



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
February 10, 2003**

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**03-03**

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**DS:ds**

The meeting was called to order at 9:30 a.m., with all Members being present, with the exception of Supervisor Connolly, Supervisor McConnell, and Supervisor Mendelsohn, and with Chairman Hanley presiding.

Supervisor McConnell and Supervisor Mendelsohn arrived at 9:35 a.m.

Supervisor Connolly arrived at 9:40 a.m.

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

### **BOARD MATTERS**

1. **ORDERS OF THE DAY** (Tape 1)

Chairman Hanley announced that the Transportation Advisory Commission's Annual Transportation Achievement Award, which was scheduled for 10 a.m., has been deferred, and will not be presented this morning.

2. **NEW GUIDE TO EMERGENCY PREPAREDNESS** (Tape 1)

Chairman Hanley called the Board Member's attention to their red folders and noted that it contained a revised copy of the *Guide to Emergency Preparedness*. She said this updated copy replaces the version that was created approximately 18 months ago. She also noted that it is available on the County's website, and

will be distributed with the *Washington Post* in the near future.

(NOTE: Later in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#57.)

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

Chairman Hanley asked everyone to keep in thoughts and prayers the families of those who perished on the space shuttle Columbia, as well as all the families who are at home, as the County has many people being immobilized and called up to be sent to places far away from their homes.

**AGENDA ITEMS**

4. **CERTIFICATES OF RECOGNITION PRESENTED TO FOREST EDGE ELEMENTARY SCHOOL AND SIEMENS ENTERPRISE NETWORKS CARING HANDS FOUNDATION** (Tape 1)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to Forest Edge Elementary School and Siemens Enterprise Networks Caring Hands Foundation for their partnership. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Connolly not yet having arrived.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO FRIENDS OF THE RESTON REGIONAL LIBRARY** (Tape 1)

Supervisor Hudgins recognized the presence of E. Sam Clay, director of Libraries, and on behalf of the Board, warmly welcomed him to the Board auditorium.

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Friends of the Reston Regional Library for their volunteer service to the library. Supervisor Bulova and Chairman Hanley jointly seconded the motion and it carried by unanimous vote.

A brief discussion ensued.

6. **PROCLAMATION DESIGNATING FEBRUARY 16 – 22 AS "NATIONAL ENGINEERS WEEK" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate February 16-22 as "*National Engineers Week*" in Fairfax County. Supervisor Connolly and Supervisor Mendelsohn jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

7. **10 A.M. – PRESENTATION BY THE TRANSPORTATION ADVISORY COMMISSION'S (TAC) ANNUAL TRANSPORTATION ACHIEVEMENT AWARD** (No Tape)

(NOTE: Earlier in the meeting Chairman Hanley announced that this presentation was been deferred. See Clerk's Summary Item CL#1.)

8. **10:15 A.M. – PRESENTATION BY THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) OF ITS ANNUAL REPORT** (Tape 1)

Jessica Burmester, Chairman, CSB, presented its annual report.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to return with a pie chart which shows the percentage of local dollars spent Statewide. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

9. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (Tape 1)

Supervisor Connolly, Chairman of the Board's Legislative Committee, briefly outlined the 2003 Legislative Report Number Two.

Supervisor Connolly distributed to the Board copies of the report along with a binder which contained a copy of the bills. He urged Board Members to bring the binders to the Legislative Committee meetings.

Supervisor Connolly moved adoption of the Legislative Committee Report Number Two dated February 10, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

**SBE:sbe**

10. **ADMINISTRATIVE ITEMS** (Tape 2)

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

Supervisor Connolly called the Board's attention to Admin 1 – Authorization for the Fairfax County Police Department to Apply to the US Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, for Gang Resistance Education and Training Grant Funding and discussion ensued with input from Anthony H. Griffin, County Executive. Supervisor Connolly asked unanimous consent that the Board direct staff to explain why 2000 data was used instead of 2001 or more recent data. Without objection, it was so ordered.

Chairman Hanley called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings on a Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Commercial Revitalization District/Area Off-Street Parking Provisions.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to delete "administrative approval" from the proposal and change it to "approval by the Board." This was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Chairman Hanley called the Board's attention to Admin 6 – Installation of “\$200 Additional Fine for Speeding” Signs as Part of the Fairfax County Department of Transportation Residential Traffic Administration Program. She reminded staff that the Board is still awaiting information previously requested as to whether the courts are actually imposing these fines.

Supervisor Frey called the Board's attention to Admin 12 – Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), Regarding Validation of Lots That Were Not Legally Created and discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services; David P. Bobzien, County Attorney; J. Patrick Taves, Deputy County Attorney; and Jane Gwinn, Zoning Administrator/Division Director, Zoning Administration Division, Department of Planning and Zoning.

Supervisor Connolly asked to amend the motion to withdraw this item from consideration until later in the day, and this was accepted.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a matrix of options for people in different situations, such as lots with houses on them, lots without houses on them, differences in zoning categories, and which can be addressed and which cannot. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley and further discussion ensued.

Supervisor Kauffman called the Board's attention to Admin 5 – Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7505 Berwick Court. A brief discussion ensued.

The question was called on the motion to approve the Administrative Items, as amended, and with the exception of Admin 12, 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.

**ADMIN 1 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF TREASURY, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, FOR GANG RESISTANCE EDUCATION AND TRAINING GRANT FUNDING**

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 3.)

Approved the FCPD's application to the US Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, for a Gang Resistance Education and Training grant in the amount of \$11,800. No local cash match is required.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)**

(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>                                     |
|--------------------|-----------------|---|
| Vintage Place II   | Hunter Mill     | Reston Avenue<br>Route 602<br>Additional ROW Only |

**ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING COMMERCIAL REVITALIZATION DISTRICT/AREA OFF-STREET PARKING PROVISIONS**

(A)(R) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 3-4.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 20, 2003, and before the Board on **April 28, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding commercial revitalization districts/area off-street parking provisions.

**ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03075 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 03075 in the amount of \$54,437 for the continuation of the V-STOP Someplace Safe Program. This includes \$40,827 from DCJS and a local cash match of \$13,610.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 7505 BERWICK COURT (LEE DISTRICT)**

- (A) (NOTE: Earlier in the meeting, the Board briefly commented on this item. See page 4.)

Authorized the advertisement of a public hearing to be held before the Board on **March 10, 2003, at 4 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 7505 Berwick Court, Alexandria [Tax Map Number 091-4-((04))-0054].

**ADMIN 6 – INSTALLATION OF \$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)**

(NOTE: Earlier in the meeting, the Board discussed this item. See page 4.)

