



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 5, 2005**

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23-05

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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, December 5, 2005, at 9:35 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville 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

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

BOARD MATTER1. **MOMENT OF SILENCE** (9:35a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women in uniform serving the country overseas and the people of Iraq and Afghanistan.

Chairman Connolly asked everyone to keep in thoughts Ms. Janet Ball a volunteer in his office who is recovering from a recent illness.

Supervisor McConnell asked everyone to keep in thoughts the family of John D. Ringle who died December 1, 2005. She noted that he was instrumental in land development with respect to preservation of the environment.

AGENDA ITEMS2. **CERTIFICATES OF RECOGNITION PRESENTED TO THE POLICE DEPARTMENT AND THE OFFICE OF THE COMMONWEALTH'S ATTORNEY** (9:38 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to the Police Department and the Office of the Commonwealth's Attorney for their efforts in regard to sobriety checkpoints as part of the Driving While Intoxicated enforcement program. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO LOCAL HIGH SCHOOL STUDENTS WHO VOLUNTEERED AS ELECTION OFFICERS AND PAGES, AS WELL AS GIRL AND BOY SCOUTS** (9:49 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to local high school students who volunteered as election officers and pages, as well as Girl and Boy Scouts who assisted at the County polls during the recent election. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE WEST SPRINGFIELD LITTLE LEAGUE TEAM OF 11-12-YEAR OLDS**
(9:54 a.m.)

Supervisor McConnell moved approval of the Certificates of Recognition presented to the members of the West Springfield Little League Team of 11-12-year olds for winning the Virginia State championship. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. DENNIS HILL**
(9:59 a.m.)

Supervisor Kauffman moved approval of the Resolution of Recognition presented to Mr. Dennis Hill for his years of service to the County upon his retirement from the Health Department. Supervisor McConnell seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SANDRA LOWE** (10:13 a.m.)

ADDITIONAL BOARD MATTER

Presence of Robert B. Dix, former Hunter Mill District Supervisor

Chairman Connolly recognized the presence of Robert B. Dix, former Hunter Mill District Supervisor, and warmly welcomed him to the Board Auditorium.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Ms. Sandra Lowe for her years of service to the County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. CINDY FORTUNO AND MS. LEILA GORDON** (10:23 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Cindy Fortuno of the Reston Community Center for accolades received for the CenterStage publication. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Leila Gordon of the Reston Community Center for accolades received for the CenterStage publication. Supervisor McConnell seconded the motion and it

carried by a vote of seven, Supervisor Frey, Supervisor Gross, and Supervisor Smyth being out of the room.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO KEVIN GREENLIEF, DIRECTOR, DEPARTMENT OF TAX ADMINISTRATION (DTA) AND REPRESENTATIVES OF THE SMILES CAMPAIGN** (10:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to Kevin Greenlief, Director, DTA, and representatives of the SMILES campaign for their work to ensure quality service to County residents. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO FAIRFAX CONNECTOR EMPLOYEES** (10:41 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to employees of the Fairfax CONNECTOR who have been with the service since its inception 20 years ago. Supervisor Kauffman and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, there was additional discussion regarding the Fairfax CONNECTOR. See Clerk's Summary Item CL#29.)

DET:det

10. **10 A.M. – BOARD ADOPTION OF THE 2006 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (10:47 a.m.)

(NOTE: At its November 21, 2005, meeting the Board held a public hearing regarding this item and the record was kept open to receive written comments.)

Supervisor Bulova moved approval of the 2006 Legislative Program for the Virginia General Assembly as contained in the Board Agenda Item dated December 5, 2005. Supervisor Hyland seconded the motion.

Chairman Connolly noted that there had been a series of meetings, beginning in September, to prepare this program. In addition, he stated that the Board had instituted one-on-one sessions with members of the General Assembly through the annual legislative reception, the third of which is planned for February 2006. Further, Chairman Connolly invited Members of the Board to testify at the annual

legislative hearing which is held in the Government Center in January 2006 as well as travel to Richmond for the Virginia Association of Counties (VaCo)/Virginia Municipal League (VML) Day.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion with the following language:

- Add to the draft program under the title “Taxation Car Tax Relief:” that the Board support increased State funding to reimburse localities Statewide from a full 70 percent State subsidy pledged by the General Assembly.

This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Kauffman asked to further amend the motion with an item contained in his written Board Matters concerning overcrowding as follows:

- Revise the penalties for overcrowding type violations of the Zoning Ordinance and Building Code to become classified as a Class 2 Misdemeanor which carries with it a penalty upon conviction of a fine of \$2500 and up to one year in jail, with each day being a separate offense.

This was accepted.

