



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 24, 2005**

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02-05

DMB:dmb

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, January 24, 2005, at 9:39 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:50 a.m.

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

AGENDA ITEMS**1. CERTIFICATE OF RECOGNITION PRESENTED TO THE CITIZEN 2004 BOND REFERENDUM COMMITTEE (9:40 a.m.)**

(BACs) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the Citizen 2004 Bond Referendum Committee for their diligent effort in achieving the committee's goal to provide County residents with information necessary to make knowledgeable decisions in regard to the County Bond issues, encouraging citizens to vote, and conducting presentations as requested by homeowners associations. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois having not yet arrived.

2. RESOLUTION OF RECOGNITION PRESENTED TO MS. ANN ZUVEKAS (9:46 a.m.)

(BACs) Chairman Connolly moved approval of the Resolution of Recognition presented to Ms. Ann Zuvekas for her tireless efforts, boundless contributions, excellent work, and willing service to the citizens of Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois having not yet arrived.

3. PROCLAMATION TO DESIGNATE FEBRUARY 2005 AS "AFRICAN-AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY (9:49 a.m.)

Chairman Connolly moved approval of the proclamation designating February 2005 as "*African-American History Month*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. CERTIFICATE OF RECOGNITION PRESENTED TO MR. DANA EDDY (9:59 a.m.)

(BACs) Chairman Connolly moved approval of the Certificate of Recognition presented to Mr. Dana Eddy for his 12 years of noteworthy, dedicated, and conscientious service on the Fairfax County Engineering Standards Review Committee and as representative for the Virginia Chapter of Associated Builders and Contractors, Incorporated, on behalf of the citizens of Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **10 A.M. – PRESENTATION OF THE AFFORDABLE HOUSING PRESERVATION COMMITTEE REPORT** (10 a.m.)

(BACs) Conrad Egan, Chairman, Redevelopment and Housing Authority, presented the Affordable Housing Preservation Committee report.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to provide, at the earliest possible opportunity, an implementation plan regarding the affordable housing preservation committee recommendations. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in creating an advocacy outreach group to assure that the recommendations of the Committee and the goals of the Board are understood. Without objection, it was ordered.

Supervisor Hudgins moved that the Board accept the recommendations of the Committee and direct staff to report, as quickly as possible within the time frame that has been designated, recommendations in terms of land use, budget, personnel, and legislation. Supervisor Bulova seconded the motion.

Supervisor Smyth said that commercial developers are beginning to understand the need of their role in the issue of affordable housing, and she asked to amend the motion to include deferring to the Planning Commission the need for the County to establish commercial development criteria. This was accepted.

Supervisor Frey asked unanimous consent that the Board direct staff to develop a cost analysis program to assist the Board in the evaluation process for new development regulations to analyze the impact on the affordability of housing. Without objection, it was so ordered.

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

6. **10 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:38 a.m.)

Supervisor Bulova, who chaired the Board's Legislative Committee meeting on January 21 in the absence of Chairman Connolly, who was attending a National Association of Counties meeting, gave a brief report regarding Committee activities.

Following discussion, with input from Michael H. Long, Senior Assistant County Attorney, regarding gang prevention and particularly referencing some recent media coverage of the County's more frightening criminal activity concerning

machetes, Supervisor Kauffman asked unanimous consent that the Board direct staff to look into whether the issues of prohibiting the sales of machetes to individuals under the age of 18 and also brandishing a machete can be folded into any current General Assembly legislation. Without objection, it was so ordered.

Supervisor Bulova moved adoption of the Legislative Report dated January 24, 2005. Supervisor Smyth seconded the motion and it carried by unanimous vote.

PW:pw

7. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:45 a.m.)

(APPTS)
(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Chairman Connolly moved the reappointment of Mr. Clifford L. Fields as the At-Large Chairman's Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Jane Gwinn as the Braddock District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Ms. Jean McChesney as the Dranesville District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. Ronald Copeland as the Hunter Mill District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Jeffrey Sachs as the Lee District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Eileen J. Garnett as the Mason District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Mack B. Rhoades, Jr. as the Mount Vernon District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Philip E. Rosenthal as the Springfield District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Providence and Sully District Representatives to the A. Heath Onthank Memorial Award Selection Committee.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Sully District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

Supervisor DuBois moved the reappointment of Mr. Robert Ackerman as the Dranesville Business District Representative to the Airports Advisory Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. George Page to fill the unexpired term of Ms. Glenda Blake as the Hunter Mill Business District Representative to the Airports Advisory Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Richard Kraft as the Hunter Mill District Representative to the Airports Advisory Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

The board deferred the appointment of the Mason District Representative to the Airports Advisory Committee.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

The Board deferred the appointment of the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board.

ANIMAL SERVICES ADVISORY COMMISSION

Supervisor Bulova moved the appointment of Mr. Russell Klosk as the Braddock District Representative to the Animal Services Advisory Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Allison Volpert to fill the unexpired term of Ms. Andrea Perr as the Providence District Representative to the Animal Services Advisory Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

BOARD OF BUILDING CODE APPEALS

Supervisor Gross moved the reappointment of Mr. J. Christopher Fox as the Design Professional Representative #5 to the Board of Building Code Appeals. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the appointment of Mr. Matthew Arnold to fill the unexpired term of Ms. Jennifer Grove-Bradshaw as the Design Professional Representative #2 to the Board of Building Code Appeals. Supervisor Bulova seconded the motion, which carried by unanimous vote.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointments of the Appraiser #1, Appraiser #2, Appraiser #3, and Builder Representatives to the Board of Equalization of Real Estate Assessments.

Supervisor Bulova asked unanimous consent that the Board direct staff to circulate information about the vacancies to the various industries for possible nominations. Without objection, it was so ordered.

In answer to a query from the Board, David P. Bobzien, County Attorney, confirmed that the term limitations are by statute.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Hudgins moved the reappointment of Mr. Howard LeRoy Kelley as the At-Large Representative to the Commission on Organ and Tissue Donation and Transplantation. Chairman Connolly and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Averett Tombes as the At-Large Chairman's Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Lan Le as the At-Large Minority Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Kelly Schlageter as the Providence District Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Sully District Representatives and the Religious Community Representative to the Commission on Organ and Tissue Donation and Transplantation.

(NOTE: Later in the meeting, the Board took action regarding the tenth anniversary of this Commission. See Clerk's Summary Item CL#25.)

