



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 8, 2003**

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24-03

PW:pw

The meeting was called to order at 9:03 a.m., with all Members being present, with the exception of Supervisor Connolly, Supervisor Kauffman, and Supervisor McConnell, and with Chairman Hanley presiding.

Supervisor McConnell arrived at 9:06 a.m.

Supervisor Connolly arrived at 9:07 a.m.

Supervisor Kauffman arrived at 9:15 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, 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 MATTERS

1. **CHAIRMAN HANLEY EXTENDS A GOOD MORNING AND THANK YOU TO MR. BOB STAMPER** (9:03 a.m.)

Chairman Hanley extended a good morning to Bob Stamper, a volunteer photographer for the County who was not present today, and thanked him for his time and service.

2. **MOMENT OF SILENCE** (9:04 a.m.)

Chairman Hanley asked everyone to continue to keep in thoughts and prayers the first responders, and all those who defend the country at home and around the world, and the families that support them. She also asked everyone to resolve to improve the quality of life for all the citizens of Fairfax County.

AGENDA ITEMS**3. CERTIFICATE OF RECOGNITION PRESENTED TO MR. JAMES ALLRED (9:05 a.m.)**

(BACs) Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. James Allred for his service on the Architectural Review Board. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Kauffman not yet having arrived.

4. CERTIFICATE OF RECOGNITION PRESENTED TO HERNDON HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM (9:10 a.m.)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to members of the Herndon High School Girls' Cross Country team for its accomplishment in winning the AAA Division State Championship. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Kauffman not yet having arrived.

5. CERTIFICATES OF RECOGNITION PRESENTED TO STUDENT ELECTION OFFICERS AND STUDENT ELECTION PAGES (9:14 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificates of Recognition presented to student Election Officers and student Election Pages. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. RESOLUTION OF RECOGNITION PRESENTED TO MR. DEWEY BOND (9:21 a.m.)

Supervisor Mendelsohn moved approval of the Resolution of Recognition presented to Mr. Dewey Bond for his service as a member of the Northern Virginia Soil and Water Conservation District Board of Directors. The motion was multiply seconded and it carried by unanimous vote.

7. CERTIFICATE OF RECOGNITION PRESENTED TO THE GREATER RESTON CHAMBER OF COMMERCE INCUBATOR PROGRAM (9:27 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Greater Reston Chamber of Commerce Incubator Program for the support given to small and new businesses. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MORNING STAR PROGRAM OF THE HISPANICS AGAINST CHILD ABUSE AND NEGLECT** (9:33 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Morning Star Program of the Hispanics Against Child Abuse and Neglect for the service it has given to the community. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO THE UNITED CHRISTIAN PARISH** (9:43 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the United Christian Parish for 30 years of service to the community. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Frey being out of the room.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE REVEREND SUZANNE RUDISELLE** (9:46 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Rev. Suzanne Rudiselle for serving the United Christian Parish as pastor for 15 years. Chairman Hanley and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Frey being out of the room.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO RESTON TRIATHLON ASSOCIATION** (9:49 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Reston Triathlon Association for its twentieth anniversary. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor McConnell being out of the room.

12. **CERTIFICATE OF RECOGNITION PRESENTED TO MEDICAL CARE FOR CHILDREN PARTNERSHIP** (9:53 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Medical Care for Children Partnership for the work it does to provide medical care for uninsured children. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

13. **PROCLAMATION DECLARING JANUARY AS “NATIONAL MENTORING MONTH” IN FAIRFAX COUNTY** (10:02 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to declare January as “*National Mentoring Month*” in Fairfax County. The motion was multiply seconded and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

14. **CERTIFICATE OF RECOGNITION PRESENTED TO THE SPRING HILL RECENTER SHOTOKAN KARATE TEAM** (10:14 a.m.)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to the Spring Hill RECenter Shotokan Karate team for its achievement. Supervisor Hyland seconded the motion and it carried by unanimous vote.

15. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX COUNTY URBAN FORESTRY PROGRAM** (10:19 a.m.)

Supervisor Mendelsohn moved approval of the Resolution of Recognition presented to the Fairfax County Urban Forestry Program for its thirtieth anniversary. Supervisor Bulova seconded the motion and it carried by unanimous vote.

16. **10 A.M. – PRESENTATION OF THE DON SMITH EMPLOYEES ADVISORY COUNCIL (EAC) AWARDS** (10:26 a.m.)

Vince Wang, Fairfax County Police Department, presented the awards to the following individuals:

- David B. Peters, Public Safety Communicator III, Police Department
- Roger Siegel, Master Police Officer, Police Department
- R. Michael Mohler, Captain, Fire and Rescue Department

Mr. Wang presented the following honorable mention awards:

- Steve Esenbock, Auditor III, Department of Tax Administration

Mr. Wang also recognized all of the remaining nominees.

ADDITIONAL BOARD MATTER17. **PHOTOGRAPH OF BOARD AND STAFF** (10:32 a.m.)

Because the photographer was still present, Chairman Hanley announced that the Board would now have a "Class Picture" with Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Merni Fitzgerald, Director, Office of Public Affairs; Catherine A. Chianese, Assistant to the County Executive; and Nancy Vehrs, Clerk to the Board.

AGENDA ITEMS18. **10:15 A.M. – BOARD ADOPTION OF THE 2004 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (10:35 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to refer to the Legislative Committee review of the Dulles Corridor Tax District for constitutional questions and necessary amendments. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly, Chairman of the Board's Legislative Committee, briefly addressed key issues related to the Legislative Program for the Virginia General Assembly as contained in the Board Agenda Item dated December 8, 2003.

Supervisor Connolly moved adoption of the Legislative Program. Supervisor Bulova seconded the motion.

Following discussion, the question was called on the motion, which **CARRIED** by a recorded vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn voting "NAY."

Chairman Hanley thanked the staff that assembles the Legislative Program and Young Ho Chang, Director, Department of Transportation (DOT); Thomas Biesiadny, Chief, Coordination and Funding Section, DOT; Susan E. Mittereder, Legislative Liaison, Office of the County Executive; Michael H. Long, Senior Assistant County Attorney; and Karen Harwood, Deputy County Attorney.

Discussion continued briefly.

19. **10:30 A.M. – APPOINTMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**
(10:43 a.m.)

The Board deferred the appointments of the At-Large #1, #2, #3, #4, #5, #6, and #7 Representatives to the Chesapeake Bay Preservation Ordinance Exception Review Committee.

(NOTE: Later in the meeting, the Board took action regarding this Committee. See Clerk's Summary Item CL#76.)

20. **10:30 A.M. – PRESENTATION BY THE FAIRFAX COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ON ITS ANNUAL REPORT** (10:43 a.m.)

(BACs) Robert McLaren, Chairman, EQAC, presented its annual report.

Mr. McLaren called the Board's attention to a recently passed EQAC resolution regarding the Lighting Ordinance Handbook that commended Jack Reale, Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), and Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division, DPZ, on producing an excellent handbook.

Craig Potter, Mount Vernon District Representative, EQAC, presented additional information regarding air quality.

Following discussion, Supervisor Connolly asked unanimous consent that the Board direct EQAC to provide clarification regarding the report's recommended 50 percent regional telework goal. Without objection, it was so ordered.

Following further discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to review and comment on EQAC's recommendations. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Hyland asked unanimous consent that the Board direct staff to review and comment on testimony presented to EQAC regarding the resource recovery facility and the accuracy of the air quality monitors. Without objection, it was so ordered.

SBE:sbe

21. ADMINISTRATIVE ITEMS (11:04)

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

Supervisor Kauffman called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-1-23, Providing Language Consistent with that of the State Regarding Fingerprinting of Individuals in Sensitive Positions and Providing the Fingerprints to the FBI for a Check of the National Crime Information Database. He asked unanimous consent that the Board direct staff to provide clarification related to employees directly responsible for the health, safety, and welfare of the general populace. Without objection, it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive, and Peter D. Andreoli, Deputy County Attorney.

Supervisor Bulova called the Board's attention to Admin 13 – Authorization for the Department of Community and Recreation Services to Apply for a Grant from the Federal Transit Administration for Vehicle Replacement Funds for the Fastran System and Authorization for a Public Hearing to Review and Comment on the Grant Application, and discussion ensued with input from Mr. Griffin.

Supervisor Mendelsohn called the Board's attention to Admin 16 – Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects. He asked unanimous consent that the Board direct staff to:

- Provide additional prior year information in advance of the public hearing.
- Examine the list of projects that have not made substantial progress in an effort to retain the funding from prior years.

