



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
November 18, 2002**

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23-02

DS:ds

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

Supervisor Mendelsohn arrived at 10 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. **MOMENT OF SILENCE** (Tape 1)

Supervisor Hudgins asked everyone to send good wishes to Martha Pennino, former member of the Board of Supervisors, who has been under the weather.

2. **BUILDING EVACUATED DUE TO FIRE DRILL** (Tape 1)

At 9:40 a.m. the fire alarm was activated and everyone evacuated the building. At 10 a.m. the Board reconvened, with all Members being present, and with Chairman Hanley presiding.

Chairman Hanley announced that the building was evacuated because the sprinkler system was malfunctioning.

AGENDA ITEMS

3. **CERTIFICATES OF RECOGNITION PRESENTED TO MR. JIM SCOTT, THE WEST*GROUP, THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT), THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES), AND THE DEPARTMENT OF TRANSPORTATION (DOT)** (Tape 1)

Supervisor Connolly moved approval of the Certificates of Recognition presented to State Delegate Jim Scott, the West*Group, VDOT, DPWES, and DOT for their roles in facilitating the Route 123 widening project. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING DECEMBER 1 AS "WORLD AIDS DAY" IN FAIRFAX COUNTY AND CERTIFICATES OF RECOGNITION PRESENTED TO MS. LORETTA BECKMAN AND DR. DAVID WHEELER** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate December 1 as "World AIDS Day" in Fairfax County. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Mendelsohn being out of the room.

Chairman Hanley moved approval of the Certificates of Recognition presented to Ms. Loretta Beckman and Dr. David Wheeler of Inova Health System's Juniper Program for outstanding collaboration, support, and assistance in the care of Fairfax County citizens living with HIV and AIDS. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO PARTICIPANTS IN THE STEVENSON STREET PROJECT** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to participants in the Stevenson Street project who worked in conjunction with Habitat for Humanity in constructing affordable housing. Supervisor McConnell seconded the motion and it carried by unanimous vote.

6. **RESOLUTION TO RECOGNIZE THE ONE-HUNDREDTH ANNIVERSARY OF THE FIRST KOREAN IMMIGRANTS TO THE UNITED STATES (US)** (Tape 1)

Supervisor McConnell moved approval of the Resolution to Recognize the one hundredth anniversary of the first Korean immigrants to the US. Supervisor

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

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LYNN HILTAJCZUK AND THE WILTON WOODS NEIGHBORHOOD** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Ms. Lynn Hiltajczuk and the Wilton Woods neighborhood for their initiative in creating a memorial garden to honor the innocent victims of the terrorist attacks, their families, and all others affected by these events. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

ADDITIONAL BOARD MATTER

8. **INTRODUCTION OF AND WELCOME TO MS. OLIVIA TOATLEY**
(Tape 1)

Supervisor Hudgins introduced Olivia Toatley, Assistant Principal, Hunter's Woods Elementary School. She said that Ms. Toatley, a participant of the Cohart Educational Doctoral Program with the University of Virginia and Fairfax County Public Schools in the educational leadership program, will be working in her office for the next couple of days.

On behalf of the Board, Chairman Hanley warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

9. **10 A.M. – PRESENTATION OF THE FAIRFAX AREA COMMISSION ON AGING'S OUTSTANDING SERVICES AWARD** (Tape 1)

Robert A. Gehring, Chairman, Fairfax Area Commission on Aging, gave a brief presentation regarding the volunteer services of older adults.

Ellie Doyle, Chairman, Selection Committee of the Fairfax Area Commission on Aging, presented an award to Ms. Faye Adkins for outstanding volunteer service to older adults.

Mr. Gehring thanked all older adults for their volunteer service.

10. **10:15 A.M. – PRESENTATION BY THE FAIRFAX COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ON ITS ANNUAL REPORT** (Tape s 1-2)

Chairman Hanley distributed to the Board copies of:

- A press release from the Metropolitan Washington Council of Governments (COG) dated November 13, 2002, regarding the Environmental Protection Agency's decision to reclassify the region for severe ozone attainment.
- A press release from COG dated July 2, 2002, regarding the decision by the US Court of Appeals for the District of Columbia regarding air quality.
- An article from the *Washington Post* dated November 16, 2002, regarding air quality.

Following discussion, Supervisor Connolly stated that a response has not been received from COG regarding Chairman Hanley's letter, sent on behalf of the Board, requesting another Washington Area Conference on Teleworking.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the County Executive to follow-up with COG regarding the planning status. Without objection, it was so ordered.

Robert McLaren, Chairman, EQAC, presented its annual report.

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

Chairman Hanley called the Board's attention to a letter from Robert A. Stalzer, Deputy County Executive, dated November 15, 2002, to EQAC regarding air quality issues, and relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board refer this issue to staff to review the time frame and find ways to keep EQAC involved with the air quality issues. Without objection, it was so ordered.

Further discussion ensued with input from Mr. Griffin and Mr. McLaren.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

PW:pw

11. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative to the Advisory Social Services Board.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Sully District Representative to the Animal Services Advisory Commission.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Hanley moved the reappointment of Mr. Michael W. Kim as the Attorney #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Mr. James D. Lafley as the Builder Representative to the Board of Equalization of Real Estate Assessments. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Daniel G. Cummins as the Appraiser #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Frederick W. Suffa as the Fairfax County Freeholder #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Connolly seconded the motion, which carried by unanimous vote.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor Hudgins moved the appointment of Mr. Christopher B. Welker as the At-Large #3 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #2 and At-Large #4 Representatives to the Celebrate Fairfax, Incorporated Board of Directors.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Child Care Advisory Council.

CIVIL SERVICE COMMISSION

Chairman Hanley moved the reappointment of Ms. Margaret L. Cohen as the At-Large #3 Representative to the Civil Service Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Mason District Representative to the Commission for Women.

COMMISSION ON AGING

The Board deferred the appointment of the Sully District Representative to the Commission on Aging.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative, Sully District Representative, and Donor Family Member Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Supervisor Connolly moved the appointment of Ms. Louise Pennington to fill the unexpired term of Ms. Airi P. Roulette as the Providence District Representative to the Community Action Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Mason District Representatives to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment to the Community Criminal Justice Board:

- Ms. Joy M. Bryan as the At-Large #4 (Criminal Justice Advisory Board) Representative

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

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #7 Representative to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Mason District Representative to the Criminal Justice Advisory Board.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Mr. Laurence Payne as a Business Representative
- Mr. Jay Boyce as a Business Representative
- Ms. Patti French as a Business Representative
- Ms. Susan Pollack as the City of Falls Church Representative
- Ms. Donna Fleming as the Human Services Council Representative
- Ms. Mary Smith as the United Way Representative

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

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

FAIRFAX COUNTY SMALL BUSINESS COMMISSION

Supervisor Hudgins moved the reappointment of Ms. Cynthia H. Chambliss as the Hunter Mill District Representative to the Fairfax County Small Business

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

Supervisor Hyland moved the reappointment of Ms. Katy Fike as the Mount Vernon District Representative to the Fairfax County Small Business Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the reappointment of Ms. Marjorie Castro as the Providence District Representative to the Fairfax County Small Business Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #3 Representative and Dranesville District Representative to the Fairfax County Small Business Commission.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley announced her intent to nominate Charles F. Fletcher, D.D.S. as the At-Large #4 Representative to the Fairfax-Falls Church Community Services Board.

GEOTECHNICAL REVIEW BOARD

CONFIRMATIONS:

Supervisor Connolly moved the confirmation of the following appointments to the Geotechnical Review Board:

- Mr. Daniel S. Rom as the Primary #2 Representative
- Mr. Edward DeSantis as the Primary #3 Representative
- Mr. Emad E. Saadeh as the Alternate #1 Representative
- Mr. James G. Collin as the Alternate #3 Representative

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

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative to the Health Care Advisory Board.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Consumer #6 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

Supervisor Mendelsohn moved the reappointment of Mr. David L. Olin as the At-Large #4 Representative to the History Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Robert J. Heitman as the Citizen #9 Representative to the History Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Ms. Esther W. McCullough as the Citizen #10 Representative to the History Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Ms. Karen M. Washburn as the Historian #3 Representative to the History Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

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

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Mount Vernon District #1 Representative to the Human Services Council.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Mendelsohn moved the appointment of Mr. Suresh V. Shenoy to fill the unexpired term of Mr. Edward H. Bersoff as the Dranesville District Representative to the Information Technology Policy Advisory Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointment to the Oversight Committee on Drinking and Driving:

- Lieutenant Colonel Dave Rohrer as the Police Department Representative

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

The Board deferred the appointments of the Hunter Mill and Lee District Representatives to the Oversight Committee on Drinking and Driving.

PARK AUTHORITY

Supervisor Bulova moved the reappointment of Ms. Winifred S. Shapiro as the Braddock District Representative to the Park Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Frank Vajda as the Mason District Representative to the Park Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Gilbert S. McCutcheon as the Mount Vernon District Representative to the Park Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Kenneth G. Feng as the Springfield District Representative to the Park Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

PLANNING COMMISSION

Chairman Hanley moved the reappointment of Ms. Laurie Frost Wilson as the At-Large #2 Representative to the Planning Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Janet R. Hall as the Mason District Representative to the Planning Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Peter F. Murphy, Jr. as the Springfield District Representative to the Planning Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

Chairman Hanley moved the reappointment of Mr. John W. Ewing as the At-Large #2 Representative to the Road Viewers Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Arthur L. Nalls as the At-Large #3 Representative to the Road Viewers Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Michael K. Tobias as the At-Large #4 Representative to the Road Viewers Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the reappointment of Mr. Richard J. Bochner as the At-Large #5 Representative to the Road Viewers Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #1 Representative to the Road Viewers Board.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Tenant Member #1 and #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Providence District Representative to the Transportation Advisory Commission.

WETLANDS BOARD

Supervisor McConnell moved the reappointment of Mr. Edward J. Bentz, Jr. as the Springfield District Representative to the Wetlands Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES**LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

The Board deferred the appointment of the Sully District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE - MONOPOLES

Following a brief discussion, with input from Anthony H. Griffin, County Executive, on whether this task force was active, Supervisor Kauffman moved the appointment of Mr. Paul O'Donnell to fill the unexpired term of Ms. Jane Kunka as the Lee District Representative to the Telecommunication Land Use Regulations Task Force - Monopoles. Supervisor Hyland seconded the motion, which carried by unanimous vote.

