to the current land allocated for these right-of-ways to total 7.73123 acres.

Supervisor McConnell said that the right-of-way areas to be included in the 7.73123 acres are adjacent to the following tax map parcels: 56-1-((1))-27 through 30, inclusive; 56-1-((2))-1 through 5, inclusive; 56-1-((3))-1, 3, 4, 5, 7 through 14, inclusive; 56-1-((5))-9 through 23, inclusive; 56-1-((6))-1 through 10, inclusive; tax map parcels 56-1-((9))-11, 12, 13, 15 through 22, inclusive; 56-1-((11)) 1, 2, 3A, 4A, 5, 6, 7 and parcels A and B.

Therefore, Supervisor McConnell moved that the Board authorize the inclusion of 7.73123 acres of right-of-way for portions of Ruffin Drive, Deming Drive, Dixie Hill Road, Rhett Lane, and Quality Street within the land area of the Centex Homes DixCenGato rezoning application. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

36. **SPECIAL EXCEPTION APPLICATION SE 01-S-028 - GESHER JEWISH DAY SCHOOL OF NOTHERN VIRGINIA** (Tape 7)

Supervisor McConnell said that the Geshher Jewish Day School of Northern Virginia has filed Special Exception Application SE-01-S-028 to construct a facility on a 27.8 acre parcel located at 4700 Shirley Gate Road, Fairfax (tax map 056-4-03-0001). The applicant is requesting approval to construct a school to serve 540 students in grades kindergarten through eighth grade.

Supervisor McConnell noted that the Planning Commission is scheduled to hear comments on the special exception application on January 17, 2002. The applicant, facing contractual deadlines, is requesting that the Board hold the public hearing on Special Exception Application SE-01-S-028 as soon as possible following the Planning Commission hearing.

Supervisor McConnell moved that the Board:

- Approve an expedited Board date.
- Direct staff to advertise a public hearing to be held before the Board on January 28, 2002, for Special Exception Application SE-01-S-028.

This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of application in any way. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor Mendelsohn being out of the room.

37. **REZONING APPLICATION RZ 2001-SU-003 (PULTE HOMES CORPORATION)** (Tape 7)

Supervisor McConnell said that on August 6, 2000, the Board approved Rezoning Application RZ 2001-SU-003 in the name of Pulte Home Corporation to permit the development of certain property located off Westbrook Drive in the Springfield District. The rezoning included approximately 29,148 square foot (0.66915 acre) of public right-of-way for Steuben Pike. To develop the property in accordance with the approved development plan, this area must be vacated and/or abandoned.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule the necessary public hearing on the abandonment and/or vacation requests for Steuben Pike to occur on Monday, January 7, 2002. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the request in any way. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

38. **CONTRACT ISSUES** (Tape 7)

Supervisor McConnell said State and County construction contracts are required to be awarded to the lowest "responsive and responsible" bidder.

Supervisor McConnell noted that as contained in the *Code of Virginia* and mirrored in the County Purchasing Resolution, a responsible bidder is one that has the capability to perform the contractual requirements and the moral and business integrity and reliability that will assure good faith performance. However, this definition lacks specific criteria that would better define what constitutes (i) "capability" and (ii) "moral and business integrity and reliability."

Therefore, Supervisor McConnell moved that the Board direct the County Executive and his staff to draft an amended definition of "responsibility" that would continue to require that bidders be capable, have integrity, and be reliable, but would contain precise criteria to be used in making the responsibility determination. Such an amended definition could then be available should an amendment to the Virginia Public Procurement Act be introduced in the next session of the General Assembly. Supervisor Bulova seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent to amend the motion to include input from the County Attorney, and this was accepted.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

39. **CERTIFICATE OF RECOGNITION FOR MS. HEATHER MERCER**
(Tape 7)

Supervisor Hudgins said that Ms. Heather Mercer grew up in Vienna, Virginia, but in describing her reaction to her recent ordeal, she says her heart is still in Afghanistan although her last days in that country must have been frightening and terrifying. The country was devastated by the events on September 11, 2001, but Ms. Mercer's trials started in August 2001 when she was arrested by the Taliban. She spent 102 days in prison where, as she described, she coped by killing 150 flies a day, picking ants from her food, and listening to the cries from other prisoners before being rescued. She was released on November 13, 2001, by the Northern Alliance commanders and after a week of debriefing arrived at Dulles International Airport on Sunday, November 25, 2001.

Supervisor Hudgins asserted that Ms. Mercer is truly what America stands for, courage, strength, and faith in the true definition and meaning of freedom. She said that Hunter Mill District and Fairfax County residents are proud of Ms. Mercer's ability to withstand adverse conditions and remain faithful to her belief in freedom.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Ms. Mercer to appear before the Board to be recognized for her courage. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

40. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. BARBARA NAEF** (Tape 7)

Supervisor Hudgins said that after more than 20 years of service with the Park Authority, Ms. Barbara Naef has decided to retire on January 11, 2002. She has made many significant contributions to Fairfax County through her work in the Park Authority.

Supervisor Hudgins moved that the Board direct staff to invite Ms. Naef to appear before the Board to receive a Certificate of Recognition on January 7, 2002, for all of her significant contributions to improving the quality of life for the citizens of Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

41. **REQUEST FOR EXPEDITED, CONCURRENT PROCESSING FOR PROPOSED NEW LONDON PARK SUBDIVISION (REZONING APPLICATION RZ 01-B-028/FINAL DEVELOPMENT PLAN APPLICATION FDP 01-B-028/PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-A-036)** (Tape 7)

Supervisor Bulova said that the New London Park rezoning application seeks R-3 zoning on approximately nine acres located on Zion Drive between the Goins Manor subdivision and the Pinn Community Center. This application, scheduled to be heard by the Planning Commission in February 2002, consolidates all of the parcels in an area where efforts at "by-right" subdivision have produced a number of oddly shaped unconnected lots.

Last January, Supervisor Bulova hosted a "test the waters" meeting with the applicant and the surrounding neighbors. As a result of that meeting as well as an onsite meeting in March to address drainage problems at the adjacent community, Woodlynne, the applicant did a redesign of the site and added the last remaining parcel. Since then, the applicant has offered to improve the drainage in Woodlynne next to the new subdivision, proffer a contribution to extend the sidewalk 270 feet offsite to the Pinn Community Center, added some amenities within the site and dropped a lot. Tomorrow night, the applicant will be presenting the fourth revision to the surrounding neighbors. As this revision now addresses most of staff's concerns, the applicant has requested expedited and concurrent processing of the rezoning and the site plan.

