



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
November 17, 2003**

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23-03

SBE:sbe

The meeting was called to order at 9:50 a.m., with all Members being present, with the exception of Supervisor Frey and Supervisor Mendelsohn, and with Chairman Hanley presiding.

Supervisor Frey arrived at 10:04 a.m.

Supervisor Mendelsohn arrived at 10:54 a.m.

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

BOARD MATTERS

1. **ORDERS OF THE DAY** (9:51 a.m.)

Chairman Hanley announced that the Board would proceed with the Awards and Certificates until 10:15 a.m., at which time the Board would hear the Presentation of "Stormready Accreditation from the National Oceanic and Atmospheric Administration," then proceed as scheduled.

AGENDA ITEMS

2. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE SCHOOL BOARD** (9:51 a.m.)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Ernestine Heastie, Providence District Representative to the School Board, who is retiring. Supervisor Hyland and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn not yet having arrived.

Supervisor Hyland moved approval of the Certificate of Recognition presented to Isis Castro, Chairman, Mount Vernon District Representative to the School Board, who is retiring. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn not yet having arrived.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to Robert E. Frye, At-Large Representative to the School Board, who is retiring. Vice-Chairman Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly stated that there were other Members of the School Board who were not present but needed to be honored for their work on the School Board and they are:

- Mr. Christian N. Braunlich, Lee District Representative
- Ms. Rita Thompson, At-Large Representative
- Ms. Mychele B. Brickner, At-Large Representative

Supervisor Connolly stated that these School Board Members put in a lot of time and work for County students and the Board honors them as well.

3. **10:15 A.M. – PRESENTATION OF "STORMREADY ACCREDITATION FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)"** (10:08 a.m.)

ADDITIONAL BOARD MATTER

Welcome to Catherine A. "Cathy" Belter, Springfield District Representative to the School Board (10:08 a.m.)

Chairman Hanley recognized the presence of Springfield District Representative Cathy Belter and warmly welcomed her to the Board Auditorium.

Chairman Hanley announced that Fairfax County was the first Stormready County in the Commonwealth of Virginia. The Stormready Accreditation focuses on improving communications and preparedness in communities through outreach and public awareness, prepares the communities for all sorts of severe weather, and provides communities with details and clear guidance for their formalized hazardous weather plans.

David Manning, Severe Weather Team Leader, National Weather Service, Sterling, Virginia introduced other members of the team and gave the presentation. Mr. Manning presented Fairfax County with a Stormready Certification.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO PRIVATE AND PUBLIC SECTORS OF THE COMMUNITY WHO ASSISTED DURING HURRICANE ISABEL** (10:16 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to the private and public sectors of the community who assisted during Hurricane Isabel. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

ADDITIONAL BOARD MATTERS

5. **RETIREMENT OF JAMES A. WARFIELD, JR., EXECUTIVE OFFICER AT WATER AUTHORITY** (10:30 a.m.)

(BACs) Supervisor Kauffman announced that James A. Warfield, Jr., Executive Officer, Water Authority, will be retiring after 27 years of service to the County. Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Warfield to appear before the Board on December 8, 2003, to be recognized for his many years service to the County. Without objection, it was so ordered.

6. **APPOINTMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE** (10:34 a.m.)

(BACs) Chairman Hanley announced that the appointments to the Chesapeake Bay Preservation Ordinance Exception Review Committee would be deferred until later in the day.

Supervisor Bulova asked unanimous consent that the Board direct staff to report with information as to whether this committee could be expanded to include an appointee by each Board Member. Without objection, it was so ordered.

(NOTE: Later in the meeting, The Board took action regarding this committee. See Clerk's Summary Item and CL# 66.)

AGENDA ITEMS

7. **PROCLAMATION DECLARING NOVEMBER AS "ADOPTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:36 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to declare November as "Adoption Awareness Month" in Fairfax County. Supervisor McConnell seconded the motion and it

carried by a vote of seven, Supervisor Connolly and Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SHARON KELSO** (10:43 a.m.)

(BACs) Chairman Hanley moved approval of the Certificate of Recognition presented to Ms. Sharon Kelso for her service as Chairman of the Homeless Oversight Committee. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE MAIN STREET CHILD DEVELOPMENT CENTER** (10:50 a.m.)

Supervisor Connolly moved approval of the Resolution of Recognition presented to the Main Street Child Development Center congratulating it for 30 years of service. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Frey and Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

10. **PROCLAMATION DECLARING DECEMBER 1, 2003, AS "WORLD AIDS DAY" IN FAIRFAX COUNTY AND CERTIFICATES OF RECOGNITION PRESENTED TO THE NORTHERN VIRGINIA AIDS MINISTRY AND THE WHITMAN-WALKER CLINIC OF NORTHERN VIRGINIA** (10:55 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to declare December 1, 2003, as "World AIDS Day" in Fairfax County. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by unanimous vote.

Chairman Hanley moved approval of two Certificates of Recognition presented to the Northern Virginia AIDS Ministry and the Whitman-Walker Clinic of Northern Virginia for more than ten years of service in the provision of HIV and AIDS prevention education to residents of Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO THE AUXILIARY POLICE OFFICERS PROGRAM** (11:03 a.m.)

Chairman Hanley moved approval of the Certificate of Recognition presented to the Auxiliary Police Officers Program. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Connolly being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor McConnell asked unanimous consent that the Board direct staff to prepare a Budget Consideration Item for radios for the Auxiliary Police Officers Program. Without objection, it was so ordered.

12. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. CAROL STUART-GOLDBERG AND FELLOW COUNTY EMPLOYEES**
(11:12 a.m.)

Supervisor Connolly moved approval of the Certificates of Recognition presented to Ms. Carol Stuart-Goldberg and fellow County employees involved in the Telework Program for their service. Supervisor Gross seconded the motion and it carried by unanimous vote.

13. **10 A.M. – 2003 EXCEPTIONAL DESIGN AWARDS CEREMONY**
(11:19 a.m.)