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Smyth moved the appointment of Mr. Nicholas Baker as the Fairfax County At-Large #2 Representative to the Community Criminal Justice Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Fairfax County At-Large #1 Representative to the Community Criminal Justice Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

The Board deferred the appointments of the At-Large Chairman's Representative and the Mason and Sully District Representatives to the Countywide Non-Motorized Transportation (Trails) Committee.

CRIMINAL JUSTICE ADVISORY BOARD

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointments to the Criminal Justice Advisory Board:

- Lieutenant Colonel Paul Maltagliati as the Sheriff's Representative

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

ENGINEERING STANDARDS REVIEW COMMITTEE

CONFIRMATIONS:

Supervisor Bulova moved the confirmation of the following appointments to the Engineering Standards Review Committee:

- Mr. Paul Johnson as the Northern Virginia Building Industry Association Representative
- Dr. W. Clayton Ormsby as the Citizens Committee on Land Use and Transportation Representative

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

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Business Community #1 and Providence District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

CONFIRMATIONS:

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

- Ms. Martha Glennan as the Fairfax Area Disability Services Board Representative
- Mr. Timothy Brown as a Business/Corporation Representative
- Ms. Nancy Littlefield as a Business/Corporation Representative

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

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Hudgins moved the appointment of Mr. Glenn Kamber to fill the unexpired term of Ms. Anngienetta Johnson as the Hunter Mill District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #4 Representative to the Health Systems Agency Board.

HUMAN SERVICES COUNCIL

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

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative to the Industrial Development Authority.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Chairman Connolly moved the reappointment of Ms. Doreen Williams as the At-Large Chairman's Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Byron Wong as the Hunter Mill District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. Frederick Joyce as the Mount Vernon District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Caroline Kerns as the Sully District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Lee District Representatives to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

CONFIRMATIONS:

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

- Lieutenant Colonel Suzanne Devlin as the Police Department Representative
- The Honorable Mitchell Mutnick as the General District Court Representative

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

The Board deferred the appointments of the Braddock, Lee, and Mason District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

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

The Board deferred the appointments of the At-Large #1 and At-Large #4 Representatives to the Road Viewers Board.

TENANT LANDLORD COMMISSION

Chairman Connolly moved the reappointment of Ms. Jacqueline Rosier as the Citizen Member #1 Representative to the Tenant Landlord Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Sally Liff as the Condominium Owner Representative to the Tenant Landlord Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Michael Naeve as the Tenant Member #3 Representative to the Tenant Landlord Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Citizen Member #2 and Landlord Member #3 Representatives to the Tenant Landlord Commission.

TREE COMMISSION

Supervisor Hudgins moved the appointment of Mr. Ronald Rubin to fill the unexpired term of Ms. Kate Davidson as the Hunter Mill District Representative to the Tree Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

UPPER OCCOQUAN SEWAGE AUTHORITY

CONFIRMATION:

Supervisor Gross moved the confirmation of the following appointments to the Upper Occoquan Sewage Authority:

- Mr. Jimmie Jenkins as the Fairfax County Alternate #2 Representative

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

AD HOC COMMITTEES

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE

CONFIRMATIONS:

Supervisor Bulova moved the confirmation of the following appointments to the Virginia 2007 Community Citizen Planning Committee:

- Mr. Shirley Fegan as the Native American Community Representative
- Mr. Walton Ferrell as the Smithsonian Institution Representative

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

DET:det

8. **ADMINISTRATIVE ITEMS** (10:57 a.m.)

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

Supervisor Frey called the Board's attention to Admin 7 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding the Zoning Fee Schedule and Admin 9 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Sediment and Erosion Control Ordinance), and 112 (Zoning Ordinance), Regarding Adjustment of the Fees Charged by Land Development Services, Department of Public Works and Environmental Services and discussion ensued.

Anthony H. Griffin, County Executive, noted that there was an error in Admin 9 relating to the fiscal impact of the amendments and stated that the anticipated increased revenue amount was \$1.4 million rather than \$1.8 million.

Following discussion of Admin 7 concerning proposed fee increases, with input from Donna McNeally, Assistant Director, Zoning Evaluation Division, Department of Planning and Zoning, and David P. Bobzien, County Attorney, Supervisor Frey asked to amend Admin 7 to provide an additional option to raise the proposed fees immediately and not wait the four months, and this was accepted.

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

ADMIN 1 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR EARNESTINE STREET AS PART OF THE DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE DISTRICT)

- Endorsed the traffic-calming plan for Earnestine Street as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - Speed hump adjacent to 1219 and 1220 Earnestine Street .

- Speed hump adjacent to 1233, 1234, and 1236 Earnestine Street and 7050 Martha Jane Street.
- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 2 – RECOMMENDATION OF DORSET DRIVE TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

- Endorsed Dorset Drive to be considered for traffic-calming measures as part of R-TAP.
- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 3 – INSTALLATION OF MULTI-WAY STOPS AT PAUL SPRING PARKWAY AND WELLINGTON ROAD, AND AT PAUL SPRING PARKWAY AND NEW MARKET ROAD (MOUNT VERNON DISTRICT)

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Paul Spring Parkway and Wellington Road
 - Paul Spring Parkway and New Market Road
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 4 – 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>
Edgemoor-Jarrett Property	Dranesville	Carrington Ridge Lane Route 8911 Jarrett Valley Drive Route 8912

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Wolf Trap Green Section 4	Dranesville	Farmingdale Court Route 6124 Leesburg Pike Route 7 Additional ROW Only
Hunter Mill Overlook	Hunter Mill	Brittenford Court Route 10639
Sycamore Lakes Section 6	Hunter Mill	Foxmill Road Route 665 Additional ROW Only Mill Heights Court Route 8983
Sumner Way	Lee	Forest Avenue Route 4116 Sumner Road Route 1667
Elizabeth Klock	Providence	Idylwood Road Route 695 Additional ROW Only

**ADMIN 5– DESIGNATION OF PLANS EXAMINER STATUS UNDER
THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

- Designated the following individuals, identified with their registration number, as Plans Examiners:
 - Jeremiah DeWayne Kamerer (257)
 - Daniel Ray Hines (258)
- Reinstated the following individual, identified with his registration number, as a Plans Examiner:
 - William R. Ackman, Jr. (75)

ADMIN 6– ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-084, VERIZON VIRGINIA, INCORPORATED (DRANESVILLE DISTRICT)