Therefore, Supervisor Bulova moved that the Board direct staff to expedite the:

- Review of Rezoning Application RZ 01-B-028/Final Development Plan Application FDP 01-B-028/Proffered Condition Amendment Application PCA 81-A-036.
- Concurrent review of the New London Park site plan.

This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations or adopted standards nor does it prejudice the consideration of this application in any way. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

42. **REQUEST FOR WAIVER OF PLAT REVIEW FEE** (Tape 7)

Supervisor Bulova said that for almost two years, Mr. Robert Elliott and his neighbor, Ms. Cassandra Rosado, have been attempting to correct an error in their joint lot lines on a pipe stem off Freds Oak Court. Their lots were approved in error when their section of Burke Centre was subdivided. As a result, neither lot is in conformance. This makes improvements to their houses impossible.

Supervisor Bulova noted that their difficulties began when they decided to do something "simple" - an even exchange of two small parcels of land to correct the anomalies. In their initial inquiry to the County, they asked if it were necessary for them to be attorneys or engineers to do this. The answer, of course, was no. What they didn't realize until well into the process was that adjusting their lot lines is not a simple exercise. They would need the services of an attorney and an engineer. They would also need someone among these professionals who was knowledgeable about how the process works in Fairfax County.

Because of a lack of familiarity with the process by the parties the initial plat approval expired before it could be recorded. So, it was back to square one. Supervisor Bulova said that she hosted a meeting in her office to try to resolve the situation. County staff are working closely with Mr. Elliott and Ms. Rosado to get the process back on track. In the meantime, staff has initiated some changes to the process, such as notification of an approaching expiration date that will assist future applicants. However, everyone is in agreement that adjusting lot lines is not a simple process that citizens can easily undertake.

Mr. Elliott and Ms. Fosado pointed out that they are trying to correct an error in subdivision that the County had approved and that they had no knowledge that the plat had an expiration date. They are asking for relief from paying the review fee a second time since all the issues have been resolved.

Therefore, Supervisor Bulova moved that the Board direct staff to waive the resubmission review fee of \$330. Supervisor McConnell seconded the motion.

Following input from David P. Bobzien, County Attorney, who noted that this fee waiver was not permissible under the *Code of Virginia*, discussion ensued.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board refer this issue to staff for review. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

43. **LAKE BRADDOCK SECONDARY SCHOOL RECEIVES AWARDS**
(Tape 7)

Supervisor Bulova announced that the following staff members at Lake Braddock Secondary School have received awards:

- Mr. Mark Manino, Activities Director, received the Wachovia Cup Award for Outstanding Athletic Program in the State of Virginia.
- Mr. Roy Holder, Band Director, and the music department were recognized for 20 years sustained Superior Performance.

Supervisor Bulova pointed out that the Lake Braddock Marching Band and Concert Band have received Superior Performance ratings at competitions and events for the past 20 years. It is the first award of its kind in the State of Virginia. Lake Braddock Secondary Bands was also inducted into the Virginia Honor Band Hall of Fame.

Therefore, Supervisor Bulova moved that the Board direct staff to invite Mr. Mantino and Mr. Holder to appear before the Board to be presented with a Certification of Recognition for their outstanding achievements. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

44. **SEVILLE HOMES ON EVERGREEN LANE** (Tape 7)

Supervisor Gross said that Seville Homes has filed a rezoning application for property located on Evergreen Lane in Annandale, at Tax Map 71-2 ((2)) lots 27 through 29 and ((4)) lots 4 through 6. To facilitate the process, the applicant has requested that the public hearings be expedited and the site plan be reviewed concurrently.

Therefore, Supervisor Gross moved that the Board direct staff to schedule the Planning Commission and Board public hearings as soon as possible, and to process the site plan associated with this application concurrently. This motion should not be construed as a favorable recommendation on the Special Exception application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

45. **MASON DISTRICT HOLIDAY TOWN GATHERING** (Tape 7)

Supervisor Gross announced that the sixth annual Mason District Holiday Town Gathering will be held Tuesday, December 4, 2001, from 7:30 p.m. until 9 p.m. at the Mason District Governmental Center. As always, the Holiday Town Gathering is more informal than other quarterly town meetings. There will be refreshments and live entertainment. She said that Mason District residents are invited to come and talk to her one-on-one and with other elected officials about issues of concern.

NV:nv

46. **VALUE ENGINEERING** (Tape 8)

Supervisor Connolly reminded the Board that on June 23, 1997, he and Supervisor Mendelsohn jointly moved approval of a Board Matter that led to the adoption of a Policy requiring value engineering studies for all capital projects, including road, neighborhood improvement, utility, and other construction projects with estimated construction costs of \$2 million or more. He noted that

since that time, the County achieved savings of millions of taxpayer funds through this process.

Supervisor Connolly stated that other jurisdictions have experimented with value engineering in non-capital projects as well with some success. He noted that governmental entities in Canada, Maryland, and Europe experienced some of that success.

Accordingly, on behalf of Supervisor Mendelsohn and himself, Supervisor Connolly moved that the Board direct the County Executive to:

- Investigate areas of County government, beyond capital projects, that might be good candidates to benefit by a value engineering study.
- Report to the Board at the earliest opportunity.

Supervisor Bulova, Supervisor McConnell, and Supervisor Mendelsohn jointly seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, it was noted that staff does engage in similar activities relating to regulatory review, process redesign, and process reengineering.

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

47. **PUBLICITY FOR LOCAL CHARITIES** (Tape 8)

Supervisor Connolly stated that the September 11 terrorist attacks resulted in a very generous outpouring of support for victims' funds by the public. However, an unintended consequence has been that many traditional charities have experienced reduced contributions. Accordingly, he asked unanimous consent that the Board direct the Office of Public Affairs to publicize:

- The needs of some of the traditional charities in the community.
- Point-of-contact information for those charities.

Supervisor Connolly noted that this publicity would remind the public that there are ongoing needs in the community that also need to be addressed. Without objection, the request was so ordered.

