



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
March 10, 2003**

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**05-03**

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**PW:pw**

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

Supervisor Mendelsohn arrived at 9:40 a.m.

Supervisor Kauffman arrived at 11 a.m.

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

### **BOARD MATTER**

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

Supervisor Frey asked everyone to remember in thoughts and prayers the family of Mr. Dick Frank who died this morning. Mr. Frank had been active in many issues involving western Fairfax County and served as the Sully District Representative to the Transportation Advisory Commission since 1993 and will be missed.

Supervisor Hyland asked everyone to remember in thoughts and prayers the family of Mr. Lee Majewski who died last week. Mr. Majewski was the owner of Tamarack Stables and was very involved in the Lorton community and worked to reshape that part of the Mount Vernon District.

Supervisor Gross asked everyone to remember in thoughts and prayers the family of Ms. Shirley Fox who died recently. Ms. Fox was a long-time Lake Barcroft resident and was one of the founders of the Learning in Retirement Institute at George Mason University.

### **AGENDA ITEMS**

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. AL HILLMAN** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Al Hillman for his years of service with the Fairfax Connector. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Kauffman not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO CELEBRATE FAIRFAX!** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to Celebrate Fairfax! for receiving the Silver Pinnacle Award given by the International Festivals and Events Association for "Best Community Outreach" program. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Kauffman not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

4. **PROCLAMATION DESIGNATING MARCH AS "ALTERNATIVE DISPUTE RESOLUTION MONTH" IN FAIRFAX COUNTY** (Tape 1)

Supervisor Bulova moved approval of the Proclamation to designate March as "*Alternative Dispute Resolution Month*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Kauffman not yet having arrived.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO NORTHERN VIRGINIA MEDIATION SERVICE** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Northern Virginia Mediation Service for its contribution to the community. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Kauffman not yet having arrived.

6. **PROCLAMATION DESIGNATING MARCH AS "RED CROSS MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate March as "*Red Cross Month*" in Fairfax County. Vice-Chairman Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor McConnell being out of the room, Supervisor Kauffman not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

7. **RESOLUTION COMMENDING THE COMMISSION ON AGING** (Tape 1)

Supervisor Gross moved approval of the Resolution to commend the Commission on Aging on its thirtieth anniversary. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Kauffman not yet having arrived.

**ADDITIONAL BOARD MATTER**

8. **LATE ARRIVAL OF SUPERVISOR KAUFFMAN** (Tape 1)

Chairman Hanley announced that Supervisor Kauffman was attending school with his son this morning and would be arriving late.

**AGENDA ITEMS**

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SANDRA CHISHOLM** (Tape 1)

Supervisor Mendelsohn, on behalf of Supervisor Kauffman, moved approval of the Certificate of Recognition presented to Ms. Sandra Chisholm for her work resulting in a \$1 million grant that will benefit faith-based service providers in the Northern Virginia area. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor Kauffman not yet having arrived.

10. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY VOLUNTEER FIRE COMMISSION (VFC) ON ITS ANNUAL REPORT** (Tapes 1-2)

(BACs) Tim Fleming, Chairman, VFC, presented its annual report and discussion ensued regarding volunteer participation as well as ambulance fees.

(NOTE: Later in the meeting the Board discussed ambulance fees. See Clerk's Summary Item CL#13.)

11. **10:15 A.M. – PRESENTATION BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) ON ITS ANNUAL REPORT**  
(Tape 2)

(BACs) Harry Doyle, Chairman, EDA, presented its annual report.

Discussion ensued with input from Gerald L. Gordon, Ph.D., President and Chief Executive Officer, EDA, and Mr. Doyle.

Supervisor Gross and Supervisor Bulova asked unanimous consent that the Board direct the EDA to prepare for review an informational brochure for citizens explaining the EDA's functions and its impact on local taxes. Without objection, it was so ordered.

12. **10:30 A.M. – PRESENTATION BY THE FAIRFAX COUNTY HOMELESS OVERSIGHT COMMITTEE (HOC) ON ITS ANNUAL REPORT**  
(Tapes 2-3)

(BACs) Sharon Kelso, Peyton Whiteley, and Carla Taylor, Co-Chairs of the HOC, presented its annual report and discussion ensued.

Supervisor Hudgins moved that the Board support the "Ten for Ten Community Challenge" put forth by the HOC and as clarified to include the participation by the Chairman as well as the nine district supervisors. The challenge calls upon the Board to undertake, individually and collectively, an active leadership role in partnership with community representatives from each magisterial district, in order to achieve the development or preservation of at least ten units of affordable housing in each magisterial district in the County within the next fiscal year. Supervisor Bulova seconded the motion.

Following discussion, Supervisor Gross noted that some affordable housing is not being maintained to County standards. She asked unanimous consent that the Board direct staff to provide information on the HUD standards for the Housing Choice Voucher Program and County efforts to provide clean and decent housing. Without objection, it was so ordered.

Following further discussion, with input from Mr. Whiteley, Supervisor Hudgins asked to amend the motion to direct staff to review the HOC recommendation to establish an advisory group to address the special medical needs of the homeless, and this was accepted.

Chairman Hanley restated the motion as follows: that the Board accept the "Ten for Ten Community Challenge" and refer to staff the HOC recommendation to establish an advisory group to address the special medical needs of the homeless.

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

DMB:dmb

13. ADMINISTRATIVE ITEMS (Tape 4)

Supervisor Connolly moved approval of the Administrative Items with:

- The exception of Admin 6 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), to Consider Relocating a Polling Place, Amending Election Precincts, and Relocating Two Absentee Voting Satellites, and Establishing the Hours of Operation for Absentee Voting Satellites.
- An addition to Admin 9 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), Regarding Impoundment and Boarding Fees at the Animal Shelter to include proposed amendments to Section 41-2-9 as contained in the memorandum dated March 10, 2003, from Michael H. Long, Senior Assistant County Attorney, to Susan Datta, Director, Department of Management and Budget, regarding the proposed amendments to Chapter 41 to increase fees at the Animal Shelter.
- An amendment to Admin 15 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Zoning Fees that would add an advertisement for a Non-Residential-Use Permit fee not to exceed \$200.