Following discussion, with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, without objection, it was so ordered.

Supervisor Mendelsohn called the Board's attention to Admin 17 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Permitted Reduction in Lot Size for Certain Lots. He moved to amend the motion to change the wording in the advertisement from "two years that it has been occupied" to "that it has to be occupied at some time within the last five years." This amendment to the motion, the second to which was indistinguishable, carried by unanimous vote.

Following discussion, with input from William E. Shoup, Zoning Administrator, Department of Planning and Zoning, Supervisor Kauffman asked unanimous consent that the Board direct staff to provide the status of its review, previously requested by the Board, regarding lot size and lot configuration. Without objection, it was so ordered.

Supervisor Mendelsohn called the Board's attention to Admin 22 – Authorization to Advertise a Public Hearing Regarding the Continued Leasing of County-Owned Property at 8333 Richmond Highway, Alexandria, Virginia to the Royal Embassy of Saudi Arabia D/B/A the Islamic Saudi Academy. He mentioned that he read a recent newspaper article regarding the loss of support by the Embassy for its institutes and academies, and he asked unanimous consent that the Board direct staff to provide information regarding any ramifications to this lease.

Following discussion, with input from Robert L. Morgan, Leasing Manager, Facilities Management Division, Department of Public Works and Environmental Services, without objection, the request was so ordered.

The question was called on the motion to approve the Administrative Items, 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 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04050 FOR CIRCUIT COURT AND RECORDS TO ACCEPT A PRESERVATION GRANT FROM THE LIBRARY OF VIRGINIA

(SAR) Approved SAR AS 04050 in the amount of \$11,328. The overall grant award is \$199,328, of which \$188,000 will be maintained by the Library of Virginia to digitally reformat loose court papers and convert the digital images to security microfilm. The remaining \$11,328 will be passed through to the Circuit Court and will provide limited term support and supplies in support of this initiative. No local cash match is required.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-1-23, PROVIDING LANGUAGE CONSISTENT WITH THAT OF THE STATE REGARDING FINGERPRINTING OF INDIVIDUALS IN SENSITIVE POSITIONS AND PROVIDING THE FINGERPRINTS TO THE FBI FOR A CHECK OF THE NATIONAL CRIME INFORMATION DATABASE

(A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 7.)

Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-1-23, providing language consistent with that of the State regarding fingerprinting of individuals in sensitive positions and providing the fingerprints to the FBI for a check of the National Crime Information Database.

**ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04047 FOR THE CONTINUATION OF THE ONGOING FEDERAL
EARLY HEAD START PROGRAM GRANT WITHIN THE
DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN**

(SAR) Approved SAR AS 04047 in the amount of \$729,361 for Federal Early Head Start programs, including \$637,591 from the US Department of Health and Human Services, and a local cash match of \$91,770.

**ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04048 FOR THE CONTINUATION OF THE ONGOING FEDERAL
HEAD START PROGRAM GRANT WITHIN THE DEPARTMENT OF
FAMILY SERVICES/OFFICE FOR CHILDREN**

(SAR) Approved SAR AS 04048 in the amount of \$2,722,774 for Federal Head Start programs, including \$2,513,378 from the US Department of Health and Human Services, and a local cash match of \$209,396.

**ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04049 FOR THE CONTINUATION OF THE FEDERAL CHILD AND
ADULT CARE FOOD PROGRAM (CACFP) GRANT WITHIN THE
DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN**

(SAR) Approved SAR AS 04049 in the amount of \$2,485,286 for continued participation in the CACFP. Of this total, \$150,000 is earmarked for School Age Child Care snacks, while the remaining \$2,335,286 is for the core CACFP. No local cash match is required.

**ADMIN 6 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04052 FOR THE DEPARTMENT OF FAMILY SERVICES TO
ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF
MEDICAL ASSISTANCE SERVICES (VDMAS) TO DEVELOP
STRATEGIES TO INCREASE ENROLLMENT AND RETENTION OF
ELIGIBLE CHILDREN IN THE FAMILY ACCESS TO MEDICAL
INSURANCE SECURITY PLAN (FAMIS) AND FAMIS PLUS
(MEDICAID)**

(SAR) Approved SAR AS 04052 in the amount of \$47,728 from VDMAS to fund a program to increase enrollment and retention of eligible children in FAMIS and FAMIS Plus healthcare insurance programs. No local cash match is required.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ARTICLE 82-5B, REGARDING PROHIBITION AGAINST PARKING WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, AND CAMPING TRAILERS IN CERTAIN AREAS, AND APPENDIX M (RESTRICTED PARKING DISTRICTS)

- (A) (R)
- Authorized the advertisement of a public hearing to be held before the Board on **January 5, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), regarding prohibition against parking watercraft, boat trailers, motor homes, and camping trailers in certain areas and Appendix M, regarding restricted parking districts.
 - Adopted the Resolution amending the Code of the County of Fairfax, Appendix M, to reflect the changes to Chapter 82-5B, adopted on September 15, 2003.

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04054 FOR THE HEALTH DEPARTMENT'S MEDICAL RESERVE CORPS DEMONSTRATION PROJECT GRANT

- (SAR)
- Approved SAR AS 04054 in the amount of \$47,000 in US Public Health Service grants to the Health Department for the development and implementation of an emergency alerting system to mobilize Medical Reserve Corps volunteers assigned to roles that support the Health Department's emergency preparedness and response efforts. No local cash match is required.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04055 FOR THE HEALTH DEPARTMENT'S BIOTERRORISM COORDINATOR POSITION

- (SAR)
- Approved SAR AS 04055 in the amount of \$89,987 in Virginia Department of Health grant funds to the Health Department to support the cost of a Bioterrorism Coordinator position in the Health Department. No local cash match is required.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04058 FOR THE HEALTH DEPARTMENT'S WIC/IMMUNIZATION LINKAGE GRANT AND THE IMMUNIZATION ACTION PLAN GRANT

- (SAR)
- Approved SAR AS 04058 in the amount of \$182,643 from the Virginia Department of Health to continue services under the WIC/Immunization Linkage Grant and the Immunization Action Plan Grant. No local cash match is required.

ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04060 TO ACCEPT JUVENILE ACCOUNTABILITY BLOCK GRANT FUNDS

- (SAR) Approved SAR AS 04060 in the amount of \$172,949 from the Virginia Department of Criminal Justice Services (DCJS) to continue the Intensive Supervision Program for serious and habitual offenders, to evaluate the program, and engage in further needs assessment, performance measurement, and strategic planning for the juvenile justice system in the County. Of this total, \$55,654 is funds from DCJS and \$17,295 is the required ten percent local cash match.

ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04061 FOR THE HEALTH DEPARTMENT'S TUBERCULOSIS (TB) CONTROL PROGRAM GRANT

- (SAR) Approved SAR AS 04061 in the amount of \$120,000 from the Bureau of TB Control, Virginia Department of Health, to continue the TB Control Program. No local cash match is required.

ADMIN 13 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES TO APPLY FOR A GRANT FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR VEHICLE REPLACEMENT FUNDS FOR THE FASTRAN SYSTEM AND AUTHORIZATION FOR A PUBLIC HEARING TO REVIEW AND COMMENT ON THE GRANT APPLICATION

(NOTE: Earlier in the meeting, the Board discussed this item. See page 7.)

Authorized staff to apply for FTA Section 5310 grant funds to allow FASTRAN to replace three high-mileage vehicles at a substantially reduced cost to the County.

ADMIN 14 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Forest at Southrun, Section 1	Mount Vernon	Southrun Road Route 6070
Maple Hill Estates	Sully	Lewis Mill Way Route 8316 Autumn Glory Way Royal Red Terrace

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04056 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT AN ADDITIONAL GRANT AWARD FROM THE US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) TO PROVIDE SUPPORT FOR A PROGRAM IN INTERNATIONAL URBAN SEARCH AND RESCUE (USR)

- (SAR) Approved SAR AS 04056 in the amount of \$71,616 for FRD to accept additional grant funds from USAID to provide additional support for a program in international USR. No local cash match is required.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 7.)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 5, 2004, at 5:30 p.m.** to solicit comments and input on proposed Fiscal Year 2005 Transportation Enhancement Projects.

ADMIN 17 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PERMITTED REDUCTION IN LOT SIZE FOR CERTAIN LOTS (BUILDABLE LOTS)

- (A) (R) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 7.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 22, 2004, and before the Board on **February 23, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding permitted reduction in lot size for certain lots (buildable lots).