This is the nineteenth year of the Exceptional Design Awards Program. One hundred and four projects have been recognized for their design excellence over that time. J. Paul Lewis, AIA, Fairfax County Chamber of Commerce presented the 2003 Exceptional Design Awards to the following:

- *Honor Award:* Capital One Financial Corporation Headquarters
Campus Phase 1 (Commercial, Office)
Architect: Ai, Washington, DC
Owner/Developer: Capital One Financial Corporation
Year Built: 2002
- *Merit Award:* National Wildlife Federation Headquarters
(Commercial, Office)
Architect: Hellmuth, Obata and Kassabaum, Washington, DC
Owner/Developer: National Wildlife Federation
Year Built: 2000
- *Merit Award:* Gannett/USA Today Headquarters
(Commercial/Office)
Architect: Lehman-Smith and McLeish, Washington, DC
Owner/Developer: Gannett Company, Incorporated
Year Built: 2001

14. **10:15 A.M. – PRESENTATION OF "STORMREADY ACCREDITATION FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)"** (No Time)

(NOTE: Earlier in the meeting, the presentation of "Stormready Accreditation from the National Oceanic and Atmospheric Administration was given. See Clerk's Summary Item CL#3.)

15. **10:30 A.M. – PRESENTATION BY THE WASHINGTON AIRPORTS TASK FORCE** (11:28 a.m.)

Leo Schefer, President, Washington Airports Task Force, gave the presentation regarding Washington Dulles International Airport.

PW:pw

16. **10:45 A.M. – APPOINTMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE** (11:36 a.m.)

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

(NOTE: Later in the meeting, the Board took action regarding this Committee. See Clerk's Summary Item CL#66.)

17. **ADMINISTRATIVE ITEMS** (11:38 a.m.)

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

Chairman Hanley called the Board's attention to Admin 9 – Adoption of a Resolution by the Fairfax County Economic Development Authority Authorizing Modification of Industrial Development Revenue Note Series of 1998 and noted that the name of the company involved was not readily apparent.

Following discussion, the question was called on 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."

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, LEE, AND PROVIDENCE 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>
Birch Grove	Dranesville	Birch Grove Court Birch Road Route 2807 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Chang Shopping Center	Dranesville	Old Dominion Drive Route 738 Additional ROW Only
The Maples	Dranesville	Charwhit Court Georgetown Pike Route 193 Additional ROW Only
McLeod/Shields Property	Dranesville	Bonheim Court Westmoreland Street Route 693 Additional ROW Only
Elgin Manor	Hunter Mill	Elgin Drive Clarks Crossing Road Route 676 Additional ROW Only
Governor's Grove, Section 1	Lee	Franconia Road Route 644 Additional ROW Only
Governor's Grove, Section 2	Lee	Franconia Road Route 644 Additional ROW Only
Kingstowne Village Parkway, Phase 3A and 3B	Lee	Kingstowne Village Parkway
Kingstowne, Section 43	Lee	Castle Bar Lane Castle Bar Court Green Glen Lane Green Glen Court
Kingstowne, Section 44	Lee	Clonmel Court Donegan Court Trumpington Court
Schebish Property	Lee	Waterlily Court Valley Drive Route 718 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Towns of Manchester Woods	Lee	Manchester Woods Drive Hooes Road Route 636 Additional ROW Only
Arden Oaks	Providence	Harithy Drive Wolftrap Road Route 676 Gallows Road Route 650 Additional ROW Only Arden Street Route 3450 Additional ROW Only
Fox Creek	Providence	Wolftrap Road Route 696

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-M-038, LEEWOOD INVESTMENTS AND ASSOCIATES, LLC (MASON DISTRICT)

- (AT) Approved 18 months of additional time to commence construction for Special Exception Application SE 99-M-038, to April 30, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 82-S-087-3, MERRIFIELD GARDEN CENTER (SPRINGFIELD DISTRICT)

- (AT) Approved 8 months of additional time to commence construction for Special Exception Amendment Application SEA 82-S-087-3, to April 5, 2004, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – INSTALLATION OF “NO PARKING 8 A.M. TO 4 P.M. SCHOOL DAYS” SIGNS IN FRONT OF 1301, 1303, AND 1305 WAYNEWOOD BOULEVARD (MOUNT VERNON DISTRICT)

- (R)
- Adopted the Resolution restricting parking in front of 1301, 1303, and 1305 Waynewood Boulevard from 8 a.m. to 4 p.m. on school days.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 5 – INSTALLATION OF A MULTI-WAY STOP AT WHEAT MILL WAY AND GRAINERY ROAD (SULLY DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Department of Transportation's Residential Administration Program at Wheat Mill Way and Grainery Road.
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 6 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON WALDEN DRIVE (DRANESVILLE DISTRICT)

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

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY LOCATED AT 5714 MOUNT GILEAD ROAD (FORMERLY 5634 MOUNT GILEAD ROAD), CENTREVILLE, VIRGINIA (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 5, 2004, at 4 p.m.** regarding the proposed continued leasing of County-owned property at 5714 Mount Gilead Road (formerly 5634 Mount Gilead Road), Centreville, Virginia, Tax Map Number 054-4-01-0038 A, to Mr. Ted McCord.

ADMIN 8 – 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)

Authorized HCD, on behalf of the FCRHA, to apply for SPARC mortgage funds, in an amount up to \$6 million, from the VHDA. The funds will be used to encourage reinvestment in residential areas near the County’s commercial revitalization areas and in other areas of the County where housing prices are affordable to families making 80 percent and under the area median income, and for other County initiatives serving borrowers making 60 percent or less of the area media income.

(NOTE: Later in the meeting, additional action was taken on this item. See Clerk's Summary Item CL#18.)

ADMIN 9 – ADOPTION OF A RESOLUTION BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) AUTHORIZING MODIFICATION OF INDUSTRIAL DEVELOPMENT REVENUE NOTE SERIES OF 1998 (HUNTER MILL DISTRICT)

- (R) (NOTE: Earlier in the meeting, there was a brief comment regarding this item. See page 6.)