The second to the motion was inaudible.

Supervisor Mendelsohn called the Board's attention to Admin 5 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 43 (Food and Food Service Establishments), Chapter 69 (Water Recreation Facilities Ordinance), and Chapter 70 (Water), to Consider the Adoption of a Fee Increase for Public Establishment Plan Review, for Permits for Private Well Water Supply Systems, License Fees for Well Water Contractors, and for the Review and Evaluation of a Building Permit for any Property Served by a Well Water Supply, and discussion ensued with input from Dennis Hill, Director, Environmental Health Administration, Department of Health.

Supervisor Mendelsohn called the Board's attention to Admin 8 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Regarding Imposing a Mobile Local Telecommunications Tax of Ten Percent, with a Maximum Taxable Ceiling of \$30 and discussion ensued with input from Susan Datta, Director, Department of Management and Budget.

Supervisor Hudgins called the Board's attention to Admin 10 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to Adjust the E-911 Fee and discussion ensued with input from Ms. Datta.

Supervisor Hyland 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 82 (Motor Vehicles and Traffic, Sections 82-5A-10 and 82-5A-11, Regarding Charging Administrative Processing Fees for Issuance of Residential Permit Parking District Decals and Passes and discussion ensued with input from Katharine Ichter, Chief, Capital Projects and Operations Division, Department of Transportation and Ms. Datta.

Following additional discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide additional information on this item in terms of whether the projected \$220,000 in revenue from a \$40 processing fee for each vehicle decal and visitor pass is for a year or over two years and the associated customer service and staff resource requirements. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Additional discussion ensued.

Supervisor Mendelsohn called the Board's attention to Admin 12 - Authorization to Advertise Publication of the Fiscal Year 2004 Budget and Required Tax Rates. Following discussion with input from Ms. Datta, Supervisor Mendelsohn asked unanimous consent that the Board direct the Office of Public Affairs, when publishing a schedule for the three evening Budget public hearings, to include the times of all items such as the Effective Tax Rate, which requires a separate public hearing. Without objection, it was so ordered.

Supervisor Mendelsohn referred to page 48 of the Board Agenda Item, "The following rates are not recommended to change:" and asked unanimous consent that the Board direct staff to provide the history of the revenues generated in the McLean Community Center over the last five years. Without objection, it was so ordered.

Following additional discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide histories of the revenues generated for the other items listed. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Additional discussion ensued with input from Ms. Datta and Michael H. Long, Senior Assistant County Attorney.

Supervisor Mendelsohn called the Board's attention to Admin 13 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-25-1, to Impose a Fee for Emergency Medical Service Transport ("ambulance fee") and moved that the Board amend the motion to delete this item from consideration. Supervisor Hudgins and Supervisor McConnell jointly seconded the motion.

Following extensive discussion, Supervisor Gross asked to amend the motion to designate an ad hoc task force to review and provide recommendations, and this was accepted.

Supervisor Mendelsohn added clarification of his amendment stating that Admin 13 is deleted from consideration for Fiscal Year 2004.

The question was called on the amendment to the motion, as amended, and it **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Connolly, and Chairman Hanley voting "NAY."

Supervisor Mendelsohn called the Board's attention to Admin 15 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Zoning Fees and discussion ensued with input from Donna F. McNeally, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning.

Supervisor Hudgins again called the Board's attention to Admin 10 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance) to Adjust the E-911 Fee, and moved to amend the main motion to raise the advertisement from \$2 to \$3, which is the maximum allowed by the State, and this was accepted.

Following discussion, Supervisor Connolly withdrew his acceptance of the amendment to the motion (Supervisor Hudgins').

Supervisor Bulova seconded the amendment to the motion (Supervisor Hudgins').

Following additional discussion, with input from Ms. Datta, the question was called on the amendment to the motion and it **CARRIED** by a recorded vote of six, Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "NAY."

Supervisor Gross asked unanimous consent that the Board direct staff to provide a chart showing household versus individual line and what the individual differences would be if the tax were applied only to household or to the business rather than to the individual line. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to compile the telephone tax rates for all of the jurisdictions in Northern Virginia. Without objection, it was so ordered.

Supervisor Hyland called the Board's attention to Admin 16 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), and Chapter 62 (Fire Protection), Regarding Fire Marshal Plan Review Fees and asked unanimous consent that the Board direct staff to provide information regarding the cost of the proposed increased inspection fees to include cost to the County including a new re-inspection fee and the justification for the increases. Without objection, it was so ordered.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information regarding whether charging this fee will allow the Fire Marshall to be more responsive. Without objection, it was so ordered.

The question was called on the main motion, as amended, to approve the Administrative Items, with the following revisions:

- Exception of Admin 6 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), to Consider Relocating a Polling Place, Amending Election Precincts, and Relocating Two Absentee Voting Satellites, and Establishing the Hours of Operation for Absentee Voting Satellites.
- Exception of Admin 13 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-25-1, to Impose a Fee for Emergency Medical Service Transport.
- Exception of Admin 10 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to Adjust the E-911 Fee.
- Amendment to Admin 15 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Zoning Fees that would add an advertisement for a Non-Residential-Use Permit fee not to exceed \$200.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman,



Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

**ADMIN 1 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following six individuals, identified with their registration numbers, as Plans Examiners to participate in the Expedited Land Development Review Program:

- Justin R. Troidl (230)
- Sohaila S. Shekib (231)
- Frank R. Graziano (232)
- Sairan I. Agrawi (233)
- Ryan G. David (234)
- Denis A. Hannan (235)

Designated the following five individuals, identified with their registration numbers, as inactive Plans Examiners:

- Jack Chilton (85)
- James (Beau) Cook (184)
- Michael S. Kitchen (150)
- Carolyn Hendry Mraz (214)
- Ronald M. Schirato (224)

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), ARTICLE 10 - CHARGES, REGARDING REVISIONS TO SEWER SERVICES CHARGES AND THE AVAILABILITY FEES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal),

Article 10 - Charges, regarding revisions to sewer service charges and the availability fees.

