



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
February 9, 2004**

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The meeting was called to order at 9:38 a.m., with all Members being present, and with Chairman Connolly presiding.

Others present were Anthony H. Griffin, County Executive; J. Patrick Taves, Deputy 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.

(NOTE: David P. Bobzien, County Attorney, was absent from the entire meeting.)

BOARD MATTERS

1. **MOMENT OF SILENCE** (9:38 a.m.)

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Emily W. Myatt who died recently. She lived in the Mount Vernon District almost all her life and was involved in politics. Ms. Myatt was the Mount Vernon District representative for Lady Fairfax.

2. **RECOGNITION OF GUESTS FROM BELARUS** (9:41 a.m.)

Chairman Connolly recognized the presence of a group of Belarusian Parliamentarians who were visiting through the Open World Program, which is run by the Open World Leadership Center and funded by the US Congress. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE JAMES MADISON HIGH SCHOOL FOOTBALL TEAM** (9:42 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the James Madison High School football team for winning its second Northern Region Division Five title and finishing the season with a record of 10-3. Supervisor Bulova seconded the motion and it carried by unanimous vote.

4. **ACKNOWLEDGMENT OF RECOGNITION PRESENTED TO 36 STUDENTS FROM COUNTY PUBLIC HIGH SCHOOLS** (9:45 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Acknowledgment of Recognition presented to 36 students from County public high schools who were accepted into the 2004 Fairfax County Youth Leadership Program. Supervisor Hyland and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **PRESENTATION BY "GEORGE WASHINGTON" AND PRESENTATION OF A GAVEL TO THE BOARD** (9:54 a.m.)

Mr. William Sommerfield, historical interpreter, gave a presentation emulating "George Washington."

Mr. James Rees, Executive Director, Historic Mount Vernon, said that when Hurricane Isabel came through this past September not a single building at Historic Mount Vernon was harmed, but significant damage was done to some of the trees. He noted that about half of one of the 13 original trees that George Washington supervised the planting of in 1785 was destroyed. On behalf of the 26 women and the board at Historic Mount Vernon, Mr. Rees presented the Board with a gavel which a craftsman made from a piece of the tree which was uprooted by Hurricane Isabel.

AGENDA ITEMS

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE VIRGINIA CHAPTER OF ASSOCIATED BUILDERS AND CONTRACTORS** (10 a.m.)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Virginia Chapter of Associated Builders and Contractors for donating the labor and materials to build the new First Responder Training Facility at the Fairfax County Fire and Rescue Academy. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE 29TH INFANTRY DIVISION OF THE NATIONAL GUARD** (10:05 a.m.)

Supervisor McConnell moved approval of the Certificate of Recognition presented to the 29th Infantry Division of the National Guard for their service through Fairfax County to the region during and subsequent to Hurricane Isabel. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. BARBARA GERNAT** (10:08 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Ms. Barbara Gernat for her accomplishments as principal of Mountain View Alternative High School. Supervisor Hyland seconded the motion and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LYN GANSCHINIETZ** (10:17 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Lyn Ganschinetz for her service to Fairfax County on behalf of Media General and Cox Communications. Supervisor Gross seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

10. **BOOK SIGNING EVENT FOR MS. SURJIT KAUR** (10:23 a.m.)

Supervisor Bulova said that several months ago she mentioned to Board Members that Surjit Kaur, whom many of them know through the Multicultural Center and/or Faith Communities in Action, had just returned from a visit to India, where she received celebrity status for her new book, *Sikhs in America*. The book is a collection of stories about Sikhs who have made America their home and have distinguished themselves in different ways. Supervisor Bulova reminded the Board that at that time she had asked if the library system could provide some opportunity to inform County residents of this acclaimed home town author. Supervisor Bulova announced that a book signing event for Ms. Kaur has been scheduled at the Woodrow Wilson Library for April 22, 2004, at 7:30 p.m.

Supervisor Bulova asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event through the appropriate media. Without objection, it was so ordered.

Ms. Kaur presented copies of her book to Board Members.

AGENDA ITEMS**11. 10 A.M. – PRESENTATION BY THE TRANSPORTATION ADVISORY COMMISSION'S ANNUAL TRANSPORTATION ACHIEVEMENT AWARD (10:27 a.m.)**

(BACs) George Barker, Chairman, Transportation Advisory Commission, presented the annual Transportation Achievement Award to Ahmed Rayyan, Chief, Planning Support Branch, Planning and Design Division, Department of Public Works and Environmental Services.

A brief discussion ensued.

12. 10:15 A.M. – PRESENTATION OF A CITATION TO FAIRFAX COUNTY FOR ITS RECERTIFICATION AS A GOLD LEVEL CHESAPEAKE BAY PARTNER COMMUNITY (10:31 a.m.)

Mark Thompson, Staff Coordinator for the Chesapeake Bay Program's Local Government Advisory Committee gave the presentation.

A brief discussion ensued with input from Kambiz Agazi, Environmental Coordinator, Office of the County Executive, and Noel Kaplan, Senior Environmental Planner, Department of Planning and Zoning.

DMB:dmb

13. 10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES (10:43 a.m.)

Chairman Connolly, Chair, Board's Legislative Committee, gave the report on the General Assembly.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Legislative Report dated February 9, 2004. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

14. ADMINISTRATIVE ITEMS (10:46 a.m.)

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

Chairman Connolly announced that Admin 3 – Additional Time to Commence Construction for Special Exception Application SE 01-M-010, Muhammad

Alhussein (Skyline Amoco), has been withdrawn from consideration by the County Executive.

Supervisor Gross called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Leesville Boulevard, Heming Avenue, and Queensberry Avenue as Part of the Residential Traffic Administration Program (Braddock District) and said that, due to redistricting, one small section of Leesville Boulevard is now in Mason District; therefore, Supervisor Gross asked unanimous consent that the Board direct staff to keep her office apprised regarding the item. Without objection, it was so ordered.

The question was called on the motion, with the exception of Admin 3, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-P-030, ENTERPRISE LEASING COMPANY, D/B/A ENTERPRISE RENT-A-CAR (PROVIDENCE DISTRICT)

(AT) Approved the request for seven months of additional time to commence construction for Special Exception Application SE 01-P-030 to July 28, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 2 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2002-SP-032, CLIFFORD AND MADONNA TAYLOR – MEADOWS FARMS NURSERY (SPRINGFIELD DISTRICT)

(AT) Approved the request for three months of additional time to establish the use for Special Exception Application SE 2002-SP-032, to February 24, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-M-010, MUHAMMAD ALHUSSEIN (SKYLINE AMOCO) (MASON DISTRICT)

(NOTE: Earlier in the meeting, this item was withdrawn from consideration. See page 4.)

ADMIN 4 – INSTALLATION OF “NO PARKING” SIGNS ON CUMBERLAND AVENUE NORTH SIDE (LEE DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of “No Parking” signs on Cumberland Avenue north side.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE BROYHILL PARK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 28 (MASON DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **March 8, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Broyhill Park RPPD, District 28.