Adopted the Resolution authorizing the EDA to assist the Company in its plans to modify the terms of the Authority's Industrial Development Revenue Note, Series of 1998 (the "Prior Note") in the outstanding principal amount of \$1,081,623.16, as of November 1, 2003.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04046 FOR THE DEPARTMENT OF FAMILY SERVICES TO ACCEPT CONTINUED FUNDING FROM THE US DEPARTMENT OF LABOR (USDL), ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), TO ADDRESS THE DISPROPORTIONATE UNEMPLOYMENT AND UNDEREMPLOYMENT OF PEOPLE WITH DISABILITIES

- (SAR) Approved SAR AS 04046 in the amount of \$612,662 from USDL to continue funding to the NVWIB to provide disabled individuals increased access to employment options and to provide employment support systems. No local cash match is required.

18. **ADMIN 8 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO APPLY FOR SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY** (11:39 a.m.)

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 9.)

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide additional information on the SPARC funds awarded. Without objection, it was so ordered.

19. **A-1 – PARKING REDUCTION FOR GLEN FOREST SHOPPING CENTER IN THE BAILEY'S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (11:40 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 8.7 percent for the Glen Forest Shopping Center,

pursuant to Paragraph 3(A), Section A7-209, of the Zoning Ordinance on condition that:

- A minimum of 242 parking spaces are maintained on site at all times.
- The uses permitted per this parking reduction are shown on the Proposed Site Plan Use and Parking Tabulation Revision (6472- PKS-02-02).
- All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
- No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
- The conditions of approval of this parking reduction set forth above shall run with the land and be recorded in the land records in a form acceptable to the County Attorney.

20.

A-2 – APPROVAL OF COMMITMENT LETTER SUPPORTING VOLUNTARY CONTROL MEASURES FOR INCLUSION IN THE WASHINGTON REGION'S STATE AIR QUALITY IMPLEMENTATION PLAN (SIP) (11:40 a.m.)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board concur in the recommendation of staff and approve the letter indicating the County's commitment to implement the following voluntary control measures for County agencies for inclusion in the Washington region's SIP:

- Gas can replacements
- Use of Low Volatile Organic Compound (VOC) paints
- Diesel retrofits
- Episodic ban on the use of gasoline powered lawn and garden equipment
- Episodic ban on the use of VOC-containing paints (per label on back of can)

- Episodic ban on the refueling of non-essential vehicles
- Episodic ban on the use of VOC-containing pesticides
- Telework on code red days
- Participation as a Clean Air Partner
- Best practices in pesticide application
- Alternative fueled vehicle purchases

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide additional information regarding the percentage of the County's alternative fuel vehicles. Without objection, it was so ordered.

21. **A-3 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS EXPANDING DEPARTMENT HEAD AUTHORITY TO DELEGATE PERSONNEL ACTIONS, MODIFYING THE OVERTIME ELIGIBILITY THRESHOLD FOR DEPUTY SHERIFFS, AND HOUSEKEEPING CHANGES** (11:41 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the proposed revisions to the Personnel Regulations. Supervisor Hyland seconded the motion.

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

Supervisor Frey moved to defer action on modifying the overtime eligibility threshold for Deputy Sheriffs until the Board receives a response from the Office of the Sheriff regarding prior inquiries into the costs for staffing Centreville Days. Supervisor Hudgins seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, and Chairman Hanley voting "NAY."

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

22. **A-4 – ENDORSEMENT OF PREFERRED ALTERNATIVES BASED ON FORT BELVOIR'S PRELIMINARY FEASIBILITY STUDY OF A CONNECTOR ROAD BETWEEN RICHMOND HIGHWAY (US ROUTE 1) AND TELEGRAPH ROAD (MOUNT VERNON AND LEE DISTRICTS)** (11:44 a.m.)

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

- Endorse, as the preferred alternative, the reopening of Woodlawn Road through Fort Belvoir by providing additional force protection "hardening" measures.
- Endorse Alternatives A, B, C, or a hybrid of these three alternatives, shown in Fort Belvoir's Preliminary Feasibility Study, as acceptable options, should the Department of Defense reject the option of reopening Woodlawn Road.
- Forward the letter to Fort Belvoir outlining the Board's preferred alternatives for the reopening or replacement of Woodlawn Road.

Discussion ensued with input from Katharine D. Ichter, Chief, Capital Projects and Operations Division, Department of Transportation.

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

Supervisor Kauffman noted that this evening at Mount Vernon High School, from 6 p.m. until 9 p.m., Fort Belvoir is holding a public scoping meeting regarding the above road matters and he invited citizens to attend.

23. **C-1 – ISSUANCE AND SALE OF BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) FOR THE FINANCING OF THE ACQUISITION AND REHABILITATION OF THE ISLAND WALK PROJECT BY COMMUNITY PRESERVATION AND DEVELOPMENT CORPORATION (CPDC) (HUNTER MILL DISTRICT)** (11:46 a.m.)

(BONDS) The Board next considered an item contained in the Board Agenda dated November 17, 2003, regarding adoption of a Resolution to approve the issuance of tax-exempt Multifamily Housing Revenue Bonds by FCRHA to finance the acquisition and rehabilitation of Island Walk townhouses by CPDC.

Supervisor Hudgins moved adoption of the Resolution. The second to this motion was inaudible.

A brief discussion ensued.

(NOTE: Later in the meeting, the Board voted on this item. See Clerk's Summary Item CL#25.)

24. **I-1 – CONTRACT AWARD – POHICK TRUNK LINE UPGRADE (MOUNT VERNON DISTRICT)** (11:47 a.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2003, requesting authorization for staff to:

- Award a contract to R. G. Griffith, Incorporated, in the amount of \$5,407,325 for the construction of Project X00906, Sewer Line Enlargement, in Fund 402, Sewer Construction Improvements.
- Reallocate funds as outlined in the Board Agenda Item dated November 17, 2003.

The staff was directed administratively to proceed as proposed.

25. **C-1 – ISSUANCE AND SALE OF BONDS BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY FOR THE FINANCING OF THE ACQUISITION AND REHABILITATION OF THE ISLAND WALK PROJECT BY COMMUNITY PRESERVATION AND DEVELOPMENT CORPORATION (HUNTER MILL DISTRICT)** (11:47 a.m.)

(R) (NOTE: Earlier in the meeting, the motion was made on this item. See Clerk's Summary Item CL#23.)

The question was called on the motion to adopt the Resolution 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."