- (AT) Approved 30 months of additional time to commence construction for Special Exception Amendment Application SEA 85-D-084 to June 3, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE ZONING FEE SCHEDULE

- (A) (R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 3, 2005, at 8:15 p.m., and before the Board on **April 4, 2005, at 4 p.m.** on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) to consider increasing the zoning fees.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED FIVE-YEAR CONSOLIDATED PLAN FOR FISCAL YEAR'S (FY) 2006 – 2010 AND PROPOSED ONE-YEAR ACTION PLAN FOR FY 2006

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2005, at 6 p.m.** on the Proposed Five-Year Consolidated Plan for FY 2006–2010 and the Proposed One-Year Action Plan for FY 2006.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTERS 2 (PROPERTY UNDER COUNTY CONTROL), 61 (BUILDING PROVISIONS), 101 (SUBDIVISION ORDINANCE), 104 (SEDIMENT AND EROSION CONTROL ORDINANCE), AND 112 (ZONING ORDINANCE), REGARDING ADJUSTMENT OF THE FEES CHARGED BY LAND DEVELOPMENT SERVICES (LDS) – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

- (A) (R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 12.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on March 3, 2005, at 8:15 p.m. and before

the Board on **April 4, 2005, at 4 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Sediment and Erosion Control Ordinance), and 112 (Zoning Ordinance), to consider whether to adjust the fees charged by LDS.

9. **A-1 – AGREEMENT CONCERNING COST SHARING FOR CHAIN BRIDGE UTILITY PIPELINE WORK BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA AND THE COUNTY BOARD OF ARLINGTON, VIRGINIA** (11 a.m.)

On motion of Supervisor DuBois, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute an agreement between Fairfax and Arlington Counties for sharing the cost of replacing water and sanitary sewer pipelines that are beyond their useful life expectancy.

10. **I-1 – LAUREL HILL SPORTSPLEX, REQUEST FOR PROPOSAL (MOUNT VERNON DISTRICT)** (11:01 a.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2005, requesting authorization for staff to issue a Request for Proposal for Public-Private Educational Facilities and Infrastructures Act of 2002 proposals for a Sportsplex and athletic field development at Laurel Hill Park.

The staff was directed administratively to proceed as proposed.

11. **I-2 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) PUBLIC HEARING ON PROPOSED CHANGES FOR METROBUS 12 LINE (SULLY, SPRINGFIELD, AND PROVIDENCE DISTRICTS)** (11:01 a.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2005, regarding the public hearing which the WMATA Board is expected to authorize at its January 27, 2005, meeting.

Following discussion of the proposed improvements to bus service between the Stringfellow Park-and-Ride Lot and the Vienna Metro Station, with input from Leonard Wolfenstein, Section Chief, Planning Section, Transportation, Planning, and Operations Division, Department of Transportation, Supervisor Smyth asked unanimous consent that the Board direct staff to evaluate the bus service past peak hours in the morning to determine its impact on parking. Without objection, it was so ordered.

12. **I-3 – INFORMATION REGARDING “DULLES TOLL ROAD TOLL FACILITIES REVOLVING FUND”** (11:03 a.m.)

The Board next considered an item contained in the Board Agenda dated January 24, 2005, regarding the Dulles Toll Road Toll Facilities Revolving Fund.

Supervisor Hudgins noted that the response to the Board's concerns were contained in a letter from Whittington Clement, Virginia Secretary of Transportation. Supervisor Hudgins pointed out that while there were still questions that remained, she was particularly concerned about:

- The amount of revenue being collected from the tolls.
- How that revenue was being used.
- How the County was meeting what was an early 1990s resolution that required an allocation of surplus toll funds be set aside for transit.
- How the tolls might be implemented and assurances that the increases would be relative to what was needed and not beyond.

Richard Stevens, Dulles Rail Project Coordinator, Department of Transportation, stated that Supervisor Hudgins had identified most of the items that were contained in a letter that the County planned to send to the Virginia Department of Transportation. He noted that the State had not yet released its study on the toll road with regard to increasing the tolls, so the County was not aware of what the excess toll revenue would be on an annual basis.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and announced that he had circulated to Board Members a draft letter to Secretary Clement incorporating Supervisor Hudgins' points, and asked unanimous consent that he be authorized to sign that letter and send it to Secretary Clement for the additional information. Without objection, it was so ordered.

Chairman Connolly asked unanimous consent that a letter be prepared for his signature and that of Supervisor Hudgins to send to the leaders of the Western Alliance for Rail to Dulles incorporating this information so that they have it as well. Without objection, it was so ordered.

Vice Chairman Bulova returned the gavel to Chairman Connolly.

BOARD MATTERS

NV:nv

13. **AUTHORIZATION TO SEND LETTER REGARDING REIMBURSEMENT FOR PRESIDENTIAL INAUGURAL** (11:10 a.m.)

With reference to his written Board Matter regarding reimbursement for the presidential inauguration, copies of which were distributed to the Board, Chairman Connolly noted the importance of the quadrennial inauguration ceremony. However, he objected to the fact that the Federal Government shortchanged the region by requiring the District of Columbia (DC) to use its Homeland Security funds to pay for the reimbursement of the cost for the additional security required in the first inaugural ceremony in the post September 11, 2001, world. Because the County participated in providing enhanced security in downtown DC in the inaugural week, he stressed the importance of regional consensus about this matter.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct the County Executive to work with the participating jurisdictions on a letter for his signature, and perhaps others in the region, to the congressional representatives expressing these concerns and asking for their immediate assistance in mediating them. Supervisor Hyland seconded the motion.

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

14. **IMPACT ON REAL ESTATE TAX RATE REDUCTION OF GENERAL ASSEMBLY LIMITING LOCALITIES' MEALS TAX AUTHORITY** (11:13 a.m.)

(NOTE: Earlier in the meeting, the Board discussed a report on General Assembly activities. See Clerk's Summary Item CL#6.)

Chairman Connolly stated that members of the General Assembly introduced a number of bills that would affect the existing meals tax in various jurisdictions. Several bills would restrict the ability of cities and towns to enact meals taxes in their respective jurisdictions, requiring some to pass referenda. This would affect a number of cities and towns in the local area.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to determine and inform the Board how many additional cents the Board could reduce the real estate tax rate if the County had a meals tax similar to the surrounding jurisdictions so that the Board may communicate this potential additional real estate tax rate reduction ability to local General Assembly members. Without objection, it was so ordered.