48. **JAMES LEE COMMUNITY CENTER** (Tape 8)

Supervisor Connolly said that the Fairfax County Redevelopment and Housing Authority has been requested to coordinate and finance the expansion and renovation of the James Lee Community Center. He referenced his written Board

Matter on the subject, which provided details on the history of the center as well as requirements for the expansion. He noted that the James Lee Community Center is owned by the County and a number of County agencies operate there. The required land use applications cannot be submitted until the Board agrees to the filing with a statement of consent to the filing.

Accordingly, Supervisor Connolly moved that the Board:

- Provide consent to the filing of an application for:
 - Determination by the Planning Commission, pursuant to Section 2232 of the *Code of Virginia*.
 - Special Exception for public hearings to be held before the Planning Commission and the Board.
 - Variance for public hearing to be held before the Board of Zoning Appeals (BZA).
- Provide concurrent processing of the James Lee Community Center Special Exception Application (by the Planning Commission and the Board), variance application (by the BZA), and the proposed James Lee Community Center site plan [by the Department of Public Works and Environmental Services (DPWES)].
- Provide expedited processing of the Public Facilities 2232 Determination, Special Exception, and Variance Applications by the Department of Planning and Zoning, and expedited processing of both the site and building plans by the DPWES.

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

49. **MERRIFIELD PLAN RECEIVES AMERICAN PLANNING ASSOCIATION (APA) AWARD** (Tape 8)

Supervisor Connolly shared with the Board the recent news that the Merrifield Suburban Plan Amendments recently adopted by the Board will be recognized for excellence this week when the National Capital Area Chapter of the APA holds its annual awards banquet on Thursday, December 6, 2001, in the District of Columbia. The APA will recognize the Department of Planning and Zoning for its work on the plan that calls for additional mixed use, affordable housing, and streetscape and pedestrian connections in the Merrifield area. He commended staff for their efforts.

50. **DEFERRAL OF PUBLIC HEARINGS** (Tape 8)

Noting that there was an apparent defect in public notifications, Supervisor Connolly announced his intent to defer, at the appropriate time later in the meeting, the public hearing on Special Exception Application SE 01-P-021 until January 7, 2002, at 5 p.m.

Supervisor Hyland announced his intent to defer the following public hearings until January 7, 2002 at 5 p.m.:

- Special Exception Application SE 01-V-033
- Special Exception Application SE 00-V-46

Supervisor Frey announced his intent to defer the public hearing on Proffered Condition Amendment Application PCA 79-S-119-3 until January 7, 2002.

Supervisor Frey announced his intent to defer the following public hearings until January 7, 2002, at 5 p.m.:

- Proffered Condition Amendment Application PCA 95-Y-016-2
- Rezoning Application RZ 2001-SU-015
- Rezoning Application RZ 2001-SU-016
- Special Exception Amendment Application SEA 95-Y-024

Supervisor Kauffman stated that he would be discussing in closed session the scheduling of the public hearing for Special Exception Application SE 01-L-024.

(NOTE: Later in the meeting, the Board formally deferred these public hearings.)

51. **PROBLEM SOILS** (Tape 8)

Supervisor Kauffman stated his understanding that the Geotechnical Section of the Department of Public Works and Environmental Services (DPWES), is working on proposed revisions to the Code of the County of Fairfax, Chapter 107 (Problem Soils). These revisions will be helpful in dealing with the problem soils - mainly marine clays - that are often found in the southeastern end of the County. Given recent stories in several newspapers about problem soils in Fairfax County, he stated his belief that the Board's prompt attention should be paid to these revisions.

Supervisor Kauffman said that the current code language dealing with problem soils has not been revised for 26 years. Since the County started to enforce the

code, homeowner complaints and problems have been reduced. The revisions that are being proposed are designed to further fine-tune the requirements and reduce the problems with soils experienced in the County.

Accordingly, Supervisor Kauffman moved that the Board direct the County Attorney to expeditiously review the proposed revisions and work directly with the Geotechnical Section of DPWES to ensure the proposed changes come before the Board for review as soon as possible. Supervisor Connolly seconded the motion, which carried by unanimous vote.

52. **SPRINGFIELD CIRCULATOR BUS** (Tape 8)

Supervisor Kauffman stated that TAGS, the circulator bus from the Springfield/Franconia Metro to locations through and around central Springfield, and the County's Connector bus service have joined forces to make it easier for Springfield residents and business people to get around during the holiday shopping season. TAGS has added free Saturday service on routes S80 and S81, December 1, 8, and 15. This expanded TAGS service is provided through congestion mitigation funds.

Supervisor Kauffman said that along with Metrobus and the Fairfax Connector, the TAGS shuttle is included in the free bus routes that are part of the Bus Fare Buydown program which is focusing on the I-95 corridor to encourage motorists driving through the Springfield Mixing Bowl to try transit instead. Shoppers are encouraged to leave their cars at home and ride the Fairfax Connector bus routes 401, 109, or 110 into central Springfield, or drive into central Springfield, park, and ride a TAGS shuttle making holiday shopping a lot more pleasant.

Schedule and route information may be found at the website www.SpringfieldInterchange.com.

53. **RECOGNITION OF OUTSTANDING LANDLORDS** (Tape 8)

Supervisor Kauffman said that on August 1, 2001, the Fairfax County Department of Housing and Community Development (HCD) launched a landlord campaign to increase public awareness and understanding of the value of the Housing Choice Voucher program and to aggressively recruit landlords for participation. As part of the campaign, HCD hosted its first housing symposium on October 24, 2001.

Supervisor Kauffman noted that at the symposium, two Choice Voucher Program landlords, Jacqueline D. Smith and Kathy Benli, were recognized and were presented with the "Distinguished Community Service Award" for their contributions to the program, and for the role they played in providing affordable housing needs for Fairfax County residents. These type of efforts aid housing certificate holders bootstrap their way out of affordable housing and into self-sufficiency.

Supervisor Kauffmann referenced his written Board matter, which highlighted the respective efforts of Ms. Smith and Ms. Benli.