26. **I-2 – ESTABLISHMENT OF MEMBERSHIP IN THE SPECTRUM COALITION FOR PUBLIC SAFETY** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2003, requesting authorization for the County Executive to sign the Memorandum for the County to join the Spectrum Coalition for Public Safety.

The staff was directed administratively to proceed as proposed.

27. **I-3 – LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON ISLAND WALK (HUNTER MILL DISTRICT)** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2003, requesting authorization for staff to sign the letter on Island Walk and forward it to VDHA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

28. **I-4 – CONTRACT AWARD – CONSULTING SERVICES: EMERGENCY MANAGEMENT FUNCTIONS AND DISASTER OPERATIONS ACTIVITIES – HURRICANE ISABEL AFTER ACTION REPORT** (11:48 a.m.)

The Board next considered an item contained in the Board Agenda dated November 17, 2003, requesting authorization for staff to award a contract to Dewberry and Davis in the amount of \$133,947 for consulting services for emergency management functions and disaster operations activities.

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

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

29. **COMMENTS ON SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE DULLES CORRIDOR RAPID TRANSIT PROJECT** (11:53 a.m.)

Chairman Hanley stated that in the supplemental DEIS for the Dulles Corridor Rapid Transit Project, the proposal to phase the project recommends that the first construction end at the Wiehle Avenue station. She asserted that there is concern that the Wiehle Avenue station will become a terminus station with massive parking garages causing tremendous traffic jams. She expressed her belief that there is no intent for that to happen, but noted that the supplemental DEIS is subject to that interpretation.

Chairman Hanley noted that the public comment period on the SDEIS is currently open, with public hearings to be held on December 3 and 11, 2003. Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board:

- Include in its comments on the DEIS that the construction of structured parking at the Wiehle Avenue station not begin until a full funding grant agreement has been executed for Phase II of the project.

- Direct staff to provide comments to the Board at its December 8, 2003, meeting for presentation at the DEIS public hearing.

Supervisor Hudgins seconded the motion.

Following discussion, the question was called on the motion, which **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn voting “**NAY.**”

30. **NATIONAL MENTORING MONTH** (11:59 a.m.)

Chairman Hanley stated that Fairfax Partnership for Youth, Incorporated requested that the County recognize the month of January as National Mentoring Month. To highlight the need for mentors, she moved that the Board direct staff to prepare a proclamation and invite the appropriate representatives to appear before the Board at the December 8, 2003, meeting to accept the proclamation declaring January as “*National Mentoring Month*” in Fairfax County.

Following brief input from Merni Fitzgerald, Director, Office of Public Affairs, Supervisor Bulova seconded the motion, which carried by unanimous vote.

31. **DISCUSSION OF MEMORANDUM FROM MAGGI LUCA, SECRETARY, ELECTORAL BOARD** (12 noon)

Chairman Hanley called the Board Members’ attention to their red folders, which contained a memorandum regarding November 4, 2003, election information from Maggi Luca, Secretary, Electoral Board, and discussion ensued.

Chairman Hanley asked unanimous consent that the Board direct the County Attorney to ensure that, for the next election (February 10, 2004), operating procedures are in place regarding the voting process and repair of machines. Without objection, it was so ordered.

With regard to the paragraph of the memorandum regarding the report from the vendor, Chairman Hanley asked unanimous consent that the Board direct the Electoral Board to provide those responses regarding both the machines and the reporting issue. She clarified that the Board would like to see the operational issues and the corrective action.

Supervisor Hudgins asked to amend the request to include all agencies involved in the review process, such as the Department of Information Technology. Without objection, it was so ordered.

Further discussion ensued regarding privacy issues, machine malfunctions, and too few machines at some precincts.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide information as to the allocation of machines. Without objection, it was so ordered.

Discussion continued regarding problems encountered by persons with disabilities and senior citizens, reporting problems, as well as complaints regarding privacy.

Vice-Chairman Hyland suggested that staff could conduct a survey of a sampling of voters, particularly senior citizens, to gain from their experiences.

Supervisor Hudgins suggested that staff conduct tests in senior center communities for further review of issues raised today.

Following further discussion, Supervisor Connolly asked unanimous consent that the Board direct the Electoral Board to report with the *exact* number of machines that malfunctioned, in whole or in part, on Election Day, as part of the information it will be providing. Without objection, it was so ordered.

Following additional discussion, Chairman Hanley expressed appreciation to Ms. Luca for providing the report today.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

32. **HERNDON HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM (DRANESVILLE DISTRICT)** (12:19 p.m.)

Supervisor Mendelsohn announced that on Saturday, November 8, the Herndon High School girls' cross country team captured the Virginia AAA State Championship at The Plains in Great Meadows. It is the first Herndon team EVER to win a State championship.

Accordingly, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite the team and Coach Mike Mahoney to appear before the Board on December 8, 2003, to be congratulated on this great achievement. Without objection, it was so ordered.

33. **RECOGNITION OF KARATE CHAMPIONS** (12:20 p.m.)

Supervisor Mendelsohn said that the Fairfax County Park Authority offers County residents the opportunity to take several levels of karate instruction at the Spring Hill Recreation Center in McLean. Recently, the American Amateur Karate Federation selected a team to represent the United States at the XIII Pan American Traditional Karate Championships, held on November 15-16, 2003, in Goiania, Brazil. Seven of the 11 members of the US team trained at the Spring Hill Recreation Center.

Accordingly, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to invite the members of this team, along with their instructor and coach, "Sensi" Michael Tabasi, to appear before the Board on December 8, 2003, to be recognized for their outstanding achievement. Without objection, it was so ordered.

34. **RECOGNITION OF MR. DEWEY BOND** (12:21 p.m.)

Supervisor Mendelsohn said that for 16 years, Dewey Bond, a resident of Great Falls and a noted environmental activist, served the County as an elected representative of the Northern Virginia Soil and Water Conservation District (NVSWCD), an independent entity established to protect the quality of the environment, and was chairman of NVSWCD for much of that time.

Supervisor Mendelsohn noted that under Mr. Bond's leadership, the organization made strides toward protecting and restoring many streams throughout Northern Virginia that were threatened by development. The conservation district received numerous national awards for a book entitled *You and Your Land*, for its many volunteer programs, and for a widely-read newsletter. Mr. Bond is still a member of the State conservation board and will complete his second term on that board in June.