ADMIN 18 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

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

- Yosif A. Ibrahim (243)
- Carol Thompson Nelson (244)

- Elfatih Salim (245)

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04051 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO ACCEPT A US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, GRANT UNDER THE FISCAL YEAR 2003 PROSECUTION REIMBURSEMENT PROGRAM

- (SAR) Approved SAR AS 04051 in the amount of \$200,000 for FCPD to accept a DOJ grant under the Fiscal Year 2003 NOVA Prosecution Reimbursement Program. No local cash match is required.

ADMIN 20 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, AND HUNTER MILL DISTRICTS)

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

- Application FS-B03-34 to February 21, 2004
- Application FS-D03-38 to February 26, 2004
- Application 2232-D03-9 to March 8, 2004
- Application FS-H03-24 to March 8, 2004

ADMIN 21 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-P-010-2, ANDREW M. CHERNER (PROVIDENCE DISTRICT)

- (AT) Approved 23 months of additional time to commence construction for Special Exception Amendment Application SEA 93-P-010-2, to December 12, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 22 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY AT 8333 RICHMOND HIGHWAY, ALEXANDRIA, VIRGINIA TO THE ROYAL EMBASSY OF SAUDI ARABIA D/B/A THE ISLAMIC SAUDI ACADEMY (MOUNT VERNON DISTRICT)

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 8.)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 26, 2004, at 3:30 p.m.** regarding the continued leasing of County-owned property at 8333 Richmond Highway, Alexandria, Virginia, Tax Map

Numbers 101-4 ((1))-005-A; 101-4 ((1)) 057; 101-4 ((8)) (E)-001; and 101-4 ((7)) – 001, to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy for the purpose of operating a private school.

ADMIN 23 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, 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 5, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Graham RPPD, District 34.

ADMIN 24 – INSTALLATION OF A MULTI-WAY STOP AT SHAFFER DRIVE AND BAYLISS PLACE (LEE DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Department of Transportation's Residential Administration Program at Shaffer Drive and Bayliss Place (Lee District).
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 25 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON SHADY PALM DRIVE (MOUNT VERNON DISTRICT)

- (R) Adopted the Resolution endorsing the installation of “Watch for Children” signs as part of the Department of Transportation’s Residential Traffic Administration Program at Shady Palm Drive.

ADMIN 26 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE BEECHWOOD COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 5, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Beechwood CPD.

ADMIN 27 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, DRANESVILLE, LEE, MASON, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of the R-TAP:
 - High Meadow Road (Lee District)
 - Cabell Mill's Drive (Sully District)
 - Center Road (Springfield District)
 - Cottontail Court (Springfield District)
 - Reservation Drive (Springfield District)
 - Dearborn Drive (Mason District)
 - Marc Drive (Mason District)
 - Holly Hill Drive (Mason District)
 - Rollins Drive (Mount Vernon District)
 - Victoria Road (Braddock District)
 - Parliament Drive (Braddock District)
 - Eastbourne Drive (Braddock District)
 - Longfellow Street (Dranesville District)
- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

22. **A-1 – BOARD APPROVAL OF A LICENSING AGREEMENT WITH BROADCAST MUSIC, INCORPORATED (BMI), FOR THE RIGHT TO PLAY CERTAIN MUSIC AT COUNTY FACILITIES** (11:15 a.m.)

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

- Approved a master licensing agreement with BMI, effective beginning on January 1, 2004.
- Authorized the County Executive to enter into the agreement on behalf of the County.

23. **A-2 – AMENDMENTS TO THE FAIRFAX COUNTY CONSTRUCTION SAFETY RESOLUTION** (11:15 a.m.)

- (R) On motion of Supervisor Connolly, seconded by Supervisor Gross, and 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," the Board concurred in the recommendation of staff and adopted the amended Construction Safety Resolution.

24. **A-3 – ENDORSEMENT OF THE FEASIBILITY STUDY'S RECOMMENDED CONCEPT PLAN FOR A NEW PARKING STRUCTURE AT THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION; APPROVAL OF A PROJECT AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND FAIRFAX COUNTY TO DESIGN A MULTI-LEVEL PARKING STRUCTURE; APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04057 TO EXECUTE A PROJECT AGREEMENT TO DESIGN A NEW PARKING STRUCTURE; AND APPROVAL TO UTILIZE FUNDS AVAILABLE AT NORTHERN VIRGINIA TRANSPORTATION DISTRICT COMMISSION AT THIS STATION (BRADDOCK DISTRICT)** (11:16 a.m.)

- (SAR) Supervisor Bulova moved that the Board concur in the recommendation of staff and:

- Endorse the recommendations of the feasibility study and concept plan map.
- Approve in substantial form a project agreement between VDOT and the County.
- Approve SAR AS 04057 to execute a project agreement to design a multi-level parking structure at the Burke Centre VRE Station. The estimated total project cost for design of the parking structure is \$2 million, of which \$1.6 million is funded by Congestion Mitigation and Air Quality grant funding, and the remaining \$400,000 is the required 20 percent local cash match, available in Fund 102, Federal/State Grant Fund.

- Approve expenditure of up to \$210,000 in State Aid from the Northern Virginia Transportation District Commission to construct interim parking improvements to relieve overcrowded conditions until the construction of the major parking facility begins at the Burke Centre VRE Station. No local cash match is required.

Discussion ensued with input from Thomas Biesiadny, Transportation Planner IV, Department of Transportation, and Larry Ichter, Chief, Transportation Design Branch, Planning and Design Division, Department of Public Works and Environmental Services.

Supervisor Connolly and Supervisor Hyland jointly 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."

25. **A-4 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2005 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (11:19 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force's primary recommendations on the FY 2005 VRE budget as outlined in the Board Agenda Item dated December 8, 2003.

26. **A-5 – EXPANSION OF THE APPROVED SEWER SERVICE AREA (ASSA) TO INCLUDE ADDITIONAL PORTIONS OF THE LAUREL HILL COMMUNITY PLANNING SECTOR (MOUNT VERNON DISTRICT)** (11:20 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed expansion of the ASSA to include the approximately 1,788-acre area within a portion of the Laurel Hill Community Planning Section as shown in Attachment One of the Board Agenda Item dated December 8, 2003.

27. **A-6 – STATUS OF PRIORITY TRAILS SELECTED BY THE COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE** (11:21 a.m.)

(BACs) Catherine Ann Bennett, Chairman of the Trails Committee, gave a brief summary of the Committee's work.

Supervisor Connolly moved that the Board concur in the recommendation of staff and endorse the project priority list developed by the Trails Committee. Supervisor Gross seconded the motion.

Following discussion, Supervisor Gross clarified that the:

- Projects on the list are of equal rank and simply in alphabetical order.
- Columbia Pike Phase II Trail from Powell Lane to Lake Barcroft Dam is on the south side of Columbia Pike, and not to the Dam, but to Holmes Run on the south side. This project was to complete the trail from Powell Lane to Holmes Run.

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

28. **A-7 – REPLACEMENT OF THE FAIRFAX CITY GENERAL SERVICES AGREEMENT** (11:29 a.m.)

Supervisor Connolly moved that the Board concur in the recommendation of staff and approve a new General Services Agreement to reflect the changes that have occurred in government services provided by the County to the City since the adoption and subsequent amendments of the 1978 Agreement. Supervisor Bulova seconded the motion.

Supervisor Connolly announced that the Board's Fairfax City-County Committee will meet Monday, December 15, 2003, at 8 a.m. at the Government Center. Discussion of the location of the regional library is on the agenda.

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

29. **A-8 – APPROVAL OF STAFF COMMENTS ON THE SCOPE OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE UPDATE OF THE FORT BELVOIR REAL PROPERTY MASTER PLAN** (11:30 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve the comments prepared by staff as part of the scoping for the EIS for the update of the Fort Belvoir Master Plan. Supervisor Connolly seconded the motion.

Supervisor Kauffman clarified the comments with regard to handwritten page three as follows:

- Under the heading "Dewitt Army Community Hospital" where it states Mount Vernon Hospital, this should be the *Inova* Mount Vernon Hospital.

- On the second to last line of that paragraph, it states “Fort Belvoir could reduce the size and scale of the new on-post facility.” Amend that to read: "Fort Belvoir could eliminate the need for or reduce the size and scale of any on post facility."

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

On behalf of the Board, Chairman Hanley and Supervisor Kauffman expressed appreciation to Fred R. Selden, Director, Planning Division, Department of Planning and Zoning (DPZ) and Noel H. Kaplan, Senior Environmental Planner, Planning Division, DPZ for their work.

A brief discussion ensued.