ADDITIONAL APPOINTMENTS**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

Supervisor Hudgins moved the appointment of Mr. Byron F. Wong to fill the unexpired term of Ms. Patricia Hynes Brandon as the Hunter Mill District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

NEW MILLENNIUM OCCOQUAN WATERSHED TASK FORCE

Chairman Hanley noted that the Western Fairfax County Citizens Association has requested representation on this committee. She moved confirmation of the appointment of Ms. Chris Terpak-Malm as the Western Fairfax County Citizens Association Representative to the New Millennium Occoquan Watershed Task Force. Supervisor Connolly seconded the motion, which carried by unanimous vote.

SBE:sbe

12. **ADMINISTRATIVE ITEMS** (Tape 4)

Supervisor Connolly moved approval of the Administrative Items. The second to this motion was inaudible.

Supervisor Hyland called the Board's attention to Admin 5 – Additional Time to Commence Construction for Special Exception Amendment Application SEA 82-V-044-2, Coakley-Backlick Road Limited Partnership and stated that there was an option indicated by staff on SEA 82-V-044-2, for eight months and ten days from the last expiration date or the six months from today. Therefore, Supervisor Hyland moved to amend the motion that the Board grant the extension for a period of eight months and ten days from the last expiration date rather than the six months, and this was accepted.

Chairman Hanley called the Board's attention to Admin 15 – Approval for the Department of Housing and Community Development (HCD) to Apply for Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority (VHDA) and discussion ensued with input from Erik T. Hoffman, Director, Real Estate Finance and Grants Management Division, HCD.

Chairman Hanley called the Board's attention to Admin 20 – Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the Board with a list of the projects in the County prior to the public hearing as to whether they:

- Are completed.
- Have the necessary funding.
- Need more funding.

Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Discussion ensued with input by Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation.

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

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, AND LEE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Lane of Georgetown Pike	Dranesville	Dogue Hill Lane Georgetown Pike Route 193Court Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Ashgrove Woods	Hunter Mill	Montmorency Drive Route 6600 Palm Spring Drive Route 3840
Sunset Hills Road	Hunter Mill	Sunset Hills Road Route 675 Additional ROW Only Sunset Hills Road Route 675 Additional ROW Only
Kingstowne/Greendale Village Drive	Lee	Greendale Village Drive

ADMIN 2- AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF ADDITIONAL LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY COMMERCIAL REVITALIZATION BOND PROJECT – BAILEYS CROSSROADS STREETScape (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 9, 2002, at 4:30 p.m.** regarding the acquisition of additional land rights necessary for the construction of Project 008911 – Baileys Crossroads Streetscape, in Fund 315, Commercial Revitalization Program.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-C-031-4, DULLES HOTEL CORPORATION (SULLY DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Amendment Application SEA 82-C-031-4 to April 26, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-V-020, ELMWOOD LLC (MOUNT VERNON DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 99-V-020 to April 24, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-V-044-2, COAKLEY-BACKLICK ROAD LIMITED PARTNERSHIP (MOUNT VERNON DISTRICT)

(AT) (NOTE: Earlier in the meeting, action was taken on this item. See page 12.)

Approved the request for eight months and ten days of additional time to commence construction for Special Exception Amendment Application SEA 82-V-044-2 to May 18, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO AND RESTATEMENT OF THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 11 (HUMAN RIGHTS ORDINANCE)

(A) Authorized the advertisement of a public hearing to be held before the Board on **December 9, 2002, at 5:30 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance).

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE AND MASON DISTRICTS)

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

- Application 2232-L02-24 to January 25, 2003
- Application 456A-M83-21-2 to January 31, 2003

ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03059 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) GRANT FUNDS TO CONTINUE THE SMOOTH OPERATOR ENFORCEMENT/EDUCATION PROGRAM

(SAR) Approved SAR AS 03059 in the amount of \$40,000 from DMV for the FCPD to continue the Smooth Operator Enforcement/Education Program. No local cash match is required.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03060 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) GRANT FUNDS TO CONTINUE THE TRAFFIC SAFETY WATCH PROGRAM

(SAR) Approved SAR AS 03060 in the amount of \$15,000 from DMV for the FCPD to continue the Traffic Safety Watch Program. No local cash match is required.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03061 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) GRANT FUNDS FOR A SPEEDING/RACING ABATEMENT PROGRAM

(SAR) Approved SAR AS 03061 in the amount of \$12,000 from DMV for the FCPD to fund the Speed/Racing Abatement Program. No local cash match is required.

ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03062 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR VEHICLES (DMV) GRANT FUNDS FOR A “CLICK IT OR TICKET” ENFORCEMENT PROGRAM

(SAR) Approved SAR AS 03062 in the amount of \$15,000 from DMV for the FCPD to fund the “Click It or Ticket” Enforcement Program. No local cash match is required.

ADMIN 12 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY TO THE CORPORATION FOR NATIONAL SERVICE (CNS) FOR AMERICORPS VOLUNTEERS IN SERVICE TO AMERICA (VISTA) MEMBERS TO SUPPORT PROGRAMMING AT THE GUM SPRINGS COMMUNITY CENTER, BAILEY’S COMMUNITY CENTER, AND WILLSTON MULTI-CULTURAL CENTER

Authorized CRS to submit the CNS application to request VISTA support. CRS’s application for 2002/2003 requests a total of \$30,348 from the Northern Virginia Technology Council. No local cash match is required.

ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03063 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT CONTINUED FUNDING ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB) FROM THE DEPARTMENT OF LABOR TO ADDRESS THE DISPROPORTIONATE UNEMPLOYMENT AND UNDEREMPLOYMENT OF PEOPLE WITH DISABILITIES

(SAR) Approved SAR AS 03063 in the amount of \$598,295 from the US Department of Labor for DFS to continue funding on behalf of the NVWIB to provide disabled individuals increased access to employment options and to provide employment support systems. No local cash match is required.

ADMIN 14 – AUTHORIZATION FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO APPLY FOR US SOCCER FOUNDATION FUNDING TO SUPPORT THE CULMORE YOUTH SOCCER CAMP (CYSC)

Authorized CRS to apply for funds in the amount of \$83,925 from the US Soccer Foundation for the CYSC. CRS will receive an annual allotment of \$16,785 per year for five years starting in July 2003. No local cash match is required.

ADMIN 15 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

(NOTE: Earlier in the meeting there was discussion on this item. See page 13.)

Authorized HCD to apply for SPARC mortgage funds, in the amount of \$4 million, from VHDA. The funds will be used to encourage reinvestment in residential areas near the County's commercial revitalization areas and to improve the opportunities for homeownership for low and moderate-income families.

ADMIN 16 – INSTALLATION OF MULTI-WAY STOPS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- Endorsed the installation of a multi-way stop as part of DOT's R-TAP at the following locations:
 - Cub Run Road and Silas Hutchinson Drive, south intersection (Sully District)
 - Cub Run Road and Louis Mill Road (Sully District)

- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

ADMIN 17 – 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 at Innisvale Drive (Springfield District) as part of the Fairfax County Department of Transportation’s R-TAP.

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE DUNN LORING RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 3 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the Dunn Loring RPPD, District 3.

ADMIN 19 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNITS (ADU) IN MID-RISE MULTIPLE FAMILY DWELLINGS

- (A)(R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 23, 2002, and before the Board on **February 24, 2003, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to revise the ADU provisions to primarily provide for an ADU requirement for mid-rise multiple family dwelling unit developments.

ADMIN 20 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS

- (A) (NOTE: Earlier in the meeting the Board took additional action regarding this item. See page 13.)

Authorized the advertisement of a public hearing to be held before the Board on **December 9, 2002, at 5 p.m.** to solicit comments and input on proposed Fiscal Year 2004 Transportation Enhancement Projects.

ADMIN 21 – AUTHORIZATION TO REALLOCATE \$300,000 WITHIN HOME INVESTMENT PARTNERSHIP FUNDS (HOME), FROM HOME DEVELOPMENT COSTS TO GUM SPRINGS GLEN (MOUNT VERNON DISTRICT)

Authorized the reallocation of \$300,000 within Fund 145, HOME Investment Partnership Funds, from Project 013974, HOME Development Costs, to Project 014056, Gum Springs Glen.

ADMIN 22 - AUTHORIZATION FOR COUNTY EXECUTIVE TO ENDORSE AGREEMENT ON THE BOARD'S BEHALF TO DELAY A CHANGE OF ADDRESS FOR 1401 KURTZ ROAD (DRANESVILLE DISTRICT)

Authorized the County Executive to endorse the agreement on the Board's behalf so the residents of 1401 Kurtz Road may, for a limited time, continue to use the address of 1401 Kurtz Road instead of changing it to 1335 Julia Avenue, effective immediately following Board approval.

13. **A-1 – AUTHORIZATION FOR CONDEMNATION OF A PORTION OF A CERTAIN PARCEL OF LAND NECESSARY FOR THE CONSTRUCTION OF THE CROSSPOINTE FIRE STATION (SPRINGFIELD DISTRICT)** (Tape 4)

(R) On motion of Supervisor McConnell, seconded by Supervisor Connolly, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution authorizing condemnation of a certain parcel of land necessary for the construction of the Crosspointe Fire Station.

14. **A-2 – APPROVAL OF THE LOCAL MATCH FOR THE DESIGN OF THE BACKLICK ROAD NORTH PARK-AND-RIDE FACILITY (LEE DISTRICT)** (Tape 4)

Chairman Hanley noted that staff distributed a revised copy of this item.

Following discussion, with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve the \$50,000 local match for the Backlick Road North Park-and-Ride Facility. An amount of \$417,500 will be required in stages as the project is being completed. Supervisor Hyland seconded the motion and it carried by unanimous vote.