Therefore, for the spirit of cooperation he has worked to foster between the Board and the NVSWCD and for his tireless dedication to the environmental well-being of the community, Supervisor Mendelsohn moved that the Board direct staff to invite Mr. Bond to appear before the Board to receive its thanks and recognition on December 8, 2003. Supervisor Hyland seconded the motion, which carried by unanimous vote.

35. **URBAN FORESTRY PROGRAM CELEBRATES 30 YEARS AND 9 A.M. START FOR DECEMBER 8, 2003, BOARD MEETING** (12:22 p.m.)

Supervisor Mendelsohn called the Board's attention to copies of an announcement that the County's Urban Forestry Program celebrates 30 years since inception. Accordingly, he asked unanimous consent that the Board direct staff to invite the Urban Forestry team to appear before the Board on December 8, 2003, to be recognized and congratulated on its 30 years. Without objection, it was so ordered.

Following input from Catherine A. Chianese, Assistant to the County Executive, Chairman Hanley announced that the December 8 meeting would begin at 9 a.m.

36. **ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) PUBLIC HEARING** (12:23 p.m.)

Supervisor Mendelsohn announced that the EQAC is holding its annual public hearing on the environment on Tuesday, December 2, 2003, at 7:30 pm. in the Board Auditorium. He asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

37. **DEVELOPMENT PROCESS COMMITTEE** (12:24 p.m.)

(BACs) Supervisor Frey announced that the Board's Development Review Committee, which he chairs, will be meeting on Tuesday, November 18, 2003, at 1:30 p.m. in Room 232 of the Government Center. The agenda includes the following:

- Proposed Zoning Ordinance Amendments Relating to Cluster Subdivisions
- Planned Development Districts
- Residential Parking Requirements
- Storm Water Management Facility Submission Requirements
- Fire Marshal Inspection Process
- Bonding of Approved Developments
- Building Plan Review Process

Supervisor Frey noted that he had invited Supervisor-Elect DuBois and Supervisor-Elect Smyth. Because Supervisor-Elect Smyth cannot be present for the beginning of the meeting and she is particularly interested in the cluster subdivisions issue, he will be moving that to the latter half of the agenda. He encouraged all Board Members to attend.

38. **REQUEST FOR WAIVER OF FEES FOR WEST COUNTY FAMILY SHELTER (SPRINGFIELD DISTRICT)** (12:25 p.m.)

Supervisor McConnell said that County staff is in the process of developing the design for a new West County Family Shelter that is planned to be located on Lee Highway in the Springfield District. The project will be funded through a combination of general funds, proffered contributions and funds from the Housing Trust Fund.

Therefore, Supervisor McConnell moved that the Board waive all application, review, and approval fees related to all building plans, site plans, and zoning permits and approvals for this project. Supervisor Connolly and Chairman Hanley jointly seconded the motion, which carried by unanimous vote.

39. **COUNTRY CLUB OF FAIRFAX (SPRINGFIELD DISTRICT)** (12:26 p.m.)

Supervisor McConnell said that the Country Club of Fairfax filed a special exception amendment application for its property located on Tax Map Parcels 68-1-((1))-17, 18, and 20. The application proposes to permit site modifications and maintenance improvements to the existing golf course to allow the replacement of existing facilities with a new pool facility, a tennis pro shop, fitness/bathhouse

building, architectural revisions to a previously approved golf cart barn and maintenance facility, expansion of the existing clubhouse building, addition of an outdoor snack room to an existing structure, and new tennis courts. The case will be heard by the Planning Commission in January with a Board public hearing date to follow shortly thereafter. To achieve site plan approval and begin construction in a timely manner, the applicant requests concurrent processing of its site plan with its special exception amendment application.

Therefore Supervisor McConnell moved that the Board direct the Department of Public Works and Environmental Services to accept the Country Club of Fairfax site plan for processing concurrent with its Special Exception Amendment Application SEA 99-S-012. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not predetermine or prejudice the consideration of the zoning applications or engineering plans in any way. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

40. **EQUITY HOMES (SPRINGFIELD DISTRICT)** (12:27 p.m.)

Supervisor McConnell said that on July 31, 2003, Rezoning Application RZ 2000-SU-021 was approved for Equity Homes to rezone, with proffers, 17.96 acres to the R-2 Cluster. The generalized development plan depicted a public street connection to the R-1 parcel to the west [Tax Map 56-2 ((1)) 67 pt]. The thought at the time was the road would connect through the adjacent R-1 parcel to the west to Robertson Farm, a development approved for single family detached homes, pursuant to Rezoning Application RZ 2000-SU-050. The street connection would have permitted interparcel access between the neighborhoods and removed local vehicular trips from Lee Highway.

Supervisor McConnell said that since the rezoning, 11725 Lee Highway, the owner of the intervening R-1 parcel, requested Special Exception Application SE 2002-SP-O48 to use the site as a child care center. The center was proposed to be a part of the shopping center being developed on the C-8 zoned property to the north. The child care center was approved by the Board with conditions, including a private street connection between the child care center and Equity Homes. Equity Homes has since recorded its plans and has dedicated the right of way for its public streets.

Supervisor McConnell added that Equity Homes dedicated Tax Map 56-2 ((25)) I to Fairfax County. Parcel I is located in the area between the public street right-of-way and the common property line with the child care center. The child care center was approved with the condition to construct the interparcel connection to the Equity Homes development if the necessary easements were provided. In the event the easements were not available, the child care center would not be required to provide the connection. An easement would need to be granted by the Board to permit the interparcel connection from the child care center and adjacent shopping center to the Equity Homes' development. Supervisor McConnell said the direct vehicular connection of the retail center to the single family detached development is not conducive to a suburban neighborhood and would create

potential safety concerns by having retail traffic use the residential streets to potentially access Lee Highway.

Therefore, Supervisor McConnell moved that the Board prohibit the use of Tax Map 56-1 ((25)), Parcel I as a street connection by declining to grant an easement for vehicular access, but to permit the area to be utilized for pedestrian traffic only. Supervisor Bulova seconded the motion.