- (R) Adopted the Resolution endorsing the installation of "\$200 Additional Fine for Speeding" signs advising motorists of enhanced penalties for speeding at Sydenstricker Road between Old Keene Mill Road and Hooes Road (Springfield District).

**ADMIN 7 – INSTALLATION OF A MULTI-WAY STOP AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)**

- Endorsed the installation of a multi-way stop at the following locations as part of DOT's R-TAP:
  - Mulberry Bottom Lane and Richfield Road (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

**ADMIN 8 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR WOODLAND DRIVE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)**

- Endorsed the traffic-calming plan for Woodlane Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
  - Raised crosswalk between the properties of Saint John's Church and Demaine Funeral Home, 290 feet from Backlick Road
  - Speed table adjacent to 7024 Woodland Drive
  - Speed table adjacent to 7131 Woodland Drive
  - Speed table adjacent to 7152 Woodland Drive
  - Painted yellow centerline beginning south of Triad Way to just west of Backlick Woods Court
- Directed staff to request VDOT to install these approved measures as soon as possible.

**ADMIN 9 – RESOLUTION TO INSTALL A "WATCH FOR CHILDREN" SIGN AS PART OF THE FAIRFAX COUNTY RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)**

- (R) Adopted the Resolution endorsing the installation of a "Watch for Children" sign on Hundsford Lane (Springfield District) as part of DOT's R-TAP.

**ADMIN 10 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) FOR A GRANT UNDER THE US DEPARTMENT OF JUSTICE (DOJ) EQUIPMENT GRANT PROGRAM**

Authorized the FCPD to apply for DOJ funding from VDEM in the amount of \$507,121. The County's application will include a request for three separate awards, one each for Federal Fiscal Years (FFY) 2000-2002, delineated as follows:

- \$66,315 for FFY 2000

- \$69,054 for FFY 2001
- \$371,752 for FFY 2002

No local cash match is required.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03077 FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES TO ACCEPT RENEWAL FUNDING OF THE CORPORATION FOR NATIONAL SERVICE (CNS) AGREEMENT FOR AMERICORPS VISTA MEMBERS TO SUPPORT PROGRAMMING AT THE GUM SPRINGS COMMUNITY CENTER, BAILEY'S COMMUNITY CENTER, AND WILLSTON MULTI-CULTURAL CENTER**

(SAR) Approved SAR AS 03077 in the amount of \$30,348 from the Northern Virginia Technology Council Foundation for the renewal of the CNS agreement for Americorps VISTA Member to support programming at the Gum Springs Community Center, Bailey's Community Center, and Willston Multi-Cultural Center Computer Clubhouses.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) REGARDING VALIDATION OF LOTS THAT WERE NOT LEGALLY CREATED**

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#73.)

11. **A-1 – AUTHORIZATION OF FAIRCREST REGIONAL POND (#R-161) PRO RATA SHARE REIMBURSEMENT AGREEMENT (SULLY DISTRICT)** (Tape 2)

On motion of Supervisor Frey, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the execution of an agreement to reimburse Pulte Home Corporation, from pro rata share collections (Fund 316) for the engineering, design, and construction of the Faircrest Regional Stormwater Management Pond R-161 (TM 55-3-02-157) within the Faircrest development.



12. **A-2 – AUTHORIZATION TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) FOR DEVELOPMENT AND MAINTENANCE OF A REGIONAL EMERGENCY COORDINATION PLAN FOR THE NATIONAL CAPITAL REGION AND FOR UTILIZATION OF THE REGIONAL INCIDENT COMMUNICATIONS AND COORDINATION SYSTEM (RICCS)** (Tape 2)

Supervisor Connolly moved that the Board concur in the recommendation of staff and authorize the Chairman to sign, on behalf of the County, the MOU, which had been developed at the Washington Metropolitan Council of Governments to improve the region's ability to respond to significant emergency events which have impacts across municipal boundaries. Supervisor Gross seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct the County Executive to continue to monitor the establishment known as RICCS. The District of Columbia was originally to be the temporary site of the RICCS and the plan was to have one central RICCS and two backups. Supervisor Connolly expressed his concern at having the District as the main site for RICCS.

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

Without objection, the request was so ordered.

Following additional discussion, with input from Mr. Griffin, the question was called on the motion and it carried by unanimous vote.

13. **A-3 – ENDORSEMENT OF PROJECTS FOR GOVERNOR'S CONGESTION RELIEF PROGRAM** (Tape 2)

Supervisor Connolly moved that the Board concur in the recommendation of staff and endorse the following list of projects as the County's submission for Governor's Congestion Relief Program funding:

- Intersection Improvement Projects (Group A) \$1,875,000
- Intersection Improvement Projects (Group B) \$1,525,000
- I-95/South Van Dorn Street Improvements \$ 700,000
- Richmond Highway Transit Improvements \$2,000,000
- Spring Hill Road (Leesburg Pike to International Drive) \$2,000,000
- Burke Centre/Rolling Road VRE Station Shuttle Service \$ 800,000

- Pedestrian Improvements \$1,695,000
- Cross Country Trail \$2,000,000
- Clifton Road (Braddock Road to Lee Highway) \$2,000,000
- Centreville Road (West Ox Road to Frying Pan) \$2,000,000
- Emissions Upgrade for Fairfax Connector Buses \$1,500,000

Supervisor Hudgins seconded the motion.

Discussion ensued with input from Thomas Biesiadny, Chief, Coordination and Funding Section, Department of Transportation.

Supervisor Mendelsohn asked to amend the motion to add the Congestion Relief Program for the West Falls Church Metro Station to the list, and this was accepted.

Supervisor Frey moved to amend the motion to delete the Cross County Trail from the list. Supervisor McConnell seconded the motion.

Further discussion ensued with input from Jenny Pate, Trail Coordinator, Park Authority, and Mr. Biesiadny.

The question was called on the amendment to the motion to delete the Cross Country Trail and it **FAILED** by a recorded vote of eight, Supervisor Frey and Supervisor McConnell voting “**AYE.**”

Discussion ensued on the topic of subscription bus service with input from Mr. Biesiadny.

The question was called on the motion, as amended, to include the parking at West Falls Church Metro Station, and it carried by unanimous vote.