30. **A-9 – PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA) PROPOSAL FOR CAPITAL BELTWAY HIGH OCCUPANCY TOLL (HOT) LANES ON THE CAPITAL BELTWAY (I-495)** (11:34 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the draft letter from the Chairman to Secretary Clement transmitting the comments and recommendation to the Virginia Department of Transportation on the PPTA proposal by Fluor Daniel for the development, financing, design, and construction of the I-495 HOT Lanes project with the considerations as outlined in the Board Agenda Item dated December 8, 2003. Supervisor Gross seconded the motion.

Supervisor Connolly noted that it would be helpful if the Virginia Department of Transportation added maps to its website.

Supervisor Connolly asked to amend the motion to revise the comments on page three of the draft letter as follows:

- At the end of the letter that the period be deleted after the word capacity, and changed to a comma and the following language added: “In a timely manner and these principals should continue to guide the development of this proposal.”

This was accepted.

Discussion ensued with input from Young Ho Chang, Director, Department of Transportation.

Supervisor Kauffman asked to amend the motion regarding the draft letter as follows:

- At the end of the first paragraph on page one that reads: “our support of the project,” add: "with the understanding that more work is needed to ensure the project supports transit."
- In the second paragraph, the fourth line from the bottom which states: “HOT lanes on the Beltway could provide a stepping stone to providing” revise as follows: "Hot lanes on the Beltway should be an integral part of providing this type of transit service."
- With reference to the sentence that Supervisor Connolly modified in the last paragraph on page three; stating “providing additional traffic capacity” insert “and transit opportunities, in a timely manner, et cetera,” followed by Supervisor Connolly's amendments.

This was accepted.

Following a brief discussion, with input from Mr. Chang, Supervisor Hudgins asked to amend the motion to include the involvement of the Virginia Department of Rail and Transportation, and this was accepted.

Supervisor Connolly asked to amend the motion to:

- Add the word “strong” in terms of support.
- At the end of Supervisor Kauffman’s first amendment, add: "as feasible."

This was accepted.

Supervisor Hudgins called the Board's attention to the third bullet on page two of the Board Agenda Item, the second sentence that refers to the impact to adjacent properties, and she asked to amend the motion to add "and pedestrian access.” This was accepted.

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

31. **A-10 – AFFIRMATION OF ENDORSEMENT OF THE REVISED LOCALLY PREFERRED ALTERNATIVE FOR DULLES CORRIDOR RAPID TRANSIT PROJECT** (11:50 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and:

- Affirm the Board's endorsement of the revised Locally Preferred Alternative for the Dulles Corridor Rapid Transit Project based on the Supplemental Draft Environmental Impact Statement of October 2003.
- Approve the letter from the Chairman to the Secretary of Transportation, with the following amendments:
 - In the first paragraph, after the words “Phase I of the Project,” put a period there and delete “with no guarantee regarding the future funding for Phase II.”
 - At the end of the first paragraph, insert the text “The Board also recognizes that as the financial plan continues to be refined, other phasing, timing, and financing options may have to be evaluated and pursued. The Board supports such efforts that will help in advancing this project to final design and construction. The Board also urges that the Commonwealth work closely with WMATA to explore other options for accelerating the engineering work on this project.”
 - Delete the second sentence of the last paragraph “To this end, the Board is working to secure its share of the non-federal funding share of the capital requirement for this project through a tax improvement district.”

Supervisor Connolly seconded the motion.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

32. **A-11 – DISCLOSURE AGREEMENT RELATED TO THE ISSUANCE OF REFUNDING BONDS BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (SULLY DISTRICT)** (11:54 a.m.)

(BONDS) On motion of Supervisor Frey, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the disclosure agreement related to the issuance of refunding bonds by the Upper Occoquan Sewage Authority.

33. **C-1 – CHANGE TO THE TERM OF MEMBERSHIP OF THE INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)** (11:54 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated December 8, 2003, requesting approval of a change to the term of membership of the ITPAC to stagger the term limits for the entire 15 member committee.

Supervisor Hudgins moved approval of a change to the term of membership of the ITPAC to stagger the term limits for the entire 15 member committee. Supervisor Connolly seconded the motion and it carried by unanimous vote.

34. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS** (No time)

(Later in the meeting, the Board considered this item. See Clerk's Summary Item CL#36.)

35. **I-2 – PRESENTATION OF FISCAL YEAR (FY) 2003 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2003, regarding the FY 2003 CAFR.

36. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS** (11:54 a.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2003, requesting authorization for the County Executive, 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.

37. **I-3 – OPEN SPACE LAND PRESERVATION FUND UPDATE (COUNTYWIDE)** (11:55 a.m.)

The Board next considered an item contained in the Board Agenda dated December 8, 2003, updating the Board on the Open Space Land Preservation Fund.

A brief discussion ensued.

ADDITIONAL BOARD MATTERS

NV:nv

38. **INTENT TO DEFER THE PUBLIC HEARING TO CONSIDER THE PETITION TO CREATE A DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT** (11:56 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board support the intent to defer indefinitely the public hearing to consider the petition to create a Dulles Rail Transportation Improvement District (“tax district”), currently scheduled for 4 p.m. Supervisor Connolly seconded the motion.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to notify those persons who had signed up to testify. Without objection, it was so ordered.

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

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#84.)

39. **AFRICAN AMERICAN HISTORY MONTH** (11:57 a.m.)

Chairman Hanley stated that traditionally the month of February is nationally recognized as African American History Month. In conjunction with federal observances, the Office of Equity Programs requests that the County observe February as African American History Month.

Accordingly, Chairman Hanley moved that the Board direct staff to invite representatives from the African American community and the Office of Equity Programs to appear before the Board at the January 26, 2004, meeting to receive a proclamation declaring February as “*African American History Month*” in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

40. **AUDIT COMMITTEE REPORT** (11:58 a.m.)

(BACs) Noting that Board Members previously received their copies of the Audit Committee Report, Chairman Hanley moved that the Board accept the report. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Chairman Hanley noted that during the Audit Committee meeting held on December 1, 2003, the auditors mentioned that in their review of the real estate assessment process, they discovered instances where people apply for a permit to build a deck, have it built, then fail to undergo final inspection. According to the

auditors, staff from the Department of Tax Administration (DTA) conducts field reviews after six months on all decks for which permits have been issued, even if no final inspection has been entered by the Department of Public Works and Environmental Services (DPWES). Staff from DTA conduct this review to ensure that completed decks are properly reflected in the assessment record. However, the auditors are uncertain as to whether DPWES is notified when DTA staff find that a deck has been completed, but not given a final inspection.

To ensure that decks and other additions to dwellings are safe and properly inspected, Chairman Hanley asked unanimous consent that the Board direct the County Executive to review County procedures for final inspections of decks and additions to dwellings to ensure that if DTA determines that an addition has been made without a final inspection, that DPWES be notified so that its staff can then perform the final inspection.

Following a brief discussion, without objection, it was so ordered.

41. **RECOGNITION OF SUSAN B. ERSKINE, ADMINISTRATIVE ASSISTANT IN THE CLERK'S OFFICE, UPON HER RETIREMENT**
(12 noon)

Chairman Hanley moved approval of a Certificate of Appreciation presented to Susan B. Erskine, Administrative Assistant, Office of the Clerk to the Board, upon her upcoming retirement in January 2004. Supervisor McConnell seconded the motion.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

42. **TOWN OF HERNDON TO CELEBRATE ITS 125TH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:03 p.m.)

Supervisor Mendelsohn announced that on January 14, 2004, the Town of Herndon will begin a year-long celebration of the 125th anniversary of its incorporation. Therefore, he moved that the Board authorize a proclamation congratulating the Town of Herndon on its 125th anniversary and that this proclamation be delivered by the Dranesville District Supervisor and/or the Chairman at the kickoff reception to be held on January 14, 2004, in the Town.

Supervisor Connolly asked to amend the motion to change "and/or" to "and," and this was accepted.

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

43. **WAIVER OF SHOWMOBILE FEES FOR McLEAN DAYS AND THE INDEPENDENCE DAY CELEBRATIONS IN 2004 (DRANESVILLE DISTRICT)** (12:05 p.m.)

Supervisor Mendelsohn said that the McLean Community Center will host the McLean Days celebration scheduled for Saturday, May 15, 2004, and the Independence Day celebration scheduled for Saturday, July 3, 2004. The County Showmobile will greatly enhance both of these activities.

Therefore, Supervisor Mendelsohn moved that the Board waive the fees associated with the use of the Showmobile for these events. Supervisor Connolly seconded the motion and it carried by unanimous vote.