15. **ADULT-ORIENTED BUSINESSES** (11:14 a.m.)

Chairman Connolly noted that an adult video chain recently opened a store in Centreville near the Historic District and a child-care facility. Since the opening of this establishment, his office received correspondence from constituents from all parts of the County urging the Board to further define what constitutes an adult business based on the products they sell or rent. Many of these constituents state that Fairfax County has the authority to enact measures without infringing on anyone's right to free speech, and that many localities have done so. Several years ago the Board asked staff to opine on the subject of such businesses, and several options were put forth, but not adopted. He asserted that it is time to take another look at this issue.

Therefore, Chairman Connolly moved that the Board direct the County Executive, the County Attorney, and any other County staff relevant to this issue, to investigate the requests of the citizens and report with dispatch to the Board with options for Board consideration regarding further regulation of these businesses. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Frey asked to amend the motion to:

- Incorporate this item into the staff's draft priority one zoning ordinance amendments.
- Direct the County Attorney to recirculate his memorandum from 1996 on the subject and provide any legal updates.

This was accepted.

Following further discussion, Chairman Connolly clarified that the request included anything in the intervening nine years that gives the Board more leeway on the subject and the ability of other communities to regulate regarding this issue.

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

16. **NATIONAL ENGINEERS WEEK** (11:18 a.m.)

Chairman Connolly noted that it is time for the annual National Engineers Week. Therefore, he asked unanimous consent that the Board proclaim February 20-26, 2005, "*Engineers Week*" in Fairfax County and direct staff to invite appropriate representatives from the Department of Public Works and Environmental Services and other engineer representatives to receive the proclamation at the February 7, 2005, Board meeting. Without objection, it was so ordered.

17. **WOMEN'S HISTORY MONTH** (11:19 a.m.)

Chairman Connolly announced that it is time for National Women's History Month in March. Therefore, he asked unanimous consent that the Board proclaim March 2005 as "*Women's History Month*" in Fairfax County and invite appropriate representatives from the Office of Equity Programs and the Office for Women to receive the proclamation at the February 28, 2005, Board meeting. Without objection, it was so ordered.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of scheduled presentations.

18. **RETIREMENT OF WALTER MESS FROM THE NORTHERN VIRGINIA REGIONAL PARK AUTHORITY (NVRPA)** (11:19 a.m.)

(BACs) Chairman Connolly announced that Walter Mess, a member of the NVRPA's Board since its inception in 1959, is retiring from service. He served as its Chairman for 30 years, only the second chairman since its founding. Though he represents the City of Falls Church on the NVRPA Board, Mr. Mess' service to the County and to the region has been invaluable.

Accordingly, Chairman Connolly moved that the Board direct staff to invite Mr. Mess to appear before the Board to be recognized for his decades of public service to the NVRPA and to the citizens of Northern Virginia. Supervisor McConnell seconded the motion.

Following discussion regarding the fact that Mr. Mess recently celebrated his ninetieth birthday, the question was called on the motion, which carried by unanimous vote.

19. **SEVENTEENTH ANNUAL POTOMAC WATERSHED STREAM CLEANUP** (11:20 a.m.)

Chairman Connolly announced that the County is about to celebrate the Annual Potomac Watershed Cleanup. The Fairfax Watershed Network is a dedicated group of organizations, agencies, and individuals that support and promote the improvement and protection of the County's streams and watersheds through outreach and education efforts.

Chairman Connolly announced that the Seventeenth Annual Potomac Watershed Cleanup will be held on Saturday, April 2 from 9 a.m. until noon, rain or shine. The cleanup, which has been growing steadily over the years, is sponsored by the Alice Ferguson Foundation, which will provide various supplies. Last year over 3,600 volunteers across the region participated in the event and removed 162 tons of trash from the watershed in three hours. In Reston alone, 121 volunteers helped remove 3.2 tons of trash from Reston's streams, and in Mason Neck, over 20 miles of shoreline were cleaned of trash.

Accordingly, Chairman Connolly moved that the Board:

- Declare April 2, the first Saturday in April, as “*Fairfax Clean Stream Day*” in Fairfax County and reiterate its support of stream cleanup efforts throughout the County.
- Direct the Office of Public Affairs to disseminate this information to the public to encourage participation in this event.
- Direct staff, at the appropriate time before or after the event, to invite the appropriate representatives to appear before the Board to receive a proclamation.

Supervisor Gross seconded the motion and noted that she had planned a similar Board Matter for presentation today. She asked to amend the motion to direct staff to waive the fees at the waste-to-energy facility for disposal of trash collected by the volunteer teams, and this was accepted.

Chairman Connolly asked unanimous consent that this Board Matter be considered a joint Board Matter with Supervisor Gross. Without objection, it was so ordered.

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

20. **FAIRFAX COUNTY GANG PREVENTION COUNCIL HOSTS FIRST SUMMIT** (11:23 a.m.)

Chairman Connolly announced that the Fairfax County Gang Prevention Council will host a Gang Prevention Summit on the morning of February 25 at the Fairfax County Government Center. The Board and members of the public are welcome. More details will follow.

Vice- Chairman Bulova relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to distribute information regarding this event. Without objection, it was so ordered.

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

21. **TELEWORK AND COUNTY CONTRACTS** (11:24 a.m.)

Chairman Connolly reminded the Board that the County is setting the pace for local governments in the race to meet the regional goal of 20 percent of eligible employees’ teleworking by the end of this year. Recently a regional conference was held in Tysons Corner to expand the effort to encourage private companies to set and meet similar goals. He asserted that it is critical to the region’s air quality,

traffic congestion relief, and continuity of operations in emergencies from weather to Homeland Security, that the County continue to look for opportunities to encourage more and more employers to set up telework programs.

Therefore, Chairman Connolly moved that the Board direct the County Executive to explore with staff the feasibility of requiring or encouraging companies that bid on County contracts to have telework programs for their employees in place and report to the Board in a timely manner. Supervisor Smyth seconded the motion.

Following discussion in reference to air quality, Supervisor Kauffman asked to amend the motion to direct staff to include the feasibility of requiring or encouraging companies bidding on County construction projects to use off-road vehicle pollution control devices. This was accepted.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

22. **TWENTIETH ANNIVERSARY OF THE GREATER MERRIFIELD BUSINESS ASSOCIATION (GMBA) (PROVIDENCE DISTRICT)**
(11:26 a.m.)