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

41. **BALL FIELDS AT POPES HEAD ROAD (SPRINGFIELD DISTRICT)**
(12:31 p.m.)

Supervisor McConnell reminded the Board of the shortage of County ball fields. She noted that the County purchased land on Popes Head Road from the Virginia Department of Transportation for the Park Authority for ball fields. That land was set aside for the construction of the Fairfax County Parkway, but was not needed.

Citing action by the Park Authority at its recent meeting regarding possible environmental issues, Supervisor McConnell expressed concern about the number of ball fields that will be constructed at that site and the Park Authority's process.

Following discussion, with input from Michael Kane, Executive Director, Park Authority, and Anthony H. Griffin, County Executive, Supervisor McConnell moved that the Board direct staff to reaffirm its position to the Park Authority to maximize the number of ball fields practicable on the Popes Head assemblage. Supervisor Connolly seconded the motion.

Supervisor McConnell asked unanimous consent that the Board direct the County Attorney to opine on the legality of the changes in the processes made by the Park Authority Board. Without objection, it was so ordered.

Following further discussion, with input from Mr. Kane, Chairman Hanley restated the motion as follows: the Board will communicate with the Park Authority its support for the maximum practicable number of ball fields that can be put on that site within the constraints of the Park Authority staff report on wetlands issues.

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

DS:ds

42. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (12:47 p.m.)

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

43. **SWEARING IN CEREMONY FOR THE NEW BOARD OF SUPERVISORS** (12:47 p.m.)

Supervisor Connolly announced that the swearing in ceremony for the new Board of Supervisors, the Sheriff, and the Commonwealth Attorney will take place on Monday, December 15, 2003, at 6:30 p.m. at the Government Center, 12000 Government Center Parkway, and said all are welcome. He said that Judge Gaylord Finch will be presiding over the ceremony.

Supervisor Connolly asked unanimous consent that the Board direct the Office of Public Affairs to ensure that it is publicized on the appropriate television channels and otherwise. Without objection, it was so ordered.

Chairman Hanley noted that even though the swearing in occurs on December 15, 2003, the official terms do not begin until January 1, 2004.

44. **STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE FIREFIGHTERS (SAFER) ACT** (12:48 p.m.)

(BACs) Supervisor Connolly said that the Legislative Committee, which met on November 7, 2003, directed that two letters regarding the SAFER Act be prepared for the Chairman's signature. He distributed copies of the letters to Board Members.

Accordingly, Supervisor Connolly moved that the Board direct the Chairman to sign the letters on behalf of the Board. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

PMH:pmh

45. **DULLES CORRIDOR RAPID TRANSIT PROJECT (HUNTER MILL DISTRICT)** (12:49 p.m.)

Supervisors Hudgins said that the Dulles Corridor Rapid Transit Project is an important project for the Dulles Corridor, for residents and businesses of the Hunter Mill District, the citizens in Fairfax County, and the Washington metropolitan region.

Supervisor Hudgins noted that the area west of Tysons Corner to Dulles International Airport is a major business center for the region and the Commonwealth with over 120,000 residents, 60,000 plus jobs, 27 million square feet of office space and 17,000 daily bus riders. Metrorail is needed to ensure the economic vitality of an area recognized nationally as one of the best locations on the East Coast to live, work, and play.

Supervisor Hudgins said that the Phase I proposal of the Dulles Corridor Rapid Transit Project to Wiehle Avenue is the best assurance of rail in the corridor and through to Dulles Airport.

Supervisor Hudgins noted that she represents most of the landowners in the western portion of the corridor who have expressed concerns about the tax district and the lack of certainty of the proposed system proceeding to a Phase II implementation through the corridor and on to Dulles Airport. She said that while everyone recognizes the funding challenges this project and all transportation projects face, she empathizes with many issues raised by these landowners. She said that she hopes that LEADER will continue to work to address the landowners' concerns that are beyond this Board. Last year the Board voiced its commitment for the full implementation of the 24-mile rail project.

To be clear about what constitutes the definition of this project, Supervisor Hudgins moved that the Board forward a letter to the federal and State delegations to request that the language in any federal or State legislation authorizing funding for the Dulles Corridor Rapid Transit Project describe the total project as one project extending from the area near the West Falls Church station to Route 772 in Loudoun County.

Chairman Hanley seconded the motion.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board also forward the letter to the Governor. Without objection, it was so ordered.

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

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

(NOTE: Later in the meeting additional action was taken relating to this item. See Clerk's Summary Item CL#70.)

46. **CULMORE CLEAN-UP 2003 (MASON DISTRICT)** (12:52 p.m.)

Supervisor Gross announced that a successful Culmore clean-up was held and she expressed her appreciation to all those who participated in the clean-up.

47. **DEPARTMENT OF INFORMATION TECHNOLOGY (DIT)** (12:53 p.m.)

Supervisor Gross said that she and several Board Members and staff attended *Governing Magazine's* public officials of the year award ceremony.

Supervisor Gross said that David Molchany, Chief Information Officer and Wanda Gibson, Director, DIT, received public official of the year awards.

A brief discussion ensued.

48. **BOARD'S OWN MOTION TO PERMIT CONSIDERATION OF REZONING TWO PARCELS TO COMMERCIAL REVITALIZATION DISTRICT (CRD) (MOUNT VERNON DISTRICT)** (12:55 p.m.)

Supervisor Hyland said that, as directed by the Board, staff has been working to recommend how the CRD boundaries might need to be modified to facilitate implementation of the Comprehensive Plan in the Richmond Highway Revitalization District.

Supervisor Hyland noted that there is interest in developing a C-8 zoned parcel fronting the highway and immediately adjacent to the Potomac Square Retail/Office Center, but which is outside the boundary of the CRD. Including the parcel in the CRD would allow the property owner to take advantage of the tax abatement program which is specifically targeted to areas like Richmond Highway to encourage revitalization.

Therefore, Supervisor Hyland moved that the Board initiate a Board's Own Motion for Tax Map 101-3 ((3)) 1 and 2 to permit the consideration of rezoning the parcels to CRD and direct staff to expeditiously schedule this action. Supervisor Connolly seconded the motion and it carried by a vote of nine.