**ADMIN 3 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, PROVIDENCE, AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Burke Station Woods	Braddock	Burke Station Court Burke Station Route 652 Additional ROW Only
Porter Road 6 Story Office Building	Providence	Telestar Court Route 4038
Compton Village Drive and Compton Way	Sully	Bradenton Drive (4 lanes) Compton Village Drive Compton Village Court Tallavast Drive
Compton Village, Section 1A, Phase 2	Sully	Compton Village Drive
Walney Road, Section 1	Sully	Eagle Chase Road Eagle Chase Circle Morningdale Drive Rose Lodge Place Shady Point Place Gaston Street Penny Oak Road Walney Road Route 657 Additional ROW Only

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (HUNTER MILL DISTRICT)**

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

- Application 2232-H03-2 to April 28, 2003
- Application FS-H03-2 to April 28, 2003

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 43 (FOOD AND FOOD SERVICE ESTABLISHMENTS), CHAPTER 69 (WATER RECREATION FACILITIES ORDINANCE), AND CHAPTER 70 (WATER), TO CONSIDER THE ADOPTION OF A FEE INCREASE FOR PUBLIC ESTABLISHMENT PLAN REVIEW, FOR PERMITS FOR PRIVATE WELL WATER SUPPLY SYSTEMS, LICENSE FEES FOR WELL WATER CONTRACTORS, AND FOR THE REVIEW AND EVALUATION OF A BUILDING PERMIT FOR ANY PROPERTY SERVED BY A WELL WATER SUPPLY**

- (A) (NOTE: Earlier in the meeting, there was discussion of this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 43 (Food and Food Service Establishments), Chapter 69 (Water Recreation Facilities Ordinance), and Chapter 70 (Water), to consider fees charged for certain regulatory services provided by the Health Department.

**ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), TO CONSIDER RELOCATING A POLLING PLACE, AMENDING ELECTION PRECINCTS, AND RELOCATING TWO ABSENTEE VOTING SATELLITES, AND ESTABLISHING THE HOURS OF OPERATION FOR ABSENTEE VOTING SATELLITES**

(NOTE: Later in the meeting, action was taken on this item. See Clerk's Summary Item CL#15.)

**ADMIN 7 – AUTHORIZATION FOR THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR RIDESOURCES MARKETING PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT)**

- (R) Adopted the Resolution authorizing DOT's submittal of a grant application in the amount of \$350,000 to DRPT for the marketing and promotion of ridesharing and transit services during Fiscal Year (FY) 2004. The requested level of funding includes \$280,000 in State funds and a local cash match of \$70,000. Funding for the local cash match is projected to be available from the FY 2004 Reserve for Anticipated Local Cash Match in Fund 102, Federal/State Grant Fund.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), REGARDING IMPOSING A MOBILE LOCAL TELECOMMUNICATIONS TAX OF TEN PERCENT, WITH A MAXIMUM TAXABLE CEILING OF \$30**

- (A) (NOTE: Earlier in the meeting, there was discussion of this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), regarding imposing a ten percent tax on monthly Mobile Local Telecommunications Service, with a maximum monthly bill ceiling of \$30. The maximum tax is \$3 per month or \$36 per year.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41 (ANIMALS AND FOWL), REGARDING IMPOUNDMENT AND BOARDING FEES AT THE ANIMAL SHELTER**

- (A) (NOTE: Earlier in the meeting, the Board authorized staff to include in the advertisement proposed amendments to Section 41-2-9 of Chapter 41. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41 (Animals and Fowl), Section 41-2-5, Impoundment of unvaccinated dogs or unrestricted dogs; redemption and disposition of same. It is also proposed that the title of the Section be changed to County Animal Shelter; confinement and disposition of stray animals; impoundment and boarding fees.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADJUST THE E-911 FEE**

(NOTE: Earlier in the meeting, action was taken on this item. See pages 6, 7, and 8.)

(NOTE: Later in the meeting additional action was taken on this item. See Clerk's Summary Item CL#14.)

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTIONS 82-5A-10 AND 82-5A-11, REGARDING CHARGING ADMINISTRATIVE PROCESSING FEES FOR ISSUANCE OF RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) DECALS AND PASSES**

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Sections 82-5A-10 and 82-5A-11, to charge an administrative processing fee for the issuance of RPPD decals and passes.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLICATION OF THE FISCAL YEAR (FY) 2004 BUDGET AND REQUIRED TAX RATES**

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Authorized the advertisement of the following items, which are included in the proposed FY 2004 Budget:

- A brief synopsis of the FY 2004 Budget and a notice of proposed adoption of a Resolution appropriating funds for the FY 2004 Budget to be advertised during the week ending March 28, 2003.
- The notice required by *Virginia Code* Section 58.1-3321.
- Public hearings on the proposed Advertised Capital Improvement Program for FY 2004 – 2008 (with Future Fiscal Years to 2013).
- Public hearings on some of the proposed General and General Fund Supported Revenue Enhancements which require Code of the County of Fairfax changes are included in the FY 2004 Advertised Budget Plan.
- Public hearing on the FY 2004 Effective Tax Rate.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), SECTION 4-25-1, TO IMPOSE A FEE FOR EMERGENCY MEDICAL SERVICE TRANSPORT**

(NOTE: Earlier in the meeting, action was taken to remove this item from Board consideration for Fiscal Year 2004, and to designate an ad hoc task force to study such a proposal. See page 7.)

**ADMIN 14**

(NOTE: This item was withdrawn by staff.)

**ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ZONING FEES**

(A)(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding zoning fees.

**ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), AND CHAPTER 62 (FIRE PROTECTION), REGARDING FIRE MARSHAL PLAN REVIEW FEES**

(A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 8.)

Authorized the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), and Chapter 62 (Fire Protection), to consider a change in fees charged for plans review and fire protection systems testing.

14. **ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADJUST THE E-911 FEE** (Tape 4)

(A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 7 and 8.)

The question was called on the motion to authorize the advertisement of a public hearing to be held before the Board on **April 7, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), to adjust the E-911 fee from \$1.75 to **\$3.00** and it **CARRIED** by a recorded vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn voting "NAY."