Jointly with Chairman Connolly, Supervisor Smyth announced that the GMBA is celebrating its twentieth anniversary this year. Merrifield has undergone tremendous change over the past 20 years, transforming from a light industrial/warehouse and distribution district into a major employment center with substantial residential development. GMBA was among the first to recognize the underutilized potential of Merrifield and played an important role in the most recent efforts to re-plan portions of Merrifield to accommodate pedestrian oriented mixed uses. With the ongoing implementation of the Merrifield Plan, including the development of a town center and transit oriented mixed uses, she said that Merrifield is again poised for dramatic changes.

To recognize the positive contributions GMBA has made to the County, Supervisor Smyth, jointly with Chairman Connolly, moved that the Board direct staff to invite the officers of GMBA to appear before the Board to formally commemorate and recognize its twentieth anniversary. Chairman Connolly seconded the motion.

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

23. **TWENTY-FIFTH ANNIVERSARY OF THE MERRIFIELD FIRE AND RESCUE STATION NUMBER 30 (PROVIDENCE DISTRICT)** (11:28 a.m.)

Jointly with Chairman Connolly, Supervisor Smyth announced that the Department of Fire and Rescue commemorated the twenty-fifth anniversary of the opening of the Merrifield Fire and Rescue Station, Station Number 30. The celebration was scheduled for Saturday, January 22, but it was postponed because of the snow. The Station actually opened on December 10, 1979. The Merrifield Fire and Rescue Station is located at 8739 Lee Highway, which is also the address of the Providence District Supervisor's Office. Supervisor Smyth said that the commemoration of the twenty-fifth anniversary will include the dedication of Tower Ladder 430 in memory of Captain Wilfred Seng, former shift commander at Merrifield, who died in the line of duty in 2003.

After providing details about the operation and impact of Merrifield Fire and Rescue Station, Station Number 30, Supervisor Smyth moved that the Board recognize the Merrifield Fire and Rescue Station for its 25 years of service to the community and the County and direct staff to invite representatives to appear before the Board at its February 7, 2005, meeting. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

24. **CONCURRENT PROCESSING FOR SPECIAL EXCEPTION APPLICATION FOR QUEEN OF APOSTLES CATHOLIC PARISH (MASON DISTRICT)** (11:30 a.m.)

Supervisor Gross stated that the Most Reverend Paul S. Loverde of the Catholic Diocese of Arlington filed a special exception application for Queen of Apostles Catholic Parish. The application proposes a minor building addition as well as site modifications, including additional handicapped parking spaces. The application received a favorable recommendation from staff, the Mason District Land Use Committee, and the Planning Commission. The application is scheduled for public hearing before the Board on February 28 and the applicant is anxious to commence construction.

Accordingly, Supervisor Gross moved that the Board direct staff of the Department of Public Works and Environmental Services to permit processing of the site plan and any architectural drawings associated with this pending application concurrently. She noted that this motion should not be construed as a favorable recommendation on the special exception application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

25. **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION** (11:31 a.m.)

(BACs)

Supervisor Gross announced that the Commission on Organ and Tissue Donation and Transplantation will celebrate its tenth anniversary on April 25. She noted that Fairfax County was the first, if not the only, local jurisdiction in the country to have a Board-appointed commission devoted to organ and tissue donation and transplantation.

To coincide with the national observance of Donate Life Month, Supervisor Gross asked unanimous consent that the Board proclaim April as “*Donate Life Month*” in Fairfax County and direct staff to invite current and former members of the Commission on Organ and Tissue Donation and Transplantation to appear before the Board for recognition on April 25. Supervisor Hyland seconded the motion, which carried by unanimous vote.

26. **FALLS CHURCH WATER (DRANESVILLE, MASON, AND PROVIDENCE DISTRICTS)** (11:35 a.m.)

Supervisor Gross reported that it has come to her attention that the City of Falls Church may consider recommending a rate differential for water customers in the County that is different than within the City of Falls Church. She noted that thousands of customers in the County receive their water from the City of Falls Church, and a differential rate would create an inequity for County constituents who would face higher rates for the same service simply because they are County residents.

Accordingly, in an effort to protect County constituents from such an action, Supervisor Gross asked unanimous consent that the Board direct the County Executive to review this matter with Falls Church city officials and report his findings to the Board at the next meeting. Without objection, it was so ordered.

Chairman Connolly noted that he presented a similar Board Matter several years ago [April 28, 2003], and discussion ensued.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the legislative staff to explore legislative options to preclude this kind of action, and report with information at the January 28 or February 4 Legislative Committee meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross noted that the Falls Church City Council requested recommendations from its staff by February 28.

Discussion continued briefly regarding City Council control over the rate.

Following input from Anthony H. Griffin, County Executive, Supervisor Smyth asked unanimous consent that the Board direct staff to provide an update on the upgrades in Tysons Corner to the water system. Without objection, it was so ordered.

27. **REQUEST TO EXPAND ANNANDALE HIGH SCHOOL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)**
(11:35 a.m.)

- (A) Supervisor Bulova noted that the Board approved an advertisement of a public hearing to expand the Annandale Terrace RPPD (District 37) on the following roadways: Gaylord Drive from Mayfield Drive to the end, Weyburn Drive from Mayfield Drive to Medford Drive, and Weyburn Drive from Medford Drive to the end. The community inadvertently requested these roadways be included in the Annandale Terrace RPPD. Due to this misunderstanding, Supervisor Bulova asked the Board to cancel the previously approved advertisement.

Supervisor Bulova moved that the Board direct staff to advertise a public hearing to be held before the Board to expand the Annandale High School RPPD (District 14) to include the above-mentioned blocks. The Department of Transportation has the appropriate completed petitions as well as the filing fees. Student parking on residential streets around Annandale High School continues to be a serious problem, and expansion of the RPPD is needed.

Following a brief discussion, Chairman Connolly seconded the motion, which carried by unanimous vote.

DS:ds

28. **LINK (HUNTER MILL DISTRICT)** (11:37 a.m.)