15. **A-3 – APPROVAL OF FUNDING TO DESIGN INTERIM PARKING LOT IMPROVEMENTS AT THE BURKE CENTER VIRGINIA RAILWAY EXPRESS STATION (BRADDOCK DISTRICT)** (Tape 4)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve spending up to \$100,000 in State aid from the Northern Virginia Transportation Commission to design interim parking lot improvements at the Burke Center VRE Station. Supervisor Connolly and Supervisor McConnell jointly seconded the motion.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide usage data for the VRE parking lots. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

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

16. **A-4 – NOTIFICATION OF THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FINANCING PLAN FOR THE JAMES LEE COMMUNITY CENTER AND A REQUEST FOR AN INVESTMENT BY THE FAIRFAX COUNTY INTEGRATED SEWER FUND (FCISF) IN BOND ANTICIPATION NOTES (BANS); AND AUTHORIZATION TO ENTER INTO AN AGREEMENT AS NECESSARY TO FACILITATE ENTRY BY THE FCRHA AND ITS CONTRACTORS ON THE LAND AND THE EXISTING FACILITIES TO CARRY OUT CONSTRUCTION OF THE RENOVATION AND EXPANSION OF THE JAMES LEE COMMUNITY CENTER (PROVIDENCE DISTRICT)** (Tape 4)

Supervisor Connolly moved that the Board concur in the recommendation of staff and:

- Approve an investment of up to \$10,400,000 by the FCISF in FCRHA BANS in connection with interim financing for the renovation and expansion of the James Lee Community Center.
- Authorize the County Executive to execute such agreement as may be necessary to facility entry by FCRHA and its contractors on the land and the existing facilities to carry out construction of the renovation and expansion of the James Lee Community Center.
- Authorize staff to award a contract to Dustin Construction, Incorporated, in the amount of \$7,874,000.

- Authorize staff to execute a contract amendment for architectural services with Hughes Group Architects in the amount of \$172,951, which results in a total contract amount of \$730,881.

Chairman Hanley and Supervisor Gross jointly seconded the motion.

Discussion ensued with input from Cynthia J. Ianni, Senior Program Manager, Revitalization Division, Housing and Community Development, (HCD); Erik T. Hoffman, Director, Real Estate Finance and Grants Management Division, HCD; Anthony H. Griffin, County Executive; and Mary A. Stevens, Deputy Director, HCD.

Supervisor Frey asked unanimous consent that the Board direct staff to provide a lease comparison with the other facilities. Without objection, it was so ordered.

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

17. **A-5 – FAIRFAX COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP)**
(Tape 4)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and:

- Endorse the comments as outlined in the Board Agenda Item dated November 18, 2002.
- Direct staff to transmit them to WMATA.

Supervisor Hyland seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive, and Tom Biesiadny, Coordination and Funding Section, Department of Transportation.

Supervisor Mendelsohn moved to defer action on the comments regarding WMATA's proposed CIP until later in the day to review the draft letter. This motion, the second to which was inaudible, carried by a unanimous vote.

(NOTE: Later in the meeting the Board took action on this item. See Clerk's Summary Item CL#68.)

18. **I-1 – CONTRACT AWARD – CUB RUN WATERSHED STUDY – PHASE ONE** (Tape 4)

The Board next considered an item contained in the Board Agenda dated November 18, 2002, requesting authorization for staff to award a contract to Camp Dresser and McKee in the amount of \$167,016.79 for consulting engineering services for Phase One of the Cub Run Watershed Study.

The staff was directed administratively to proceed as proposed.

19. **I-2 – CONTRACT AWARD – DESIGN-BUILD SERVICES FOR THE MINIATURE GOLF COURSE AT BURKE LAKE PARK (SPRINGFIELD DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated November 18, 2002, requesting authorization for staff to award a contract to Atlantic Miniature Golf in the amount of \$400,000 for design-build services.

The staff was directed administratively to proceed as proposed.

20. **I-3 – CONTRACT AWARD – GREEN SPRING GARDENS PARK ENTRANCE ROAD (MASON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated November 18, 2002, requesting authorization for staff to award a contract to Tavares Concrete Company, Incorporated, in the amount of \$467,559.25 for the construction of the Project 474498/116, Green Spring Gardens Park Entrance Road in Fund 3780, Parks Bond Construction.

The staff was directed administratively to proceed as proposed.

21. **I-4 – CONTRACT AWARD – NEWINGTON REFUSE COLLECTION FACILITY ADDITION (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated November 18, 2002, requesting authorization for staff to:

- Award a contract to Sumter Contracting Corporation in the amount of \$234,777 for the construction of the Newington Refuse Collection Facility Addition, funded by Project 109001, Newington Facility Expansion, in Fund 109, Refuse Collection.
- Reallocate funds in the amount of \$65,038 from Fund 109, Character 20, Personnel Services to Project 109001, Newington Facility Expansion.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

22. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ALLOCATION FORMULA CHART** (Tape 5)

Chairman Hanley distributed copies of the VDOT allocation formula chart to the Board.

(NOTE: Later in the meeting, the Board discussed this chart. See Clerk's Summary Item CL#28.)

23. **PEARL HARBOR REMEMBRANCE DAY** (Tape 5)

Chairman Hanley stated that the Pearl Harbor Survivors Association has asked that the County follow the provisions in Public Law 103-308 and observe December 7 as National Pearl Harbor Remembrance Day. The law urges all to fly the United States (US) flag at half-staff in honor of the individuals who died as a result of their service at Pearl Harbor.

Noting that the nation recognizes the sixty-first anniversary of Pearl Harbor Day, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board:

- Direct staff to prepare and send a proclamation to the Pearl Harbor Survivors Association.
- In observance of December 7 as National Pearl Harbor Remembrance Day urge all residents to fly the US flag at half-staff, including the flags at all Fairfax County facilities.

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

24. **RECOGNITION OF AMERICORPS PROMISE FELLOW** (Tape 5)

Chairman Hanley said that for the past year Volunteer Fairfax and the Fairfax Partnership for Youth have hosted an AmeriCorps Promise Fellow, Judith Silverstein. As her year of service comes to a close, Volunteer Fairfax has requested that the Board formally recognize her efforts. Therefore, Chairman Hanley asked unanimous consent that the Board direct staff to prepare a Certificate of Recognition and invite Ms. Silverstein to appear before the Board at the December 9, 2002, meeting to accept it. Without objection, it was so ordered.

25. **NATIONAL MENTORING MONTH** (Tape 5)

Chairman Hanley said that Fairfax Partnership for Youth, Incorporated, has requested that Fairfax County recognize the month of January as National Mentoring Month. More than 25 mentoring organizations are active within the community, but a waiting list of 600 children without mentors still exists. To highlight this need, Chairman Hanley moved that the Board direct staff to prepare a proclamation and invite the appropriate representatives to appear before the Board on January 6, 2003, to accept the proclamation declaring January as "*National Mentoring Month*" in Fairfax County. Supervisor Connolly seconded the motion.

Supervisor Mendelsohn asked to amend the motion to direct staff to provide recommendations prior to January on a previously requested review of proposals for implementing and encouraging mentorships with County employees for possible implementation or announcement as part of this recognition. This was accepted.

Supervisor Bulova asked to amend the motion to suggest that Faith Communities in Action be consulted regarding the names of organizations with mentoring as part of their missions, and this was accepted.

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

26. **CHILDREN'S NATIONAL MEDICAL CENTER** (Tape 5)

Chairman Hanley called the Board's attention to correspondence from the wife of a County employee regarding a health care service issue. On November 4, 2002, Children's National Medical Center notified the current CareFirst plan participants that they would no longer provide pediatric services to plan holders as of January 1, 2003. Unfortunately, the County's open season for plan selection closed on October 31, 2002. For employees who have unmet service needs, Chairman Hanley asked unanimous consent that the Board refer this to staff for a review of this situation and a determination of how it can be rectified. Without objection, it was so ordered.

27. **FAIRFAX-FALLS CHURCH COMMUNITY ASSESSMENT** (Tape 5)

Chairman Hanley called the Board's attention to the Fairfax-Falls Church Community Assessment produced by the Department of Systems Management for Human Services and she commended staff for its efforts.

28. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ALLOCATION FORMULA CHART** (Tape 5)

(NOTE: Earlier in the meeting, Chairman Hanley distributed copies of this chart. See Clerk's Summary Item CL#22.)

Chairman Hanley called the Board's attention to the VDOT allocation formula chart and a brief discussion ensued.

29. **NATIONAL ASSOCIATION OF COUNTIES (NACo) AWARD** (Tape 5)

Chairman Hanley stated that according to the latest NACo Bulletin, the County won an award from the International Personnel Management Association. Accordingly, she asked unanimous consent that the Board direct the staff of the Office of Public Affairs to prepare and send recognition to the County Executive and the Director of Human Resources recognizing this achievement. Following a brief discussion, without objection, it was so ordered.

30. **RECOGNITION OF THE COUNTY'S 2002 FALL BOND REFERENDUM COMMITTEE** (Tape 5)

(BACs) Chairman Hanley moved that the Board direct staff to invite the members of the County's 2002 Fall Bond Referendum Committee to appear before the Board on January 6, 2003, to be recognized for their efforts. Supervisor Connolly seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#41.)

31. **LETTERS REGARDING HOUSING COSTS** (Tape 5)

Chairman Hanley reminded Board Members that they had received letters from Steve Alloy of the Northern Virginia Building Association regarding housing costs. She asked unanimous consent that the Board refer those letters to the Board's Housing Committee. Without objection, it was so ordered.

32. **TRAFFIC CALMING PROCEDURES** (Tape 5)

Chairman Hanley called the Board's attention to an email from Doug Hanson of the Department of Transportation regarding procedures for traffic calming. She asked unanimous consent that the Board refer this item for coordination with the pedestrian coordinator. Following discussion, with input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

33. **LETTERS TO HOMEOWNER ASSOCIATIONS REGARDING FUNDS FROM PROFFERS** (Tape 5)

Chairman Hanley distributed to Board Members letters to be sent to homeowners associations regarding funds from proffers. There are 29 letters from the Department of Public Works and Environmental Services with the amount of money to be claimed by homeowners associations totaling \$343,000.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

34. **INTENT TO DEFER THE PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA C-667 (DRANESVILLE DISTRICT)** (Tape 5)

Supervisor Mendelsohn announced his intent to defer, at the appropriate time later in the meeting, the public hearing on Proffered Condition Amendment Application PCA C-667 until December 9, 2002.

(NOTE: Later in the meeting, the Board formally deferred this public hearing. See Clerk's Summary Item CL#70.)