49. **WAIVER OF THE SHOWMOBILE FEES (MOUNT VERNON DISTRICT)** (12:56 p.m.)

Supervisor Hyland said that on December 7 the groundbreaking ceremony for the South County High-School will take place. For this occasion, the County's showmobile will be required.

Accordingly, Supervisor Hyland moved that the Board authorize waiving the fees associated with the use of the showmobile on December 7, 2003, for the groundbreaking ceremony for South County High School. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

A brief discussion ensued.

Supervisor Hyland asked unanimous consent that the issue of fees for the showmobile be addressed in the form of a Consideration Item. Without objection, it was so ordered.

50. **DEBRIS CLEAN-UP FROM HURRICANE ISABEL** (12:57 p.m.)

Supervisor Hyland referred to the issue of debris clean-up from Hurricane Isabel and noted that it was an overwhelming task.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

51. **DRAFT LETTER TO THE FLUOR-DANIEL CORPORATION REGARDING HIGH OCCUPANCY TOLL TRANSIT LANES (HOT)** (1:04 p.m.)

As a result of the earlier Transportation Committee meeting, Supervisor Kauffman moved approval of the following draft letter to be signed by the Chairman and forwarded to Fluor-Daniel Corporation:

"The Board is grateful for your presentation this morning and supports the concept of HOT lanes as a viable option for keeping Fairfax County moving. We recognize that such an innovative approach must be flexible in both funding and approach. Accordingly, we see the need for changes to ensure that transit is made a real and integral part of your proposal. We cannot wait 30 years for buses to be funded with HOT lane toll revenue. We know you share our desire that any such project provide the connections necessary to create a transit way linking our rail and employment centers.

We look forward to seeing changes in your proposal before we consider it at our next Board meeting."

The second to this motion was inaudible.

Following discussion, Supervisor Mendelsohn asked to amend the motion to remove the following sentence:

- "We cannot wait 30 years for buses to be funded with HOT lane toll revenue."

This was accepted.

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

52. **ATHLETIC COUNCIL RESIGNATION** (1:08 p.m.)

(BACs) Supervisor Kauffman announced that Richard Combs, Lee District (Principal) Representative, Athletic Council, has resigned. He asked unanimous consent that the Board direct staff to invite him to appear before the Board to be recognized for his work. Without objection, it was so ordered.

53. **ANIMAL SHELTER** (1:09 p.m.)

Supervisor Kauffman said that he had received a phone call from someone who had difficulty in calling the Animal Shelter.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to check the phone system at the Animal Shelter. Without objection, it was so ordered.

54. **RECESS/CLOSED SESSION** (1:10 p.m.)

At 1:10 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. *The Board of Supervisors of Fairfax County, Virginia, et al. v. Richard M. Robertson*, Record No. 030039 (Sup. Ct. Va.) (Dranesville District)
 - 2. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
 - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Ronald S. Brewer and Samuel M. Brewer*, In Chancery No. 181881 (Fx. Co. Cir. Ct.) (Sully District)
 - 4. *William E. Shoup, Fairfax County Zoning Administrator v. Andreas S. Kolas and Irene Tsiourouti*, In Chancery No. 185404 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jimmie K. Walker and Margie L. Walker*, In Chancery No. 182748; *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Supervisors and*

Fairfax County, At Law No. 204529; and Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Zoning Appeals, At Law No. 210396 (Fx. Co. Cir. Ct.) (Lee District)

6. *Board of Supervisors v. Church Street Group Limited Partnership, et al., At Law No. 204274 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

And in addition:

- Legal issues relating to the establishment of and alteration of various small and local sanitary districts for refuse and leaf collection service.

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

PW:pw

At 3:33 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

55. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:33 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland 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."

ADDITIONAL BOARD MATTER

56. **DECEMBER 26, 2003, HOLIDAY** (3:34 p.m.)

Chairman Hanley noted that December 26, 2003, falls on a Friday this year. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to close the County Government on that day. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

AGENDA ITEMS

DMB:dmb

57. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) REGARDING CIVIL PENALTIES FOR ZONING VIOLATIONS**
(3:35 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding civil penalties for zoning violations, as recommended by the Planning Commission, with an effective date of 12:01 a.m. on November 18, 2003. The motion, which was multiply seconded, carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hudgins being out of the room.

58. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)**
(3:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, discussion ensued with input from David R. Reidenbach, Director, Permits Division, Department of Public Works and Environmental Services.

Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions). Supervisor Frey 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.

59. **3:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – ROUTE 29 AT BULL RUN POST OFFICE ROAD (SULLY DISTRICT)** (3:42 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, discussion ensued with input from Lisa E. Glass, Land Acquisition Division, Department of Public Works and Environmental Services.

Supervisor Frey moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 064228 – Route 29 at Bull Run Post Office Road, in Fund 304, Primary and Secondary Road Bond Construction. 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.

60. **3:30 P.M. – PH ON THE WAIVER OF THE BOARD OF SUPERVISORS' REVERSIONARY INTEREST IN PROPERTY OWNED BY BAILEY'S CROSSROADS VOLUNTEER FIRE DEPARTMENT (VFD), 3601 FIREHOUSE LANE, FALLS CHURCH (MASON DISTRICT)** (3:46 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Karen J. Harwood, Deputy County Attorney.

Supervisor Gross moved adoption of the Resolution which provides that the Board agrees that in the event the Bailey's Cross Roads VFD should grant a communication easement of approximately 1,500 square feet of the fire station site, and easements for access and utilities to the Communication Easement, then such easements will not cause title to the property to revert to the Board, subject to the conditions outlined in the Board Agenda Item dated November 17, 2003. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

61. **BOARD RECESS** (3:54 p.m.)

At 3:54 p.m., the Board recessed briefly, and, at 4 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins and Supervisor McConnell, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTER62. **WELCOME TO THE UNION MILL ELEMENTARY SCHOOL CUB SCOUTS** (3:58 p.m.)

Chairman Hanley recognized the presence of the Union Mill Elementary School Cub Scouts, who were visiting in order to work on their Channel 16 Communication Badge, and warmly welcomed them to the Board Auditorium.