15. **ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), TO CONSIDER RELOCATING A POLLING PLACE, AMENDING ELECTION PRECINCTS, AND RELOCATING TWO ABSENTEE VOTING SATELLITES, AND ESTABLISHING THE HOURS OF OPERATION FOR ABSENTEE VOTING SATELLITES** (Tape 4)

(A) (NOTE: Earlier in the meeting, there was discussion regarding this item. See page 5.)

Following extensive discussion, with input from Margaret K. Luca, Electoral Board Secretary, and Michael H. Long, Senior Assistant County Attorney, Supervisor Bulova moved authorization to advertise a public hearing to be held before the Board on **March 24, 2003, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 7 (Central Absentee Voter Election District), to consider the following:

- Relocating the polling place for Skyline precinct.
- Dividing Garfield, Freedom Hill, Leehigh, Chantilly, Rocky Run, and Lees Corner precincts to create five additional precincts.
- Adjusting the boundary between Hollin Hall and Waynewood precincts to conform to the Congressional District boundary.
- Adjusting the boundary between Parkway and Woodyard precincts to conform to the Virginia Senate District boundary.
- Adjusting the boundary between Clifton and Fairfax Station precincts.

- Adjusting the boundary between the Lee and Mount Vernon Districts to conform to a road realignment.
- Moving the Mount Vernon and West Springfield absentee voting satellites back to their respective governmental centers.
- Establishing the hours of operation for absentee voting satellites.
- Adopting revised descriptions of all precincts to ensure accuracy and uniformity in the format, naming conventions, definitions and parameters used to describe the election precincts.

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

16. **A-1 – AUTHORIZATION OF FAIRFAX RIDGE REGIONAL POND (D-47) PRO RATA SHARE REIMBURSEMENT AGREEMENT (PROVIDENCE DISTRICT)** (Tape 4)

On motion of Supervisor Connolly, which was multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized an agreement to reimburse Fairfax Ridge Limited Partnership, from pro rata share collections (Fund 316) for the engineering, design, and construction of the Fairfax Ridge Regional Stormwater Management Pond within the Fairfax Ridge development.

17. **A-2 – APPROVAL OF PARKING REDUCTION FOR THE BUCKMAN ROAD APARTMENTS (LEE DISTRICT)** (Tape 4)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 7.3 percent for the Buckman Road Apartments and the associated computer training facility, pursuant to Paragraph 4(B), Section 11-102 of the Code of the County of Fairfax, (Chapter 112) Zoning Ordinance, and based on an analysis of the parking requirements for each use on the site and a shared use parking study, on the conditions as outlined in the Board Agenda Item dated March 10, 2003.

18. **ORDERS OF THE DAY** (Tape 4)

Chairman Hanley announced that there would be a change in the Orders of the Day and that Action Item A-4 - Approval of a Maintenance Agreement Between the Board of Supervisors of Fairfax County, Virginia, and Springfield East, LC to Maintain an Access Road to the Joe Alexander Transportation Center (Lee District) will be deferred until after the public hearings on the related Springfield East LC applications.



Supervisor Kauffman announced that action on Item A-4 would be deferred until a later date because he intended to defer decision on the Springfield East LLC applications.

(NOTE: Later in the meeting, the Board deferred decision on the Springfield East LLC applications. See Clerk's Summary Item CL#54.)

19. **A-3 – CONSIDERATION OF PROPOSED CHANGES TO THE MISS UTILITY PROGRAM** (Tapes 4-5)

Extensive discussion ensued with input from Thomas J. Russell, staff, Department of Public Works and Environmental Services; John C. McGranahan, Attorney, Hunton and Williams; Anthony H. Griffin, County Executive; Dennis Bates, Senior Assistant County Attorney, Office of the County Attorney; and Steve D. Sinclair, staff, Department of Cable Communications and Consumer Protection.

Following discussion, Supervisor Gross moved that the Board **NOT** prepare testimony to the State Corporation Commission. Supervisor Bulova seconded the motion.

Following further discussion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Connolly and Supervisor Hudgins voting "NAY."

20. **A-4 – APPROVAL OF A MAINTENANCE AGREEMENT BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AND SPRINGFIELD EAST, LC TO MAINTAIN AN ACCESS ROAD TO THE JOE ALEXANDER TRANSPORTATION CENTER (LEE DISTRICT)** (Tape 5)

(NOTE: Action on this item was deferred. See Clerk's Summary Item CL#18.)

21. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-Y02-31, FAIRFAX COUNTY WATER AUTHORITY (SPRINGFIELD AND SULLY DISTRICTS)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-Y02-31, Fairfax County Water Authority.

22. **I-2 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-Y02-30, FAIRFAX COUNTY DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (SULLY DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, announcing the Planning Commission's approval of Public

Facilities Application 2232-Y02-30, Fairfax County Department of Community and Recreation Services.

23. **I-3 – CONTRACT AWARD – CONSULTANT CONTRACTS FOR ROADWAY IMPROVEMENT DESIGN SERVICES** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, requesting authorization to award contracts to the following firms:

- Parsons Transportation Group
- HNTB Corporation
- Parsons Brinckerhoff Quade and Douglas, Incorporated
- Rinker-Detwiler and Associates, Incorporated

to provide transportation design services for various County transportation projects which are not being designed by County staff. Each contract will have a cost ceiling of \$500,000 and be valid for a term of three years, or until the cost ceiling amount is reached for the individual contracts.

The staff was directed administratively to proceed as proposed.