44. **RECOGNITION OF THE DRANESVILLE DISTRICT SUPERVISOR'S STAFF** (12:05 p.m.)

Supervisor Mendelsohn expressed appreciation to the entire County staff for its efforts during his eight years on the Board.

Supervisor Mendelsohn recognized the presence of the following members of his staff:

- Susan Blakely, Chief of Staff
- Ms. Rosemary Ryan
- Ms. Vicky Dorman
- Ms. Linda Lammersen
- Ms. Tania Cunha

He noted that Ms. Ronnie Rider had been present earlier, but she could not remain at the meeting.

Supervisor Mendelsohn commended all of his staff members for their excellent service to the residents of the Dranesville District.

45. **CONCURRENT REVIEW FOR IVY DEVELOPMENT, LC LAND USE APPLICATIONS (SPRINGFIELD DISTRICT)** (12:08 p.m.)

Supervisor McConnell stated that Ivy Development, LC has been pursuing the approval of Rezoning Application RZ 2003-SP-018 concurrent with Special Exception Application SE 2003-SP-012 since February of this year. The applicant encountered delays as its consultants designed a wetland facility on the property to address stormwater management issues. To proceed with the development of the property, the applicant has requested concurrent processing.

Accordingly, Supervisor McConnell moved that the Board direct the Department of Public Works and Environmental Services to accept, for concurrent and simultaneous processing and review, subdivision plans and any other drawings and plans as necessary in conjunction with Rezoning Application RZ 2003-SP-018 and Special Exception Application SE 2003-SP-012. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

46. **TESTIMONY PRESENTED TO THE COMMONWEALTH OF VIRGINIA'S BOARD OF AGRICULTURE REGARDING ANIMAL WELFARE** (12:09 p.m.)

Supervisor McConnell shared with the Board copies of testimony the Commonwealth of Virginia's Board of Agriculture received regarding State animal welfare laws and its pounds and shelters. Her husband is a member of that Board.

47. **SEVENTY-FIFTH ANNIVERSARY OF BOY SCOUT TROOP 150** (12:10 a.m.)

Supervisor Gross announced that Boy Scout Troop 150 will be celebrating its seventy-fifth anniversary as a Troop this month. To commemorate this celebration, she moved that the Board direct staff to prepare a certificate of recognition for Troop 150 for its celebration Monday evening, December 15, 2003. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

48. **NEW FIRST RESPONDER TRAINING FACILITY** (12:11 p.m.)

Supervisor Gross said that last week she and Chairman Hanley attended the dedication of the new First Responder Training Facility at the Fire Academy. This remarkable new facility will provide the Fire and Rescue Department with a multi-use training structure that can be configured specifically for various aspects of emergency needs, including urban search and rescue, haz mat, canine scenting, and police SWAT tactical operations.

Supervisor Gross said that the facility was built with donated labor and materials. The Virginia Chapter of the Associated Builders and Contractors selected the facility as its 2003 "charity" project, and assembled dozens of workers from 48 different companies to design and build a facility unique to the region, and at much less cost.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Steve Daves of the R.W. Murray Company, Patrick Dean of the Associated Builders and Contractors, and Art Malacarne of Centex Construction

to appear before the Board to receive thanks and recognition for their generous gift to the County. Without objection, it was so ordered.

49. **CHRISTMAS TREES** (12:12 p.m.)

Supervisor Gross stated that a recent decision by the Commonwealth of Virginia to ban the use of cut natural Christmas trees in individual apartments and condominium units without appropriate sprinkler systems has raised a storm of protest from Mason District constituents. She said that while public safety is of the utmost concern, the imposition of the new ruling left many people confused about the directive by the State Fire Marshal regarding local enforcement, wondering about the use of resources to enforce such a ban, and demanding that the Board reverse this ruling in the County.

Noting that the Board has little or no discretion in matters involving State fire codes, Supervisor Gross asked unanimous consent that the Board direct the County Executive and the County Attorney to review the issues surrounding the new provision in the code and report as soon as possible with clarifications and recommendations as to its enforcement.

Chairman Hanley clarified that staff would respond today.

Without objection, it was so ordered.

Following discussion, Supervisor Gross asked unanimous consent that the Board direct staff to determine when sprinklers became a requirement in multi-family units and high-rise apartments. Without objection, it was so ordered.

DMB:dmb

50. **RECOGNITION OF AHOME (AFFORDABLE HOUSING OPPORTUNITY MEANS EVERYONE) BOARD MEMBERS ROBERT T. ANDREWS AND GREGORY L. CARTER** (12:19 p.m.)

Supervisor Bulova said that AHOME, a coalition of concerned citizens seeking to provide the benefits of home ownership to all, has requested that the Board recognize the contributions of two outstanding retiring AHOME Board members. Robert T. Andrews was a cofounder of the group and has served for 18 years. His contributions are highlighted by two years as the group's president and his personal role in introducing legislation authorizing a Fairfax County Affordable Housing Ordinance while a member of the Virginia Legislature. Gregory L. Carter has been a long time board member and has served as president for two years and treasurer for five years.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Mr. Andrews and Mr. Carter to appear before the Board to be presented

with a certificate and to be commended for their contributions. Without objection, it was so ordered.

51. **RECOGNITION OF MS. LYN GANSCHINIETZ OF COX COMMUNICATIONS** (12:21 p.m.)

Supervisor Bulova said that Ms. Lyn Ganschinetz of Cox Communications will be leaving her position as Director of Government Affairs on December 31, 2003. She has been leading Media General's and Cox's customer service and government affairs programs for over 20 years and her assistance to County residents and Members of the Board has been invaluable, especially during the digital rebuild of the last three years, and her presence will be greatly missed. Ms. Ganschinetz's cheery voice has always been a harbinger for good resolutions to cable problems and her unfailing good humor, impeccable public relations skills, and willingness to help customers and constituents have left an indelible mark on Fairfax County.

Therefore, Supervisor Bulova moved that the Board direct staff to invite Ms. Ganschinetz to appear before the Board at her earliest convenience after January 1, 2004, to be recognized for her outstanding service to Fairfax County on behalf of Media General and Cox Communications. Vice-Chairman Hyland seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

52. **REQUEST TO DECLARE DECEMBER 17, 2003, CHILD SAFETY DAY** (12:22 p.m.)

Supervisor Bulova said that on December 17, 2003, the Distributive Education Clubs of America (DECA) students of Robinson Secondary School will hold a rally on Capitol Hill and call on members of the Virginia delegation's staff to enlist their support for funding of the Comprehensive Child Protection Act of 2003. This bill will enhance national efforts to investigate, prosecute and prevent crimes against children by increasing methods of investigation and penalties against criminals. As part of this national effort, the Fairfax County Police Department is working with ChildSafeNet to develop and implement the Protecting Children Against Sex Offenders (P'CASO) program in Fairfax County. P'CASO is to protect Fairfax County's children and to serve as a model for other jurisdictions. In October 2003, Colonel Tom Manger, Chief of Police, appeared before the Board which unanimously approved ChildSafeNet's funding of 61 new positions in the Fairfax County Police Department.

The DECA students of Robinson Secondary School have asked that the Board declare December 17, 2003, Child Safety Day in Fairfax County to further their efforts of educating children and parents on ways to stay safe in the community and on line.

Therefore, Supervisor Bulova moved that the Board declare December 17, 2003, as "*Child Safety Day*" in Fairfax County. Vice-Chairman Hyland seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

53. **MEETING THE CHALLENGES OF MANAGING AND MAINTAINING THE COUNTY'S PUBLIC WEB SITES** (12:23 p.m.)

Supervisor Bulova said that the County's outstanding Department of Information Technology (DIT) staff continues to receive well-deserved awards and recognition for their innovative work in developing new and better ways to make vital information available to both the public and County employees. However, they have neither the resources nor authority to control the content for accuracy, completeness, timeliness, and etcetera. DIT's role is to provide platforms that allow the various agencies to readily contribute information to the site. In fact, DIT is in the process of converting the Web site to a content management system. This will enable DIT to make Web content available on wireless platforms, such as handheld devices and cell phones. Maintaining the information provided on both the public and internal web sites is the responsibility of the Office of Public Affairs (OPA). However, while OPA is responsible for the accuracy, completeness, timeliness, and balance on both sites, OPA has no authority to require agencies to comply. Supervisor Bulova said that OPA will be playing a key role with DIT in the integration of the content management system. OPA will also be assisting some agencies to expand their existing online directory as well as help other agencies develop a presence on the site. In addition, OPA will be overseeing the content issues. OPA has also been tasked with managing the development of a Web content policy. The County Web site has grown exponentially since its launch in 1996 with an average of 625,000 visitors each month or 7.5 million visits a year to the more than 15,000 pages of information that require constant monitoring. In addition, a critical component of the Emergency Management System is the Web sites, both public and internal. It has become a daily part of citizens' lives, from festivals to flu shots, from Recreation Centers' listings to Christmas tree fire safety.