35. **SCHOOL DIVISION'S MID-YEAR BUDGET REVIEW** (Tape 5)

Supervisor Mendelsohn announced that he just received by email a School Board agenda item regarding the School's mid-year budget review. He noted that the item indicated that the budget would not be forwarded to the Board of Supervisors because the County does not conduct a mid-year budget review.

Supervisor Mendelsohn moved that the Board direct the County Executive to write to the School Superintendent to request that any budget updates be forwarded to the Board of Supervisors. Supervisor Connolly and Chairman Hanley seconded the motion.

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

36. **WAIVER OF SHOWMOBILE FEES (DRANESVILLE AND HUNTER MILL DISTRICTS)** (Tape 5)

Supervisor Mendelsohn stated that on May 3, 2003, the Great Falls Historical Society and the Park Authority will host "Great Falls Day" to celebrate the Great Falls community. He moved that the Board waive the fees associated with the use of the Showmobile for this event. Supervisor Connolly seconded the motion.

Supervisor Hudgins asked to amend the motion to waive the Showmobile fees for the annual American Cancer Society's Relay for Life event on May 31 and June 1, 2003, and this was accepted.

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

37. **CONCURRENT PROCESSING FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) WEST FALLS CHURCH PARKING STRUCTURE (DRANESVILLE DISTRICT)** (Tape 5)

With reference to his written Board Matter on the subject, Supervisor Mendelsohn stated that WMATA has filed a special exception application to build a parking garage to accommodate 1000 cars on a portion of the existing surface parking lot at the West Falls Church Metro Station. While there is demand as well as support for the garage, Supervisor Mendelsohn said that there is no plan for the cars displaced during the construction.

Supervisor Mendelsohn moved that the Board direct the Director of the Department of Public Works and Environmental Services and the Director of the Department of Planning and Zoning to concurrently process the site plan associated with Special Exception Application SE 2002-DR-026. He noted that 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 the application in any way. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

38. **McLEAN YOUTH SOCCER (MYS) LEASE (DRANESVILLE DISTRICT)** (Tape 5)

Supervisor Mendelsohn reminded the Board that MYS is a non-profit organization dedicated to recreation and travel soccer for the youth of McLean and he described the depth of its programs and the shortage of playing fields.

Supervisor Mendelsohn stated that the Board owns property located at 1437 Balls Hill Road (Tax Map 30-3-01-0033) which includes the McLean Governmental Center and an interim rectangular field. He described the history of the field which has been "adopted" by MYS for the past ten years.

The MYS has proposed a lease agreement with the Board so that MYS can commit to major improvements on this field to ensure safety and quality. Improvements would include, but not be limited to, irrigation, winterization program, new equipment, and modifications of an existing bank to allow for safe passage and seating. The estimated cost of these improvements is between \$75,000 to \$100,000.

Accordingly, Supervisor Mendelsohn moved that the Board:

- Direct staff of the Facilities Management Division to negotiate a lease agreement with MYS, similar in nature to ones already executed at the Great Falls Library Field and the McLean Holiday Field.
- Direct staff to place an administrative item on the agenda for the December 9, 2002, Board meeting to authorize the advertisement of a public hearing regarding the proposed lease of the portion of County-owned property at the McLean Governmental Center to MYS for athletic field use. The public hearing before the Board would be scheduled for the January 6, 2003, meeting.
- Authorize the filing of a 2232 public facilities application for public recreation use of the McLean Governmental Center property.

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

39. **SEVENTH ANNUAL MASON DISTRICT HOLIDAY TOWN GATHERING** (Tape 5)

Supervisor Gross announced that the seventh annual Mason District holiday town gathering will be held Tuesday, December 3, 2002, at 7:30 p.m. at the Mason District Governmental Center. She noted that all Mason District residents are invited to attend.

40. **SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2002-MA-43 (MASON DISTRICT)** (Tape 5)

Supervisor Gross stated she that had been made aware of Special Exception Application SE 2002-MA-43 for Jerry's Ford, which requested the replacement of one sign for the dealership. The Planning Commission hearing has been scheduled for February 19, 2003.

Supervisor Gross moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2002-MA-43 to be held before the Board on February 24, 2003. She noted that the applicant understands that this action does not prejudice the application in any way. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

41. **RECOGNITION OF PARK BOND COMMITTEE** (Tape 5)

(NOTE: Earlier in the meeting, the Board took action to recognize the County's 2002 Fall Bond Referendum Committee. See Clerk's Summary Item CL#30.)

With reference to the Board's previous action to recognize the 2002 Fall Bond Referendum Committee, Supervisor Gross asked unanimous consent that the Board direct staff to also invite members of the Park Bond Committee, of which Sally Ormsby and Bo White were the co-chairs. Without objection, it was so ordered.

42. **REIMBURSEMENT OF LOCAL GOVERNMENT EXPENSES FOR RESPONDING TO DRIVING UNDER THE INFLUENCE (DUI) INCIDENTS** (Tape 5)

Supervisor McConnell stated that *Virginia Code* Section 15.2-1716 (Reimbursement of Expenses Incurred in Responding to DUI Incident) allows local governments to bill a driver convicted of driving under the influence a flat fee of \$100, or a minute-by-minute accounting up to \$1000 for expenses related to DUI crash or other DUI-related driving incidents. The County has not taken advantage of this civil reimbursement process. The Oversight Committee on Drinking and Driving is recommending that the County adopt the necessary County code amendment to enable the Police Department to do so, similar to that which is currently being successfully done by the City of Virginia Beach Police Department.

Therefore, Supervisor McConnell moved that the Board request the County Executive and the County Attorney to research this issue and report their finding to the Board as to whether such a cost recovery program should be instituted. She also suggested that in their research, they consider that half of the collected revenue be returned to the General Fund of the County and half be "earmarked" for public safety programs addressing impaired driving related public education and enforcement. Chairman Hanley seconded the motion, which carried by unanimous vote.

SBE:sbe

43. **COPPERMINE ASSOCIATES LLC AND DULLES TECH LC (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins stated that Coppermine Associates LLC and Dulles Tech LC have filed rezoning and proffer condition amendment applications on property identified as Tax Map 15-4 ((1)) 10, 19, 20, 35 and 16-3 ((1)) 32B. The proposal involves rezoning from the PDC, 1-4, and C-3 Districts to the PDH-12 District to permit development of residential uses. The Planning Commission public hearing has been scheduled for March 5, 2003, and the applicant has requested an expedited Board date.

Therefore, Supervisor Hudgins moved that the Board direct staff to schedule a public hearing to be held before the Board on March 10, 2003. This motion should not be construed as a favorable recommendation by the Board on the

proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion, which carried by unanimous vote.

44. **THE JEFFERSON FINANCIAL GROUP, INCORPORATED TO FILE AN APPLICATION TO RENOVATE THE OLD HISTORIC WIEHLE TOWN HALL PROPERTY (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins stated that the Jefferson Financial Group, Incorporated, has filed a Development Plan Amendment and Proffered Condition Amendment applications to renovate the Old Historic Wiehle Town Hall property into three condominium units and construct an architecturally compatible building on the same parcel consisting of ten more condominium units. The building is part of the National and Virginia Historic Registry and in the past has served as the Old Wiehle Town Hall, a church, and as a warehouse for storing Virginia's finest bourbon. For the past decade the building has stood dormant and several proposals have been put forth but never come to fruition. The Planning Commission public hearing is scheduled for February 27, 2003, and the applicant has requested an expedited Board date.

Accordingly, Supervisor Hudgins moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board on March 10, 2003.
- Process the site and building plans for Tax Map 17-4 ((1)) 35DI, concurrent with the review of Proffered Condition Amendment/Development Plan Amendment PCA/DPA 87-C-088 and Proffered Condition Amendment PCA 93-H-004.

This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

45. **CERTIFICATE OF RECOGNITION FOR THE RESTON INTERFAITH, INCORPORATED, ITS FAITH COMMUNITY PARTNERS, AND RESTON COMMUNITY (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins stated that over 15 years ago, the community of Reston, in partnership with the faith community, recognized the challenge of providing housing to its most needy population. Faced with the problem that many families and individuals were homeless, churches opened their doors to provide shelter and food.

The problem was recognized to be larger than one for the churches and the community. With the help of former Supervisor Martha Pennino and the community, the Reston shelter was built in 1987 to house homeless individuals and families. In addition to providing the basic needs of food and shelter, the residents received, and still today receive, an array of supportive services. In recognition of the extraordinary work and contributions by former Reston resident Mr. Embry Rucker, the shelter was renamed in 1998 in his honor.

Supervisor Hudgins moved that the Board direct staff to prepare a Certificate of Recognition for Reston Interfaith, Incorporated, its faith community partners, its volunteers, and the Reston Community for their support of services to the families in need of shelter for the past 15 years. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

46. **THE FIRST BAPTIST CHURCH OF VIENNA (FBCV) CELEBRATES ITS 135TH ANNIVERSARY IN DECEMBER (HUNTER MILL DISTRICT)**
(Tape 6)

Supervisor Hudgins announced that the First Baptist Church of Vienna (FBCV) will be celebrating its 135th Anniversary on December 6, 2002. First Baptist Church of Vienna was built in 1867 and was the first church in Vienna. The first building was located at 215 Lawyers Road and served as a school and place for civic gatherings for slaves and freed men. A new building was built in 1957 at 450 Orchard Street, NW, Vienna. This building was reconstructed and updated in 1995 where services are presently being held.

Supervisor Hudgins moved that the Board direct staff to:

- Prepare a proclamation in honor of this historic event and the contributions of First Baptist Church of Vienna to Fairfax County community.
- Schedule presentation of the proclamation for the December 6, 2002, meeting.

This motion was seconded by Chairman Hanley, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

47. **SOUTHGATE REFERENDUM (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins reminded the Board about the Southgate Referendum, which would convey the property so that the County may enter into a partnership with Reston Association. Supervisor Hudgins stated that the referendum required a 40 percent participation rate with a two-thirds approval requirement. She reported that more than 50 percent participated and 96 percent approved the referendum. Supervisor Hudgins extended congratulations to the Reston Association Board of

Directors and the community for their willingness to get out and advocate for all of the community.