24. **I-4 – CONTRACT AWARD – STRATTON WOODS COMMUNITY PARK DEVELOPMENT (HUNTER MILL DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, requesting authorization to award a contract to Tessa Construction and Tech Company, LLC in the amount of \$1,560,000 for the development of Stratton Woods Community Park in Project 475598, Community Park Development, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

25. **I-5 – CONTRACT AWARD – WAKEFIELD STREET SANITARY SEWER REPLACEMENT (MOUNT VERNON DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, requesting authorization to award a contract to Tessa Construction and Tech Company, LLC, in the amount of \$365,050 for the construction of Wakefield Street Sanitary Replacement, in Project X00905, Replacement and Transmission Programmed and Rehabilitation, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

26. **I-6 – CONTRACT AWARD – MASON DISTRICT PARK POND RECONSTRUCTION (MASON DISTRICT)** (Tape 5)

The Board next considered an item contained in the Board Agenda dated March 10, 2003, requesting authorization to award a contract to Environmental Quality Resources, Incorporated, in the amount of \$467,960 to reconstruct the existing pond at Mason District Park and add amenities funded by Project 474498, Infrastructure Renovation, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

27. **VOLUNTEER WEEK** (Tape 6)

Chairman Hanley stated that as part of National Volunteer Week, the County's General District Court will recognize its many volunteers during the week of April 20-26, 2003. She relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send the proclamation referenced in her written Board Matter proclaiming April 20-26, 2003, as "*Team Spirit-- Volunteer Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

28. **LAND USE APPLICATIONS FOR LINCOLN PROPERTY COMPANY SOUTHWEST, INCORPORATED (PROVIDENCE DISTRICT)** (Tape 6)

Chairman Hanley said that Lincoln Property Company Southwest, Incorporated has filed a proffered condition amendment and rezoning application affecting the SAIC site located east of Gallows Road at Science Applications Court. The applications have been accepted and are scheduled for a Planning Commission public hearing on June 25, 2003.

Accordingly, Chairman Hanley moved that the Board:

- Set a public hearing date of July 7, 2003, for the pending Proffered Condition Amendment PCA 75-7-004-4 and Rezoning/Final Development Plan Amendment RZ/FDP 2002-PR-008, filed by Lincoln Property Company Southwest, Incorporated.

- Direct the Department of Public Works and Environmental Services to process and expedite the site plans and building plans for property identified as Tax Map 29-3((1)) 63B and 66B, concurrently with staff review of Proffered Condition Amendment PCA 75-7-004-4 and Rezoning/Final Development Plan Amendment RZ/FDP 2002-PR-008.

This motion does not relieve the applicant from complying with all applicable regulations, ordinances, and adopted standards, and does not prejudice the consideration of the applications in any way.

Vice-Chairman Hyland seconded the motion.

Supervisor Connolly stated that in light of the fact that he is an employee of SAIC, he would recuse himself from the vote.

The question was called on the motion, which carried by a vote of nine, Supervisor Connolly not voting.

29. **CITIZEN CORPS** (Tape 6)

(NOTE: Earlier in the meeting, the Volunteer Fire Commission presented its annual report. See Clerk's Summary Item CL#10.)

With reference to the presentation by the Volunteer Fire Commission earlier in the day, Chairman Hanley announced that an update on the Citizens Corps is scheduled as a presentation on April 7, 2003.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

30. **DOG LICENSING FEES** (Tape 6)

Supervisor Connolly stated that the Board recently received a report with the startling statistic that of the estimated 234,129 dogs in the County only 25,700 are licensed. He noted that if all of those dogs were licensed, the County would have an additional \$2 million in revenue without raising a single fee.

Accordingly, Supervisor Connolly asked unanimous consent that the Board direct staff to redouble its efforts and enlist the assistance of the Office of Public Affairs to remind citizens on cable channel 16 and through other public information avenues, such as at the animal shelter, to please license their dogs. Without objection, it was so ordered.

31. **RECOGNITION OF THE GEORGE C. MARSHALL HIGH SCHOOL'S THEATRE DEPARTMENT** (Tape 6)

Supervisor Mendelsohn stated that George C. Marshall High School's Theatre Department recently won State recognition of its program. He referenced his written Board Matter on the subject and he particularly noted the school's drama teacher, Mark Krikstan.

Accordingly, jointly with Supervisor Connolly, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite the principal, students, teachers, volunteer parent coaches, and boosters to appear before the Board to be recognized for their outstanding efforts. Without objection, it was so ordered.

32. **RECOGNITION OF EDWARD STINETTE, CHIEF OF THE DEPARTMENT OF FIRE AND RESCUE, UPON HIS RETIREMENT** (Tape 6)

With reference to his written Board Matter, Supervisor Mendelsohn noted that Edward Stinnette, Chief of the Department of Fire and Rescue, is retiring after 30 years of distinguished service. Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite Chief Stinnette to appear before the Board on April 28, 2003, to be recognized for his distinguished career. Supervisor Connolly seconded the motion, which carried by unanimous vote.

33. **REQUEST FOR CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2002-DR-030 FOR SEKAS HOMES LIMITED (DRANESVILLE DISTRICT)** (Tape 6)

Supervisor Mendelsohn stated that Sekas Homes Limited is the applicant for Rezoning Application RZ 2002-DR-030 to rezone from the R-1 District to the PDH-2 District to build six homes. The property is located at Tax Map 19-4((3)) Parcels 2, 3, and 4.

Noting that the applicant has been working cooperatively with the community, Supervisor Mendelsohn moved that the Board direct staff of the Department of Public Works and Environmental Services and the Department of Planning and Zoning to proceed with concurrent processing of this application. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards, and does not constitute support by the Board for the rezoning application. Supervisor Hyland seconded the motion, which carried by unanimous vote.

34. **COMPETITIVE SOURCING** (Tape 6)

Supervisor Mendelsohn referred to his written Board Matter and called the Board's attention to the topic of competitive sourcing. He noted that competitive sourcing has been utilized successfully throughout the country.

Accordingly, Supervisor Mendelsohn moved that the Board direct the County Executive to do the following:

- Conduct an inventory of those activities that are deemed commercial in nature.
- Make that inventory public and solicit public comments.
- Present a final inventory of County activities to the Board.
- Develop a program for review, evaluation, and competition of activities on the inventory to determine whether County performance or private sector performance of each activity provides the best value to taxpayers.
- Develop a schedule for implementation of the aforementioned tasks.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to conduct an inventory of all County activities that are deemed commercial in nature and currently outsourced also, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

35. **BUDGET PAYMENT SYSTEM FOR TAXES** (Tape 6)

Supervisor Gross said that she received an inquiry from a constituent who is also a Fairfax County schoolteacher, about the accounting process for tax payments. She uses the budget payment system whereby her checking account is debited monthly for her real estate tax payment. However, this constituent would like to receive an annual statement that tells her exactly how much the County has debited for the real estate tax and how much extra that she has paid to carry over into the next year. With such a statement, she could then adjust her electronic transfer amount for the following year.