ADMIN 6 – INSTALLATION OF “NO PARKING 7 A.M. TO 3 P.M. SCHOOL DAYS” SIGNS ON LEES CORNER ROAD FROM NORTH SIDE OF BROOKFIELD ELEMENTARY SCHOOL TO TABSCOTT DRIVE (SULLY DISTRICT)

- (R)
- Adopted the Resolution restricting parking on Lees Corner Road from the north side of Brookfield Elementary School to Tabscott Drive.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 7 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 01-Y-001, BUDGET RENT-A-CAR CORPORATION (SPRINGFIELD DISTRICT)

- (AT)
- Approved the request for six months of additional time to establish the use for Special Exception Application SE 01-Y-001, to June 25, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON LEESVILLE BOULEVARD, HEMING AVENUE, AND QUEENSBERRY AVENUE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK DISTRICT)

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

Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 4 p.m.** to consider endorsing roads to be included in the R-TAP for a through truck traffic restriction as follows:

- Leesville Boulevard between Backlick Road and Heming Avenue
- Heming Avenue between Braddock Road and Queensberry Avenue
- Queensberry Avenue between Heming Avenue and Braddock Road

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HICKORY HILL ROAD, BEECHTREE LANE, SLADE RUN DRIVE, DEVON DRIVE, ROSE LANE, AND VALLEY BROOK DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 3:30 p.m.** to consider endorsing roads to be included in the R-TAP for a through truck traffic restriction as follows:

- Hickory Hill Road between Annandale Road and Rose Lane
- Beechtree Lane between Annandale Road and Rose Lane
- Slade Run Drive between Annandale Road and Valley Brook Drive
- Devon Drive between Slade Run Drive and Valley Brook Drive
- Rose Lane between Slade Run Drive and Annandale Road
- Valley Brook Drive between Rose Lane and Sleepy Hollow Road

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04073 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) TO CONTINUE THE V-STOP SOMEPLACE SAFE PROGRAM

(SAR) Approved SAR AS 04073 in the amount of \$55,500 for the FCPD to accept grant funding from DCJS to continue the V-STOP Someplace Safe Program. This includes DCJS funding of \$41,626 and a local cash match of \$13,874.

ADMIN 11 – AUTHORIZATION FOR THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2005 GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (DRPT) TO CONTINUE THE RIDESOURCES MARKETING PROGRAM

- (R) Adopted the Resolution authorizing DOT's submission of a grant application in the amount of \$350,000 to DRPT for the marketing and promotion of ridesharing and transit services during FY 2005. The requested level of funding includes \$280,000 in State funds and requires a local cash match of \$70,000. Funding for the local cash match is projected to be available from FY 2005 Reserve for Anticipated Located Cash Match in Fund 102, Federal/State Grant Fund.

ADMIN 12 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Colvin Meadows Estates	Dranesville	Colvin Meadows Lane Route 7425 Lee Meadow Court Leesburg Pike Route 7 Additional ROW Only Colvin Run Road Route 743 Additional ROW Only
Piney Run Meadow, Section 1	Hunter Mill	Tommye Lane Leesburg Pike Route 7 Additional ROW Only
Walney Estates	Sully	Walbern Drive Walbern Court Brentwall Drive Brentwall Court Walney Road Route 657 Additional ROW Only Poplar Tree Road Route 4831 Additional ROW Only

ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04070 ONE-TIME PROGRAM IMPROVEMENT FUNDING FOR THE FEDERAL HEAD START PROGRAM GRANT WITHIN THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN

- (SAR) Approved SAR AS 04070 in the amount of \$90,200 for one-time program improvement funding supporting the Federal Head Start Program. No local cash match is required.

ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04074 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT AN ADDITIONAL AWARD FROM THE US AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) TO PROVIDE SUPPORT FOR A PROGRAM IN INTERNATIONAL URBAN SEARCH AND RESCUE

- (SAR) Approved SAR AS 04074 in the amount of \$556,983 for FRD to accept grant funds from USAID. The local cash requirement is \$70,014, and the cost share is \$997,040.

15. **A-1 – DESIGNATION OF SUPPLEMENTAL VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2003-2004 REVENUE SHARING PROGRAM FUNDS (LEE AND MOUNT VERNON DISTRICTS)** (10:47 a.m.)

- (R) On the motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution designating a maximum of \$100,000 in unused VDOT FY 2004 Revenue Sharing Program funds and a maximum of \$100,000 in matching funds from the Northern Virginia Transportation Commission to partially fund the Richmond Highway Public Transportation Initiative.

16. **A-2 – VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) BICYCLE AND PEDESTRIAN POLICY REVIEW** (10:47 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the draft letter from Chairman Connolly to Secretary Clement transmitting the comments and recommendations to VDOT as contained in the Board Agenda Item dated February 9, 2004. Supervisor Bulova seconded the motion.

Discussion ensued with input from Christopher D. Wells, Pedestrian Program Manager, Department of Transportation.

Following discussion, Supervisor Hyland referenced Section 4.5, Maintenance, of the draft Virginia Department of Transportation Policy for Integrating Bicycle and Pedestrian Accommodations, and asked unanimous consent that the Board direct staff to provide a recommendation on whether citizens should be required to shovel and clear their sidewalks of snow and ice. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to concentrate on some level of population density or something that identifies the number of people, streets, pathways, and public facilities that are needed to be accessed and recommend the most feasible method of accomplishing the task of snow and ice removal. Without objection, it was so ordered.

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

17. **A-3 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING FUNDS AND MATCHING FAIRFAX COUNTY FUNDS FOR FISCAL YEAR (FY) 2005 (LEE AND MOUNT VERNON DISTRICTS)** (10:59 a.m.)

(R) On the motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution designating a maximum of \$500,000 in FY 2005 VDOT Revenue Sharing Program Funds and \$500,000 in matching funds from NVTC to partially fund the Richmond Highway Public Transportation Initiative.

18. **A-4 – APPROVAL OF A PROJECT AGREEMENT, AS AMENDED, BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND FAIRFAX COUNTY TO PURCHASE AND INSTALL BUS STOP IMPROVEMENTS, INCLUDING BUS SHELTERS, PADS, AND/OR BENCHES, APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04071 TO EXECUTE A PROJECT AGREEMENT WITH AMENDMENT TO PURCHASE AND INSTALL BUS STOP IMPROVEMENTS COUNTYWIDE, AND ENDORSEMENT OF THE SITE LOCATIONS CHOSEN FOR IMPROVEMENTS** (10:59 a.m.)

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

- Approve in substantial form a project agreement, as amended, between VDOT and the County.