14. **A-4 – APPROVAL OF LETTER SUPPORTING PROPOSED VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AMENDMENTS OF NITROGEN OXIDE (NOX) EMISSION TRADING REGULATIONS, AND SOLICITATION FOR COMMENTS TO AMEND REGULATIONS TO ENLARGE THE SCOPE OF THE VOLATILE ORGANIC COMPOUND (VOC) EMISSIONS CONTROL AREA TO INCLUDE THE PROPOSED EIGHT-HOUR OZONE NON-ATTAINMENT AREAS** (Tape 2)

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

and approved the letter indicating the County's support of the intended regulatory action for proposed regulation revisions H02 and C03.

15. **C-1 – ESTABLISHMENT OF A DOMESTIC VIOLENCE POLICY AND COORDINATING COUNCIL** (Tape 2)

(BACs) The Board next considered an item contained in the Board Agenda dated February 10, 2003, regarding the planning work groups recommendations of functions, responsibilities, and composition for a Fairfax County Domestic Violence Policy and Coordinating Council.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to establish the Domestic Violence Policy and Coordinating Council. Supervisor Gross seconded the motion.

Supervisor Connolly asked to amend the title of the council to the Domestic Violence *Prevention* Policy and Coordinating Council. This was accepted.

Supervisor Gross referred to pages 58 and 59 of the Board Agenda Item, and called the Board's attention to the bulleted list of the proposed composition of the council, of which the last three seats are listed as "Community." Supervisor Gross asked to amend the motion to reserve some of the community seats for the members of the immigrant community or create additional seats for this purpose, and this was accepted.

Supervisor Hudgins asked to amend the motion to direct staff to utilize the "community" seats to reflect the diversity of the County to include the minority community, and this was accepted.

Supervisor Connolly asked to amend the motion to expand the representation to the faith community and non-profit groups, as applicable, and this was accepted.

Chairman Hanley reminded the Board that because this would be a policy council that care should be taken to eliminate conflicts for members. She asked to amend the motion to direct staff to report with any additional requirements, and this was accepted.

Supervisor Mendelsohn asked to amend the motion to include a seat for the Bar Association of Fairfax, and this was accepted.

In regard to budget issues, Chairman Hanley clarified that the third bullet "Evaluate and monitor the quality and effectiveness of domestic violence service and the community and criminal justice responses in our community" could include "any duplication of service and recommendation for appropriate streamlining."

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

16. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-Y02-18, FAIRFAX COUNTY PUBLIC SCHOOLS (FCPS) (SULLY DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated February 10, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-Y02-18, as amended by the letter contained in the Board Agenda Item from Sunny Sarna, representing FCPS, dated January 15, 2003, with the following modification:

- Modify Item Number Six, second sentence to read: "However, for the entire frontage on Stonecroft Boulevard, the Fairfax County School Board will install a 7-foot decorative iron fence similar to that being installed at the Sully District Police Station without any barbed wire."

Supervisor Frey expressed appreciation to the School Division staff for working effectively with the community.

The staff was directed administratively to proceed as proposed.

17. **I-2 – INCREASE IN THE ARCHITECTURAL CONTRACT FOR THE SOUTHGATE PROJECT (HUNTER MILL DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated February 10, 2003, requesting authorization for staff to execute an architectural contract with Miller Architects in the amount of \$130,842 plus a 10 percent contingency of \$13,000 for architectural services for the Southgate Community Facility. Funds in the amount of \$150,000 are available in Fund 142, Community Development Block Grant, Project 014130, Southgate Community Center.

The staff was directed administratively to proceed as proposed.

18. **I-3 – ARCHITECTURAL/ENGINEERING CONTRACT FOR PROGRAMMING, FEASIBILITY STUDY, MASTER PLANNING, AND CONCEPTUAL DESIGN FOR THE WEST OX BUS OPERATIONS CENTER (SPRINGFIELD DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated February 10, 2003, requesting authorization for staff to award a contract to Baker and Associates in the amount of \$355,600 for the West Ox Bus Operations Center project, Phase I through Phase III.

The staff was directed administratively to proceed as proposed.

19. **I-4 – FAIRFAX COUNTY'S USE OF VIRGINIA'S ELECTRONIC PROCUREMENT PORTAL (eVA)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated February 10, 2003, requesting authorization for staff to commence using eVA as early as July 1, 2003, to register vendors and to advertise solicitations.

Supervisor Connolly asked unanimous consent that the Board direct staff to provide information about the various procurement portals the County utilizes. Without objection, this was so ordered.

The staff was directed administratively to proceed as proposed.

20. **I-5 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D02-13, VERIZON WIRELESS (DRANESVILLE DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated February 10, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-D02-13.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

**NV:nv**

21. **HUMANE INVESTIGATOR ISSUE** (Tape 3)

Chairman Hanley stated that a County resident wrote to her regarding an experience with the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Virginia and provided both a description of a visit by a humane investigator and a copy of an annotated letter from SPCA of Northern Virginia. While citing information from the organization's website and stressing that the SPCA is the recipient of public funds, the citizen requested the Chairman's assistance.

To follow up on the citizen's concern, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to report on the statutory authority for humane investigators (who are not County employees) and recommend whether the Board should refer procedures to the Animal Services Advisory Commission if necessary. Without objection, it was so ordered.

22. **NATIONAL PURCHASING MONTH** (Tape 3)

Chairman Hanley moved that the Board direct staff to invite the appropriate representatives to appear before the Board at the February 24, 2003, meeting to receive a proclamation declaring March as "*National Purchasing Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

23. **NATIONAL PUBLIC HEALTH WEEK** (Tape 3)

Chairman Hanley stated that she had received several requests from the Health Department and one was to celebrate National Public Health Week on April 7-13, 2003. To coincide with national observances, she moved that the Board direct staff to invite representatives from the Health Department, the Health Care Advisory Board, Mr. Alan Leis of the Fairfax County Public Schools, and Dr. Daniel King of the Bio Medical Action Team Task Force to appear before the Board at the March 24, 2003, meeting to receive a proclamation declaring April 7-13, 2003, as "*Public Health Week*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

24. **WORLD TUBERCULOSIS (TB) DAY** (Tape 3)

Chairman Hanley moved that the Board direct staff to invite representatives from the Health Department and a physician working closely with TB patients to appear before the Board at the March 24, 2003, meeting to receive a proclamation declaring March 24, 2003, as "*TB Awareness Day*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

25. **FOSTER CARE MONTH** (Tape 3)

Chairman Hanley moved that the Board direct staff to invite representatives from the foster care community to appear before the Board at an appropriate time to receive a proclamation declaring May as "*Foster Care Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

26. **LETTER FROM W. TAYLOE MURPHY, JR., SECRETARY OF NATURAL RESOURCES FOR THE COMMONWEALTH OF VIRGINIA** (Tape 3)

Chairman Hanley shared with the Board a copy of a letter she had received from W. Tayloe Murphy, Jr., Secretary of Natural Resources for the Commonwealth of Virginia, in response to a letter she had written on behalf of the Board regarding action by the North Carolina legislature to reduce smokestack emissions.