Supervisor Gross said that when this constituent contacted the Department of Tax Administration last year, she was advised that the computer is programmed to print only statements for people who owe money. In an effort to assist this constituent and other County residents who may be in a similar situation, Supervisor Gross asked unanimous consent that the Board refer this matter to the County Executive and the Department of Tax Administration for review and response to the Board. Without objection, it was so ordered.

36. **RECOGNITION OF MR. DAVID A. SHONERD (MASON DISTRICT)**  
(Tape 6)

Supervisor Gross stated that Mr. David A. Shonerd has provided outstanding leadership for the Camelot Community Patrol Neighborhood Watch Group, serving as coordinator from 1991 to 2002, and mentoring dozens of watch volunteers. Mr. Shonerd will be honored by his friends and neighbors at Camelot's quarterly meeting next Tuesday.

Supervisor Gross distributed copies of a Resolution lauding Mr. Shonerd's many services to his community and asked unanimous consent that the Board authorize the resolution, and direct staff to prepare it for presentation on March 18, 2003. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

**DMB:dmb**

37. **REQUEST FOR CONCURRENT REVIEW FOR REZONING APPLICATION/FINAL DEVELOPMENT PLAN RZ/FDP 2003-BR-012 (RUST ROAD) (BRADDOCK DISTRICT)** (Tape 7)

Supervisor Bulova said that in September 2002, as a part of the South County Area Plan Review Process, the Board approved an amendment to the Fairfax County Comprehensive Plan for five parcels located on Rust Road between the City of Fairfax and the EXPO/Food Lion Shopping Center north of Lee Highway in the Braddock District. Christopher Management, Incorporated, the contract purchaser, filed a rezoning application on these five parcels, which has been accepted. The review of the Plan amendment did include detailed discussion of the issues associated with the rezoning plat. Given this prior discussion and the applicant's contractual obligations, Christopher Management has asked for concurrent processing of the subdivision plan.

Therefore, Supervisor Bulova moved that the Board direct staff in the Department of Public Works and Environmental Services to review the subdivision plan and plats associated with Rezoning Application/Final Development Plan RZ/FDP 2003-BR-012 concurrently with the review of the rezoning application. She said that 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. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

38. **REQUEST THAT AUDITOR TO THE BOARD REVIEW COUNTY EXECUTIVE'S RECOMMENDED BUDGET** (Tape 7)

Supervisor Bulova called attention to the County's enhanced public participation in the budget process, citing a number of Board Budget workshops and community Budget workshops starting on Saturday, March 8, 2003, and asked unanimous consent that the Auditor to the Board be added in order to review the County Executive's recommended budget to determine if he has any suggestions or recommendations to make to the Board through the Audit Committee. Without objection, it was so ordered.

39. **RECOGNITION OF REPRESENTATIVE AND LOCAL COORDINATION GROUPS FOR BIKE TO WORK DAY** (Tape 7)

Supervisor Hudgins said that on May 2, 2003, bicycle commuters from around the Metropolitan Washington area will celebrate Bike to Work Day. Fairfax County is participating in the event with rallies at Reston, the Government Center, Vienna, and Falls Church. Each of the rally sites will have free breakfast and prizes. The events are being organized by the Washington Area Bicyclist Association (WABA), the Metropolitan Washington Council of Governments (MWCOG), Fairfax County government, LINK of Reston, and others. Clean Commute Day in Virginia is also being celebrated on May 2.

Therefore, Supervisor Hudgins and Supervisor Gross jointly moved that the Board direct staff to invite representatives from WABA, MWCOG and the local coordinating groups to appear before the Board at the April 7, 2003, Board meeting to recognize May 2, 2003, as "*Bike to Work Day*" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

40. **REQUEST TO SEND LETTER TO LOCAL CONGRESSIONAL DELEGATION URGING SUPPORT OF HR 1102 AND THE NATIONAL AFFORDABLE HOUSING TRUST FUND** (Tape 7)

(NOTE: Earlier in the meeting there was discussion of this item. See Clerk's Summary Item CL#12.)

Supervisor Hudgins said that earlier this morning the Board heard a presentation from the Homeless Oversight Committee that profoundly highlighted the need for affordable housing in Fairfax County. That need is hardly unique to Fairfax County and spreads across all boundaries of the United States. Federal legislation HR 1102 seeks to alleviate the lack of affordable housing by creating the National Affordable Housing Trust Fund. The legislation was originally sponsored by Representative Bernie Sanders of Vermont and has been co-sponsored by local Representative Jim Moran. If created, the National Affordable Housing Trust Fund would provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.



Therefore, Supervisor Hudgins moved that the Board direct staff to send a letter to members of the local Congressional delegation urging their support of HR 1102 and the National Affordable Housing Trust Fund. Supervisor Connolly seconded the motion and it carried by unanimous vote.

41. **RECOGNITION OF SOUTH LAKES HIGH SCHOOL'S BOYS' BASKETBALL TEAM (HUNTER MILL DISTRICT)** (Tape 7)

Supervisor Hudgins said that to go with the Northern Region football crown South Lakes High School won in the fall, the boys' basketball team earned the 2003 Northern Region Championship with a double-overtime 53-51 victory over Herndon High School last week. This is South Lakes first regional championship since 1999. On Saturday, South Lakes defeated Heritage High School of Newport News to advance to the AAA State semifinal next Friday against George Wythe High School of Richmond.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the South Lakes High School boys' basketball team to appear before the Board and receive recognition for its outstanding accomplishments. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

PMH:pmh

42. **CONCURRENT PROCESSING OF PLANS FOR FRANKLIN FARM GIANT (SULLY DISTRICT)** (Tape 8)

Supervisor Frey said that Giant of Maryland, LLC has filed a final development plan amendment (FDPA) to permit a minor increase of square footage for the Giant at Franklin Farm Village Center.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the FDPA and the site plans for the Giant at Franklin Farm Village. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

43. **BARNSFIELD ROAD AREA PLANS REVIEW ITEM (SULLY DISTRICT)** (Tape 8)

Supervisor Frey said that as a part of the 2001 Area Plans Review for the Sully District, the Board adopted new text for a portion of Land Unit D-4 of the Dulles Suburban Center to permit additional land to be developed for non-residential mixed use consisting of hotel, office, and retail uses. The area is located in the vicinity of Wall and Barnsfield Roads west of Centreville Road, and will be the

gateway to the Air and Space Museum Annex when the interchange at Route 28 on the edge of Dulles Airport is completed.