Therefore, Supervisor Bulova moved that the Board direct the County Executive to:

- Report with recommendations for the appropriate delegation of authority to OPA for ensuring that agencies respond with consistent, accurate, and timely information as needed for both the public and internal Web sites.
- Review the existing and planned resources dedicated to Web content management in OPA and report to the Board with recommendations for ensuring adequate resources in the Fiscal Year 2005 County Budget.

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

54. **RECOGNITION OF MR. JERRY A. HUBBARD** (12:28 p.m.)

Supervisor Hudgins said that Jerry Hubbard, Director, Solid Waste, Collection, and Recycling Division, Department of Public Works and Environmental Services (DPWES), who has worked for Fairfax County for 13 years, first with the Park Authority and, over the past 10 years, with DPWES, will be retiring. She said that Mr. Hubbard initiated the County's first electronics recycling program, resulting in 350 tons of electronics being kept out of the County's waste-to-energy facility. Mr. Hubbard also initiated several other award-winning recycling programs including the Keep it Green Program and the Business Advisory Council's annual business recycling awards. Supervisor Hudgins said that his service to the County has always been dedicated and top-notch and he will be missed.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Mr. Hubbard to appear before the Board to receive recognition for his years of service to Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

55. **REMOVAL OF THE REQUIREMENT TO CONSTRUCT A THIRD LANE AT SUNSET HILLS ROAD (HUNTER MILL DISTRICT)** (12:31 p.m.)

Supervisor Hudgins said that Sunset Hills Tower LLC is finalizing the construction of residential housing units at the northeast corner of the intersection of Sunset Hills Road and Reston Parkway (Site Plan Number 9348-SP-04-2). The approved site plan currently reflects an additional westbound through lane on Sunset Hills Road from Old Reston Avenue to Reston Parkway. She said that this location is located near the Reston Town Center, major office buildings, and the future Reston Parkway Metrorail station. Considerable pedestrian traffic is anticipated in this area in the future. Residents of this location will be located less than one half mile from the rail station to the southwest, within one mile of the Wiehle Avenue station, and a few hundred yards from the Reston Town Center to the northwest. Due to the width of Reston Parkway and Sunset Hills Road, pedestrians must currently walk approximately 165 feet to cross Sunset Hills Roads and 160 feet to cross Reston Parkway. The proposed additional through lane will make this intersection much less pedestrian-friendly and will discourage pedestrian use in this important urban corridor. The proposed traffic island refuge will not address this problem. Supervisor Hudgins said that it is her understanding that the commercial build-out proposed for the surrounding area currently does not warrant a third through lane at this time. In line with the policy goals forwarded by Secretary Clement in April of 2003, that bicyclist, walkers, and other modes of non-motorized transportation should receive the same consideration as motorized transportation in planning, design, construction, and operation of Virginia's transportation network. It is appropriate for the developer to dedicate the right-of-way for the third lane for build-out when warranted.

Therefore, Supervisor Hudgins moved that the Board direct staff to request the removal of the requirement to construct a third lane at Sunset Hills Road at this time and apply a portion of the funds toward a pedestrian signal at Market Street and Reston Parkway and other pedestrian improvements at Sunset Hills Road and Reston Parkway. Supervisor Connolly seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

56. **REQUEST FOR CORRECTIONS TO THE FAIRFAX CONNECTOR BUS SERVICE SIGNS** (12:33 p.m.)

Supervisor Hudgins said that she received an email from Karl Ingebritsen, Director of LINK, regarding the recent snow conditions and the use of the Fairfax Connector Bus services in the Reston area. The new contract to put up signs in the area at bus stops mistakenly placed snowflakes, which designate snow services, on all of the signs and indicates the routing of buses for snow emergencies. At the time, it was noted that this was an error; however, it was not corrected before the most recent snowfall. She said that the impact is that citizens are waiting for a bus that will not be on these routes. Last week citizens were stranded and did not know that there would be no bus service there.

Expressing her concern that this situation will not be corrected soon enough, Supervisor Hudgins moved that the Board direct the Department of Transportation and the Connector Service contractor to expeditiously make corrections on the signs, such as blocking out the snowflakes. The motion, the second to which was inaudible, carried by a vote of nine, Chairman Hanley being out of the room.

PMH:pmh

57. **CERTIFICATE OF RECOGNITION** (12:35 p.m.)

Supervisor Frey noted that Mr. Sam Pixley retired on November 25, 2003, after having served the Department of Public Works and Environmental Services since May 21, 1979. Mr. Pixley is an exemplary person and County employee who diligently worked on behalf of the citizens of Fairfax County.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Pixley to appear before the Board to be recognized his service to the County. Without objection, it was so ordered.

58. **CERTIFICATE OF RECOGNITION** (12:35 p.m.)

Supervisor Frey expressed his congratulations to Barbara Gernat, principal of Mountain View Alternative High School, for having been named Fairfax County Public Schools' 2004 Principal of the Year, and for being the recipient of the *Washington Post* Distinguished Educational Leadership Award.

Therefore, Supervisor Frey moved that the Board direct staff to invite Principal Gernat to appear before the Board so that she may be appropriately commended for her years of service and to congratulate her upon receiving such prestigious awards. This motion, the second to which was inaudible, carried by a vote of nine, Chairman Hanley being out the room.

59. **CERTIFICATE OF RECOGNITION (SULLY DISTRICT)** (12:38 p.m.)

Supervisor Frey announced that the Virginia Run Turkey Trot has become an annual tradition in the Sully District, raising hundreds of thousands of dollars for INOVA Health System's nonprofit program for cancer patients and their families.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the organizers of this event to appear before the Board to be recognized for their dedication to this worthy cause. Without objection, it was so ordered.

60. **WESTFIELD HIGH SCHOOL WINS REGIONAL FOOTBALL CHAMPIONSHIP GAME (SULLY DISTRICT)** (12:40 p.m.)

Supervisor Frey announced that the regional championship football game was won by Westfield High School.

61. **RELINQUISHING THE GAVEL** (12:40 p.m.)

Supervisor Connolly asked unanimous consent that at the end of the day, following the last public hearing, that the gavel be passed to Vice-Chairman Hyland and that Supervisor Connolly be recognized. Without objection, it was so ordered. (See Clerk's Summary Item CL#82.)

62. **DEATH OF MS. MADELINE BONSIGNORE (PROVIDENCE DISTRICT)** (12:41 p.m.)

Supervisor Connolly announced that long time citizen activist Madeline Bonsignore died recently.

63. **DEATH OF MR. DAVID SHEPHERD, JR. (PROVIDENCE DISTRICT)** (12:42 p.m.)

(BACs) Supervisor Connolly announced that David E. Shepherd, Jr., Providence District (Citizen) Representative, History Commission, died recently.

64. **EXPEDITED AND CONCURRENT PROCESSING: BEECH GROVE - REZONING APPLICATION RZ 2003-PR-037 (PROVIDENCE DISTRICT)** (12:42 p.m.)

Supervisor Connolly said that James Audia and Manuel Serra, the applicants for Rezoning Application RZ 2003-PR-037 on Kingsbridge Drive, would like

additional time to address outstanding issues associated with the pending rezoning prior to the Planning Commission public hearing. They have requested a deferral of the Planning Commission hearing until March 4, 2004. Although the applicants request additional time to revise the plans and materials for this application, they do not wish to further delay the public hearing before the Board. The applicants have worked with staff, the leadership of the surrounding communities, Commissioner Smyth, and Supervisor Connolly throughout the review of this application and are currently working to improve upon their pending plans.

Therefore, Supervisor Connolly moved that the Board direct staff to:

- Proceed with expedited and concurrent processing of Rezoning Application RZ 2003-PR-037.
- Schedule the public hearing to be held before the Board on Rezoning Application RZ 2003-PR-037 on March 8, 2004.

This motion, the second to which was inaudible, carried by a vote of nine, Chairman Hanley being out of the room.

(NOTE: Later in the meeting, action was taken regarding the Beech Grove application. See Clerk's Summary Item CL#65.)

65. **INCLUSION OF SPITE STRIP OWNED BY THE BOARD IN BEECH GROVE - REZONING APPLICATION RZ 2003-PR-037 (PROVIDENCE DISTRICT)** (12:42 p.m.)