Supervisor Hudgins said that in 1986, as part of the Transportation Plan for Reston Town Center, LINK was created to encourage the Reston Town Center retail office and commercial business employees to use public transportation. LINK, working with the Department of Transportation, has been a source for transportation schedules and information for the community. Under the leadership and direction of Karl Ingebritsen, LINK's first and only director, it has continued to play a pivotal role in the successful development of the Town Center. She said that she has received notification that after nearly 20 years of service, Mr. Ingebritsen has resigned.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Ingebritsen to appear before the Board at its next meeting scheduled for February 7, 2005, to be recognized for his dedication and extensive service to the community and the County.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of recognitions scheduled for the next meeting, without objection, it was so ordered.

29. **EMERGENCY MEDICAL SERVICES (EMS) TRANSPORT BILLING BROCHURE** (11:38 a.m.)

Supervisor Hudgins called the Board's attention to a brochure which she said all Board Members should have received in the mail regarding the EMS transport billing which is scheduled for implementation in April 2005. She said that it is a very nice brochure, but has raised some concerns. While it has an interest to all of the community, it has a great deal of interest to seniors in the community. She noted that the font size used on the brochure is very small.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding the transport billing implementation date, Supervisor Hudgins asked unanimous consent that the Board direct staff to determine whether input had been sought from members of the community, as she had previously requested. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the staff to consult with the Fire Chief and report with the following information:

- What the process was for developing the brochure.
- What can be done to improve the process.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Bulova asked unanimous consent that the Board direct staff to send the brochure to the Commission on Aging for review and/or recommendations before it is reprinted. Without objection, it was so ordered.

Supervisor DuBois asked unanimous consent that the Board direct staff, in the future when sending out brochures similar to this one, to provide the Board with copies for review prior to distribution. Without objection, it was so ordered.

30. **ENGINEER PROVING GROUND (EPG) LAND TO COUNTY** (11:42 a.m.)

Supervisor McConnell said that it was brought to her attention at a meeting she attended last night with some transportation officials that it is possible that Fort Belvoir is going to delay handing over the EPG property from the federal

government. She immediately contacted Colonel Williams and was told that it is not true.

31. **SUPER BOWL** (11:43 a.m.)

Supervisor McConnell announced that the National Football League's Super Bowl XXXIX Championship game will be held in Jacksonville, Florida, her hometown.

32. **INTRODUCTION OF NEW STAFF IN THE SPRINGFIELD DISTRICT OFFICE** (11:44 a.m.)

Supervisor McConnell introduced Mr. David Nelson and Ms. Susan Zarybnicky, new staff in the Springfield District Office, and, on behalf of the Board, she warmly welcomed them to the Board Auditorium.

PMH:pmh

33. **PROPOSALS OF THE LAUREL HILL TASK FORCE (MOUNT VERNON DISTRICT)** (11:44 a.m.)

Supervisor Hyland referred to a letter from the South County Federation that indicates its unanimous support for the proposals which have been forwarded to the Board by the Laurel Hill Task Force.

34. **MOUNT VERNON DISTRICT TOWN MEETING** (11:45 a.m.)

Supervisor Hyland announced that the eighteenth Mount Vernon District town meeting will be held on February 5, 2005.

Chairman Connolly announced that the meeting will be advertised.

35. **NO BOARD MATTERS FOR SUPERVISOR FREY (SULLY DISTRICT)** (11:46 a.m.)

Supervisor Frey announced that he had no Board Matters to present today.

36. **LEE DISTRICT OPEN HOUSE** (11:47 a.m.)

Due to the recent snow storm, Supervisor Kauffman announced that the Lee District open house has been rescheduled to follow the Mount Vernon District town meeting on February 5 from 1 p.m. until 4 p.m.

Chairman Connolly announced that he would be attending the open house.

37. **KINGSTOWNE FAITH 5K RUN/WALK (LEE DISTRICT)** (11:47 a.m.)

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite representatives from the Kingstowne Faith 5K Run/Walk Organizing Committee to a future Board meeting for formal recognition and to be presented with a resolution thanking them for their efforts. Without objection, it was so ordered.

Supervisor Kauffman noted that the October 16, 2004, Run/Walk was a huge success and over the past three years the race has been run, over \$24,000 was donated to the Koinonia Foundation to help needy families.

38. **RECOGNITION OF THE JOEY PIZZANO MEMORIAL FOUNDATION (DRANESVILLE DISTRICT)** (11:48 a.m.)

Supervisor DuBois acknowledged a special couple, Bob and Paola Pizzano, who created the Joey Pizzano Memorial Foundation, after the tragic drowning of their son, Joey, a wonderful six-year-old child with a developmental disability. Turning their grief into something productive, the Pizzano family created a memorial foundation in the name of their son Joey to help children with special needs, especially to foster an enjoyment of the water which Joey loved so much.

For the last four years, the Joey Pizzano Memorial Fund has completely funded the swim program operated by Department of Community and Recreation Service Therapeutic Recreation Services Division. These funds pay for pool admissions, adaptive swim instructors, transportation, and lifeguard certification training for volunteers. Over 500 school-aged children with disabilities from the County have benefited from this program. Their foundation has contributed over \$30,000 to this cause.

In 2004, the County government was honored by the National Association of Counties for the Joey Pizzano Program with an Achievement Award and "Best of Category" in Parks and Recreation. Mr. and Ms. Pizzano have ensured that Joey's legacy lives on through the many children who participate in this program. Under their leadership, they have enabled children and adults with disabilities the opportunity to learn the necessary skills to be safe in and around water.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite Mr. and Mrs. Pizzano to appear before the Board to be recognized for their dedication and commitment to ensuring that children and adults with disabilities who live in the County are given the opportunity to learn swimming safety skills. Without objection, it was so ordered.

39. **VOLUNTEERISM IN DRANESVILLE DISTRICT** (11:49 a.m.)

Supervisor DuBois said that Ms. Shelia Wynne's kindergarten class at Chesterbrook Elementary School, with the help of fifth-grade Book Buddies from

Ms. Karen Hershey's class, took ordinary, brightly colored polar fleece and felt and made 20 scarves by hand, that were distributed to the Center for Creative Nonviolence in Washington, DC, shortly before Christmas to be given to homeless children. With full support from their parents who also donated books to the Center, which they selected from Ms. Wynne's Wish List for the annual book fair, this was a hands-on learning experience and taught the children how they could make a difference in another child's life.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite the students from Ms. Wynne's kindergarten class and their parents, as well as their Book Buddies from Ms. Hershey's fifth-grade class to appear before the Board to receive its thanks for a job well done. Without objection, it was so ordered.