- Approve SAR AS 04071 to execute a project agreement to purchase and install bus stop improvements Countywide. The estimated total project cost for the bus stop improvements is \$250,000, of which \$200,000 is funded by Congestion Mitigation and Air Quality grant funding and the remaining \$50,000 is the required 20 percent local cash match, available in Fund 102, Federal/State Grant Fund.
- Endorse the 16 locations analyzed and reviewed by staff for recommended bus stop improvements.

Supervisor Bulova seconded the motion.

Discussion ensued with input from Michael R. Lake, Senior Transportation Planner, Department of Transportation. Following discussion, Supervisor Kauffman called the Board's attention to page 23 of Attachment IV to the Board Agenda item and asked unanimous consent that the Board direct staff to provide additional detail regarding the Shelter on Telegraph Road at Pike Road, NB (east side). Without objection, it was so ordered.

Supervisor Gross called the Board's attention to Maintenance Funding on page 53 of the Board Agenda Item, and said that trash becomes a problem once a shelter is established because there are no trash receptacles for collection services included at the County's General Services Bus Stop Improvement Projects. Consequently, Supervisor Gross asked unanimous consent that the Board direct staff to determine methods to alleviate this problem. Without objection, it was so ordered.

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

19. **A-5 – ENDORSEMENT OF FISCAL YEAR (FY) 2005 VIRGINIA DEPARTMENT OF TRANSPORTATION'S ENHANCEMENT PROGRAM PROJECT APPLICATIONS** (11:06 a.m.)

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

- Endorse the enhancement projects to be submitted to the Commonwealth Transportation Board for FY 2005 funding, for which applicants have identified a source for the required minimum 20 percent match.

- Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board.

Supervisor Kauffman seconded the motion.

Following discussion, with input from Jay Guy, Transportation Planner, Coordination and Funding Section, Department of Transportation, Supervisor Hudgins said that the Lawyers North Flashing Morning Beacon Project, is not listed on page 56 of Attachment I, List of Projects with Matching Funds Identified, and asked to amend the motion to add the project to the list and to identify matching funds. This was accepted.

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

20. **A-6 – AUTHORIZATION TO SOLICIT PUBLIC COMMENTS ON THE SOUTH COUNTY BUS SERVICE PLAN** (11:07 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Hudgins, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Department of Transportation to:

- Solicit comments from the public and interested parties on the Department's proposed South County Bus Service Plan for the purpose of finalizing recommendations to be made to the Board on restructuring bus service in South County.
- Expend up to \$55,000 of funds available at the Northern Virginia Transportation Commission for the purpose of developing specifications and requirements for procuring advanced public transportation systems applications for the FAIRFAX CONNECTOR.

21. **I-1 – CONTRACT AWARD – ANNUAL CONTRACT FOR HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) CONSULTING SERVICES** (11:11 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2004, requesting authorization for staff to award a contract to Sebesta Blomberg and Associates in the amount of \$450,000 for HVAC consulting services on various County projects which are being designed or managed by County staff.

The staff was directed administratively to proceed as proposed.

22. **I-2 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL DESIGN SERVICES FOR THE WEST COUNTY FAMILY SHELTER (SPRINGFIELD DISTRICT)** (11:11 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2004, requesting authorization for staff to award a contract to Wisnewski Blair and Associates in the amount of \$413,591 for architectural and engineering design services for the West County Family Shelter.

Discussion ensued with input from Anthony H. Griffin, County Executive.

The staff was directed administratively to proceed as proposed.

23. **I-3 – THE PLANNING COMMISSION’S APPROVAL OF THE CITIZEN’S GUIDE TO THE 2004 NORTH COUNTY CYCLE AREA PLANS REVIEW (APR)** (11:11 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2004, announcing the Planning Commission’s approval of the *Citizen’s Guide to the 2004 North County Cycle APR*.

Following discussion with input from Fred R. Selden, Director, Planning Division, Department of Planning and Zoning, Supervisor Frey noted that on page five of the guide the address for the Sully District Supervisor's office is incorrect and asked unanimous consent that the Board direct staff to update this item. Without objection, it was so ordered.

24. **I-4 – APPLICATION BY WASHINGTON GAS LIGHT COMPANY FOR A GENERAL INCREASE IN NATURAL GAS RATES AND CHARGES, SCC CASE NUMBER PUE-2002-00364 – FINAL ORDER** (11:14 a.m.)

The Board next considered an item contain in the Board Agenda dated February 9, 2004, regarding the application by Washington Gas Light Company for a general increase in natural gas rates and charges, SCC Case Number PUE-2002-00364 – Final Order.

Discussion ensued with input from Anthony H. Griffin, County Executive.

25. **I-5 – CONTRACT AWARD – FAIRFAX CENTER FIRE STATION (SPRINGFIELD DISTRICT)** (11:17 a.m.)

The Board next considered an item contained in the Board Agenda dated February 9, 2004, requesting authorization for staff to:

- Award a contract to Zadmer Enterprises, Incorporated, in the amount of \$6.1 million for the construction of Fairfax Center Fire Station, Project 009079, in Fund 312, Public Safety Construction.

- Reallocate funds in the amount of \$301,221.05 to Project 009203, Public Safety Contingency, to fund possible shortfalls in other projects within this fund.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

26. **HANDICAPPED PARKING SPOT SIGNAGE ENFORCEMENT**
(11:17 a.m.)

Chairman Connolly reported that his office was recently contacted by a constituent who had a complaint regarding a business in the County that lacked the proper above-grade signage marking its handicapped parking spot, in violation of both the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code and the County's enforcement of such violations. When the constituent first contacted the County to report the violation, he was directed to the Office of Site Development Services in the Department of Public Works and Environmental Services (DPWES), where he was told that the property owner must be referred to the County by the citizen before any action could be taken. After the constituent contacted Chairman Connolly's staff regarding this situation, they discovered that the Office of Building Code Services, also in DPWES, does indeed investigate and enforce such violations once they are brought to its attention by citizens. Chairman Connolly expressed his concern that County citizens are given different answers to the same question by the same department, especially on such an important issue.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to examine this matter and report with a clear and coherent Policy regarding the enforcement of proper signage for handicapped parking spots. Without objection, it was so ordered.

27. **IMPROVEMENTS TO THE ONLINE LAND DEVELOPMENT SYSTEM (LDSNET)** (11:18 a.m.)

Chairman Connolly called the Board's attention to a memorandum dated January 26, 2004, from Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, to Members of the Board. This memorandum announced that staff reports for rezoning, proffered condition amendment, special exception, special permit, and variance applications are now available to the public through the internet version of the LDSNet, which is accessible through the County website. Supervisor Connolly commended staff on the completion of these updates to the LDSNet, and asked unanimous consent that

the Board direct the Office of Public Affairs to disseminate this information to the citizens of the County.

Supervisor Smyth commented that all of the attachments to staff reports are not yet available online.

Without objection, the request was so ordered.

28. **REAPPOINTMENT OF MS. MICHELLE BRICKNER TO THE ADVISORY PLANS EXAMINER BOARD** (11:20 a.m.)