48. **MS. LITA BOWERS, A RESTON RESIDENT CELEBRATED HER ONE HUNDREDTH BIRTHDAY ON NOVEMBER 10, 2002 (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins announced that Ms. Lita Bowers, a Reston resident, celebrated her one hundredth birthday on November 10, 2002. Supervisor Hudgins stated that Ms. Bowers attributes her longevity to not having a sip of liquor and not even a puff of a cigarette. Ms. Bowers stated that she has never broken the law that she is aware of, but she has lost her interest in politics.

Supervisor Hudgins invited the Board to join her in wishing Ms. Bowers a Happy Birthday and she moved that the Board direct staff to send a certificate to Ms. Bowers wishing her a Happy Birthday on her one hundredth birthday.

49. **PEDESTRIAN SAFETY** (Tape 6)

Supervisor Kauffman announced that last Tuesday night, November 12, 2002, the Safe Crossings Coalition and the Citizens Advisory Committee to the National Capital Region Transportation Planning Board hosted a Regional Forum on Pedestrian Safety to examine Route One in the County. A copy of the agenda for this meeting was distributed to each Board Member.

One of the main speakers was Maryland State Delegate Bill Bronrott who reported on the recommendations of the Montgomery County Blue Ribbon Panel on Pedestrian Safety. One of the top recommendations of the panel calls for a "Pedestrian Impact Statement" which would require a thorough analysis of pedestrian movements, access, and safety for all proposed public and private development projects in the County.

As proposed, Supervisor Kauffman stated that the following topics would be addressed where appropriate. This is not an all inclusive list:

- Pedestrian activity changes as a result of the project
- Improvements for pedestrian safety and movement included in the project
- Unique conditions that may affect pedestrian safety and/or movements
- Compliance with County codes

- Surrounding area considerations (e.g., traffic signals, cross walks, bus stops and shelters, ADA ramps, bike ways, etcetera.)
- Effects of proposed pedestrian modifications.

Supervisor Kauffman asked unanimous consent that the Board direct staff to review this proposal and report on the possible implementation of such a process here in the County. Without objection, it was so ordered.

50. **REQUEST FOR CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2002-LE-010, AN EXISTING TELECOMMUNICATIONS FACILITY IN LEE DISTRICT** (Tape 6)

Supervisor Kauffman stated that Rezoning Application RZ 2002-LE-010 is a request to expand an existing telecommunications facility in the Lee District and will be the subject of a public hearing before the Board on December 9, 2002. Supervisor Kauffman stated that there are no significant unresolved planning or zoning issues associated with the request.

On that basis, Supervisor Kauffman stated that the applicant has requested permission to begin concurrently processing the necessary site plan. Given the absence of any significant concerns and the recommendation of approval by the Planning Commission, Supervisor Kauffman moved that the Board authorize the Department of Public Works and Environmental Services to concurrently process the site plan and other engineering approvals associated with Rezoning Application RZ 2002-LE-010. Approval of this motion shall in no way prejudice or affect any ongoing staff review and should not be construed as support for the application by the Board in anyway. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

PMH:pmh

51. **2002 FINANCIAL CRIMES INVESTIGATOR OF THE YEAR** (Tape 7)

Supervisor Frey announced that Robert Athing was named the 2002 Financial Crimes Investigator of the Year by the International Association of Financial Investigators. He added that he is a 21 year employee of the Police Department.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the 2002 Financial Crimes Investigator of the Year and his family to appear before the Board to be recognized for this outstanding achievement. Without objection, it was so ordered.

52. **REZONING APPLICATION RZ 2002-SU-021 (ALD GROUP) (SULLY DISTRICT)** (Tape 7)

Supervisor Frey said that the ALD Group is an applicant for rezoning at the intersection of Lee Highway and O'Day Drive. He added that the applicant has requested that the Board authorize concurrent processing of the site plan with the rezoning application.

Therefore, Supervisor Frey moved that the Board direct staff to accept for review and concurrent processing any site plans associated with Rezoning Application RZ 2002-SU-021. The applicants understand that this motion does not prejudice consideration of the applications in any way. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

53. **STATE DOES NOT ALLOW MILITARY AWARDS ON HANDICAPPED PLATES** (Tape 7)

Supervisor Connolly said that a constituent who was awarded the Bronze Star and the V for Valor as a hero of World War II recently called the Department of Motor Vehicles (DMV) to inquire about the procedure for displaying his military honors on his license plate. The DMV agent he spoke with explained that while the Bronze Star license plate is available with a handicapped symbol, the Bronze Star with the V for Valor plate is not.

Supervisor Connolly said that he has discussed the policy with Delegate Jim Scott who has offered to sponsor a bill to rectify this situation and ensure that handicapped war heroes are able to display their military medals on their plates.

Therefore, Supervisor Connolly moved that the Board direct staff to include Delegate Scott's legislation in the County's Legislative Program and to lobby for its speedy passage by the General Assembly. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

54. **COUNTY DECALS** (Tape 7)

Supervisor Connolly said that one of his constituents lost her job in the economic downturn. She had difficulty making the entire personal property tax payment and was pleased to find that the Department of Tax Administration (DTA) offered a payment plan option. However, to her dismay, she learned that even though she entered into a contractual agreement with DTA to pay the tax owed, she would not receive a decal until the entire sum was paid. Because she does not have a decal, her vehicle may be reported to the Target Hotline. Police may ticket her vehicle for failure to display a decal and she has no recourse except to go to court and explain why she does not have a decal.

Therefore, Supervisor Connolly moved that the Board direct the County Executive to develop a procedure or amendment to the current code so that citizens who enter into a payment plan with DTA can receive their County decals with the understanding that should the agreement be violated, the case would be referred for collection.

The second to the motion was inaudible.

Following discussion, Supervisor Connolly asked to amend the motion to direct the County Executive to review this issue and report with recommendations, and this was accepted.

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

55. **FIREFIGHTER COMBAT CHALLENGE TEAM** (Tape 7)

Supervisor Connolly announced that the Fairfax County men's Firefighter Combat Challenge Team recently competed in the World Championships held in Deerfield Beach, Florida. Nearly 80 teams and 600 competitors participated in the eleventh Annual World Challenge. He noted that last year Team Fairfax won the World Championship in the Relay category. This year Team Fairfax chose not to compete in the Relay competition, but decided to concentrate on the Team/Individual competition. It finished fifth in the world which is the highest it has placed in the seven world championships it has entered.

Therefore, Supervisor Connolly moved that the Board direct staff to invite Chief Stinnette and the members of the men's Combat Challenge Team and its corporate sponsor, Soza and Company, to appear before the Board to be recognized for this outstanding achievement. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

56. **WAIVER OF FEES FOR GRAHAM RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) EXPANSION TO INCLUDE A PORTION OF THE ARLINGTON BOULEVARD SERVICE DRIVE (PROVIDENCE DISTRICT)** (Tape 7)

Supervisor Connolly said that residents from the Arlington Boulevard service drive have petitioned for the expansion of the Graham Road RPPD. The north side of Arlington Boulevard between Graham Road and Wallace Drive, including Fredsen Place, regularly experiences a full inundation of non-resident parking as a result of overflow from neighboring development.

Therefore, Supervisor Connolly moved waiver of the required fees for the expansion of the Graham Road RPPD to include the north side of the Arlington Boulevard service drive between Graham Road and Wallace Drive

including Fredsen Place. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

57. **SCHEDULING OF A PUBLIC HEARING FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-031 (PROVIDENCE DISTRICT)** (Tape 7)

Supervisor Connolly said that Mitre is currently constructing the third building in its three phase West*Gate development. With two buildings already complete and occupied, and a third to be complete in the future, Mitre is eager to begin installation of the identification and directional signage proposed with Special Exception Amendment Application SEA 2002-PR-031. This signage will direct employees and visitors to parking areas and to the three buildings on-site.

Supervisor Connolly noted that the Planning Commission will be holding a public hearing for this application on December 12, 2002. Mitre has requested a hearing before the Board at the earliest date possible following the Planning Commission hearing to provide signage as quickly as possible.

Therefore, Supervisor Connolly moved that the Board direct staff to schedule a public hearing to be held before the Board for Special Exception Amendment Application SEA 2002-PR-031 on January 6, 2002. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

58. **AMERICANS WITH DISABILITIES ACT (ADA)** (Tape 7)

Supervisor Bulova said Anthony H. Griffin, County Executive, had presented the report on the County's progress regarding ADA compliance issues to the Disabilities Services Board at its annual retreat on Saturday, November 9, 2002. She said the report had been requested by the Board of Supervisors to answer questions about the County's progress toward constructing ADA projects.

Following discussion, with input from Mr. Griffin, Supervisor Bulova said the report listed ADA expenditures far in excess of the \$30 million in ADA commitments, but very few of the projects appear in the line item, Fund 303 - "ADA Compliance Projects." They are found instead throughout the budget. She commended staff on the report. She noted, however, that the County had still not "arrived" and staff needed to be thinking in advance about the utilization of facilities and programs from the viewpoint of accessibility and usage, not just letter-of-the law compliance.

Supervisor Bulova moved that the report, along with the addendum, be circulated to the members of the Human Services Alliance, members of the Human Services Council, and members of any other groups or organizations that may have an

interest in the County's compliance with ADA issues. Supervisor Hudgins seconded the motion.

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

59. **BRADDOCK DIALOG** (Tape 7)

Supervisor Bulova noted that the Sales Tax Referendum for Transportation funding was resoundingly defeated earlier this month. This was a funding stream that the Board had hoped would pay for a number of road improvements, the County's share of money for rail in the Dulles Corridor to serve Tysons Corner and Reston, bi-level rail cars for the Virginia Rail Express, and capital and equipment upgrades to the Metro system.

In an article appearing in the *Washington Post* the weekend after Election Day, Supervisor Bulova said she was quoted saying that she wanted to understand why people voted the way they had. Since then, she has received a number of e-mails, letters, and phone calls from individuals explaining their reasons. She was impressed with the thoughtful and constructive tenor of people's comments and suggestions.

Whatever the reasons for citizens voting "no," or whatever the nature of their suggestions about what the County should be doing, Supervisor Bulova said that the next critical step is sitting down with the community. There needs to be a discussion about transportation and land use and where to go from here.

Therefore, Supervisor Bulova announced her intention to host a Braddock District Community Dialog on Transportation and Land Use. This will be a series of community meetings modeled after a previous effort in the Braddock District, the Community Challenges Task Force, as well as the Millennium "mini-series" which examined changes to the community as it approaches the new century. She added that she will bring back more information about this series.