40. **JOHN FREDERICKS, LONGTIME CITIZEN ACTIVIST IN McLEAN (DRANESVILLE DISTRICT)** (11:49 a.m.)

Supervisor DuBois asked everyone to keep in thoughts the family of the late Mr. John Fredericks of McLean who was a longtime citizen activist.

41. **PUBLIC SCHOOLS FISCAL YEAR (FY) 2006 BUDGET** (11:51 a.m.)

Anthony H. Griffin, County Executive provided a brief summary of the Schools FY 2006 Budget based on Superintendent Jack D. Dale's, presentation to the School Board.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Department of Management and Budget to:

- Provide a definitive statement on how much money the School System benefited from in the biennium State budget.
- How this should impinge upon this budget request.

Supervisor McConnell asked to amend the request to direct staff to ask the Schools how the additional funds were used, and this was accepted.

Supervisor Kauffman asked unanimous consent that the Board direct staff to:

- Determine how much of the carryover savings are "one time dollars" that are being applied to ongoing expenditures.
- Compare the dollar value of the one percent cost of living and the No Child Left Behind funding with the cost of reduced class size.

Without objection, the request, as amended, was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

42. **RECESS/CLOSED SESSION** (12:07 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-3711 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. *Julia Friday-Spivey v. Charles Lee Collier*, At Law No. 208609 (Fx. Co. Cir. Ct.)
 2. *Louise Redditt v. Fairfax County Department of Family Services*, Record Nos. 0770-04-4, 0771-04-4, 0772-04-4, 0773-04-4 (Va. Ct. App.)
 3. *Mireya Lyle and Jessica Cubas v. County of Fairfax*, U.S. D.C. Case No. 04-519-A (E.D. Va.)
 4. *Lincoln National Life Insurance Co. and Dixon Properties, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*, CL-2004-0227493 (Fx. Co. Cir. Ct.) (Tax Map No. 18-3((6))-8) (Hunter Mill District)
 5. *Oakcrest Properties, LLC v. Board of Supervisors of Fairfax County, et al.*, At Law No. 2004-0227810 (Fx. Co. Cir. Ct.) (Dranesville District)

6. *The Ira and Virginia Cox Limited Partnership, LLP, et al. v. Board of Zoning Appeals, et al.*, At Law No. 210690 (Fx. Co. Cir. Ct.); *William E. Shoup, Fairfax County Zoning Administrator v. The Ira and Virginia Cox Limited Partnership, LLP*, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery No. 189092 (Fx. Co. Cir. Ct.) (Braddock District)
8. *Charles and Susan Fisenne v. Fairfax County Board of Zoning Appeals*, At Law No. 225648 (Fx. Co. Cir. Ct.) (Mason District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Rosita Lim Ong Chang*, In Chancery No. 188799 (Fx. Co. Cir. Ct.) (Braddock District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. E. Mallery Binns and Ercell H. Binns*, In Chancery No. 193641 (Fx. Co. Cir. Ct.) (Mason District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Chau Ly and Enterprise Leasing Company*, In Chancery No. 000090 (Fx. Co. Cir. Ct.) (Providence District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Adam G. Love and Sofia K. Love*, In Chancery No. 2005-000127 (Fx. Co. Cir. Ct.) (Mason District)

And in addition:

- *Cochran versus Board of Zoning Appeals, et al.*, 267 Va. 756
- *Kansas-Lincoln, LC versus County Board, et al.*, Chancery Number 04-326.

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

ADDITIONAL BOARD MATTER43. **INTENT TO DEFER A PUBLIC HEARING (SULLY DISTRICT)**
(12:08 p.m.)

Supervisor Frey announced his intent later in the meeting, at the appropriate time, to defer the public hearing on:

- Rezoning Application RZ 2004-SU-028
- Special Exception Application SE 2004-SU-027
- Proffered Condition Amendment Application PCA 1999-SU-018

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#53.)

DMB:dmb

At 4:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION44. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:10 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 Smyth seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

45. **AUTHORIZATION OF THE SETTLEMENT OF JULIA FRIDAY-SPIVEY VERSUS CHARLES LEE COLLIER, AT LAW NUMBER 208609** (4:11 p.m.)

Supervisor Kauffman moved that the Board authorize the settlement of *Julia Friday-Spivey versus Charles Lee Collier*, At Law Number 208609, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

NV:nv

AGENDA ITEMS46. **3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (4:11 p.m.)

At 4:11 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Connolly in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Gerald E. Connolly Chairman, Fairfax County Board of Supervisors	– Chairman
Sharon Bulova Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	– Secretary
Robert L. Mears Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Anthony H. Griffin County Executive	– Executive Director
Joyce M. Doughty Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES)	– Authority Representative

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

Supervisor Gross moved approval of the minutes from the January 26, 2004, meeting of the Fairfax County Solid Waste Authority. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Gross moved approval of the Financial Statements and Supplemental Information dated June 30, 2004 and 2003, as presented to members of the Authority. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

At 4:12 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

PW:pw

47. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-597-03 AND SPECIAL EXCEPTION APPLICATION SE 2004-PR-019 (MERCANTILE POTOMAC BANK) (PROVIDENCE DISTRICT)** (4:12 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA-C-597-03 and Special Exception Application SE 2004-PR-019 until **February 7, 2005, at 3:30 p.m.** Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

48. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-SU-025 (STANFORD HOTELS CORPORATION) (SULLY DISTRICT)** (4:14 p.m.)

The application property is located in the northeast quadrant of Lee Jackson Memorial Highway (Route 50) and Sully Road (Route 28), Tax Map 34-4 ((12)) 3A2, 3A3, 3A4, and 3A5.

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

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

- In excess of \$200 from Mr. Lee Fifer of McGuire Woods, LLP

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, Kristen Crookshanks, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2004-SU-025, subject to the development conditions dated January 24, 2005.
- Waiver of the service drive requirement along Route 50.

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

49. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-020 (GUNSTON CENTER LLC) (MOUNT VERNON DISTRICT)** (4:20 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2004-MV-020 until **March 7, 2005, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

50. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-011 (FOUNDATION FOR APPLIED TECHNICAL EDUCATION)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 96-L-005-3 (FOUNDATION FOR APPLIED TECHNICAL EDUCATION)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-L-034-3 (FOUNDATION FOR APPLIED TECHNICAL EDUCATION) (LEE DISTRICT) (4:21 p.m.)