(APPT) Chairman Connolly called the Board's attention to a letter from the chairman of the Board of Directors for the Engineers and Surveyors Institute requesting the reappointment of Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services, to the Advisory Plans Examiner Board. Accordingly, he moved the reappointment of Ms. Michelle Brickner as the County Employee Representative to the Advisory Plans Examiner Board. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion, which carried by unanimous vote.

29. **APPOINTMENT TO THE LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE** (11:20 a.m.)

(APPT) Chairman Connolly called the Board's attention to a memorandum from the chairman of the Park Authority regarding its appointment to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Accordingly, he moved the appointment of Ms. Jennifer Heinz to fill the unexpired term of Mr. Phillip Niedzielski-Eichner as the Park Authority Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

30. **MARCH IS PURCHASING MONTH** (11:21 a.m.)

Chairman Connolly noted that for the past four years the National Institute of Governmental Purchasing, Incorporated, along with other purchasing groups and associations around the world, has declared the month of March as "Purchasing Month." As noted in his written Board Matter, this effort enhances the awareness of purchasing and materials management's role in the efficiency and effectiveness of government and business.

Accordingly, Chairman Connolly moved that the Board proclaim March as "*Purchasing Month*" in Fairfax County and direct staff to invite representatives from the Department of Purchasing and Supply Management and the Fairfax County Public Schools' Office of Supply Operations to appear before the Board at its February 23, 2004, meeting for the issuance of the proclamation. Supervisor Hyland seconded the motion, which carried by unanimous vote.

31. **CHILDREN OF PERSIA** (11:21 a.m.)

Chairman Connolly called the Board's attention to an event on Sunday, February 22, 2004, sponsored by the Children of Persia and a coalition of Iranian community organizations to honor the County's Urban Search and Rescue Team of the Department of Fire and Rescue and the US Agency for International Development for their humanitarian efforts on behalf of the citizens of Bam, Iran who suffered a devastating earthquake in December 2003. The event begins at 4:30 p.m. with the actual ceremony commencing at 5 p.m. in the Board Auditorium of the Government Center.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff of the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

32. **BOARD'S TRANSPORTATION PLAN - CHAIRMAN'S INITIATIVE**
(11:22 a.m.)

In keeping with a pledge he made last fall regarding proceeding with a comprehensive transportation initiative, Chairman Connolly presented his plan in writing to the Board. The four-year plan (fiscal years 2005-2009) outlines a \$100 million initiative that improves some highway and transit projects, some spot intersection improvements, and some pedestrian improvements throughout the County. Funding will be a combination of an advance commitment of \$50 million in RSTP and GMAQ funds (Federal and State Match) as well as \$50 million in general obligation bonds (in addition to \$115 million transportation bond sale planned for November 2004). Chairman Connolly said that projects were selected that can realistically be completed within the next four years, that do not have other sources of funding, and will provide significant congestion relief for minimal capital outlay.

Therefore, Chairman Connolly moved that the Board endorse this initiative. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Kauffman asked to amend the motion to add under the category "Spot Intersection Improvements" the construction of a left turn lane on South Kings Highway westbound onto Harrison Lane. This was accepted.

Further discussion ensued regarding the implementation of the plan, with input from Young Ho Chang, Director, Department of Transportation, and Edward L. Long, Jr., Chief Financial Officer.

Supervisor Hudgins asked to amend the motion to consider as a priority piece, under "Major Transit and Highway Projects, Centreville Road Improvements (Sully)," the inclusion of the mile of uncompleted area further down the road that has been on hold.

Following discussion, Chairman Connolly amended his motion to direct staff to cost out the referenced project and add it to the list, and this was accepted.

Following input from Mr. Chang, Supervisor McConnell asked to amend the motion to direct staff to provide an implementation plan should this initiative be approved, and this was accepted.

Further discussion ensued, with input from Mr. Chang.

Chairman Connolly clarified that the projects on the list have some flexibility for substitutions and additions as the plan proceeds.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

33. **PORTABLE STORAGE UNITS** (11:41 a.m.)

Supervisor Hyland said that a new phenomenon has come to the Mount Vernon District, and probably the County as a whole, the advent of the portable storage units springing up in communities and in front of homes which need additional storage for a given period of time.

Supervisor Hyland said that what seemed to be a good idea – large (12-16 feet by approximately eight or more feet), weather resistant, portable storage boxes, delivered to a site for placement in a homeowners' driveway for a limited time period, such as a move into a home or during renovation projects, has taken on different dimensions. He said that his office has received reports of the misuse of these units, such as their permanency and size and location, without regard to the limitations set forth in Article 10 of the Zoning Ordinance.

Therefore, Supervisor Hyland moved that the Board direct staff to review the issue of portable storage units and report with recommendations for modifying the Zoning Ordinance to prevent these units from becoming an undesirable use in residential areas. Supervisor Gross seconded the motion.

Following discussion, Chairman Connolly noted that this issue would be put on the agenda for the March meeting of the Development Process Review Committee as part of the staff review.

Following discussion, Supervisor Smyth asked to amend the motion to expand the scope to include commercial districts, and this was accepted.

Supervisor DuBois asked to amend the motion to include a review of the enforcement and time limitations on large refuse containers that are used in residential areas during remodeling projects, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

34. **PROPOSED TRIBUTE TO THE LATE MR. LOUIS V. GENUARIO
(MOUNT VERNON DISTRICT)** (11:47 a.m.)

(BACs) Supervisor Hyland said that last month Mr. Louis V. Genuario, Mount Vernon District Representative to the Fairfax Area Disability Services Board, died. Supervisor Hyland referred to his written Board Matter and outlined Mr. Genuario's significant accomplishments.

Because of Mr. Genuario's role in the upcoming renovation of the Board Auditorium to make it more accessible to persons with disabilities, Supervisor Hyland moved that, upon completion, the Board dedicate the upper seating area of the auditorium in honor of Mr. Louis V. Genuario and identify it with a plaque indicating the role he played on the Fairfax Area Disability Services Board in bringing about these modifications to benefit County residents with disabilities.

Following discussion, Supervisor Hyland revised his motion to dedication of a plaque in the appropriate area of the Board Auditorium in honor of the late Mr. Genuario to recognize his contribution.

Supervisor Bulova seconded the motion.

Following discussion, Supervisor Gross asked unanimous consent that the Board refer to the County Attorney the criteria for naming County facilities. Without objection, it was so ordered.

(NOTE: Later in the meeting, the question was called on the pending motion. See Clerk's Summary Item CL#36.)

35. **MOUNT VERNON'S SEVENTEENTH ANNUAL TOWN MEETING**
(11:50 a.m.)

Supervisor Hyland expressed his appreciation to Chairman Connolly; Anthony H. Griffin, County Executive; Edward L. Long, Jr., Chief Financial Officer; and other staff for participating in Mount Vernon's Seventeenth Annual Town Meeting held on January 31, 2004, which was successful and well attended.