27. **LETTER TO THE GOVERNOR REGARDING AIR QUALITY** (Tape 3)

Chairman Hanley shared with the Board a letter she wrote to Governor Mark R. Warner on January 28, 2003, regarding air quality and requesting that the Commonwealth of Virginia join the attorneys general of nine northeastern states who filed a lawsuit challenging an Environmental Protection Agency rulemaking. She also distributed a copy of a *Roanoke Times* editorial on the issue. She asked unanimous consent that the Board direct staff to report on the status of this issue in the State since she had not yet received a response from the Governor. Without objection, it was so ordered.

28. **MAIL-OUT TO CITIZENS REGARDING COUNTY FOUNDATIONS**  
(Tape 3)

Chairman Hanley stated that it was her understanding that in the tax bill mail-out the County provides citizens with the opportunity to contribute to the fund to acquire open space. Based on a suggestion she had received, she moved that the Board direct staff to provide information on how to contribute to the Park Foundation, Library Foundation, and School Foundation in that mailing also. Supervisor Mendelsohn seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

29. **UTILITY COMPANY ON TRIAL OVER ACCUSATIONS IT CAUSED SMOG AND HEALTH PROBLEMS** (Tape 3)

Chairman Hanley referred to an article from *The Washington Post* which noted that a utility company in Columbus, Ohio was the first ever to go on trial over government accusations that it caused smog and health problems as far away as the Northeast.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

30. **AUTHORIZATION OF THE FILING OF REZONING AND PROFFERED CONDITION AMENDMENT APPLICATIONS IN THE NAME OF CHRISTOPHER MANAGEMENT, INCORPORATED FOR BRIARWOOD TRACE (PROVIDENCE DISTRICT)** (Tape 3)

Supervisor Connolly stated that a small piece of land in the Briarwood Trace assemblage at the intersection of Interstate 66 and Nutley Street requires the Board's authorization for filing pending zoning applications. He noted that the Board approved Rezoning/Final Development Plan Application 2002-PR-008 in September of 2002. The pending application serves to add a previously unconsolidated parcel to the approved rezoning, which had received solid support from the community.

Accordingly, Supervisor Connolly moved that the Board authorize the filing of rezoning and proffered condition amendment applications on those portions of Swanee Lane, as generally identified in the pending applications affecting the same and filed in the name of Christopher Management, Incorporated. He noted that approval of this motion shall in no way prejudice the substantive review of the pending application. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

31. **DR. LYDIA THOMAS NAMED 2003 BLACK ENGINEER OF THE YEAR**  
(Tape 3)

Supervisor Connolly announced that Dr. Lydia Thomas, the CEO of Mitretek Systems, was named Black Engineer of the Year. Accordingly, he moved that the Board direct staff to invite Dr. Thomas, representatives of Mitretek Systems, and representatives of the Black Engineer of the Year Awards Conference to appear before the Board to pay tribute to her for work in the Fairfax County community and recognize this important achievement in her career. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

32. **NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT 2003 SEEDLING SALE** (Tape 3)

Supervisor Mendelsohn distributed copies of a flyer from the Northern Virginia Soil and Water Conservation District advertising its annual seedling sale. He asked unanimous consent that the Board direct the Office of Public Affairs to publicize this sale. Without objection, it was so ordered.

33. **FLAGS AND FLAGPOLES AT COUNTY BUILDINGS** (Tape 3)

Supervisor Mendelsohn reminded the Board that on October 7, 2002, he called to the Board's attention to the fact that flags and flagpoles are not routinely placed in front of all County buildings. He moved that the Board direct the County Executive to do the following:

- Add a specification requiring the installation of flagpoles at all future County buildings that are designed.
- Prepare a Consideration Item for the Fiscal Year 2004 Budget for placing flagpoles at all existing buildings that currently do not have them.

Chairman Hanley clarified that the specification for flagpoles would also apply to renovated buildings.



Supervisor Connolly seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting, this item was revisited. See Clerk's Summary Item CL#35.)

34. **COMPUTERIZED INTERACTIVE DISTANCE LEARNING** (Tape 3)

Supervisor Mendelsohn noted that recently he observed a demonstration of a computerized interactive distance learning program at Thomas Jefferson High School for Science and Technology (TJHSST). He said that school staff told him that all schools in the County will have the broadband capability to use this teaching tool once the upgrade of the County/School I-Net is completed under the terms of the Cox Cable license agreement later this year. He noted that the cost of the equipment package is approximately \$50,000 as shown on information provided by the staff at TJHSST and distributed to the Board.

Accordingly, Supervisor Mendelsohn moved that the Board direct the County Executive to explore whether any revenues from the Cable Fund could be used for this upgrade either as a one-time or multiyear project to install this equipment in all of the high schools. Chairman Hanley seconded the motion.

Supervisor Connolly reminded the Board that when it granted the extension of the franchise it also gave the School Division a full one percent of the franchise fee for technology in the schools.

Following discussion, Supervisor Mendelsohn clarified that his motion did not specify which side of the fund should be used; it could be either School funds or County funds.

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

35. **CLARIFICATION OF FLAGPOLE ITEM** (Tape 3)

(NOTE: Earlier in the meeting, the Board took action regarding flagpoles at County buildings. See Clerk's Summary Item CL#33.)

Upon a request for clarification by Anthony H. Griffin, County Executive, regarding the placement of flagpoles at County buildings, Chairman Hanley stated that the Board favored the least expensive option, subject to the discretion of the County Executive.

36. **EFFORTS TO ERADICATE CROWS** (Tape 3)

Supervisor McConnell expressed concern about efforts to eradicate a roost of crows on Route 7 near Interstate 395 in Alexandria by the US Department of Agriculture as reported in the media.

37. **SUPPORT FOR US SENATOR FEINSTEIN'S HORSE SLAUGHTER BILL** (Tape 3)

Supervisor McConnell called the Board's attention to a bill that California Senator Dianne Feinstein plans to introduce in Congress to prohibit the slaughter of American horses for human consumption abroad. She moved that the Board direct staff to prepare a letter from the Board to Senator Feinstein supporting the prohibition of horse slaughter. Supervisor McConnell noted that horses are noble animals that have an important place in American history. Supervisor Frey seconded the motion, which carried by unanimous vote.