60. **SOUTH COUNTY REQUEST FOR PROPOSAL (RFP) PROPERTY AUTHORITY TO FILE REZONING APPLICATION AND CONCURRENT PROCESSING (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland said that the County has issued an RFP for construction of the South County High School and adjacent property and has selected South County Secondary LLC as the highest rated offeror. The RFP proposes the construction of a new high school and the residential development of portions of property located immediately adjacent to it, all on property owned by the Board of Supervisors.

Therefore, Supervisor Hyland moved that the Board:

- As property owner, concur in the filing of a rezoning application by Spring Hill Seniors LLC (a member of South County Secondary LLC) and in any other necessary applications regarding the South County High School site and the adjacent property, which is the subject of the South County High School RFP.
- Authorize the expeditious and concurrent processing of all plans and permits associated with these properties.

These motions should not be construed to imply favorable consideration of the RFP or the application, or relieve the applicant from complying with any applicable ordinances, regulations or policies, in any way. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

61. **REDUCTION OF INPATIENT PSYCHIATRIC TREATMENT PROGRAM AT INOVA MOUNT VERNON HOSPITAL (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland said that State budget cuts pose a significant threat to Fairfax County's program which provides hospital treatment to uninsured people with severe mental illness raising concerns that growing numbers of psychotic people could be left on the streets.

The reduction of the inpatient psychiatric treatment program at Inova Mount Vernon Hospital is seen by some doctors and mental health advocates as one of the most potentially serious funding cuts being imposed on the Fairfax Falls Church Community Services.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this issue to staff for review and recommendation since it affects the delivery of psychiatric services to those most in need in the Mount Vernon-Lee community. Without objection, it was so ordered.

62. **WOODROW WILSON BRIDGE UPDATE (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland referred to his written Board Matters which contain a copy of *Connections*, the most recent newsletter providing information on the status of the Woodrow Wilson Bridge construction and activities related to this project.

63. **CONGRATULATIONS TO SUPERVISOR GERALD E. CONNOLLY** (Tape 7)

Supervisor Hyland congratulated Supervisor Connolly on being elected as Second Vice-President, Virginia Association of Counties.

64. RECESS/CLOSED SESSION (Tape 7)

At 1:20 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. *County of Fairfax v. Eileen Wollstadt*, Record No. 021708 (Sup. Ct. of Va.)
 - 2. *Fairfax County Redevelopment and Housing Authority v. Rainwater Concrete Company*, At Law No. 193378 (Fx. Co. Cir. Ct.)
 - 3. *Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, and the Building Official of Fairfax County, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid*, In Chancery No. 179443 (Fx. Co. Cir. Ct.) (Braddock District)
 - 4. *EC Development Company, Trading as Edgemoore Homes, and Edgemoore Homes, LLC v. State Building Code Technical Review Board, Department of Public Works and Environmental Services, Fairfax County Office of Building Code Services, and Douglas Rabil and Barbara Rabil*, In Chancery No. 175418 (Fx. Co. Cir. Ct.) (Dranesville District)

5. *Edward J. Taborek v. The State Building Code Technical Review Board*, In Chancery No. 180810 (Fx. Co. Cir. Ct.) (Lee District)
6. *Jane Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson*, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Jane Gwinn, Fairfax County Zoning Administrator v. Susan C. Beck and Louis Kobus, Jr.*, In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
8. *Jane Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Ved P. Gupta and Ajaib S. Toor*, In Chancery No. 178658 (Fx. Co. Cir. Ct.) (Lee District)
9. *Jane Gwinn, Fairfax County Zoning Administrator v. Warren G. Basye*, In Chancery No. 176708 (Fx. Co. Cir. Ct.) (Mason District)
10. *Jane Gwinn, Fairfax County Zoning Administrator v. Wal-Mart Stores East, Inc.*, In Chancery No. 181112 (Fx. Co. Cir. Ct.) (Lee District)
11. *Jane Gwinn, Fairfax County Zoning Administrator v. Robert E. Clay, Jr.*, In Chancery No. 181171 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Board of Supervisors v. Paragon, L.C.*, At Law No. 203056 (Fx. Co. Cir. Ct.) (Mason District)
13. *Board of Supervisors v. Centrum-Fairfax Limited Partnership, et al.*, At Law No. 205409 (Fx. Co. Cir. Ct.) (Sully District)
14. *Board of Supervisors v. Cornelius J. Coakley, Trustee, et al.*, At Law No. 209150 (Fx. Co. Cir. Ct.) (Providence District)

15. *Jane Gwinn, Fairfax County Zoning Administrator v. William Demestihias*, Case No. 02-34028 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
16. *Jane Gwinn, Fairfax County Zoning Administrator v. David E. Conty*, Case No. 02-33652 (Fx. Co. Gen. Dist. Ct.) (Sully District)
17. *Jane Gwinn, Fairfax County Zoning Administrator v. Svetlana Cueto*, Case No. 02-34027 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
18. *Jane Gwinn, Fairfax County Zoning Administrator v. Marietta Gaston*, Case No. 02-34026 (Fx. Co. Gen. Dist. Ct.) (Lee District)
19. *Jane Gwinn, Fairfax County Zoning Administrator v. Ardon E. Nichols, II*, Case No. 02-34025 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
20. *Jane Gwinn, Fairfax County Zoning Administrator v. Isabel H. Zamora*, Case No. 02-34031 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
21. *Jane Gwinn, Fairfax County Zoning Administrator v. Danna M. Reese*, Case No. 02-34029 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
22. *Jane Gwinn, Fairfax County Zoning Administrator v. Theia D. Trusselle*, Case No. 02-34030 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- Robert Clem v. S. Corbeau, Civil Action No. 00-1684-A (E.D. Va.)

- Board of Supervisors v. Randolph Williams, Incorporated, et al, At Law No. 202356

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

PW:pw

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

ACTIONS FROM CLOSED SESSION

65. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 8)

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."

66. **REJECTION OF SETTLEMENT OF BOARD OF SUPERVISORS VERSUS RANDOLPH WILLIAMS, INCORPORATED, ET AL., AT LAW NUMBER 202356** (Tape 8)

Supervisor Frey moved that the Board reject the settlement offer in *Board of Supervisors versus Randolph Williams, Incorporated, et al.*, At Law Number 202356, but authorize the County Attorney to make a counteroffer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

67. **AUTHORIZATION TO EXECUTE THE AMENDMENT TO THE REAL ESTATE AGREEMENT (WEST PARCEL) WITH FAIR LAKES METROPOLITAN SQUARE, LLC AND THE AMENDMENT TO REAL ESTATE SALES AGREEMENT (EAST PARCEL) WITH FAIR LAKES METROPOLITAN SQUARE, II, LLC** (Tape 8)

Supervisor Frey moved that the Board authorize the County Executive to execute the Amendment to the Real Estate Sales Agreement (West Parcel) with Fair Lakes Metropolitan Square, LLC, and the Amendment to Real Estate Sales Agreement (East Parcel) with Fair Lakes Metropolitan Square, II, LLC. Supervisor Hyland

seconded the motion, which **CARRIED** by a recorded vote of nine, Supervisor McConnell voting "NAY."

AGENDA ITEMS

68. **ACTION REGARDING A-5 – FAIRFAX COUNTY'S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP)** (Tape 8)

(NOTE: Earlier in the meeting the Board deferred action on this item. See Clerk's Summary Item CL#17.)

Supervisor Kauffman called the Board's attention to A-5 - Fairfax County's Comments Regarding WMATA's Proposed CIP, and moved approval of the letter presented to the Board from the County to WMATA. Supervisor Hyland seconded the motion and it carried by unanimous vote.

69. **3 P.M. – BOARD DECISION ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-III-UP1 LOCATED IN THE OX HILL AREA (SULLY DISTRICT)** (Tape 8)

(NOTE: At its October 28, 2002, meeting the Board held a public hearing and deferred decision on this item until November 18, 2002.)

Supervisor Frey moved approval of Out-of-Turn Plan Amendment S02-III-UP1, as recommended by the Planning Commission. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

70. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-667 AND SPECIAL EXCEPTION APPLICATION SE 2002-DR-007 (BANK OF AMERICA) (DRANESVILLE DISTRICT)** (Tape 8)

Supervisor Mendelsohn moved to defer the public hearing on Proffered Condition Amendment Application PCA C-667 and Special Exception Application 2002-DR-007 until **December 9, 2002, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

71. **3 P.M. – PH ON REZONING APPLICATION RZ 2002-LE-005 (SUSAN WISE CLAY, FORMERLY SUSAN C. BECK) (LEE DISTRICT)** (Tape 8)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 2002-LE-005 until **December 9, 2002, at 3 p.m.** Chairman Hanley seconded

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

72. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-012 (BETTY M. MEADOWS) (DRANESVILLE DISTRICT)** (Tape 8)

Supervisor Mendelsohn moved to defer the public hearing on Special Exception Application SE 2002-DR-012 until **December 9, 2002, at 4 p.m.** Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

73. **3 P.M. – PH ON REZONING APPLICATION RZ 1999-SU-071 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-C-079-2 (BADREDDIN PLASEIED) (SULLY DISTRICT)** (Tape 8)

(O) (NOTE: At its October 28, 2002, meeting the Board deferred the public hearing on this item until November 18, 2002.)

The Rezoning Application RZ 1999-SU-071 property is located on the north side of Ox Hill Road, approximately 250 feet west of its intersection with Ox Road, Tax Map 46-3 ((1)) 2A.

The Proffered Condition Amendment Application PCA 78-C-079-2 is located in the northwest quadrant of the intersection of West Ox Road and Ox Hill Road, Tax Map 46-3 ((9)) E.

Mr. Barnes Lawson, Jr., reaffirmed the validity of the affidavit for the record.

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

Chairman Hanley announced that the Board would recess briefly to provide staff with time to copy and distribute the current proffers.

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

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

At 3:20 p.m. the Board recessed briefly, and at 3:25 p.m. reconvened with all Members being present, with the exception of Supervisor Hudgins and Supervisor McConnell, and with Chairman Hanley presiding.

75. **CONTINUATION OF 3 P.M. – PH ON REZONING APPLICATION RZ 1999-SU-071 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-C-079-2 (BADREDDIN PLASEIED) (SULLY DISTRICT)** (Tape 8)

(NOTE: This is the continuation of the public hearing which began earlier in the meeting. See Clerk's Summary Item CL#73.)