A brief discussion ensued.

The videotape of the meeting will be replayed on Cable Channel 16 at the following times:

- Friday, February 13 at 8 p.m.

- Saturday, February 21 at 9 a.m.

Extra copies of the tape will also be available for loan to citizens by the end of this week at Mount Vernon District Libraries and at Supervisor Hyland's office.

36. **VOTE ON PLAQUE HONORING THE LATE MR. LOUIS V. GENUARIO**
(11:52 a.m.)

(NOTE: Earlier in the meeting, the Board made a motion regarding a plaque to honor the late Mr. Louis V. Genuario. See Clerk's Summary Item CL#34.)

The question was called on the motion, as amended, to dedicate a plaque in the appropriate area of the Board Auditorium in honor of the late Mr. Genuario to recognize his contribution, which carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

37. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING OF THE SITE PLAN WITH THE SPECIAL EXCEPTION APPLICATION FOR SUNTRUST BANK (MOUNT VERNON DISTRICT)** (11:53 a.m.)

With reference to his written Board Matter, Supervisor Hyland said that Sun Trust Bank will lose parking spaces because of the Woodrow Wilson Bridge construction project. He noted that due to the Virginia Department of Transportation's (VDOT) recent taking of 5,184 square feet of its property for the construction of highway improvement associated with the new Woodrow Wilson Bridge, Sun Trust Bank must file a new special exception application and site plan. In addition, VDOT needs a 12-foot plus wide strip across the entire frontage of the site for a temporary construction easement adjacent to the taking. This site, zoned in the C-8 District, appears in a Highway Corridor and Floodplain Overlay District, and falls within the Commercial Revitalization District.

With the highway taking, the bank will lose six of its 12 parking spaces and the other six spaces will be lost during the construction process. The applicant believes that this is a situation that could put the bank out of business at this location if it is unable to recapture or relocate these parking spaces elsewhere on or adjacent to the site. To this end, the bank has been negotiating with VDOT to acquire a portion of the adjoining property to the west (former Sun Oil site) equal in area to the land lost in the highway taking. The plan shows an equal area land exchange in which the bank goes from its current 12 parking spaces to 26 parking spaces by relocating its drive-in window.

As outlined in Supervisor Hyland's written Board Matter, the applicant advises that a new special exception application will be required regardless of whether it uses the proposed new layout shown or if the drive-in window is left as is and provide only the number of parking spaces lost on the new land exchange area. Thus, the bank has elected to proceed with the special exception and site plan providing the additional spaces. This makes it imperative that the site plan and

special exception application be worked together so that construction on the new parking spaces for the bank can be constructed prior to or simultaneously with any highway construction.

Accordingly, Supervisor Hyland moved that the Board direct staff to expedite and concurrently process the Sun Trust special exception application, site plan and associated permits. This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

38. **ABSENCE OF MOUNT VERNON DISTRICT SUPERVISOR HYLAND**
(11:53 a.m.)

Supervisor Hyland announced that he would be attending a memorial service for a citizen of the Mount Vernon District and, therefore, would not be present for today's closed session.

39. **SOIL AND WATER CONSERVATION WEEK** (11:53 a.m.)

Supervisor Gross announced that the week of April 25-May 2 is Soil and Water Conservation Week in Virginia. She said that while conservation-minded behavior should be encouraged year-round, Soil and Water Conservation Week brings special attention to the importance of natural resources. She noted that this year's theme "The Living Soil," is especially appropriate as the County continues its work to reduce sediment and erosion in County ponds and streams.

Accordingly, Supervisor Gross moved that the Board declare the week of April 25-May 2 as "*Soil and Water Conservation Week*" in Fairfax County and direct staff to invite the members and staff of the Northern Virginia Soil and Water Conservation District to receive a proclamation at the April 26, 2004, Board meeting. Supervisor Bulova seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

40. **REPORT OF THE COMMISSION ON AGING AND SCHEDULING OF A HUMAN SERVICES COMMITTEE MEETING** (11:54 a.m.)

(BACs) Supervisor Gross stated that the Fairfax Area Commission on Aging prepared a report of its activities during 2003, which was the thirtieth anniversary year of the commission. The report was distributed last month to Board Members by their appointees, and it outlines not only the commission's activities, but also highlights some of the following issues that senior citizens face now and will face in the future:

- A concern that maintaining current budget expenditures will not meet the needs of this growing population in the future.

- The importance of partnerships with non-profit organizations to deliver services to seniors.
- The need for more affordable assisted living as well as “visitable” housing now and in the future.
- The future of long term care.

Supervisor Gross commended the Commission on Aging for its work on behalf of all senior residents in the County and urged Board Members to read the report. She asked unanimous consent that the Board direct:

- Staff to make the report available on the County’s website.
- The Office of Public Affairs to highlight the findings of the report for interested media.

Without objection, it was so ordered.

On behalf of the Board, Supervisor Gross sent get well wishes to Grace Starbird, Director, Area Agency on Aging, who suffered a serious fall when she was out jogging.

Following discussion, Supervisor Hudgins asked unanimous consent that the Board direct staff to schedule a meeting of the Board’s Human Services Committee to include as an agenda item discussion of this report. She noted that a number of items from the Long Term Care Task Force had been referred to the committee. Without objection, it was so ordered.

41. **INCLUDING PEOPLE WITH DEVELOPMENTAL DISABILITIES MONTH** (11:58 a.m.)

Supervisor Bulova stated that throughout the United States, March will be celebrated as Including People with Developmental Disabilities Month. She said that in March in Fairfax County, the Arc of Northern Virginia, in conjunction with People First, a self-advocacy group for people with developmental disabilities, and the Fairfax-Falls Church Community Services Board (CSB), will educate the public about the abilities and needs of people with developmental disabilities and their families.

Accordingly, Supervisor Bulova asked unanimous consent that the Board proclaim March as “*Including People with Developmental Disabilities Month*” in Fairfax County and direct staff to invite the Arc and the CSB to appear before the Board on March 8, 2004, to accept this proclamation. Without objection, it was so ordered.

42. **COMMUNITY DIALOG IN BRADDOCK DISTRICT** (11:59 a.m.)

Supervisor Bulova reminded the Board that last month she announced that she would be hosting a Community Dialog on Gang Activity and Revitalization Issues. This dialog is a five-part series, beginning February 11 and concluding June 9. While the dialog focuses on the Annandale area, where some gang activity is known to exist, the series is open to anyone interested in learning more about the emergency of gangs in this area and prevention programs and resources available.