AGENDA ITEMS63. **4 P.M. – PH ON THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, AND MASON DISTRICTS)** (4 p.m.)

Supervisor Mendelsohn moved to defer the public hearing regarding the Creation/Enlargement of Small and Local Sanitary Districts for Refuse and Leaf Collection Service until **December 8, 2003, at 3:30 p.m.** to correct an advertising issue. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

64. **4 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON SHREVE ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)** (4 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Douglas W. Hansen, Manager, Residential Traffic Administration Program, Department of Transportation.

Following additional discussion, Supervisor Connolly moved adoption of the Resolution endorsing Shreve Road (Route 703), between US Route 29 (Lee Highway) and State Route 7 (Leesburg Pike), to be included in the R-TAP for a through truck traffic restriction. 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 McConnell, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Mendelsohn being out of the room.

65. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), APPENDIX G, EXPANDING THE WEST SPRINGFIELD RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 7 (SPRINGFIELD DISTRICT)** (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, which included testimony by three speakers, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Appendix G, expanding the West Springfield RPPD, District 7. The proposed district expansion includes Cardinal Brook Court (Route 7727) from Center Road (Route 777) to the end. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Gross and Supervisor Mendelsohn being out of the room.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE MAP OF THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING RESOURCE PROTECTION AREA (RPA) BOUNDARIES** (4:21 p.m.)

- (BACs)
(O) (A)

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 30 and November 6, 2003.

Following the public hearing, which included testimony by 12 speakers, extensive discussion ensued with input from John Friedman, Engineer IV, Site Development Services, Code Analysis Division, Department of Public Works and Environmental Services (DPWES); and Matthew Myers, Engineer, Maintenance and Stormwater Management Division, DPWES.

Following additional discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information regarding a January 15, 2003, White House proposal, cited by Speaker 12, Mrs. Georgian Aldrich, which stated that the White House wanted to exempt so-called isolated waters from Clean Water Act protections. Without objection, it was so ordered.

Supervisor Mendelsohn moved adoption of the proposed amendments to the map of Chesapeake Bay Preservation Areas as set forth in the Attachment to the Staff Report dated October 20, 2003 (Revised November 6, 2003) and all other recommendations of the Planning Commission related to the follow-up report in 12 months, with the following change:

- Substitute map page 30-4 dated November 17, 2003, distributed to the Board today, for the like-numbered map page in the Attachment to the Staff Report dated October 20, 2003 (Revised November 6, 2003).

The motion, which was multiply seconded, 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.

Following additional discussion, Supervisor Mendelsohn moved that the Board authorize staff to prepare and advertise an amendment to the Chesapeake Bay Preservation Ordinance for a public hearing to expand and amend the membership of the Exception Review Committee to permit the appointment of one member per Supervisory District and two At-Large members to be held **December 8, 2003, at 3 p.m.** The motion, which was multiply seconded, carried by a vote of nine, Supervisor McConnell being out of the room.

67. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 16001 LEE HIGHWAY (SULLY DISTRICT)** (5:49 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, which included testimony by three speakers, discussion ensued with input from Christina M. Sadar, Blight Abatement Program Coordinator, Design, Development, and Construction Division (DDCD), Department of Housing and Community Development (HCD); and Thomas M. Overocker, Chief, Housing Rehabilitation, DDCCD, HCD.

Following additional discussion, Supervisor Frey moved to defer decision on the Spot Blight Abatement Ordinance for 16001 Lee Highway until **January 5, 2004, at 3:30 p.m.** Supervisor Hudgins seconded the motion and it **CARRIED** by a recorded vote of five, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, and Chairman Hanley voting "AYE," Supervisor Gross voting "NAY," Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

68. **4:30 P.M. – PH TO PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC) TO CONSIDER THE CREATION OF A NEW SECTION SECTION 82-1-29.1, "DUMPING TRASH, ETCETERA, ON HIGHWAY, RIGHT-OF-WAY, OR PRIVATE PROPERTY"** (6:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 30 and November 6, 2003.

Following the public hearing, Supervisor Connolly moved adoption of the proposed amendments to Chapter 82 (Motor Vehicles and Traffic), creating a new Section 82-1-29.1 (Dumping Trash, Etcetera, on Highway, Right-of-Way, or Private Property). Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

69. **4:30 P.M. – PH TO PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 3, REGARDING INCREASING BENEFITS FOR SERVICE RETIREES OF THE UNIFORMED RETIREMENT SYSTEM** (6:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 3 and November 6, 2003.

Following the public hearing, Supervisor Bulova asked unanimous consent that the Board direct staff to report on outstanding issues that needed to be addressed regarding retired Police Officers and Medicare payments. Without objection, it was so ordered.

Following discussion, Supervisor Gross moved adoption of the proposed amendments to Chapter 3 (County Employees), Article 3, regarding increasing benefits for service retirees of the Uniformed Retirement System. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Hyland and Supervisor Kauffman being out of the room.

70. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2004 VIRGINIA GENERAL ASSEMBLY** (6:15 p.m.)

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 30 and November 6, 2003.

Supervisor Connolly moved that the Board add a new initiative to the proposed legislative program that would request amendments to Virginia Code §15.2-858 that would:

- Permit the County to advertise the resolution needed to create sanitary districts by using a descriptive summary as is now done for the advertisement of ordinances that are being considered by the Board.

- Permit the County to use geographic map descriptions in lieu of the expensive and time consuming task of creating individual metes and bounds descriptions of each sanitary district.
- Make such amendments apply both prospectively and retroactively.

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

Supervisor Connolly asked unanimous consent that the Board direct staff to draft language to the draft Legislative Program for adoption on December 8, 2003, that would state the sentiments that Supervisor Hudgins included earlier in the day regarding the intention of the Board to have one uniform district for Rail to Tysons in the section for the Federal items. Without objection, it was so ordered. (See Clerk's Summary Item CL#45.)

Following the public hearing, which included testimony from four speakers, discussion ensued with input from Anthony H. Griffin, County Executive.

71. **BOARD ADJOURNMENT** (7:05 p.m.)

At 7:05 p.m., the Board adjourned.

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