Given the contributions to the community and the voucher holders by these outstanding citizens, Supervisor Kauffman asked unanimous consent that the Board direct staff to formally recognize Mrs. Smith and Mrs. Benli at the January 7, 2002, Board meeting. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

54. **RECOGNITION OF THE NOVA HAWKS FOOTBALL TEAM** (Tape 8)

Supervisor Kauffman recognized the NOVA Hawks football team for its outstanding first season. The Hawks played a perfect season against unlimited teams from Maryland to make it to the league Superbowl on November 17, 2001. He noted that the NOVA Hawks is the first team in the new Northern Virginia Unlimited Youth Football Association. League Commissioner Ray Maternick started the league last year for sixth through eighth graders who are considered “too big” to play on recreational league teams.

Supervisor Kauffman applauded the team’s outstanding effort in its first year and wished it luck in the 2002 season.

Accordingly, Supervisor Kauffman moved that the Board direct staff to invite the team and its coaches, along with the league commissioner Ray Maternick, to appear before the Board to be recognized at a future Board meeting. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

55. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) CONTRACTS** (Tape 8)

Supervisor Kauffman noted that he had previously asked that the County Department of Transportation (DOT) work with VDOT regarding contract awards. He noted that a challenge faced regarding the “Mixing Bowl” (Springfield Interchange) contract concerns graffiti abatement. When the contracts were written there was no proviso for the immediate removal of graffiti.

Noting that the graffiti is extremely problematic, Supervisor Kauffman asked unanimous consent that the Board direct DOT to work with VDOT to ensure that all future State contracts include provisions for immediate graffiti abatement. Without objection, it was so ordered.

56. **BOARD MATTERS FOR SUPERVISOR HYLAND** (Tape 8)

Supervisor Hyland moved approval of his written Board Matters as distributed to the Board and as listed below. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

**EXPEDITED AND CONCURRENT PROCESSING FOR
REZONING/FINAL DEVELOPMENT PLAN
APPLICATIONS RZ/FDP 01-MV-030**

Supervisor Hyland had been asked by legal counsel representing the Talbot Family for help in expediting this land use case in the Mount Vernon District. The contract purchaser/developer of the above-referenced land use application, after requesting a one month deferral of the December hearing date before the Planning Commission, was given a deferral until March, a three month deferral.

Mr. Redmon represents the elderly owners of the land (Talbot Family Land Trust) whose family has lived on the land since about 1900. Supervisor Hyland was told that originally, when the process began, there were three elderly siblings and two of them have since died. A three-month delay in the process now will be a hardship upon the remaining brother who is also elderly and ill. While the developer can probably adjust to the deferral, counsel believes that it is an unreasonable delay and a burden for the remaining owner.

The developer told Supervisor Hyland that the delay/deferral request was for one month so that the Department of Public Works and Environmental Services (DPWES) could review an application to revise the Floodplain/RPA on the site, which is incorrectly drawn on the tax map. The usual timing of these reviews is 30 days. Since it was submitted over two weeks ago (having previously been reviewed and approved by the Corps of Engineers), DPWES review should not take too long. Supervisor Hyland indicated that this application, which is for property in the Richmond Highway Revitalization Area, is in conformance with the Plan, which was amended to specifically accommodate this use. There is strong support of the adjacent neighborhood, the support of the Mount Vernon Council, the support of the Southeast Fairfax Development Corporation, and that of the Mount Vernon Planning Commissioner. The three-month delay appears to be an excessive burden on the last remaining owner, especially in view of his fragile health.

In accordance with the aforementioned motion relating to Supervisor Hyland's Board Matters, the Board directed staff to expedite Rezoning/Final Development Plan Applications RZ/FDP 01-MV-030 so that the public hearings before the Planning Commission and the Board may be held in February and that the site plan can be concurrently processed as well.

EMERGENCY SIGNAL LIGHT REQUEST

The emergency signal light for the Penn Daw Fire and Rescue Station, 6th Battalion, has been in need of a new light bulb for years. The station is located on Beddoo Street which accessed Richmond Highway at Beacon Hill. The intersection does not have a standard signal light; rather, it has an "emergency" signal light that should flash when the Penn Daw Fire and Rescue Station staff responds to an emergency.

Richmond Highway is a high volume interstate road. Vehicles do not stop to allow the fire and rescue vehicles to enter Richmond Highway because there is no emergency light. Thus, delays are incurred by fire and rescue personnel which makes it difficult for them to meet the required eight minute response time.

In accordance with the aforementioned motion, the Board directed staff to expeditiously fix this non-functioning emergency signal light located at Beddoo Street and Richmond Highway.

57. **CONCURRENT PROCESSING REQUEST FOR VERIZON VIRGINIA APPLICATION** (Tape 8)

Supervisor Frey stated that a special exception application has been submitted by Verizon Virginia to permit a building addition to an existing Verizon Central Office/Switching Station located on Fox Mill Road in the Sully District. The building addition will enable Verizon to house more equipment to meet the increasing demand for phone service in the area. The applicant has initiated contact with local citizen groups and adjacent property owners and assisting staff in their evaluation of the application so that any planning and zoning issues may be resolved promptly. On that basis, the applicant has requested permission to begin concurrently processing the necessary site plan.

Therefore, Supervisor Frey moved that the Board direct the Department of Public Works and Environmental Services to process the site plan concurrently with the consideration of Special Exception Amendment Application SEA 81-C-051-2. The applicants understand that this motion will not prejudice the consideration of the applications in any way. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

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

At 12:35 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. *John F. Brown, et al. v. County of Fairfax, Virginia*, Civil Action No. 01-252-A (E.D. Va.)
 2. *EC Development Company, Trading as Edgemoore Homes, and Edgemoore Homes, L.L.C. v. State Building Code Technical Review Board, Department of Public Works and Environmental Services, Fairfax County Office of Building Code Services, and Douglas Rabil and Barbara Rabil*, In Chancery No. 175418 (Fx. Co. Cir. Ct.) (Dranesville District)
 3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
 4. *William E. Houston v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. 199960 (Fx. Co. Cir. Ct.) (Braddock District)

And in addition:

- Gold Park, Incorporated, and Hunter Mill East, LLC versus Board of Zoning Appeals of Fairfax County, At Law Number 200072
- Texas Coalition of Cities for Utility Issues versus Federal Communications Commission, Case Number 01-60804
- Board of Supervisors versus Mohammed Aliabadi, et al., At Law Number 195386

- James M. Brocco, et al. versus Ricky Savage, et al., Case Number 01-1824, United States Court of Appeals for the Fourth Circuit

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

Chairman Hanley announced the closed session would begin at 1 p.m.