Supervisor Bulova said that as part of the dialog, the US Department of Justice will be facilitating a weekend "Community Engagement" with stakeholders in the Annandale area. Dialog sessions will include speakers such as Paul McNulty, US Attorney for the Eastern Division of Virginia, Jose Vanegas of Barrios Unidos, Mark Emery of the Partnership for Youth, and officials from the Juvenile and Domestic Relations Court. The County's Police Gang Unit will set the stage on February 11 with a description of gangs active in the County and what the community should be aware of. The May session will examine the role revitalization can play in strengthening older communities. Chairman Connolly, Supervisor Gross, and Braddock District School Board Member Tessie Wilson will participate in the last meeting of the series on June 9 when the discussion will involve tackling community challenges, particularly the emergence of gangs, at the grass roots level.

Supervisor Bulova distributed copies of a syllabus for the series, along with information about the Justice Department's Community Engagement. The dialog series will be held at Braddock Elementary School at 7825 Heritage Drive in Annandale. Programs are scheduled from 5 to 7 p.m. She asked unanimous consent that the Board direct the Office of Public Affairs to publicize this effort. Without objection, it was so ordered.

DS:ds

43. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-PR-037 (PROVIDENCE DISTRICT)** (12:02 p.m.)

(A) Supervisor Smyth said that James Audia and Manuel Serra, the applicants for pending Rezoning/Final Development Plan Application RZ/FDP 2003-PR-037, are seeking to rezone a 4.38 acre industrial property to residential. During the review of the 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.

To provide safe and convenient access to Kingsbridge Drive from the Beech Grove property, access is desired across the Board's parcel. The Facilities

Management Division of Department of Public Works and Environmental Services indicated that the property is considered surplus and has negotiated the conveyance of the County-owned property to the applicant. In accordance with Board Policy and Section 15.2-1800 of the *Code of Virginia*, a public hearing is required prior to the disposition of County-owned property.

Therefore, Supervisor Smyth moved that the Board authorize the advertisement of a public hearing to be held before the Board on March 15, 2004, for the conveyance of County-owned property identified as Tax Map 48-3 ((25)) to James Audia and Manuel Serra and authorize scheduling of this public hearing concurrent with the public hearing associated with Rezoning Application RZ 2003-PR-037. This action in no way relieves the applicant of any County regulations and requirements or indicates Board support for the pending zoning application. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

44. **CHOCOLATE CANDY ROSES** (12:04 p.m.)

Supervisor Gross distributed chocolate candy roses to Board Members and explained that the roses were made by the Children of the Morning Star Group, which is a program of Hispanics Against Child Abuse and Neglect.

On behalf of the Board, Supervisor DuBois thanked Supervisor Gross for the roses.

45. **INTENT TO DEFER THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-036 (DALEVIEW NURSERY, LLC AND MAISON ET JARDIN, LTD) (DRANESVILLE DISTRICT)** (12:04 p.m.)

Supervisor DuBois announced her intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Application SE 2002-DR-036.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#68.)

46. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR REZONING APPLICATION RZ 2003-DR-031 (DRANESVILLE DISTRICT)** (12:05 p.m.)

- (A) Supervisor DuBois said that Winchester Homes, Incorporated, has submitted Rezoning Application RZ 2003-DR-031 for a residential property identified as Tax Map Parcels 440-2 ((1)) 20, 21, 22, 22A, 22B, 23, and 24A, and 40-2 ((34))-A. The consolidated property is presently zoned R-1 and R-3, and the applicant is requesting rezoning to the PDH-5 District.

The Planning Commission hearing on this application was deferred to February 26, 2004, and subsequently to March 18, 2004, to provide staff, citizens, and the applicant more time to address some remaining concerns. To accommodate several timing issues, the applicant requested that the Board authorize a date certain for the Board hearing.

Therefore, Supervisor DuBois moved that the Board authorize the advertisement of a public hearing to be held before the Board on **March 29, 2004, at 3:30 p.m.** regarding Rezoning Application RZ 2003-DR-031. This motion does not relieve the applicant from complying with the provisions of any consideration of the rezoning application in any way. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Frey being out of the room.

47. **LETTER OF APPRECIATION TO STAFF AT FRYING PAN PARK (HUNTER MILL DISTRICT)** (12:06 p.m.)

Supervisor DuBois distributed to Board Members copies of a letter that she and Chairman Connolly received from Herndon Mayor Richard Thoesen expressing appreciation to the staff at Frying Pan Park for their participation in the Town's 125th Anniversary celebration on January 17, 2004. In the letter, Mayor Thoesen also acknowledged the benefit to local residents of the various Park outreach programs.

PMH:pmh

48. **RECOGNITION OF MS. ALEXIS KUIPER AND MS. ALICIA HARDER (HUNTER MILL DISTRICT)** (12:07 p.m.)

Jointly with Supervisor Bulova, Supervisor Hudgins said that word was received that two students, Ali Harder in the Hunter Mill District and Alexis Kuiper in the Braddock District, have been named the 2004 top youth volunteers in Virginia by the Prudential Spirit of Community Awards, a national program that recognizes young people for their commitment to volunteering.

Supervisor Hudgins referred to the written Board Matter and outlined the accomplishments of the students.

Jointly with Supervisor Bulova, Supervisor Hudgins moved that the Board direct staff to invite the students to appear before the Board to receive recognition for their outstanding contributions to the community and for having been named the 2004 top youth volunteers in Virginia. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

49. **TEMPORARY PEDESTRIAN FACILITIES IN THE RESTON TOWN CENTER (HUNTER MILL DISTRICT)** (12:09 p.m.)

Supervisor Hudgins said that her office received several calls regarding the need for temporary pedestrian facilities in the Reston Town Center. As the Town Center continues to expand, the Board is presented with a challenge to ensure that residents living in the area and visitors can safely walk to nearby attractions. Residents of the Market Station development live very close to the Town Center, but due to ongoing construction projects, it is difficult for them to walk there.

Supervisor Hudgins noted that as the County grows in the future, it is important that the County provide safe non-motorized access around and through construction areas. She added that a mix of residential, commercial, and retail uses allows residents to rely less on their vehicles for transportation only if the County can provide them with adequate alternative facilities.

Therefore, Supervisor Hudgins moved that this matter be forwarded to the Development Process Committee for consideration. Supervisor Bulova seconded the motion.

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

50. **RESTON CHORALE'S WORLD PREMIER (HUNTER MILL DISTRICT)** (12:11 p.m.)

Supervisor Hudgins said that on March 19, 2004, at 8 p.m., the Reston Chorale's World Premier of "A Journey to Freedom, Honor and Glory" composed by Julius P. Williams will take place. The performance will honor the life and martyrdom of Jonathan Myrick Daniels.

Supervisor Hudgins noted that at the Alexandria campus of Northern Virginia Community College, under the direction of Frederick Wygal, the Chorale's performance will include narration by Del Walters, and solos by soprano Patricia Miller and tenor Harv Wileman.