Therefore, Supervisor Frey moved that the Board authorize an Out-of-Turn Plan amendment to consider age restricted housing and assisted living facilities, which may include nursing facilities, in Land Unit D-4 of the Dulles Suburban Center. In addition to addressing infrastructure impacts, land use compatibility, especially with regard to the relationship of residential uses to land approved for industrial use, should be carefully evaluated. Supervisor McConnell seconded the motion and it carried by unanimous vote.

44. **WAIVER OF FEES FOR THE ESTABLISHMENT OF A RESTRICTED PARKING DISTRICT (RPD) (SULLY DISTRICT)** (Tape 8)

Supervisor Frey said that the CentreRidge Regent Owners Association submitted petitions in support of the establishment of a RPD for that community, and recently the Department of Transportation confirmed that the community met the 75 percent criteria for establishment.

Therefore, Supervisor Frey moved waiver of the fees for the establishment of this RPD. Supervisor Bulova seconded the motion.

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

45. **BUILDING SAFETY WEEK IN FAIRFAX COUNTY** (Tape 8)

Supervisor Frey referred to his written Board Matter and moved that the Board:

- Direct staff to prepare a proclamation declaring the week of April 6-13, 2003, as "*Building Safety Week*" in Fairfax County.
- Recognize Sara C. Yerkes, the 2003 Community Partnership Award recipient, and staff from the Office of Building Code Services, Department of Public Works and Environmental Services, who have made particular contributions to building safety this past year.

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

46. **DEVELOPMENT PROCESS COMMITTEE MEETING** (Tape 8)

Supervisor Frey announced that a Development Process Committee meeting will be held on Tuesday, March 11, 2003, at 3 p.m. in Conference Room 232 at the

Government Center. He added that the agenda contains the following items:

- 2003 Zoning Ordinance Amendment Priority Work List
- Regional Pond/Stormwater Management Study Update

47. **LAUREL HILL ADAPTIVE REUSE CITIZENS TASK FORCE (MOUNT VERNON DISTRICT)** (Tape 8)

(BACs) Supervisor Hyland referred to his written Board Matter regarding the Laurel Hill Adaptive Reuse Citizens Task Force and moved that:

- Tim Sargeant be appointed as the Chair of the Laurel Hill Adaptive Reuse Citizens Task Force.
- The role of the citizen chair of the task force will include, but not be limited to, setting the agenda and scheduling task force and community meetings about the Laurel Hill planning process in conjunction with County staff.
- The task force chair should work collaboratively with representatives of the Fairfax County Park Authority, the Northern Virginia Regional Park Authority, the Architectural Review Board, the Department of Public Works and Environmental Services, and other appropriate agencies to coordinate planning the entire Laurel Hill property.
- The task force should develop a document of "principles" to guide its decisions during the Laurel Hill planning process and help citizens understand how recommendations were made.
- The task force chair should provide a periodic progress report on the committee's work to the Board.
- The Park Authority continues its master planning process for the areas designated for park and recreation use.

Supervisor Kauffman seconded the motion.

With reference to the attachment to Supervisor Hyland's Board Matter (Action Item A-5 - Planning the Reuse of the Historic and Adaptive Reuse Areas of the Laurel Hill/Lorton Correctional Complex dated July 1, 2002) Chairman Hanley noted that the Board did not approve the item as submitted. She added that the Board approved County Executive Anthony H. Griffin's verbal comments regarding Action Item A-5.

Following discussion, Supervisor Connolly asked to amend the motion to include that if proposals that seem appropriate for the property come to fruition earlier than others, that there is nothing to preclude action or recommendations of action from the advisory committee coming to the Board, and this was accepted.

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

48. **REQUEST FOR RESOLUTION FOR MS. LUE ELLINGWOOD** (Tape 8)

(BACs) (NOTE: Earlier in the meeting the Homeless Oversight Committee (HOC) presented its annual report. See Clerk's Summary Item CL#12.)

Supervisor McConnell noted that Ms. Lu Ellingwood served the County as an active member of the HOC from 1993 until 2002. She referred to her written Board Matter and outlined Ms. Ellingwood's accomplishments.

Therefore, Supervisor McConnell moved that the Board direct staff to prepare a Resolution to be presented to Ms. Ellingwood before the Board at the next appropriate date. Supervisor Connolly seconded the motion and it carried by unanimous vote.

49. **PROCLAMATION TO DESIGNATE "INTERSTATE WORLDWIDE RELOCATION DAY" IN FAIRFAX COUNTY** (Tape 8)

Supervisor McConnell said that Interstate Worldwide Relocation will be celebrating 60 years of service to the citizens of Virginia and three decades of family leadership on March 15, 2003.

On behalf of Supervisor Bulova and herself, Supervisor McConnell moved that the Board direct staff to prepare and send a proclamation designating Saturday, March 15, 2003, as "*Interstate Worldwide Relocation Day*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

50. **INTENT TO DEFER PUBLIC HEARINGS (LEE DISTRICT)** (Tape 8)

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

- Special Exception Amendment Application SEA 85-L-059-5
- Spot Blight Abatement Ordinance for 7505 Berwick Court

(NOTE: Later in the meeting the public hearings were formally deferred. See Clerk's Summary Item CL#56 and CL#61, respectively.)

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

At 1:55 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. *Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, and the Building Official of Fairfax County, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid and Rashid Khalid*, In Chancery No. 179443 (Fx. Co. Cir. Ct.) (Braddock District)
  - 2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, In Chancery No. 178786 (Fx. Co. Cir. Ct.) (Mason District)
  - 3. *Jane W. Gwinn, Fairfax County Zoning Administrator v. John Y.C. Wang, Individually and As Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang; Wan-Shi Wang, Individually and as Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang; and the Living Trust of John Y.C. Wang and Wan-Shi Wang*, In Chancery No. 181444 (Fx. Co. Cir. Ct.) (Lee District)

4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ceon Land Development, L.L.C.*, In Chancery No. 182705 (Fx. Co. Cir. Ct.) (Lee District)
5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker*, In Chancery No. 182748 (Fx. Co. Cir. Ct.) (Lee District)

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

DS:ds

At 3:25 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

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

52. **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 Connolly 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."