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 Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 1999-SU-071 from the R-1 and WS Districts to the R-3 and WS Districts, subject to the proffers dated November 6, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins and Supervisor McConnell being out of the room.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 78-C-079-2, subject to the proffers dated October 15, 2002. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

76. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-012 (BETTY M. MEADOWS) (DRANESVILLE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting this public hearing was deferred. See Clerk's Summary Item CL#72.)

77. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MA-015 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (MASON DISTRICT)** (Tape 8)

(O) The application property is located between the west side of Williams Lane and the east terminus of Hoffmans Lane, Tax Map 61-2 ((1)) 107, 109, 110, 113B pt. and 61-4 ((1)) 115.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

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

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

- In excess of \$200 from Mr. John Milliken

Following the public hearing, which included testimony by three speakers, Tracy Swagler, 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-2002-MA-015, be amended from the R-3 and HC Districts to the R-16 and HC Districts subject to the proffers dated November 14, 2002. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

Supervisor Gross further moved modification of the transitional screening on the southern, western, and a portion of the northern boundary in favor of that shown on the Generalized Development Plan. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

78. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2001-BR-022 (ROCKY GORGE HOMES, LLC) (BRADDOCK DISTRICT)** (Tape 8)

Supervisor Bulova moved to defer the public hearing on Rezoning Application RZ 2001-BR-022 until **December 9, 2002, at 5:30 p.m.** Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

79. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-020 (CHRISTOPHER MANAGEMENT INCORPORATED, TRUSTEES OF THE ENGLSIDE BAPTIST CHURCH) AND SPECIAL EXCEPTION APPLICATION SE 2002-MV-022 (TRUSTEES OF ENGLSIDE BAPTIST CHURCH) (MOUNT VERNON DISTRICT)** (Tapes 8-9)

(O) The application properties listed above are located on the east side of Richmond Highway, approximately 1000 feet south of its intersection with Pohick Road.

The Rezoning Application RZ 2002-MV-020 pertains to Tax Map 108-1 ((1)) 27A, 27B, and 108-3 ((1)) 16.

The Special Exception Application SE 2002-MV-022 pertains to Tax Map 108-3 ((1)) 16 pt. and 108-1 ((1)) 27A pt.

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, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-020, from the PDH-4 and HD Districts to the PDH-3 and HD Districts, and from the PDH-4 and HD Districts to the R-3 and HD Districts, subject to the proffers dated November 5, 2002.
- Approval of Special Exception Application SE 2002-MV-022, subject to the development conditions dated November 5, 2002.
- Modification of the transitional screening requirements and waiver of the barrier requirement between the church, school, and residential portion of the application property and the residential uses to the north in favor of the landscaping depicted on the SE plat.
- Waiver of the service drive requirement along Richmond Highway.
- Waiver of the height limitation for a noise wall along Richmond Highway.

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

80. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTIONS 82-5-34 AND 82-5-37, REGARDING THE RESTRICTION OF PARKING ON SECONDARY ROADS** (Tape 9)

(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 October 31 and November 7, 2002.

Following the public hearing, discussion ensued with input from Michael Long, Senior Assistant County Attorney, and Douglas Hansen, staff, Department of Transportation.

Supervisor Hudgins moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Sections 82-5-34 and 82-5-37, restricting parking on secondary roads in certain situations. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

81. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-V-042 (BELLE HAVEN COUNTRY CLUB, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 9)

(NOTE: At its September 23, 2002, meeting the Board deferred the public hearing on this item until October 7, 2002. At its October 7, 2002, meeting the Board deferred the public hearing on this item until October 28, 2002. At its October 28, 2002, meeting the Board deferred the public hearing on this item until November 18, 2002.)

The application property is located at 6023 Fort Hunt Road, Tax Map 83-4 ((1)) 5; 83-4 ((2)) (6) 1-29; 83-4 ((2)) (14) 1-32; 83-4 ((2)) (22) 1-19; 83-4 ((2)) (30) 1-4; 11-30; 83-4 ((2)) (33) 1-15, A; 83-4 ((2)) (41) 3-11, 14-19; 83-4 ((2)) (5) 1-32, B; 83-4 ((2)) (13) 1-30; 83-4 ((2)) (21) 1-5; 83-4 ((2)) (23) 1-30; 83-4 ((2)) (31) 1-32; 83-4 ((2)) (34) 1-30.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Ms. Kelsey 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. John T. Debell of Burgess and Niple, Ltd.

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

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 98-V-042, subject to the development conditions dated November 18, 2002.
- Modification of the transitional screening and barrier requirements along the eastern, western, and southern lot lines.
- Modification of the trail requirement, as set forth in the development conditions dated November 18, 2002.
- Waiver of frontage improvements on Fort Hunt Road in favor of that shown in the Special Exception Amendment Plat as qualified by the revised development conditions dated November 18, 2002.

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

82. **4 P.M. – PH ON REZONING APPLICATION RZ 2001-HM-052 (KEYSTONE LLC) (HUNTER MILL DISTRICT)** (Tape 9)

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2001-HM-052 until **December 9, 2002, at 6 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

83. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-017 (CAPITAL ONE BANK) (PROVIDENCE DISTRICT)** (Tape 9)

The application property is located in the northeast quadrant of Interstate-495 and Route 123, Tax Map 29-4 ((5)) A2.

Ms. Hillary Katherine Zahm reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Connolly moved approval of Special Exception Application SE 2002-PR-017, subject to the development conditions dated November 18, 2002. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

84. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9027 SILVERBROOK ROAD (SPRINGFIELD DISTRICT)** (No Tape)

(NOTE: This public hearing was deferred until later in the meeting. See Clerk's Summary Item CL#89.)

85. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING THE USE OF HIGH DENSITY POLYETHYLENE PIPE FOR SPECIFIC STORM DRAINAGE APPLICATIONS** (Tape 9)

Supervisor Connolly moved to defer the public hearing on proposed amendments to the PFM concerning the use of high density polyethylene pipe for specific storm drainage applications until **December 9, 2002, at 6 p.m.** This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

DMB:dmb

86. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), ESTABLISHING THE VANTAGE HILL RESTRICTED PARKING DISTRICT (RPD), DISTRICT 3, AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (HUNTER MILL DISTRICT)** (Tape 10)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 31 and November 7, 2002.

Following the public hearing, which included testimony by three speakers, Supervisor Hudgins moved adoption of the Ordinance establishing the Vantage Hills RPD, District 3, encompassing:

- Vantage Hill Road from Wainwright Drive to the cul-de-sac, inclusive
- Wainwright Drive from the east intersection of North Shore Drive to the west intersection of North Shore Drive.

The parking prohibition for watercraft, boat trailers, motor homes, and camping trailers on the streets identified above for the Vantage Hill RPD is proposed to be in effect seven days per week, 24 hours per day.

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

Supervisor Hudgins submitted items for the record.

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

Chairman Hanley announced that there would be a change in the Orders of the Day and that the Board would proceed with the 4 p.m. public hearing on Spot Blight Abatement Ordinance for 9027 Silverbrook Road (Springfield District).

88. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-012, PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-C-056, AND SPECIAL EXCEPTION APPLICATION SE 2002-HM-014 (HBL INCORPORATED) (HUNTER MILL DISTRICT)**
(No Tape)

(Later in the meeting the public hearing was held. See Clerk's Summary Item CL#90.)

89. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9027 SILVERBROOK ROAD (SPRINGFIELD DISTRICT)** (Tape 10)

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

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by four speakers, Supervisor McConnell moved:

- Adoption of the Ordinance to declare 9027 Silverbrook Road blighted, constituting a nuisance.
- Approval of the blight abatement plan for 9027 Silverbrook Road.

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.

90. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-012, PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-C-056, AND SPECIAL EXCEPTION APPLICATION SE 2002-HM-014 (HBL INCORPORATED) (HUNTER MILL DISTRICT)**
(Tape 10)

(O) The Rezoning Application RZ 2002-HM-012 and Proffered Condition Amendment Application PCA 82-C-056 property is located in the southwest quadrant of Leesburg Pike and Westwood Center Drive, Tax Map 29-3 ((20)) 1.

The Special Exception Application SE 2002-HM-014 property is located at 8601 Westwood Center Drive, Tax Map 29-3 ((20)) 1.

Mr. John W. Farrell reaffirmed the validity of the affidavit for the record.

Mr. Farrell 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, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 82-C-056. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-012 from the PDC, HC, and SC Districts to the C-7, HC, and SC Districts, subject to the proffers dated November 14, 2002. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly,

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

Supervisor Hudgins moved approval of Special Exception Application SE 02-M-014 subject to the development conditions dated November 18, 2002. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor Hudgins moved waiver of paragraph 20, Section 11-012, of the Zoning Ordinance to permit six stacking spaces at the drive-in bank rather than ten spaces. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

91. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2001-LE-048 (CENTEX HOMES) (LEE DISTRICT)** (Tapes 10-11)

(O) (NOTE: At its October 28, 2002, meeting the Board deferred the public hearing on this item until November 18, 2002.)

The application property is located on the north side of Telegraph Road, approximately 200 feet southwest of the intersection of Telegraph Road and Old Telegraph Road, Tax Map 100-1 ((1)) 22; 100-1 ((6)) 1, and 100-1 ((8)) 1.

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, Leslie Johnson, Branch Chief, 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 2001-LE-048, from the R-1 District to PDH-3 District and the Conceptual Development Plan, subject to the proffers dated October 15, 2002, and attached to the staff report.
- Waiver of the fence height requirement to permit the proposed wall along Telegraph Road to be up to seven feet in height, and modification of the trail requirement along the old Telegraph Road to that shown on the CDP/FDP.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

92. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-016 (SAINTSBURY, LLC) (PROVIDENCE DISTRICT)** (Tape 11)

The application property is located at 9605 and 9615 Saintsbury Drive, Tax Map 48-1 ((1)) 92 pt., 93 pt., 95, 145 and 48-3 ((1)) 54A pt.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Connolly moved:

- Approval of Special Exception Application SE 2002-PR-016, subject to the development conditions dated November 18, 2002.
- Modification of Additional Standard One of Section 9-306 of the Zoning Ordinance to permit a reduction in the minimum age requirement from 62 to 55 years of age.
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the transitional screening requirements along the eastern and western property lines to that shown in the SE plat.
- Waiver of the barrier requirements along the eastern and western property lines.
- Waiver of the off-street loading space requirement in accordance with the proposed development conditions.