SBE:sbe

38. **VILLAGE CENTER AT DULLES (HUNTER MILL DISTRICT)** (Tape 4)

Supervisor Hudgins stated that BRE/VCD Associates, LLC has filed applications to allow for a drive-through bank, the expansion of existing buildings, the change in hours of operation of a previously approved special exception use, and a change in circulation, parking, and access for the Village Center at Dulles. Supervisor Hudgins stated that because of contractual obligations and timelines relating to the drive-in bank, the applicant is requesting concurrent processing of the site plan.

Accordingly, Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the site and building plans for Tax Map 16-3 ((1))14D and 16-3 ((1))15B part of, concurrent with the review of Proffered Condition Amendment Applications PCA 88-C-091-08 and PCA 88-C-039-08, Special Exception Amendment Application SEA 89-C-027-09, and Rezoning Application RZ 2002-HM-044.

This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion, which carried by unanimous vote.

39. **THE RETIREMENT OF AL HILLMAN AFTER WORKING 20 YEARS WITH THE FAIRFAX CONNECTOR** (Tape 4)

Supervisor Hudgins stated that Mr. Al Hillman, who worked with the Fairfax Connector since its inception in 1985, will be retiring at the end of February. Supervisor Hudgins said that Mr. Hillman was an integral part of the Fairfax Connector services for almost 20 years. He first served as a bus driver in 1985 and retires as the General Manager, supervising the daily operation of the Dulles Corridor Express Bus Service. Without his oversight of the fleet of buses serving the Dulles Corridor, the County would not have had as successful a service linking the Reston/Herndon area to the Metro system.

Supervisor Hudgins moved that the Board direct staff to invite Mr. Hillman to appear before the Board to be presented with a certificate of recognition on March 10, 2003. Supervisor Connolly seconded the motion, which carried by unanimous vote.

40. **SUPPORT FOR THE CRIMINAL JUSTICE ADVISORY BOARD (CJAB)**  
(Tape 4)

(BACs) Supervisor Hudgins stated that the members of CJAB have communicated to her several concerns regarding staff support and the need for basic office supplies such as stationery paper for official correspondences and copy machine use.

Following up on this communication with CJAB, Supervisor Hudgins moved that the Board direct staff to review the concerns of CJAB and report its findings regarding the following:

- The number of Boards, Authorities, and Commissions that receive staff or office support.
- The request for staff liaison and office support for CJAB.

Supervisor Mendelsohn seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to include this item for discussion and consideration during the Budget deliberations. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

41. **STUDENT MUSICIANS FROM SOUTH LAKES HIGH SCHOOL PARTICIPATE IN THE ALL-DISTRICT SYMPHONIC BAND AND THE ALL-DISTRICT WIND ENSEMBLE (HUNTER MILL DISTRICT)**  
(Tape 4)

Supervisor Hudgins stated that several student musicians from South Lakes High School received top honors by being chosen to participate in the All-District Symphonic Band and the All-District Wind Ensemble.

Supervisor Hudgins extended congratulations to Pam Daniels, Kelsey Fraser, Daniel Thayer, and Sean Williams for being selected to the All-District

Symphonic Band and to Kyle Brightwell, Thomas Kennedy, and Jeff Ward for being selected to the All-District Wind Ensemble.

Supervisor Hudgins moved that the Board direct staff to send these students letters of congratulations on their accomplishments. Supervisor Frey seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

42. **RECOGNITION OF MS. KATHY VERNON FOR HER MANY HOURS OF SERVICE TO THE RED CROSS AND FAIRFAX COUNTY** (Tape 4)

Supervisor Hudgins recognized Kathy Vernon, a Reston resident for her outstanding volunteer service with the American Red Cross. Ms. Vernon contributed many hours with the Red Cross and most recently she was responsible for organizing the shelter in Herndon this past December in response to a gas outage and an oncoming winter storm. The shelter was located in the Dranesville District, but the event impacted citizens in the Hunter Mill, Dranesville, and Sully Districts.

In recognition of the many hours Ms. Vernon volunteered to the American Red Cross and the service she provided to the citizens of the County, as well as internationally, Supervisor Hudgins moved that the Board direct staff to invite Ms. Vernon to appear before the Board to be recognized for her many outstanding volunteer contributions through the American Red Cross. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

43. **OLDER AMERICANS MONTH** (Tape 4)

Supervisor Hudgins stated that when Older Americans Month was established in 1963, only 17 million Americans had reached their sixty-fifth birthday. Today there are 82,000 seniors in Fairfax County alone, about 1 in every 12 residents, 65 years and older. Seniors are one of the County's most prized resources because of the number of hours they give to the many committees, boards, and other volunteer initiatives in their communities. Historically, Older Americans Month has been a time to acknowledge the contributions of the past and current older persons to the country, in particular those who defended the nation. The Older Americans Month theme is "What We Do Makes A Difference."

Supervisor Hudgins moved that the Board declare May 2003 as "*Older Americans Month*" in Fairfax County and direct staff to invite the representatives from the Older Americans Community to appear before the Board to be recognized. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

44. **FLYER ANNOUNCING COMMUNITY MEETINGS IN HUNTER MILL DISTRICT ON “BUDGETING IN TIMES OF INCREASING ASSESSMENTS AND DECREASING SERVICES”** (Tape 4)

Supervisor Hudgins distributed copies of a flyer announcing community meetings regarding “Budgeting in Times of Increasing Assessments and Decreasing Services.”

A list of the meetings and their meeting places are as follows:

- February 19 – Floris Elementary, 6:30-9 p.m.
- March 5 – Vienna Community Center, 6:30-9 p.m.
- March 19 – Reston Community Center at Lake Anne, 6:30-9 p.m.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to publicize this information. Without objection, it was so ordered.

45. **THE MULFORD SCHOOL RELOCATION TO LEE HIGHWAY (SULLY DISTRICT)** (Tape 4)

Supervisor Frey said that The Mulford School has offered preschool care for children for over 40 years in the Centreville area. The school is now seeking to relocate its operation to a new site on Lee Highway, and it must vacate the current site this spring. Therefore, Supervisor Frey stated that the owners need to establish their new school as soon as possible. To minimize impacts on the families of the children enrolled in the school, Mr. and Mrs. Mulford have asked for the Board’s assistance in expediting the review of their applications and plans.

Supervisor Frey moved that the Board:

- Authorize expedited processing of the special exception application and concurrent processing of the zoning and site plans.
- Direct staff to schedule the public hearing to be held before the Board immediately after the Planning Commission's recommendation.