#### **AGENDA ITEMS**

53. **3 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – TELEGRAPH ROAD/FLORENCE LANE (LEE DISTRICT)**  
(Tape 9)

- (R) (NOTE: At its February 24, 2003, meeting the Board deferred the public hearing on this item until March 10, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 6 and February 13, 2003.

Dianne Barnes, Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff recommendation.

Following the public hearing, Supervisor Kauffman moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 006615 – Telegraph Road/Florence Lane, in Fund 300, Countywide Roadway Improvement. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

54. **3 P.M. – PH ON REZONING APPLICATION RZ 1998-LE-064, SPECIAL EXCEPTION APPLICATION SE 01-L-020, AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS SEA 91-L-053-4 AND SEA 91-L-054-3 (SPRINGFIELD EAST, LC) (LEE DISTRICT)** (Tape 9)

(NOTE: At its October 7, 2002, meeting the Board deferred the public hearing on this item until October 28, 2002. At its October 28, 2002, meeting the Board deferred the public hearing on this item until December 9, 2002. At its December 9, 2002, meeting the Board deferred the public hearing until January 27, 2003. At its January 27, 2003, meeting the Board deferred the public hearing until February 24, 2003. At its February 24, 2003, meeting the Board deferred the public hearing on this item until March 10, 2003.)

The Rezoning Application RZ 1998-LE-064 and Special Exception Application SE 01-L-020 property is generally located at the north terminus of Springfield Center Drive, south of the Franconia-Springfield Parkway, and southwest of the Joe Alexander Transportation Center, Tax Map 90-2 ((1)) 58A pt., 58B and 59A pt.

The Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3 application property is generally located south of the Franconia-Springfield Parkway at its intersection with Frontier Drive, Tax Map 90-2 ((1)) 60.

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

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

Supervisor Kauffman disclosed that he represents the County on the Washington Metropolitan Area Transit Authority (WMATA).

Chairman Hanley disclosed that she represents the County as an alternate on the WMATA.

Following the public hearing, which included testimony by one speaker, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved to defer decision on Rezoning Application RZ 1998-LE-064, Special Exception Application SE 01-L-020, and Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3 until **April 28, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

SBE:sbe

55. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 93-H-004 AND PROFFERED CONDITION AMENDMENT/DEVELOPMENT PLAN AMENDMENT APPLICATION PCA 87-C-088/DPA 87-C-088 (THE JEFFERY FINANCIAL GROUP, INCORPORATED)** (Tape 10)

Supervisor Hudgins moved to defer the public hearing on Proffered Condition Amendment Application PCA 93-H-004 and Proffered Condition Amendment/Development Plan Amendment Application PCA 87-C-088/DPA 87-C-088 until **April 28, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-5 (BSI, INCORPORATED, T/A BROWNE ACADEMY) (LEE DISTRICT)** (Tape 10)

Supervisor Kauffman moved to defer the public hearing on Special Exception Amendment Application SEA 85-L-059-5 until **March 24, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

57. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-022 (ROLLING OAKS LLC) (MOUNT VERNON DISTRICT)** (Tape 10)

- (O) The application property is located on the east side of Rolling Road, approximately 1600 feet north of Alban Road, Tax Map 98-4 ((1)) 18 and 98-4 ((3)) 11 pt.

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



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

Discussion ensued with input from Mr. Sampson, and Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning.

Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. This motion, the second to which was inaudible, carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-022, from the R-1 District to the PDH-3 District, subject to the proffers dated February 24, 2003.
- Approval of a variance to the provisions of Section 18-401 of the Zoning Ordinance to permit a fence exceeding four feet in height along the Rolling Road frontage of the property.

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

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

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

59. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-BR-044 (RAVENSWORTH BAPTIST CHURCH AND ANNANDALE PLAY-CARE, INCORPORATED) (BRADDOCK DISTRICT)** (Tape 10)

The application property is located at 5100-A Ravensworth Road, Tax Map 70-4 ((6)) A.

Ms. Lolita I. Robinson reaffirmed the validity of the affidavit for the record.

Ms. Robinson 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 Application SE 2002-BR-044, subject to the development conditions dated March 3, 2003; and irrespective of that shown on the special exception plat, the dedication of right-of-way shall be in accordance with the County's plan for a trail along Ravensworth Road.
- Reaffirmation of the modifications of the transitional screening requirements and waivers of the barrier requirements along all property boundaries, as conditioned.

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.

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-12-8, TO ALLOW VEHICLE DECAL ISSUANCE TO TAXPAYERS ON PAYMENT PLANS** (Tape 10)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of February 25 and March 4, 2003.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-12-8, to allow vehicle decal issuance to taxpayers on payment plans. Supervisor Bulova and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting “AYE,” Supervisor McConnell and Supervisor Mendelsohn being out of the room.

61. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7505 BERWICK COURT (LEE DISTRICT)** (Tape 10)

Supervisor Kauffman moved to defer the public hearing on the Spot Blight Abatement Ordinance for 7505 Berwick Court until **June 2, 2003, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

62. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION OF LOTS THAT WERE NOT LEGALLY CREATED** (Tape 10)

Supervisor Frey moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), until **March 24, 2003, at 4:30 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

**ADDITIONAL BOARD MATTER**

63. **BUDGET WORKSHOPS** (Tape 10)

Supervisor Bulova reminded Board Members of the following upcoming budget events:

- Saturday, March 15, 2003, 9 a.m. to 12 noon, in the Board Auditorium, the first of a two-part series of community workshops on the budget.
- Monday, March 17, 2003, Government Center's Conference Center, the first of the Board's three budget workshops.

64. **BOARD ADJOURNMENT** (Tape 10)

At 4:15 p.m., the Board adjourned.

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