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

93. **5 P.M. – PH ON REZONING APPLICATION RZ 2001-SU-055 (JAGDISH BERRY) (SULLY DISTRICT)** (Tape 11)

(O) The application property is located on the east side of Centreville Road, approximately 300 feet south of Darkwood Drive, Tax Map 65-1 ((1)) 39.

Mr. Stephen K. Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox 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, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-SU-055, from the R-1 and WS Districts to the R-3 and WS Districts, subject to the proffers dated November 13, 2002.
- Waiver of the service drive requirement along Centreville Road.
- Approval of the request to allow a ten-foot high fence along Centreville Road, per paragraph 3F of Section 10-104 of the Zoning Ordinance.

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

94. **5:30 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2003 VIRGINIA GENERAL ASSEMBLY** (Tapes 11-12)

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 October 31 and November 7, 2002.

Chairman Hanley read into the record items for Board consideration that were discussed at the last Legislative Committee meeting in addition to other proposals that are expected to be submitted for consideration.

Following the public hearing that included testimony by six speakers, discussion ensued with input from Michael H. Long, Senior Assistant County Attorney.

Supervisor Kauffman asked unanimous consent that the Board direct staff to report regarding the Board's potential membership in the High-Growth Coalition. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to prepare a report for review regarding smokestack resource and air pollution. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

ADDITIONAL BOARD MATTER

95. **ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) PUBLIC HEARING** (Tape 12)

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to publicize the EQAC public hearing on December 11, 2002, at 7:30 p.m. at the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, 22035. Without objection, it was so ordered.

96. **BOARD RECESS** (Tape 12)

At 6:50 p.m., the Board recessed briefly, and, at 7:20 p.m., reconvened in the Board Auditorium with all Members being present with the exception of Supervisor Connolly, Supervisor Hudgins and Supervisor McConnell, and with Chairman Hanley presiding.

AGENDA ITEMS

97. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-11MV, LOCATED SOUTHEAST OF THE JANNA AVENUE AND BUCKMAN ROAD INTERSECTION (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-11MV. Supervisor

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

98. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-12MV, LOCATED BETWEEN RICHMOND HIGHWAY AND BUCKMAN ROAD FROM JANNA LEE AVENUE TO AND INCLUDING THE ROXBURY OF MOUNT VERNON TOWNHOUSES (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-12MV. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

99. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-13MV, LOCATED NORTH AND WEST OF RICHMOND HIGHWAY, BOUNDED BY BUCKMAN ROAD, RICHMOND HIGHWAY, RUSSELL ROAD AND ROXBURY OF MOUNT VERNON TOWNHOUSES (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-13MV. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

100. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-16MV, LOCATED NORTH OF AND ADJACENT TO RICHMOND HIGHWAY (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-16MV. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

101. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-27MV, LOCATED NORTH OF AND ADJACENT TO RICHMOND HIGHWAY, BOUNDED BY BUCKMAN ROAD, RUSSELL ROAD, MAIN STREET AND RICHMOND HIGHWAY (LEE DISTRICT)**
(Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-27MV. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

102. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-23MV, LOCATED SOUTH AND WEST OF THE PENN DAW SHOPPING PLAZA AND WEST OF SOUTH KINGS HIGHWAY (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-23MV. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

103. **7 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT ITEM S02-IV-RH1, LOCATED NORTHEAST OF THE BEULAH STREET/TELEGRAPH ROAD INTERSECTION (LEE DISTRICT)**
(Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for Out-of-Turn Plan Amendment Item S02-IV-RH1. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

104. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-6RH, LOCATED WEST OF SOUTH VAN DORN STREET AND SOUTH OF FRANCONIA ROAD (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-6RH. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

105. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-9RH, LOCATED WEST OF MAY BOULEVARD AND EAST OF THE GREENDALE GOLF COURT (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-9RH. Supervisor Hyland seconded the motion and it carried by unanimous vote.

106. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-5S, LOCATED WEST OF BEULAH STREET AND SOUTH OF WINDSOR AVENUE (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-5S. Supervisor Hyland seconded the motion and it carried by unanimous vote.

107. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-1RH, LOCATED EAST OF BEULAH STREET AND SOUTH OF THE CRESTLEIGH SUBDIVISION (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-1RH. Supervisor Hyland seconded the motion and it carried by unanimous vote.

108. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-2S, LOCATED EAST OF LOISDALE ROAD BETWEEN THE JOSEPH ALEXANDER TRANSPORTATION CENTER AND LOISDALE ESTATES (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-2S. Supervisor Hyland seconded the motion and it carried by unanimous vote.

109. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-8S, LOCATED WEST OF BEULAH STREET AND SOUTH OF WALKER LANE (LEE DISTRICT)** (Tape 12)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of the Planning Commission recommendation for APR Item 02-IV-8S. Supervisor Hyland seconded the motion and it carried by unanimous vote.

110. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-6LP AND 02-IV-8LP, LOCATED IN THE SOUTHWESTERN QUADRANT OF LORTON ROAD AND INTERSTATE-95 INTERCHANGE (MOUNT VERNON DISTRICT)** (Tapes 12-13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Warren I. Cikins, a former Supervisor from Mount Vernon District.

Supervisor Hyland moved approval of the Planning Commission recommendation for APR Items 02-IV-6LP and 02-IV-8LP. Supervisor Connolly seconded the motion and it carried by unanimous vote.

111. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-7LP, LOCATED EAST OF PLASKETT LANE IN THE NORTHWESTERN QUADRANT OF LORTON ROAD AND INTERSTATE-95 INTERCHANGE (MOUNT VERNON DISTRICT)**

(Tape 13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-7LP. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Chairman Hanley submitted an item for the record.

112. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-3LP, LOCATED AT THE INTERSECTION OF LORTON ROAD AND RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)**

(Tape 13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-3LP. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

113. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-4LP, FORMER DC DEPARTMENT OF CORRECTIONS PROPERTY, NORTH OF THE OCCOQUAN RIVER (MOUNT VERNON DISTRICT)**

(Tape 13)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-4LP. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

114. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-5LP, LOCATED EAST OF INTERSTATE-95, PARALLELING THE RF&P RAILROAD TRACKS (MOUNT VERNON DISTRICT)** (Tape 13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved **DENIAL** of the Planning Commission recommendation for APR Item 02-IV-5LP. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor Mendelsohn being out of the room.

115. **7 P.M. – PH 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 13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by six speakers, Supervisor Hyland moved to defer decision on APR Item 02-IV-9LP until **December 9, 2002, at 6 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

116. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-11LP, LOCATED SOUTHEAST OF COLCHESTER ROAD AND SOUTHWEST OF GUNSTON ROAD (MOUNT VERNON DISTRICT)** (Tape 13)

Supervisor Hyland moved to defer the public hearing on APR Item 02-IV-11LP until **December 9, 2002, at 6 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

117. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-7MV, LOCATED EAST OF RICHMOND HIGHWAY AND NORTH OF DAWN DRIVE (MOUNT VERNON DISTRICT)** (Tape 13)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-7MV and further moved to permit the low-rise office up to .50 FAR. Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

118. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-8MV, LOCATED ALONG RICHMOND HIGHWAY BETWEEN BEACON HILL ROAD AND DAWN DRIVE (MOUNT VERNON DISTRICT)** (Tapes 13-14)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of the Planning Commission alternatives for APR Item 02-IV-8MV found on page 13 of the handout entitled "Board of Supervisors Area Plan Review Draft Motions" dated November 18, 2002, with two changes in bullet one, which should read "Reasonable consolidation of Parcels 93-1((1))21, 24, 25, and 26, and a coordinated development plan submitted." Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell 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 submit a copy of the new language in final form at the next Board meeting on December 9, 2002. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

119. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-10MV, LOCATED AT RICHMOND HIGHWAY AND GRAND VIEW DRIVE (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-10MV. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

120. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 02-IV-25MV, 02-IV-26MV, AND 02-IV-28MV, LOCATED ON THE SOUTHEAST SIDE OF RICHMOND HIGHWAY BETWEEN REDDICK AVENUE AND RADFORD AVENUE (MOUNT VERNON DISTRICT)**
(Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Items 02-IV-25MV, 02-IV-26MV, and 02-IV-28MV. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

121. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 02-IV-18MV AND 02-IV-19MV, LOCATED ON THE NORTHWEST SIDE OF RICHMOND HIGHWAY, FROM SKY VIEW DRIVE SOUTH TO INCLUDE PARCELS ON THE SOUTH SIDE OF ENGLSIDE STREET (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission alternative for APR Item 02-IV-18MV as shown on the handout entitled "Board of Supervisors Area Plan Review Draft Motions" dated November 18, 2002. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

Supervisor Hyland moved approval of the Planning Commission alternative for APR Item 02-IV-19MV 18MV dated November 18, 2002. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

122. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 02-IV-20MV AND 02-IV-21MV, LOCATED ON THE SOUTHEAST SIDE OF RICHMOND HIGHWAY FROM FOREST LANE SOUTH TO LUKENS LANE (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Items 02-IV-20MV and 02-IV-21MV as shown on the handout entitled "Board of Supervisors Area Plan Review Draft Motions" dated November 18, 2002. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

123. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-22MV, LOCATED AT RICHMOND HIGHWAY AND OLD MILL ROAD (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-22MV. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

124. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-4S, LOCATED AT BACKLICK ROAD AND CINDER BED ROAD (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved approval of the Planning Commission alternative shown on the handout entitled "Board of Supervisors Area Plan Review Draft Motions" dated November 18, 2002, for APR Item 02-IV-4S. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

125. **7 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-6S, LOCATED ON THE NORTHEAST CORNER OF CINDER BED ROAD AND NEWINGTON ROAD AND ALONG ALLEN PARK ROAD (MOUNT VERNON DISTRICT)** (Tape 14)

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 October 31 and November 7, 2002.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved to defer decision on APR Item 02-IV-6S indefinitely.

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

126. **BOARD ADJOURNMENT** (Tape 14)

At 9:40 p.m., the Board adjourned.

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