The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

46. **MCDONALD'S APPLICATION TO MODIFY THE RESTAURANT'S EXISTING HOURS OF OPERATION (SULLY DISTRICT)** (Tape 4)

Supervisor Frey stated that Van, LLC has submitted an application to the County referenced as Special Exception Amendment Application SEA 93-Y-005 for the McDonald's identified on the County Tax Map as 54-4 ((5)) 1A. Supervisor Frey stated that the sole purpose of this application is to modify the restaurant's existing hours of operation to allow the establishment to open one hour earlier seven days a week.

Supervisor Frey stated that the applicant requests a modification of the approved hours of operation to respond to the growing needs of County residents for restaurant service earlier in the morning. All other development conditions shall remain unchanged. Given the limited nature of this request, Supervisor Frey stated his belief that it is appropriate to expedite the public hearing process.

Therefore, Supervisor Frey moved that the Board authorize expedited processing of this application, and to schedule the public hearing to be held before the Board as soon as practicable after the Planning Commission hearing.

The applicant understands that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the applications in any way. Supervisor Bulova and Supervisor Hyland jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

**PMH:pmh**

47. **COMMISSION ON AGING TO CELEBRATE ITS THIRTIETH ANNIVERSARY** (Tape 5)

(BACs) Supervisor Gross said that the Fairfax County Commission on Aging will celebrate its thirtieth anniversary on March 29. The Board created the Commission by resolution on March 19, 1973, and its charge was to "identify and promote better understanding of the problems of the aging and to plan and promote and, where it is found necessary, conduct activities to contribute to their well-being."

Supervisor Gross noted that since the founding of the Commission on Aging, Fairfax County's population of those 60-plus has increased from 22,551 to 111,415, and that number continues to rise. The Commission on Aging has faced many opportunities and challenges in its first 30 years, and is poised to meet many more in the next 30. In recognition of the excellent work by the Commission on Aging, Supervisor Gross moved that the Board direct staff to invite members of the Commission on Aging to the March 10, 2003, Board meeting to receive a resolution of commendation in recognition of this significant anniversary. Supervisor Hudgins seconded the motion.

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

48. **NATIONAL DONOR AWARENESS WEEK** (Tape 5)

Supervisor Gross said that the week of April 21-27, 2003, is National Organ Donor Awareness Week. Thousands of people receive organ and tissue donations every year nationally, and that number is in the hundreds locally. Supervisor Gross moved that the Board:

- Proclaim the week of April 21-27 as "*Organ Donor Awareness Week*" in Fairfax County.
- Direct staff to invite the members of the Commission on Organ and Tissue Donation and Transplantation to appear before the Board at its April 7 meeting to receive the proclamation.
- Direct staff to prepare a Certificate of Recognition to be presented at the same time to the Old Dominion Eye Foundation, in tribute to its successful efforts in promoting cornea donations.

This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

49. **TRAFFIC FLOW AT SCHOOLS** (Tape 5)

Supervisor Kauffman said that he has repeatedly heard from citizens expressing concern over traffic flow and safety for parents and children entering and exiting public schools during the morning and afternoon rushes. Increased traffic volumes on roadways and more and more parents using "kiss-and-ride" facilities have elevated the problem.

Supervisor Kauffman noted that the problem has grown increasingly difficult as there is no single entity in charge of or capable of resolving these issues. Any given correction must involve the local school, School Facilities staff, the Virginia Department of Transportation, police, and Department of Transportation staff.

Therefore, Supervisor Kauffman moved that the Board direct staff to work with the School Facilities and other agencies needed to report with appropriate guidelines schools can use to resolve or preempt these complex traffic flow and safety problems. Supervisor Gross seconded the motion.

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

50. **ROSE HILL - SECTION THREE (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman said that Rose Hill, Section Three is an undeveloped, but already subdivided and rezoned, part of the original Rose Hill Subdivision – the rest of which was largely completed 40 years ago. This particular section has tremendous amounts of marine clay and steep slopes that have turned away numerous attempts to make development economically viable.

Based on the complaints from the community over the years about marine clay problems, Supervisor Kauffman moved that the Board direct staff to:

- Review the existing density penalty provision in the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance).
- Provide an evaluation of the possibility of applying the density penalty to new construction in marine clay areas that are already subdivided, but not yet built.

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

51. **WAIVER OF FEES ASSOCIATED WITH THE SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES, INCORPORATED (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman noted that the Springfield-Franconia Host Lions Club Charities, Incorporated has requested a waiver of the application fees for permits associated with the flea markets held annually. The flea markets are held on alternating Saturdays from April through November.

Supervisor Kauffman therefore moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities, Incorporated 2003 flea markets. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

52. **EXPEDITED PROCESSING FOR SPECIAL EXCEPTION APPLICATION SE 2002-BR-044 ANNANDALE PLAY-CARE, INCORPORATED AT RAVENSWORTH BAPTIST CHURCH (BRADDOCK DISTRICT)** (Tape 5)

- (A) Supervisor Bulova said that Annandale Play-Care, Incorporated provides childcare at Ravensworth Baptist Church in Annandale. Until recently, the applicant also provided the same level of childcare at Saint Barnabas Church in the same area for a smaller number of children. Programming needs at Saint



Barnabas have made it impossible for Annandale Play-Care to continue to provide childcare at this second location. For this reason, the applicant would like to increase enrollment at Ravensworth Baptist Church to provide care for the children who have been moved out of Saint Barnabas. From a State licensing perspective, the applicant can meet all requirements for the larger number of children.

Supervisor Bulova noted that neither staff nor the adjacent residents have any problem with this application. This application is scheduled for a public hearing by the Planning Commission on Wednesday, March 5, 2003.

Supervisor Bulova therefore moved that the Board direct staff to expedite processing for Special Exception Application SE 2002-BR-044 and to schedule a public hearing to be held before the Board on **March 10, 2003, at 4 p.m.** This motion, the second to which was inaudible carried by a vote of seven, Supervisor Connolly, Supervisor Frey, and Supervisor McConnell being out of the room.

53. **MARCH IS DEVELOPMENTAL DISABILITIES INCLUSION MONTH**  
(Tape 5)

Supervisor Bulova said that throughout the US, March will be celebrated as Developmental Disabilities Inclusion Month. In Fairfax County, during the month of March, 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, educate the public about the abilities and needs of people with developmental disabilities and their families.

Therefore, Supervisor Bulova moved that the Board:

- Proclaim March as "*Developmental Disabilities Inclusion Month*" in Fairfax County.
- Direct staff to invite the Arc and others to appear before the Board to receive the proclamation on February 24, 2003.

The second to this motion was inaudible.