(NOTE: Earlier in the meeting action was taken regarding the Beech Grove application. See Clerk's Summary Item CL#64.)

Supervisor Connolly said that James Audia and Manuel Serra, the applicants for Rezoning Application RZ 2003-PR-037 are seeking to rezone a 4.38 acre industrial property to residential. During the review of the rezoning application, it was discovered that a narrow strip of land running along the Kingsbridge Drive frontage of the property is owned by the Board. This parcel, less than five feet in width, separates the Beech Grove property from Kingsbridge Drive.

Therefore, Supervisor Connolly moved that the Board indicate concurrence of the inclusion of Tax Map 48-3 ((1)) 25A in the above-referenced rezoning application. This action in no way relieves the applicant of any County regulations and requirements nor does it indicate Board of Supervisors support for this pending application. Supervisor Gross seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

66. **"WHATS" AND "WHYS" OF THE REGIONAL PARK AUTHORITY**
(12:43 p.m.)

Supervisor Connolly said that in 1959 the Northern Virginia Regional Park Authority was created to plan, acquire, develop, construct, operate and maintain a system of regional parks. Quality of life in Northern Virginia greatly depends on the work of this organization. The Park Authority has developed a presentation to address the "whats" and "whys" of their work, their past successes, and their future challenges. They are eager to "tell their story" to service clubs, community groups, and professional organizations throughout the region.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the Office of Public Affairs to promote the Park Authority's presentation by developing a press release and including the information on Channel 16 and in the *News to Use*. Without objection, it was so ordered.

67. **SWEARING IN OF THE NEW BOARD** (12:43 p.m.)

Supervisor Connolly announced that the swearing in of the new Board for the next term will be on December 15, 2003, at 6:30 p.m. at the Government Center. All are invited.

Supervisor Connolly asked unanimous consent that the Board direct staff to publicize the event. Without objection, it was so ordered.

68. **CERTIFICATE OF RECOGNITION** (12:44 p.m.)

(BACs) Supervisor Kauffman said that he recently learned that Mark D. Sickles will be stepping down in January as the Lee District Representative to the Public Library Board of Trustees because of his new responsibilities in representing the Virginia House of Delegates 43rd District.

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Sickles to appear before the Board at the January 5, 2004, meeting to receive a certificate of appreciation. Without objection, it was so ordered.

69. **SPRINGFIELD EAST, LLC - FINAL DEVELOPMENT PLAN AMENDMENT (LEE DISTRICT)** (12:45 p.m.)

Supervisor Kauffman said that on October 27, 2003, he made a motion to authorize KSI to file a final development plan amendment to construct soccer fields as an interim use on property owned by the Board. This property will eventually be the site of the future Kingstowne Regional Library.

Supervisor Kauffman said that construction of these interim soccer fields for public use was proffered by Springfield East, LC, an affiliate of KSI. He said that

he would like to correct his previous motion to authorize Springfield East, LC, to file for this amendment instead of KSI.

Therefore, Supervisor Kauffman moved:

- That the Board authorize Springfield East, LC to file a final development plan amendment to construct interim soccer fields on Tax Map 91-3((9)) 8B.
- Direct that this application be expedited.
- Authorize concurrent processing of the site plan for the soccer fields.

This action in no way relieves the applicant from any of the ordinances, regulations and policies applicable to the application and should not be viewed as the Board's endorsement of the application. Supervisor Connolly seconded the motion and it carried by a vote of nine, Chairman Hanley being out of the room.

70. **GAYFIELDS ROAD ASSOCIATES, LLC - REZONING APPLICATION RZ 2003-LE-048 (LEE DISTRICT)** (12:46 p.m.)

Supervisor Kauffman said that Gayfields Road Associates, LLC submitted a rezoning application on March 4, 2003. Due to a number of complicated issues, the application was not accepted until September 18, 2003. The applicant has agreed to correct an existing zoning error on an adjacent property as a part of this submission - both on the recommendation of the adjacent community and the Department of Planning and Zoning staff.

Therefore, Supervisor Kauffman moved that the Board direct staff to simultaneously and concurrently process subdivision plans, and any other plans and drawings, as may be necessary in conjunction with the processing of Rezoning Application RZ 2003-LE-048. This motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This motion, the second to which was inaudible, carried by a vote of nine, Chairman Hanley being out of the room.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman.

71. **MOTION TO INITIATE BOARD'S OWN MOTION REZONING (MOUNT VERNON DISTRICT)** (12:47 p.m.)

Supervisor Hyland said that at the November 17, 2003, meeting, he had a Board Matter that initiated a Board's Own Motion rezoning for certain property in the Richmond Highway Commercial Revitalization District. Although he worked

with staff on that item, after the Board meeting he was informed that the motion needed to be remade in a form that complies with the State Code.

Supervisor Hyland indicated at the Board's November 17 meeting, the County committed to facilitating the revitalization of the Richmond Highway Corridor. There is one particular property located at Tax Map 101-3((3))1 that is planned and zoned for commercial use and where the developer is ready to redevelop the property in a manner that is consistent with the land use recommendation of the Comprehensive Plan and is the type of private investment that the Plan encourages in revitalization areas.

Therefore, to facilitate commercial revitalization and redevelopment in the Richmond Highway Corridor, Supervisor Hyland moved that Board initiate a Board's Own Motion rezoning application for the aforementioned property to permit the Board to consider placing it within the CRD Overlay District and that this action be scheduled expeditiously. This motion, the second to which was inaudible, carried by a vote of nine, Chairman Hanley being out of the room.

72. **STATUS OF A SEPTEMBER 15, 2003, BOARD MATTER REGARDING THE DEFERRAL OF REAL ESTATE TAXES** (12:49 p.m.)

Supervisor Hyland said that on September 15, 2003, the Board, upon his motion, referred a Board Matter to staff for review and recommendation with the further request that they put together a draft ordinance to implement a real estate tax deferral program in accordance with the provisions cited in Virginia Code. As of this date, the Board has not received a response to this Board Matter.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct staff to report with the status of this matter and when the Board may expect to receive a response and draft ordinance to implement a real estate tax deferral program. Without objection, it was so ordered.

Supervisor Connolly asked unanimous consent that the Board reiterate that included in the request is the fiscal impact. Without objection, it was so ordered.

Acting-Chairman Kauffman returned the gavel to Vice-Chairman Hyland.

73. **RECESS/CLOSED SESSION** (12:50 p.m.)

At 12:50 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. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. Application of Level 3 Communications, LLC, Case No. PST-200200043 (Virginia State Corporation Commission) (Hunter Mill and Dranesville Districts)
 - 3. *County of Fairfax, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid, Rashid Khalid, GMAC Mortgage Corporation, and Specialized, Inc. of Virginia*, In Chancery No. 185680 (Fx. Co. Cir. Ct.) (Braddock District)
 - 4. *Robert W. Smith and Gordanna A. Smith v. Board of Supervisors of Fairfax County and John Wesley White, Director, Department of Public Works and Environmental Services, Fairfax County*, In Chancery No. 186881 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 5. *William E. Shoup, Fairfax County Zoning Administrator v. The Tavares Family Limited Partnership*, In Chancery No. 178758 (Fx. Co. Cir. Ct.) (Lee District)
 - 6. *William E. Shoup, Fairfax County Zoning Administrator v. The Tavares Family Limited Partnership*, In Chancery No. 178747 (Fx. Co. Cir. Ct.) (Lee District)
 - 7. *William E. Shoup, Fairfax County Zoning Administrator v. Gloria Douglas*, In Chancery

- No. 187175 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *John Wesley White, Director, Fairfax County Department of Public Works and Environmental Services, and William E. Shoup, Fairfax County Zoning Administrator v. Courtney L. Scott, Judith L. Scott, Courtney L. Scott, Jr., and Pernilla Scott, In Chancery No. 186971 (Fx. Co. Cir. Ct.) (Dranesville District)*
 9. *William E. Shoup, Fairfax County Zoning Administrator v. Enrique Aparicio and Julia Aparicio, In Chancery No. 187133 (Fx. Co. Cir. Ct.) (Mason District)*
 10. *William E. Shoup, Fairfax County Zoning Administrator v. Sun Young Yang, In Chancery No. 187095 (Fx. Co. Cir. Ct.) (Springfield District)*
 11. *Board of Supervisors v. RILA, Inc., At Law No. 214707 (Fx. Co. Cir. Ct.) (Providence District)*

And in addition:

- Lease Agreement between Inova Health Systems Foundation and Fairfax Hospital System, Inc., and the Board of Supervisors
- Fairfax Coalition of Police, Local 5000, et al. v. Fairfax County, Virginia, et al.; C.A. 03-1068-A
- Patrick S. Herrity, et al. v. Commonwealth of Virginia, et al.
- Virginia Statewide Fire Prevention Code

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

DS:ds

At 3:27 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTION FROM CLOSED SESSION74. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:27 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor 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 ITEMS75. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING THE EXCEPTION REVIEW COMMITTEE** (3:27 p.m.)