Supervisor Hudgins said that underwritten by the generous gift of John and Sue Adney, the Reston Chorale commissioned the work to celebrate and educate the community on the humanitarian Jonathan Myrick Daniels. The story of his commitment to the civil rights movement and his death while protecting the life of a young girl needs to be retold to a new generation and a future audience. The Chorale has partnered with the Reston Community Center and the Reston Historic Trust, as well as Virginia Military Institute, to emphasize the enduring virtue of his personal sacrifice.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to share the news of this world premier to the greater County community. Without objection, it was so ordered.

Supervisor Hudgins encouraged Board Members to attend this historic performance.

51. **REQUEST FOR A PROCLAMATION RECOGNIZING SCHOOL DIVISION SUPERINTENDENT DANIEL A. DOMENECH** (12:13 p.m.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a Proclamation recognizing the service that Dr. Domenech has provided to Fairfax County. Without objection, it was so ordered.

A brief discussion ensued.

52. **BOARD RETREAT** (12:14 p.m.)

Supervisor Frey announced that a Board Retreat is scheduled for this upcoming weekend. He expressed concern that a retreat has been scheduled 2.5 hours away from the County in Stanley, Virginia.

Supervisor Frey moved that the Board revise its plan and hold the retreat in the County. Supervisor Hudgins seconded the motion.

Following discussion, Supervisor Hudgins moved a substitute motion that the Board proceed with its plans to hold the retreat and make plans in the future to hold such retreats in Fairfax County on a regular basis. Chairman Connolly seconded the motion.

Following additional discussion, with input from Anthony H. Griffin, County Executive, the question was called on the substitute motion and it **CARRIED** by a recorded vote of seven, Supervisor Frey and Supervisor McConnell voting "NAY," Supervisor Hyland being out of the room.

The question was called on the main motion, as substituted, and it **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor Hyland being out of the room.

Chairman Connolly expressed his appreciation to Supervisor McConnell for hosting the retreat.

53. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR MCCONNELL** (12:36 p.m.)

Supervisor McConnell announced that she had no Board Matters to present today.

54. **LEE DISTRICT APPOINTMENT TO THE JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL** (12:37 p.m.)

(APPT) Supervisor Kauffman moved the appointment of Ms. Elizabeth (Liz) Murphy as the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

55. **LEE DISTRICT APPOINTMENT TO THE ADVISORY SOCIAL SERVICES BOARD** (12:37 p.m.)

(APPT) Supervisor Kauffman moved the appointment of Ms. Pam Neisch as the Lee District Representative to the Advisory Social Services Board. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

56. **RECESS/CLOSED SESSION** (12:40 p.m.)

At 12:40 p.m., Supervisor Bulova 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. Request for Approval to File a Petition for a Subpoena for Records Needed by the Human Rights Commission in *Sanchious v. Simply Wireless.com* (Providence District)
 2. *Board of Supervisors v. Church Street Group Limited Partnership, et al.*, At Law No. 204274 (Fx. Co. Cir. Ct.) (Hunter Mill District)

3. *Coalition for Rural Conservation, Inc., Linda Clary, and Mary Jane McWilliams v. Fairfax County Board of Zoning Appeals*, At Law No. 213532 (Fx. Co. Cir. Ct.) (Springfield District)
4. *Charleen Bochicchio v. Board of Supervisors of Fairfax County and AM-Liner East, Inc.*, At Law No. 217278 (Fx. Co. Cir. Ct.) (Dranesville District)
5. *William J. Koury and Jennifer A. Koury v. Board of Supervisors of Fairfax County and AM-Liner East, Inc.*, At Law No. 217279 (Fx. Co. Cir. Ct.) (Dranesville District)
6. *Van Metre Development, Inc. v. The Board of Supervisors for the County of Fairfax, Virginia, and the County of Fairfax, Virginia*, In Chancery No. 187643 (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. John E. Tabella, Jr., and Shannon C. Tabella*, In Chancery No. 186752 (Fx. Co. Cir. Ct.) (Sully District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Gloria Douglas*, In Chancery No. 187175 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Nasreen M. Sheikh and Mazhar U. Sheikh*, In Chancery No. 187940 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Fairfax Coalition of Police, Local 5000, et al. v. Fairfax County, Virginia, et al.; Civil Action Number 03-1068-A.
- William J. Taylor v. Stephen M. Farmer, Stephen M. Farmer, P.C., Penelope Ann Rood, and Thomas Daines, At Law No. 218918.
- Arkansas Chronicle, et al. v. Easley, et al., Civil Action Number 04-11 Q-A.

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

PW:pw

At 3:46 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hyland, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

57. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:46 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 Kauffman seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room.

(NOTE: Supervisor Hyland did not participate in closed session. See Clerk's Summary Item CL#38.)

58. **AUTHORIZATION TO PETITION GENERAL DISTRICT COURT FOR SUBPOENA ON BEHALF OF THE HUMAN RIGHTS COMMISSION IN SANCHIOUS VERSUS SIMPLY WIRELESS.COM** (3:46 p.m.)

Supervisor Smyth moved that the Board authorize the County Attorney to petition the General District Court for a subpoena on behalf of the Human Rights Commission in *Sanchious versus Simply Wireless.com* as outlined by the County Attorney in closed session. Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

59. **AUTHORIZATION OF THE SETTLEMENT OF FAIRFAX COALITION OF POLICE VERSUS COUNTY OF FAIRFAX** (3:47 p.m.)

Supervisor Gross moved that the Board authorize the County Executive to endorse all documents necessary to effectuate the settlement of the case of *Fairfax Coalition of Police versus County of Fairfax*, Civil Action Number 03-1068-A, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

60. **SALARY INCREASE FOR THE COUNTY EXECUTIVE** (3:47 p.m.)

Supervisor Gross moved approval of a salary increase of four percent for the County Executive effective February 21, 2004. Other provisions of the County Executive's contract remain unchanged. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

61. **SALARY INCREASE FOR THE COUNTY ATTORNEY** (3:48p.m.)

Supervisor Gross moved approval of a salary increase of five percent for the County Attorney effective February 21, 2004. She further moved that in addition, the amount of \$2000 is to be added to the County Attorney's deferred compensation account, effective January 1, 2004. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

PW:pw

62. **3 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2211 FAROUGI COURT (DRANESVILLE DISTRICT)** (3:49 p.m.)

(O) (NOTE: At its January 26, 2004, meeting the Board deferred the public hearing on this item until February 9, 2004.)

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 January 8 and January 15, 2004.

Brief discussion ensued with input from Christina M. Sadar, Blight Abatement Program Coordinator, Design Development and Construction Division, Department of Housing and Community Development.

Following the public hearing, which included testimony by seven speakers, Supervisor DuBois moved:

- Adoption of the Ordinance to declare 2211 Farougi Court blighted, constituting a nuisance.
- Approval of the blight abatement plan for 2211 Farougi Court.

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

ADDITIONAL BOARD MATTER

63. **WELCOME TO CUB SCOUT PACK 987 FROM VIENNA** (4:22 p.m.)