Following discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, the question was called on the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

54. **RADAR GUNS TO MONITOR TRAFFIC (MOUNT VERNON DISTRICT)**  
(Tape 5)

Supervisor Hyland referred to his written Board Matter regarding the use of radar guns and asked unanimous consent that the Board direct staff to:

- Research the issue of lending radar guns to volunteers for traffic monitoring purposes.
- Report with recommendations as to its feasibility in Fairfax County.

Without objection, it was so ordered.

A brief discussion ensued.

Supervisor Hudgins asked unanimous consent that information from Arlington County be included in staff response. Without objection, it was so ordered.

55. **MOUNT VERNON DISTRICT'S SIXTEENTH ANNUAL TOWN MEETING REVISITED** (Tape 5)

Supervisor Hyland distributed to Board Members copies of the *Mount Vernon Voice* and the *Mount Vernon Gazette*, both of which covered the Mount Vernon District Town meeting on January 25, 2003. The meeting, which was started 16 years ago, remains a popular event.

56. **EXPEDITIOUS AND CONCURRENT PROCESSING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-V-003** (Tape 5)

Supervisor Hyland moved that the Board direct staff to provide expeditious and concurrent processing for Special Exception Amendment Application SEA 97-V-003. It is understood that this motion would not relieve the applicant from complying with provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

57. **NEW GUIDE TO EMERGENCY PREPAREDNESS** (Tape 5)

(NOTE: Earlier in the meeting there was additional discussion regarding this item. See Clerk's Summary Item CL#2.)

Chairman Hanley reminded Board Members of the new guide to emergency preparedness which is now on the County's website. It replaces the guide from 18 months ago.

Supervisor Bulova asked unanimous consent that the Board direct staff to provide copies of the guide to Board Member's offices.

A brief discussion ensued.

58. **RECESS/CLOSED SESSION** (Tape 5)

At 11:50 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. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti, and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.) (Dranesville District)

2. *Vanguard Services Unlimited v. Board of Zoning Appeals of Fairfax County, Board of Supervisors of Fairfax County, and Jane W. Gwinn, Fairfax County Zoning Administrator*, C. A. No. 02-1707-A (E.D. Va.) (Mason District)

3. *Smith Property Holdings Skyline Mall, L.L.C., Charles E. Smith Residential Realty L.P., and Smith Property Holdings Three, L.P. v. Board of Supervisors of Fairfax County*, At Law No. 210569 (Fx. Co. Cir. Ct.) (Mason District)

4. *Board of Supervisors of Fairfax County, Virginia v. Jasey B. Briley, et al.*, At Law No. 204373 (Fx. Co. Cir. Ct.) (Mason District)
5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Warren G. Basye*, In Chancery No. 176708 (Fx. Co. Cir. Ct.) (Mason District)
6. *Edward J. Taborek v. The State Building Code Technical Review Board*, In Chancery No. 180810 (Fx. Co. Cir. Ct.) (Lee District)
7. *Jane W. Gwinn, Fairfax County Zoning Administrator v. C.J. Hall*, In Chancery No. 178757 (Fx. Co. Cir. Ct.) (Lee District)
8. *Commonwealth Construction Management, Inc., t/a Handyman Concrete and Ira and Virginia Cox, LP v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors for the County of Fairfax, Virginia, The County of Fairfax, Virginia and The Zoning Administrator of Fairfax County*, At Law No. 210690 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Consideration Item regarding a proposed amendment to the procedure for late affidavits.
- South County High School Request for Proposals.

Supervisor Bulova asked unanimous consent that the Board also include the Khalid case.

Following input from David P. Bobzien, County Attorney, without objection, the request, was so ordered.

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

PW:pw

At 3:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

### **ACTIONS FROM CLOSED SESSION**

59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 6)

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."

60. **AUTHORIZATION TO APPEAL TO THE SUPREME COURT OF VIRGINIA THE DECISION OF THE CIRCUIT COURT IN COCHRAN, ET AL. VERSUS FAIRFAX COUNTY BOARD OF ZONING APPEALS, ET AL., AT LAW NUMBER 207043** (Tape 6)

Supervisor Mendelsohn moved that the Board authorize the County Attorney to appeal to the Supreme Court of Virginia the decision of the Circuit Court in *Cochran, et al. versus Fairfax County Board of Zoning Appeals, et al., At Law Number 207043*, which upheld the Board of Zoning Appeal's decision to approve Variance Application VC 2002-DR-085. Supervisor Connolly seconded the motion, which carried by unanimous vote.

### **AGENDA ITEMS**

PW:pw

61. **ORDERS OF THE DAY** (Tape 6)

Chairman Hanley announced that there would be a change in the Orders of the Day and that the Board would proceed with the Board decision on Area Plans Review Item 02-IV-8LP.

62. **3 P.M. – BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-9LP, LOCATED NORTH OF THE OCCOQUAN RIVER WITH INTERSTATE-95 BISECTING THE SUBJECT PROPERTY (MOUNT VERNON DISTRICT)** (Tape 6)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#65.)

63. **3 P.M. – BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-8LP, LOCATED IN THE SOUTHWESTERN QUADRANT OF LORTON ROAD AND INTERSTATE-95 INTERCHANGE (MOUNT VERNON DISTRICT)** (Tape 6)

(NOTE: At its November 18, 2002, meeting the Board held a public hearing and made a decision on this item. At its December 9, 2002, meeting the Board reconsidered its action and deferred decision until January 27, 2003. At its January 27, 2003, meeting the Board deferred decision until February 10, 2003.)

Supervisor Hyland moved that the Board adopt Comprehensive Plan text for APR Item 02-IV-8LP that will retain a residential base of 1-2 dwelling units per acre for Sub-units B1-b and B1-c and remove all higher density residential options within these sub-units as reflected in his handout dated February 10, 2003. He noted that the handout reflects added language that will ensure noise mitigation in the area closest to I-95. The second to the motion was inaudible.

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

64. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-III-BR1 FOR CHANTILLY CROSSING (SULLY DISTRICT)** (Tape 6)

(NOTE: At its January 27, 2003, meeting the Board deferred the public hearing on this item until February 10, 2003.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 23 and January 30, 2003.

Following the public hearing, which included testimony by four speakers, Alison F. Krivisky, Planner III, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from staff.