SBE:sbe

At 3:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTER

59. **LEE DISTRICT ANNUAL HOLIDAY BANQUET AND LEE DISTRICT ASSOCIATION OF CIVIC ORGANIZATIONS, LES DORSON PUBLIC SERVICE AWARDS** (Tape 9)

Supervisor Kauffman announced that at this year's Lee District Annual Holiday Banquet and Lee District Association of Civic Organizations, the Les Dorson Public Service Leadership Awards will be again awarded to honored citizens.

The *Distinguished Public Service Leadership Awards* for a member of the senior County management or a County board/commission member to recognize long-term service to the citizenry will be presented to the following persons:

- James P. Zook, Director, Department of Planning and Zoning
- Sy Berdux, Chairman, Southeast Fairfax Development Corporation

The *Lee District Citizenship Award* will also be made to an individual Lee District resident who has contributed to improving the quality of life in Lee District. This award is to recognize the individual who stood out among the many unsung Lee District residents who have worked so hard serving youth, schools, public safety, land use, transportation, and the environment. This award will be presented to:

- Joe and Bobbie Mae Johnson

These Distinguished Public Service and Citizenship Awards are being made in honor of Les Dorson, the former Vice Chairman of the Lee District Association for many years.

ACTIONS FROM CLOSED SESSION60. **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."

61. **AUTHORIZATION TO SUPPORT THE APPEAL OF A DECISION OF THE FEDERAL COMMUNICATIONS COMMISSION (FCC) IN THE ALLOCATION OF FRANCHISE FEES BY CABLE TELEVISION OPERATORS** (Tape 9)

Supervisor Gross moved that the Board authorize the County to support the appeal of a decision of the FCC in the allocation of franchise fees by cable television operators, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

62. **REJECTION OF THE SETTLEMENT OFFER IN BOARD OF SUPERVISORS VERSUS MOHAMMED ALIABADI, ET AL., AT LAW NUMBER 195386** (Tape 9)

Supervisor McConnell moved that the Board reject the settlement offer in *Board of Supervisors versus Mohammed Aliabadi, et al.*, At Law Number 195386, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

AGENDA ITEMS

DS:ds

63. **3 P.M. – BOARD DECISION ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 81-S-077-2 AND SPECIAL EXCEPTION APPLICATION SE 01-Y-031 (GUY A. AND ANGELA K. PAOLOZZI) (SULLY DISTRICT)** (Tape 10)

(NOTE: The public hearing on this item was held on November 19, 2001, and decision deferred until December 3, 2001.)

Following discussion, with input from William B. Lawson, Jr., Lawson and Frank, PC, Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 81-S-077-2, subject to the proffers dated November 16, 2001. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Frey moved approval of Special Exception Application SE-01-Y-031, subject to the development conditions dated December 3, 2001. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Frey further moved:

- Modification of the transitional screening requirement along the southern property boundary in favor of that shown on the Generalized Development Plan/Special Exception (GDP/SE) plat.
- Modification of the barrier requirement along the southern property boundary in favor of that shown on the GDP/SE plat.
- Modification of the peripheral parking lot landscaping requirement.
- Modification of the trail requirement along Lee-Jackson Memorial Highway in favor of the existing five-foot wide sidewalk.

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

64. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-053-5 [WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)] (LEE DISTRICT)** (Tape 10)

The application property is located at 6770 Frontier Drive, Tax Map 90-2 ((1)) 61B.

Mr. Francis Symanoskie reaffirmed the validity of the affidavit for the record.

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

Chairman Hanley disclosed that she is an Alternate Member of WMATA's Board of Directors.

Supervisor Kauffman disclosed that he is a Member of WMATA's Board of Directors.

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

Supervisor Kauffman moved:

- Approval of Special Exception Amendment Application SEA 91-L-053-5, subject to the development conditions contained dated November 21, 2001.
- Modification of the transitional screening and barrier requirements in favor of that reflected on the Special Exception plat and in the development conditions.

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

65. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-P-043 [WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)] (PROVIDENCE DISTRICT)** (Tape 10)

The application property is located at 9601 Saintsbury Drive, Tax Map 48-1 ((1)) 91 and 91A.

Mr. K.P. "Dutch" Heinemeyer reaffirmed the validity of the affidavit for the record.

Mr. Heinemeyer 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 Kauffman disclosed that he is a Member of the WMATA's Board of Directors.

Chairman Hanley disclosed that she is an Alternate Member of WMATA's Board of Directors.

ADDITIONAL BOARD MATTER

Recognition of Mr. Shiva Pant (Tape 10)

Chairman Hanley recognized the presence of Shiva Pant, former Director of the Department of Transportation, and warmly welcomed him to the Board Auditorium.

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 Special Exception Application SE 01-P-043, subject to the development conditions dated November 19, 2001.
- Modification of the transitional screening along the north, south, east, and west property lines to that shown on the special exception plat and modification of the barrier requirement along the north, south, east, and west property lines to that shown on the special exception plat.
- Waiver of the interior parking lot landscaping requirements.
- Modification of the peripheral parking lot landscaping requirements to the existing vegetation as shown on the special exception plat.

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

66. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, LOCAL AGRICULTURAL AND FOREST DISTRICT APPLICATION AR 92-S-002 (MAROPE C. ARMSTRONG) (SPRINGFIELD DISTRICT)** (Tape 10)

- (O) The application property is located at 11921 Henderson Road, Tax Map 95-3 ((1)) 8.

Mr. Charles R. Armstrong reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F, Agricultural and Forestal District Application AR 92-S-002, to renew the Marope C. Armstrong Local Agricultural and Forestal District, subject to the Ordinance provisions dated November 14, 2001. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor McConnell, Supervisor Mendelsohn, and Acting-Chairman Kauffman voting "AYE," Chairman Hanley, Supervisor Hudgins, and Supervisor Hyland being out of the room.

67. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-S-119-3 (KENNETH H. AND WILLIAM M. BECKER) (SULLY DISTRICT)** (Tape 10)

Supervisor Frey moved that the Board defer the public hearing on Proffered Condition Amendment Application PCA 79-S-119-3 until **January 7, 2002, at 3 p.m.** Acting-Chairman Kauffman seconded the motion and it carried by a vote of six, Chairman Hanley, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

68. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-B-021 (SHENANDOAH'S PRIDE, LLC) (BRADDOCK DISTRICT)** (Tape 10)

The application property is located at 5325 Port Royal Road, Tax Map 70-4 ((10)) 4 - 6.