- (O) (NOTE: On December 6, 2004, the Board deferred the public hearing on this item until January 10, 2004. On January 10, 2005, the Board deferred the public hearing on this item until January 24, 2005.)

The Rezoning Application RZ 2003-LE-011 property is located in the southeast quadrant of the intersection of Hampton Creek Way and Spring Village Drive and the north and south sides of the Franconia-Springfield Parkway, Tax Map 90-1 ((1)) 62A.

The Proffered Condition Amendment Application PCA 96-L-005-3 property is located in the southeast quadrant of the intersection of Hampton Creek Way and Spring Village Drive, Tax Map 90-1 ((1)) 62A pt.

The Special Exception Amendment Application SEA 96-L-034-3 property is located in the southeast quadrant of the intersection of Hampton Creek Way and Spring Village Drive, Tax Map 90-1 ((1)) 62A pt.

Mr. Reid Dudley reaffirmed the validity of the affidavit for the record.

Mr. Dudley 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, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-011 from the R-1 and R-3 Districts to the R-3 District, subject to the proffers dated January 14, 2005.
- Approval of Proffered Condition Amendment Application PCA 96-L-005-3 and Special Exception Amendment Application SEA 96-L-034-3.
- Waiver of the trail requirement along the Franconia-Springfield Parkway in favor of the existing asphalt trail.

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

51. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-LE-008 (MOTIVA ENTERPRISES, LLC [D/B/A SHELL OIL COMPANY] FRANCONIA SQUARE, LLC) (LEE DISTRICT)** (4:27 p.m.)

The application property is located at 6136 Franconia Road, Tax Map 81-3 ((4)) 4A.

Mr. John McBride reaffirmed the validity of the affidavit for the record.

Mr. McBride 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, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kaufman moved:

- Approval of Special Exception Application SE 2004-LE-008, subject to the development conditions dated January 21, 2005.
- Modification of the transitional screening requirements along the northern property line in favor of that shown on the SE Plat, subject to the development conditions dated January 21, 2005.
- Waiver of the trail requirement along Franconia Road to that shown on the SE Plat, subject to the development conditions dated January 21, 2005.

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

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-S-028 (GESHER SCHOOL, INCORPORATED, T/A JEWISH DAY SCHOOL) (SPRINGFIELD DISTRICT)**

(NOTE: Later in the meeting, the Board deferred this public hearing. See Clerk's Summary Item CL#56.)

53. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-028, SPECIAL EXCEPTION APPLICATION SE 2004-SU-027, AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-018 (WEST*GROUP PROPERTIES, LLC) (SULLY DISTRICT)** (4:31 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2004-SU-028, Special Exception Application SE 2004-SU-027 and Proffered Condition Amendment Application PCA 1999-SU-018 until **February 7, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth being out of the room.

54. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON STRAWBERRY LANE (PROVIDENCE DISTRICT)** (4:32 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 6 and January 13, 2005.

Donald Stephens, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of the:

- Ordinance for vacation of segments of Strawberry Lane.
- Order for abandonment of segments of Strawberry Lane.

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

55. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-L-070 (COMMONWEALTH CONSTRUCTION MANAGEMENT, INCORPORATED)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-020 (COMMONWEALTH CONSTRUCTION MANAGEMENT, INCORPORATED) (MOUNT VERNON DISTRICT) (4:34 p.m.)

(NOTE: On January 10, 2005, the Board deferred the public hearing on this item until January 24, 2005.)

The application property is located on the west side of Gunston Cove Road, east side of Shirley Memorial Highway approximately 1500 feet south of Lorton Road at 9418 Gunston Cove Road, Tax Map 107-4 ((1)) 68A and Tax Map 107-4 ((1)) 68A pt.

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

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

- In excess of \$100 from Mr. David Tracy
- In excess of \$100 from Mr. Paul Lawrence

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, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 80-L-070, subject to the proffers dated January 21, 2005.
- Approval of Special Exception Application SE 2004-MV-020, subject to the development conditions dated January 21, 2005, with a change to Development Condition Number 22 which should read:

No Parking Signage. If approved by VDOT, “No Parking or standing” signs shall be provided along the Gunston Cove Road frontage to *prohibit* truck drivers from parking along the property’s frontage. *Further, applicant agrees that no trucks shall park or stand on Gunston Cove Road.*

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

Supervisor Hyland further moved:

- Modification of the transitional screening requirement along the northern, southern, and western property boundaries of proposed Lot 2 to that shown on the SE Plat.
- Waiver of the barrier requirement along the northern, southern, western, and eastern property boundaries of proposed Lot 1 and proposed Lot 2.

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

56. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-S-028 (GESHER SCHOOL, INCORPORATED, T/A JEWISH DAY SCHOOL) (SPRINGFIELD DISTRICT)** (4:41 p.m.)

Supervisor McConnell moved to defer the public hearing on Special Exception Amendment Application SEA 01-S-028 until **February 7, 2005, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Bulova and Supervisor Frey being out of the room.

57. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-IV-LP1, LOCATED EAST OF CRANFORD STREET/GUNSTON COVE ROAD INTERSECTION (MOUNT VERNON DISTRICT)** (4:42 p.m.)

Supervisor Hyland moved to defer the public hearing on Proposed Out-of-Turn Plan Amendment S04-IV-LP1 until **February 7, 2005, at 3 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Smyth being out of the room.

(NOTE: Supervisor Gross was in the Board Auditorium, but not at the dais, for the vote.)

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN MINIMUM REQUIRED YARDS; WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH REQUIREMENTS; AND INCREASE IN FENCE OR WALL HEIGHT** (4:42 p.m.)

Supervisor McConnell moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding modification of certain minimum required yards; waiver of residential minimum lot width requirements; and increase in fence or wall height until **February 7, 2005, at 4:30 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Smyth being out of the room.

(NOTE: Supervisor Gross was in the Board Auditorium, but not at the dais, for the vote.)

59. **BOARD ADJOURNMENT** (4:43 p.m.)

Supervisor McConnell moved to adjourn. Supervisor DuBois seconded the motion, and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Smyth being out of the room.

(NOTE: Supervisor Gross was in the Board Auditorium, but not at the dais, for the vote.)

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