Supervisor Frey moved approval of the proposed plan amendment for Land Unit 1 of the Dulles Suburban Center as found in Attachment 2 of the Board Agenda Item dated February 10, 2003, and in his handout dated January 27, 2003. This

recommendation proposes a furniture store as an alternative use on the land area south of the intersection of Chantilly Crossing Lane and Lee Road and north of the environmental quality corridor. The proposed amendment includes conditions that address building size, site design, signage, and mitigation of impact. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

65. **3 P.M. – BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-9LP, LOCATED NORTH OF THE OCCOQUAN RIVER WITH INTERSTATE-95 BISECTING THE SUBJECT PROPERTY (MOUNT VERNON DISTRICT)** (Tape 6)

(NOTE: At its November 18, 2002, meeting the Board held a public hearing on this item and deferred decision until January 27, 2003. At its January 27, 2003, meeting the Board deferred decision until February 10, 2003.)

Supervisor Hyland moved adoption of the Planning Commission alternative as modified in his handout dated February 10, 2003. The modification specifically excludes service stations from consideration within Sub-unit B5a and B5b and Land Unit C, and modifies Land Unit C to allow development of additional office use. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

66. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MV-038 (CAPITAL KIDS, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 6)

(NOTE: At its January 27, 2003, meeting the Board deferred the public hearing on this item until February 10, 2003.)

The application property is located at 8758 Richmond Highway, Tax Map 109-2 ((1)) 24 pt.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record.

Ms. Hall 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 Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2002-MV-038, subject to the development conditions dated contained in Appendix 1 of the staff report.

- Waivers of the minimum lot area requirement, minimum lot width requirement, minimum rear yard requirement, tree cover requirement, and the peripheral parking lot landscaping requirement along Sacramento Drive.

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

DMB:dmb

67. **3:30 P.M. – PH REGARDING THE LAND EXCHANGE/LOT LINE ADJUSTMENT OF TAX MAP 75-3 (8) LOT E AND TRANSFER OF COUNTY PROPERTY TO FAIRFAX COUNTY PARK AUTHORITY (FCPA) (SPRINGFIELD DISTRICT)** (Tape 7)

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 23 and January 30, 2003.

Following the public hearing, Supervisor McConnell moved authorization of the proposed land exchange/lot line adjustment and transfer of County property to FCPA. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

68. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-026 (S&R DEVELOPERS, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 7)

- (O) The application property is located on the north side of Monacan Road, approximately 600 feet east of its intersection with Silverbrook Road, Tax Map 98-3 ((1)) 20.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.



Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-026, from the R-1 District to the R-3 District, subject to the proffers dated January 17, 2003.
- Waiver of the minimum district size for an R-3 cluster.
- Waiver of the provisions of Paragraph 4, Section 2-309 of the Zoning Ordinance to permit a cluster development with less than one acre of open space.

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

69. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-BR-017 (EASTWOOD PROPERTIES, INCORPORATED) (BRADDOCK DISTRICT)** (Tape 7)

- (O) The application property is located on the north side of Zion Drive, approximately 200 feet east of its intersection with Roberts Road, Tax Map 68-4 ((1)) 13, 15, 16, 23–26, 29, 30A, 30B, 31, 32B, 32C, 33 and 68-4 ((9)) H.

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

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

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

Supervisor Bulova moved that the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-BR-017, be amended from the R-1 and R-3 Districts to the PDH-3 District, subject to the proffers dated February 7, 2003, and the Conceptual Development Plan dated February 5, 2003. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to develop a method of tracking school proffers no matter where the allocation goes. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

70. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2000-MA-055 (JOHN H. THILLMANN) (MASON DISTRICT)** (Tape 7)

(O) (NOTE: At its December 9, 2003, Board meeting the public hearing was held on this item and decision deferred until January 6, 2003. At its January 6, 2003, meeting the Board authorized re-advertisement of a public hearing for February 10, 2003.)

The application property is located east of the intersection of Powell Lane and Columbia Pike, Tax Map 61-4 ((1)) 157 and 61-4 ((4)) A, B1, and 5.

Mr. John H. Thillmann reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. John H. Thillmann and Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. Scott M. Herrick

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

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-MA-055, from the C-8, R-3, and HC Districts to the PDH-12 and HC Districts, subject to the proffers dated February 8, 2003.
- Modification of the transitional screening and barrier requirements, adjacent to parcels 61-4 ((4)) B2 and 61-4 ((1)) 10 and 11, to those shown on the conceptual development plan.
- Waiver of the 600-foot maximum length requirement for private streets.
- Waiver of the 200 square foot privacy yard requirement.
- Waiver of the service drive requirement along Columbia Pike required in the Zoning Ordinance and Public Facilities Manual.

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

71. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-112-3 AND SPECIAL EXCEPTION APPLICATION SE 2001-SP-055 (MCDONALD'S CORPORATION)**  
(Tapes 7-8)

The application property is located on the east side of West Ox Road, approximately 200 feet north of its intersection with Piney Branch Road, Tax Map 56-1 ((13)) 2.

Mr. Art Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh 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.

Extensive discussion ensued with input from J. Patrick Taves, Deputy County Attorney, and David P Bobzien, County Attorney.

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

Following additional discussion, Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 74-2-112-3, subject to the proffers dated February 7, 2003.
- Approval of Special Exception Application SE 2001-SP-055, subject to the development conditions dated November 11, 2002.
- Waiver of the transitional screening and barrier requirements on the western property boundary, modification of the peripheral parking lot landscaping requirement in favor of that depicted on the SE plat and its condition, and waiver of the additional standard under Section 9-505 requiring the fast food restaurant to be an integral element of the 30,000 square foot industrial complex.

Supervisor Bulova seconded the motion and it **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Hyland, Supervisor Hudgins, and Supervisor Kauffman voting "NAY," Supervisor Frey abstaining, and Supervisor Mendelsohn being out of the room.

#### **ADDITIONAL BOARD MATTER**

72. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON REZONING APPLICATION RZ 2002 MV-022** (Tape 8)

- (A) Supervisor Hyland moved that the Board authorize the advertisement of a public hearing to be held before the Board on March 10, 2003, on Rezoning Application RZ 2002-MV-022. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

**AGENDA ITEM**

73. **ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) REGARDING VALIDATION OF LOTS THAT WERE NOT LEGALLY CREATED**  
(Tape 8)

- (A) (NOTE: Earlier in the meeting the Board deferred action on this item. See page 4.)

Supervisor Frey said that staff had distributed revised amendments regarding Admin 12 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) Regarding Validation of Lots That Were Not Legally Created that address the issue of construction of drainage requirements.

Therefore, Supervisor Frey moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on February 26, 2003, and before the Board on **March 10, 2003**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), regarding validation of lots that were not legally created. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn being out of the room.

74. **BOARD ADJOURNMENT** (Tape 8)

At 4:40 p.m., the Board adjourned.

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