Ms. Molly E. Harbin reaffirmed the validity of the affidavit for the record.

Ms. Harbin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

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

Supervisor Bulova moved:

- Approval of Special Exception Amendment Application SEA 00-B-021, subject to the development conditions dated November 29, 2001.
- Waiver of the interior parking lot landscaping requirement.

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

69. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT PCA 92-P-001-4 (WEST*GROUP PROPERTIES LLC) (PROVIDENCE DISTRICT)** (Tape 10)

The application property is generally bounded by Interstate 495, Dulles Airport Access Road and Magarity Road, Tax Map 29-4 ((5)) 9, 9A, 10A; 29-4 ((6)) 95B, 96, 97B, 99B, 101A, 102, 105 - 107; 30-3 ((1)) 6A, 6B, 6C, 6D, and 30-3 ((28)) A, B2 pt. and 4A pt.

Mr. Thomas D. Fleury reaffirmed the validity of the affidavit for the record.

Mr. Fleury 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 Ms. Kathryn A. McLane

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

- In excess of \$200 from Ms. Kathryn A. McLane

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

- In excess of \$200 from Ms. Kathryn A. McLane

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

- In excess of \$200 from West*Group Properties, LLC

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

- In excess of \$200 from Mr. Gerald T. Halpin prior to this 12 month reporting period

ADDITIONAL BOARD MATTER

Recognition of Boy Scout Den 4 (Tape 10)

Vice-Chairman Hyland recognized the presence of Boy Scout Den 4, Pack 61, representing home-schooled scouts from across the County, and warmly welcomed them to the Board Auditorium.

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 92-P-001-4, subject to the proffers dated November 14, 2001. Supervisor Gross seconded the motion and it carried by a vote of seven, Chairman Hanley, Supervisor Hudgins, and Supervisor McConnell being out of the room.

70. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), TO CONSIDER RELOCATING THE POLLING PLACE FOR THE BELVOIR PRECINCT** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2001.

Following the public hearing, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), relocating the polling place for the Belvoir Precinct to the Kingstowne Library. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly,

Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins and Supervisor McConnell being out of the room.

71. **BOARD RECESS** (Tape 10)

At 3:55 p.m. the Board recessed briefly, and at 4 p.m. the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross and Supervisor McConnell, and with Chairman Hanley presiding.

72. **4 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY KNOWN AS LONG PLACE TO THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) (BRADDOCK DISTRICT)** (Tape 10)

(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

Following the public hearing, Supervisor Bulova moved adoption of the Resolution authorizing the conveyance of County-owned property known as Long Place to the FCRHA. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Gross and Supervisor McConnell being out of the room.

73. **ORDERS OF THE DAY** (Tape 10)

Chairman Hanley announced that the Board would proceed next with the public hearing on Rezoning Application RZ 2001-DR-014 (Property Professional, Incorporated) (Dranesville District).

74. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S00-CW-2CP FOR LP3, MASON NECK COMMUNITY PLANNING SECTOR (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item CL#76.)

75. **4 P.M. – PH ON REZONING APPLICATION RZ 2001-DR-014 (PROPERTY PROFESSIONAL, INCORPORATED) (DRANESVILLE DISTRICT)** (Tape 10)

(O) The application property is located approximately 800 feet southwest of Leesburg Pike at the north terminus of Hidden Hill Lane, Tax Map 28-2 (1) 5 and 7; 28-2 ((6)) A1.

Ms. Sara V. Kroll reaffirmed the validity of the affidavit for the record.

Ms. Kroll had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, Supervisor Mendelsohn moved that the Board waive the reading of the staff and Planning Commission recommendations. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor Mendelsohn moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-DR-014, be amended from the R-1 District to the PDH-2 District, and approval of the conceptual development plan, subject to the proffers dated November 16, 2001, and subject to the development conditions dated December 3, 2001. Supervisor Hyland 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.

76. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S00-CW-2CP FOR LP3, MASON NECK COMMUNITY PLANNING SECTOR (MOUNT VERNON DISTRICT)** (Tapes 10-12)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

Discussion ensued with input from Bruce Kriviskey, Planner III, Planning Division, Department of Planning and Zoning (DPZ).

Following the public hearing, which included testimony by 17 speakers, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S00-CW-2CP, as recommended by the Planning Commission with modifications as follows:

- Page 95 of the Mason Neck Community Planning Sector: Delete Land Use Recommendation Number 5
- Page 2 of the Memorandum to the Planning Commission from Mr. Bruce G. Douglas, Branch Chief, Environmental and Development Branch, Department of Planning and Zoning, dated November 9, 2001, Paragraph Number 3 - delete the fourth bullet from the historic overlay districts that are being proposed.

Chairman Hanley seconded the motion.

Discussion ensued with input from Fred R. Selden, Director, Planning Division, DPZ.

Chairman Hanley clarified the motion's modifications as follows:

- On Handwritten Page 27 of the Memorandum to the Board - delete item number five from the Land Use recommendations.
- On Handwritten Page 37 of the Memorandum to the Board - delete bullet number four.

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

77. **4 P.M. – PH ON REZONING APPLICATION RZ 2001-DR-014 (PROPERTY PROFESSIONAL, INCORPORATED) (DRANESVILLE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting this public hearing was held. See Clerk's Summary Item CL#75.)

78. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-L-024 (KINGSTOWNE TOWNE CENTER, PL) (LEE DISTRICT)** (Tape 12)

Supervisor Kauffman moved to defer the public hearing on Special Exception Application SE 01-L-024 until **January 7, 2002, at 3 p.m.** Supervisor Hyland seconded the motion, and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

79. **4:30 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S00-CW-T2 FOR THE RATCLIFFE SUBDIVISION AREA IN THE CENTREVILLE SUBURBAN CENTER (SULLY DISTRICT)** (Tape 12)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved approval of Out-of-Turn Plan Amendment S00-CW-T2 as recommended by the Planning Commission. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

80. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-H-027 (TRIZEHAHN RESTON II, LLC) (HUNTER MILL DISTRICT)**
(Tape 12)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 01-H-027 until **January 7, 2002, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

81. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-073-3 (AMERICAN HORTICULTURAL SOCIETY) (MOUNT VERNON DISTRICT)** (Tape 12)

The application property is located at 7931 East Boulevard, Tax Map 102-2 ((1)) 20 and 22 pt.