(BACs)

(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 November 20 and November 27, 2003.

Discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

Following the public hearing, Supervisor Mendelsohn moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding the Exception Review Committee, as set forth in the staff report dated December 8, 2003, and that these amendments become effective upon their adoption. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

76. **APPOINTMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE** (3:29 p.m.)

(APPTS)

(NOTE: Earlier in the meeting, the Board deferred appointments to this committee. See Clerk's Summary Item CL#19.)

Chairman Hanley moved the appointment of Ms. Ann S. Kanter as the At-Large #1 Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Mendelsohn seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the appointment of Mr. Daniel Jackson as the Braddock District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. James Hardcastle as the Hunter Mill District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Mr. Stephen Kirby as the Lee District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Mr. Paul Imse as the Mason District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. James Davis as the Mount Vernon District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the appointment of Ms. Jean Huang as the Providence District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. David Schnare as the Springfield District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Ms. Christina Terpak-Malm as the Sully District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the appointment of Mr. Harry Glasgow as the At-Large #2 Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

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

77. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), AND CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING FIRE MARSHAL REVIEW FEES FOR SITE PLANS AND SUBDIVISION PLANS** (3:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2003.

Discussion ensued with input from David J. Thomas, Engineer III, Plans Review Division, Fire and Rescue Department

Following the public hearing, Supervisor Connolly and Supervisor McConnell jointly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), and Chapter 101 (Subdivision Ordinance), regarding Fire Marshal fees for site plans and subdivision plans. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland being out of the room.

78. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL REVISIONS** (3:35 p.m.)

Chairman Hanley announced that the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), was deferred indefinitely.

79. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING STREETLIGHTS AND WATER AND FIRE REGULATIONS** (3:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2003.

Chairman Hanley called the Board's attention to the red folders and noted that they contained additional information pertaining to this public hearing.

Jan Leavitt, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services, presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the PFM concerning streetlights and water and fire regulations, as set forth in the attachments to the staff report dated September 29, 2003, as amended by the Planning Commission with a change to Table 9.2 of the PFM, so that it references the recently adopted 2000 Virginia Uniform Statewide Building Code. These amendments shall become effective at 12:01 a.m. on December 9, 2003. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hyland and Supervisor Mendelsohn being out of the room.

80. **3:30 P.M. – PH ON THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, AND MASON DISTRICTS)** (3:38 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 20 and November 27, 2003.

Terry Czarny, Petition Coordinator, Division of Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, presented the staff recommendation.

Following the public hearing, which included testimony by four speakers, Supervisor Gross moved adoption of the Resolution approving the proposed petitions within Dranesville, Hunter Mill, and Mason Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 10 within Dranesville District (Idylwood Court)	Create	Refuse and Leaf	Approve
Small District 4 within Dranesville District (Evers Drive)	Enlarge	Refuse	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Dranesville District (Mary Ellen Court)	Enlarge	Refuse	Approve
Small District 6 within Dranesville District (Langley Forest)	Enlarge	Refuse	Approve
Small District 9 within Dranesville District (Nantucket)	Create	Refuse	Approve
Small District 11 within Dranesville District (Jenkins Ridge)	Create	Refuse	Approve
Local District A-3 within Small District 1 within Dranesville District (2008 Great Falls Street)	Enlarge	Refuse	Approve
Small District 4 within Dranesville District (1624 Davidson Road)	Enlarge	Refuse	Approve
Small District 3 within Hunter Mill District (Barristers Place)	Create	Refuse	Approve
Local District A within Small District 7 within Mason District (Colburn Drive)	Enlarge	Refuse and Leaf	Approve
Small District 10 Within Mason District (Wilburdale)	Create	Refuse and Leaf	Approve

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

ADDITIONAL BOARD MATTERS81. **MADISON HIGH SCHOOL'S FOOTBALL TEAM (HUNTER MILL DISTRICT)** (3:46 p.m.)

Supervisor Hudgins said that the Madison High School's football team season came to a disappointing end on Saturday with a 17-16 lost to Massaponax in the State Semi-Finals. She said that the Madison High School's football team finished the season with a 10-3 second place Division Five Title.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite members of the Madison High School football team to appear before the Board to receive recognition for its regional championship and impressive season. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Hyland, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

82. **PROCLAMATION DECLARING DECEMBER 8, 2003, AS "KATHERINE 'KATE' HANLEY DAY" IN FAIRFAX COUNTY** (3:48 p.m.)

Supervisor Connolly reminded Board Members that earlier in the meeting a motion was made for Chairman Hanley to relinquish the Chair to Vice-Chairman Hyland, and that he (Supervisor Connolly) be recognized. (See Clerk's Summary Item CL#61.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland.

Supervisor Connolly said that this is the last Board meeting of their colleague Chairman Kate Hanley, who has been on the Board since 1986. Therefore, Supervisor Connolly moved approval of a proclamation to declare December 8, 2003, as "*Katherine 'Kate' Hanley Day*" in Fairfax County. This motion was multiply seconded.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Chairman Hanley abstaining.

Supervisor Bulova presented Chairman Hanley with a drawing that she sketched of the Board Members.

Chairman Hanley presented Supervisor Connolly, Chairman-Elect, with a memorable verbatim transcript of a portion of the public briefing meeting held on October 28, 1986, regarding designation of a preferred development entity for the Government Center Public/Private Partnership project. The majority of the verbatim transcript was inaudible.

Supervisor McConnell presented Chairman Hanley with a cookbook entitled "*Cooking for Dummies.*"

Chairman Hanley thanked her colleagues and staff for all the help they have provided over the past 17 years.

Further discussion ensued.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

83. **SPECIAL RECOGNITION TO DRANESVILLE DISTRICT SUPERVISOR MENDELSON** (4:08 p.m.)

Supervisor Frey said that since this was Supervisor Mendelsohn's last Board meeting he wanted to present him with something to remember his colleagues. He noted that Supervisor Mendelsohn had chaired the Tree Preservation Task Force and the Board's Environmental Committee.

Therefore, on behalf of the Board, Supervisor Frey presented Supervisor Mendelsohn with a Bonsai tree.

Supervisor Mendelsohn thanked his colleagues and staff for all the help and support they have provided over the past eight years.

AGENDA ITEMS

84. **4 P.M. – PH TO CONSIDER THE PETITION TO CREATE A DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT; AND BOARD CONSIDERATION OF THE RESPONSES OF THE TOWNS OF HERNDON AND VIENNA** (4:11 p.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to defer indefinitely the public hearing regarding the petition to create a Dulles Rail Transportation Improvement District. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

85. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (4:12 p.m.)

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

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

- Ms. Annie Allison regarding Robertson-Kidwell Cemetery versus Right-of-Way Road Equity Homes
- Mr. Maurry Gillham regarding Cox Communication/High Speed Internet Access
- Mr. Michael Blalock regarding Cox Communication

ADDITIONAL BOARD MATTERS

86. **WELCOME TO MS. LINDA SMYTH, MR. WALTER ALCORN, MR. ED HANLEY, AND MR. PATRICK HANLEY** (4:28 p.m.)

Chairman Hanley recognized the presence of the following individuals and warmly welcomed them to the Board Auditorium:

- Linda Smyth, Providence District Supervisor-Elect
- Walter Alcorn, At-Large Planning Commissioner
- Mr. Ed Hanley, her husband
- Mr. Patrick Hanley, her son

87. **LEGISLATIVE BREAKFAST** (4:31 p.m.)

Supervisor Connolly reminded Board Members of the Legislative Breakfast which will be held on Wednesday, December 10, 2003, at 7:30 a.m. at the Fairview Park Marriott, and encouraged them all to attend.

ADDITIONAL COMMENTS

88. **THANKS TO CHAIRMAN HANLEY** (4:32 p.m.)

The Board recognized Mr. Frank McDermott who thanked Chairman Hanley for her many years of excellent leadership to the County.

88. **BOARD ADJOURNMENT** (4:34 p.m.)

At 4:34 p.m., the Board adjourned.

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