Chairman Connolly recognized the presence of Cub Scout Pack 987, from Vienna, and welcomed its members to the Board Auditorium.

AGENDA ITEMS

64. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-D-002 AND PUBLIC FACILITIES REVIEW APPLICATION 2232-D03-9 (FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY) (DRANESVILLE DISTRICT)** (4:22 p.m.)

(NOTE: At its January 26, 2004, meeting the Board deferred the public hearing on this item until February 9, 2004.)

The applications property is located at 1609 Great Falls Street, Tax Map 30-3 ((1)) 42.

Mr. Thomas Armstrong reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ) and Leslie Johnson, Branch Chief, ZED, DPZ.

Ms. Shulenberger presented the staff and Planning Commission recommendations.

Supervisor DuBois moved approval of Public Facilities Review Application 2232-D03-9. Supervisor Smyth seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor DuBois moved approval of Special Exception Amendment Application SEA 94-D-002, subject to the proposed development conditions dated February 9, 2004. Supervisor McConnell seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor DuBois moved approval of a modification of the transitional screening requirements to the north, south, east, and west in favor of the existing and

supplemental landscaping, as depicted on the SE plat. Supervisor Smyth seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor DuBois moved approval of a modification of the barrier requirements to the north, south, east, and west in favor of the existing and supplemental landscaping, as depicted on the SE plat. Supervisor Smyth seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

Supervisor DuBois moved approval of a modification of the trail requirement along Great Falls Street in favor of the existing and proposed sidewalk, as shown on the SE plat. Supervisor Smyth seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor Kauffman being out of the room.

65. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-027 (PULTE HOME CORPORATION) (LEE DISTRICT)** (4:39 p.m.)

(O) (NOTE: At its January 26, 2004, meeting the Board deferred the public hearing on this item until February 9, 2004.)

The application property is located in the southwest quadrant of the intersection of Beulah Street and Windsor Avenue, Tax Map 91-3 ((1)) 2–6 and 91-3 ((3)) 30.

Ms. Inda Stagg reaffirmed the validity of the affidavit for the record.

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

Supervisor McConnell disclosed the following:

- M.J. Wells and Associates, LLC has a business relationship with her company.
- Ms. Constance Joy Lowman is an employee of her company.

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

- In excess of \$200 from Pulte Home Corporation

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

- In excess of \$200 from Pulte Home Corporation

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

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-027, from the C-5 and R-1 District to the PDH-4 District, subject to the proffers dated January 23, 2004.
- Approval of a variance, in accordance with Paragraph 8 of Section 16-401 of the Zoning Ordinance, to permit a noise wall located in a front yard to be a maximum of seven feet in height.
- Waiver of the 600-foot maximum length requirement for a private street.
- Return of the final site plan to the Lee District Supervisor's office for review and comment prior to issuance of the final site permit.

Supervisor Gross seconded the motion.

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

- In excess of \$200 from Ms. Lisa Settle
- In excess of \$200 from Ms. Madelyn DiBella

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

66. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE JEB STUART RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 38 (MASON DISTRICT)** (4:45 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 January 22 and January 29, 2004.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the proposed amendments to the Code of the

County of Fairfax, Appendix G, expanding the JEB Stuart RPPD, District 38. The proposed expansion includes the following street blocks:

- Mansfield Road (Route 1889) from Beachway Drive (Route 1886) to Peace Valley Lane (Route 1976)
- Mansfield Road east side from Peace Valley Lane to Vista Drive (Route 942)
- Luckey Court from Mansfield Road to the end

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

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-SP-018 AND SPECIAL EXCEPTION APPLICATION SE 2003-SP-012 (IVY DEVELOPMENT, LC) (SPRINGFIELD DISTRICT)** (4:51 p.m.)

- (O) The Rezoning Application RZ 2003-SP-018 property is located in the northeast quadrant of the intersection of Meadowbrook Drive and Burke Road, Tax Map 78-4 ((2)) 1–3 and Meadowbrook Drive public right-of-way to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public right-of-way for Meadowbrook Drive to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.]

The Special Exception Application SE 2003-SP-012 property is located at 6068, 6076, and 6084 Meadowbrook Drive, Tax Map 78-4 ((2)) 1–3 and Meadowbrook Drive public right-of-way to be vacated and/or abandoned.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. Stephen Bannister of Ivy Development

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SP-018, from the R-1 District to the PDH-8 District, subject to the proffers dated November 10, 2003.
- Approval of Special Exception Application SE 2003-SP-012, subject to the development conditions dated February 5, 2004.
- Waiver of the barrier requirement and modification of the transitional screening requirement in favor of that shown on the CDP/DFP/SE Plat.

Supervisor McConnell stated that the Ivy Development LC, and its agent, Wetland Studies and Solution, Incorporated, requested an exception to the criteria and requirements of the Chesapeake Bay Preservation Ordinance under Section 118-6-9 General Resource Protection Area Encroachment Exception to permit encroachment into the Resource Protection Area (RPA) for construction of a forested wetland.

Supervisor McConnell further moved approval of Exception Request Number 025809 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance to permit the encroachments into the RPA depicted on the CDP/FDP/SE Plat, subject to the conditions recommended in the RPA Exception Staff Report dated January 12, 2004. This approval shall be valid for as long as Special Exception Application SE 2003-SP-012 remains valid. Additional proffered condition amendments and amendments to the approved final development plans may be approved as long as the amendment does not aggravate conflicts with the provisions of the Ordinance. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor Hyland being out of the room.

68. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-036 (DALEVIEW NURSERY LLC AND MAISON ET JARDIN, LTD) (DRANESVILLE DISTRICT)** (5 p.m.)

Supervisor DuBois moved to defer the public hearing on Special Exception Application SE 2002-DR-036 until **March 29, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTER

69. **UPCOMING EVENTS** (5:01 p.m.)

Chairman Connolly noted that the Board would be on retreat Friday, February 13, and Saturday, February 14, 2004, near Luray, Virginia.

Chairman Connolly also noted that the Virginia Association of Counties/Virginia Municipal League's Legislative Day in Richmond will be held this Thursday, February 12, 2004.

70. **BOARD ADJOURNMENT** (5:01 p.m.)

At 5:01 p.m., the Board adjourned.

Index

AGENDA ITEM	Page
Presentations: Certificates/Awards	2-4
Report on General Assembly	4
Items Presented by the County Executive	
Administrative Items	4-9
Action Items	9-12
Information Items	12-13
Board Matters	
Chairman Connolly	1, 14-17, 31, 37
Supervisor Bulova	3, 21-22
Supervisor DuBois	23-24
Supervisor Frey	26
Supervisor Gross	20-21
Supervisor Hudgins	24-26
Supervisor Hyland	1, 17-20
Supervisor Kauffman	27
Supervisor McConnell	n/a
Supervisor Smyth	22-23
Actions from Closed Session	29-30
Public Hearings	30-36