Mr. Thomas D. Fleury reaffirmed the validity of the affidavit for the record.

Mr. Fleury 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 Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from Ms. Kathryn A. McLane

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

- In excess of \$200 from Ms. Kathryn A. McLane

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

- In excess of \$200 from West*Group Properties, LLC

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

- In excess of \$200 from Mr. Gerald T. Halpin prior to this 12 month reporting period

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

- In excess of \$200 from Ms. Kathryn A. McLane

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

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 79-V-073-3, subject to the development conditions contained in Appendix 1 of the staff report.
- Reaffirmation of the modification of transitional screening requirements in favor of the existing vegetation shown on the special exception amendment plat.

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

PW:pw

82. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2001-PR-040 AND SPECIAL EXCEPTION APPLICATION SE 01-P-034 (ALLEN AND ROCKS, INCORPORATED) (PROVIDENCE DISTRICT)** (Tapes 12-13)

(O) The Rezoning Application RZ 2001-PR-040 property is located on the south side of Gallows Road, approximately 200 feet east of George Washington Road, Tax Map 39-2 ((11)) 57A and 58A.

The Special Exception Application SE 01-P-034 property is located at 1960 and 1956 Gallows Road, Tax Map 39-2 ((11)) 57A and 58A.

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

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

- \$250 from 13890 Braddock Road, L.P., of which NV Commercial Incorporated is the General Partner

Supervisor Connolly disclosed the following campaign contribution which he had received prior to this 12 month reporting period:

- In excess of \$200 from Dewberry and Davis LLC

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

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

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-PR-040, from the C-5 and SC Districts, to the C-2 and SC Districts, subject to the proffers dated November 8, 2001.
- Modification of the open space and modification of the loading space requirement, to that depicted on the generalized development plan.
- Modification of the loading space requirement to that depicted on the generalized development plan.

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

Supervisor Connolly moved:

- Approval of Special Exception Application SE 01-P-034, subject to the revised proposed development conditions dated November 27, 2001.
- Modification of the transitional screening on the southern property line to that depicted on the special exception plat.
- That the Board direct staff to write a letter to the Virginia Department of Transportation requesting a study to determine the necessity of the following three items:
 - Placement of a "No Right Turn" sign from Old Courthouse Road to Gallows Road.

- Placement of a "No U-Turn" sign at the intersection of Gallows Road and Old Courthouse Road and/or a "No U-Turn" sign at Gallows and Madrillon Roads.
- Installation of a traffic light at Madrillon Road and Gallows Road.

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

83. **4:30 P.M. – PH REGARDING THE LEASING OF COUNTY-OWNED PROPERTY KNOWN AS A PORTION OF THE HOLLADAY PROPERTY AT 1301 SPRING HILL ROAD TO MCLEAN YOUTH INCORPORATED FOR ATHLETIC FIELD USE** (Tapes 13-15)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2001.

Following the public hearing, which included testimony by 20 speakers, Robert Morgan, Staff, Facilities Management Division, Department of Public Works and Environmental Services, presented the staff recommendation.

Supervisor Mendelsohn moved that the Board authorize staff to execute a lease with McLean Youth Incorporated for the leasing of County-owned property known as a portion of "Holladay Property" at 1301 Spring Hill Road (Tax Map 29-1-0020 Parcel C). Supervisor Hyland seconded the motion and it carried by unanimous vote.

84. **5 P.M. – PH ON REZONING/FINAL DEVELOPMENT PLAN APPLICATIONS RZ 1999-PR-062/FDP 1999-PR-062 (SHAHMAN FORADI OF ALD GROUP, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 15)

The application property is located on the south side of Chain Bridge Road, approximately 500 feet west of its intersection with Horse Shoe Drive, Tax Map 39-1 ((1)) 1.

Mr. Shahman Foradi reaffirmed the validity of the affidavit for the record.

Mr. Foradi 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 one speaker, Cathy Belgin, Senior Staff Coordinator, Zoning Evaluation Division, Department of

Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved **DENIAL** of an amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning/Final Development Plan Applications RZ 1999-PR-062/FDP 1999-PR-062, to the PDH-3 and HC Districts. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

85. **5 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF OVERLY DRIVE (ROUTE 3303) (LEE DISTRICT)**
(Tape 15)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

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

- Ordinance vacating a portion of Overly Drive.
- Order abandoning a portion of Overly Drive.

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

86. **5 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON GREG-ROY LANE (ROUTE 2520), FOX HUNT LANE (ROUTE 2521), ROY ROAD (ROUTE 2522), AND PORTIONS OF FOX MILL ROAD (ROUTE 665) (HUNTER MILL DISTRICT)** (Tape 15)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

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

- Ordinance vacating Greg-Roy Lane, Fox Hunt Lane, Roy Road, and portions of Fox Mill Road.
- Order abandoning Greg-Roy Lane, Fox Hunt Lane, Roy Road, and portions of Fox Mill Road.

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

87. **5:30 P.M.-PH ON A PROPOSAL TO VACATE A PORTION OF LENCLAIR STREET (LEE DISTRICT)** (Tape 15)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

Following the public hearing, Supervisor Kauffman moved adoption of the Ordinance vacating a portion of Lenclair Street. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

88. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 00-V-046 (JAMES D. TURNER, TRUSTEE) (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 00-V-046 until **January 7, 2002, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

89. **5:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-P-021 (CATHOLIC DIOCESE OF ARLINGTON, THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON) (PROVIDENCE DISTRICT)** (Tape 15)

Supervisor Frey moved to defer the public hearing on Special Exception Application SE 01-P-021 until **January 7, 2002, at 5 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

90. **5:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 95-Y-016-2, REZONING APPLICATIONS RZ 2001-SU-015 AND RZ 2001-SU-016, AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-Y-024 (STARWOOD CERUZZI II, LLC) (SULLY DISTRICT)** (Tape 15)

Supervisor Frey moved to defer the public hearings on:

- Proffered Condition Amendment Application PCA 95-Y-016-2
- Rezoning Application RZ 2001-SU-015
- Rezoning Application RZ 2001-SU-016
- Special Exception Amendment Application SEA 95-Y-024

until **January 7, 2002, at 5 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

91. **5:30 P.M. – PH ON THE ADOPTION OF A RESOLUTION TO ENLARGE SMALL DISTRICT THREE WITHIN SPRINGFIELD DISTRICT TO PROVIDE WATER SERVICE (SPRINGFIELD DISTRICT)** (No Tape)

(Note: Later in the meeting this public hearing was held. See Clerk's Board Summary Item CL#95.)

92. **6 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 01-V-033 (F&M TRUST COMPANY, THOMAS H. KIRK, TRUSTEE) (MOUNT VERNON DISTRICT)** (Tape 15)

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 01-V-033 until **January 7, 2002, at 3 p.m.** Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

93. **6 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (Tape 15)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2001.

Following the public hearing, Chairman Hanley announced that the record would remain open until January 7, 2002, at which time staff will provide the Board with a list of projects recommended for endorsement.

Following input from Tom Biesiadny, Head, Coordination and Funding Section, Department of Transportation (DOT), Chairman Hanley announced that interested persons may submit applications to DOT until December 14, 2001, for consideration at the January 7, 2002, Board meeting.

94. **6 P.M. – PH TO CONSIDER REQUESTS FOR EXEMPTION FROM COUNTY PROPERTY TAXES FROM: (1) COTTONTAIL SWIM AND RACQUET CLUB, INCORPORATED; (2) FRIENDS OF CROSSROADS, INCORPORATED; (3) HUNTER MILL SWIM AND RACQUET CLUB, INCORPORATED; (4) KINGS WEST SWIM CLUB, INCORPORATED; (5) LUTHERAN SOCIAL SERVICES OF THE NATIONAL CAPITAL AREA, INCORPORATED; (6) MARIAN HOMES; (7) TYSONS-BRIAR, INCORPORATED T/A CARDINAL HILL SWIM AND RACQUET CLUB (8) VIENNA AQUATIC CLUB, INCORPORATED** (Tape 15)

(Rs) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issue of November 27, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved adoption of the Resolutions endorsing the special State legislation conferring exemptions from County property taxes for:

- Cottontail Swim and Racquet Club, Incorporated
- Friends of Crossroads, Incorporated
- Hunter Mill Swim and Racquet Club, Incorporated
- Lutheran Social Services of the National Capital Area, Incorporated
- Marian Homes
- Tysons-Briar, Incorporated T/A Cardinal Hill Swim and Racquet Club
- Vienna Aquatic Club, Incorporated

It was noted that Kings West Swim Club, Incorporated, did not submit all of the required information and was removed from consideration.

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

95. **5:30 P.M. – PH ON THE ADOPTION OF A RESOLUTION TO ENLARGE SMALL DISTRICT THREE WITHIN SPRINGFIELD DISTRICT TO PROVIDE WATER SERVICE (SPRINGFIELD DISTRICT)** (Tape 15)

(R) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

Following the public hearing, Supervisor McConnell moved adoption of the Resolution enlarging Small District Three within Springfield District as outlined in Exhibit A as contained in the Memorandum to the Board dated December 3, 2001. This motion, the second to which was inaudible, carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Acting-Chairman Bulova voting “AYE,” Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

96. **6 P.M. – PH REGARDING CONTRACT FOR THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO FAIR LAKES METROPOLITAN SQUARE, LLC, AND FAIR LAKES METROPOLITAN SQUARE II, LLC (SPRINGFIELD DISTRICT)** (Tape 15)

Supervisor McConnell moved to defer the public hearing regarding the contract for the conveyance of County-owned property to Fair Lakes Metropolitan Square, LLC, and Fair Lakes Metropolitan Square II, LLC until **January 7, 2002, at 6 p.m.** This motion, the second to which was inaudible, carried by a vote of six, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

97. **6 P.M. – PH TO RECEIVE COMMENT FROM COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tapes 15-16)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 14 and November 21, 2001.

The public hearing was held and included testimony from the following eight speakers:

- Mr. Kevin Rearden regarding the Williamsburg Commons community
- Mr. Robert Gibbs regarding widening of Courthouse Road
- Mr. Steve Kitchen regarding widening of Courthouse Road
- Mr. John Futrell regarding widening of Courthouse Road

- Mr. Janis Orfe regarding widening of Courthouse Road
- Mr. Gail Kozak regarding widening of Courthouse Road
- Mr. Earle Laymen regarding widening of Courthouse Road
- Mr. Jeanette Graedener regarding the Williamsburg Commons community

Discussion ensued with input from Angela Rodeheaver, Staff, Department of Transportation (DOT), and Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning.

Supervisor Connolly noted for the record that he had a memorandum pending to Young Ho Chang, Director, Department of Transportation (DOT), requesting a strategy for possible further reductions in the width of the road right-of-way.

ADDITIONAL BOARD MATTER

98. **INVENTORY OF COUNTY ACTIVITIES, PROGRAMS AND SERVICES (ICAPS) MEETING** (Tape 16)

Supervisor Bulova announced that the next ICAPS meeting will be held December 17, 2001, from 9 a.m. until 4 p.m. regarding internal services and programs and she distributed copies of its agenda. It will be the last ICAPS meeting prior to the next budget.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the budget answer packages prior to the day of the ICAPS meeting. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

ADDITIONAL ACTION FROM CLOSED SESSION

99. **AMENDMENT TO THE CONTRACT FOR THE DIRECTOR OF THE HEALTH DEPARTMENT** (Tape 16)

Supervisor Gross moved that the contract between Carol S. Sharrett, M.D., and Fairfax County be amended to increase the work hours per week from 20 to 40 hours with an attendant increase in compensation from \$77,000 to \$154,000. This change is retroactive to October 20, 2001, and the length of the contract remains unchanged. Supervisor Hyland seconded the motion.

Following a brief discussion, with input from Anthony H. Griffin, the question was called on the motion, which carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

ADDITIONAL BOARD MATTER

100. **HAPPY HOLIDAYS** (Tape 16)

Chairman Hanley wished everyone happy holidays and expressed appreciation to the Board for the teamwork shown this year.

101. **BOARD ADJOURNMENT** (Tape 16)

At 8:50 p.m., the Board adjourned.

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