(NOTE: Later in the meeting, Supervisor Kauffman presented the referenced Board Matter. See Clerk’s Summary Item CL#54.)

Discussion ensued with input from Karen J. Harwood, Deputy County Attorney.

Supervisor Smyth asked unanimous consent that the Board direct staff to identify items in the Legislative Program that are also positions supported by VaCo and/or VML. Without objection, it was so ordered.

Supervisor Frey noted that a matter had been brought to his attention by a police officer at the Sully District Station concerning the fact that no State law or County ordinance existed that regulates or prohibits children from riding on the back of a motorcycle. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to draft language for consideration by the Legislative Committee. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting “**NAY.**”

Supervisor Frey stated for the record that he voted against the package because of the inclusion of gun legislation and the provisions of the Human Rights Ordinance which the General Assembly had made clear it would not be adopting. Supervisor DuBois and Supervisor McConnell stated that they voted for the package, but they also had objections to those two provisions.

ADDITIONAL BOARD MATTER

11. **LEGISLATIVE BREAKFAST** (10:57 a.m.)

Chairman Connolly invited Board Members to attend the Legislative Breakfast on Wednesday, December 7, 2005, at 7:30 a.m. at the Fairview Park Marriott. Discussion ensued with input from Susan Mittereder, Legislative Liaison, Office of the County Executive, and Anthony H. Griffin, County Executive.

AGENDA ITEMS

12. **10:15 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (11:00 a.m.)

Stella M. Koch, Chairperson, EQAC, presented its annual report, and a brief discussion ensued concerning environmental consciousness.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the report be received by the Board and that staff be directed to distribute the report and report with appropriate follow-up action. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, an announcement was made regarding EQAC's annual public meeting. See Clerk's Summary Item CL#47.)

PW:pw

AGENDA ITEMS

13. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (No Time)

(NOTE: Later in the meeting, the Board made appointments. See Clerk's Summary Item CL#15.)

14. ADMINISTRATIVE ITEMS (11:18 a.m.)

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

Chairman Connolly called the Board's attention to Admin 7 – Supplemental Appropriation Resolution AS 06046 for the Fairfax County Office of Emergency Management (OEM) and discussion ensued with input from Catherine Riley-Hall, Grants Administrator, OEM; Robert Mizer, Department of Fire and Rescue, Community Emergency Response Teams "CERT" Coordinator, and Anthony H. Griffin, County Executive, concerning the Citizen Corps program.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide the Board with the findings from the study of the Citizen Corps program no later than the second Board meeting in January 2006. Without objection, it was so ordered.

Following further decision regarding Memorandums of Understanding (MOUs), Chairman Connolly asked unanimous consent that the Board direct staff to inform the Board when the MOUs are executed and in place. Without objection, it was so ordered.

Additional discussion ensued regarding an itemization of volunteers. Chairman Connolly asked unanimous consent that the Board direct staff to provide the itemized list referred to in the Board agenda item. Without objection, it was so ordered. (Note: Later in the meeting, staff distributed this itemization.)

Chairman Connolly acknowledged the presence of Ms. Merrily Pierce in the audience. She has overseen the Citizen Corps effort for the County and he thanked her for her efforts.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON FORT DRIVE, EDGEHILL DRIVE, MONTICELLO ROAD, FARNSWORTH DRIVE, FAIRHAVEN AVENUE, ALBEMARLE DRIVE, AND WILLIAMSBURG ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **January 9, 2006, at 4 p.m.** to consider a proposal to prohibit through truck traffic, as part of R-TAP, on the following roads:

- Fort Drive between North Kings Highway and Edgehill Drive
- Edgehill Drive between Monticello Road and Farmington Drive
- Monticello Road between Fairhaven Avenue and Farmington Drive
- Farnsworth Drive between Monticello Road and Farmington Drive
- Fairhaven Avenue between North Kings Highway and Edgehill Drive
- Albemarle Drive between Monticello Road and Edgehill Drive
- Williamsburg Road between Fairhaven Avenue and Fort Drive

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-M-010, MUHAMMAD ALHUSSEIN (SKYLINE AMOCO) (MASON DISTRICT)

(AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 01-M-010, Muhammad Alhussein (Skyline Amoco), to January 9, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 91-V-039, FAIRFAX INDUSTRIAL PARK ASSOCIATES (MOUNT VERNON DISTRICT)

(AT) Approved six months of additional time to commence construction for Special Exception Application SE 91-V-039, Fairfax Industrial Park Associates, to March 30, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-M-044, BILLIE BRYAN MACKEY, TRUSTEE FOR THE MARIE F. BRYAN TRUST (MASON DISTRICT)

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 01-M-044, Billie Bryan Mackey, Trustee for the Marie F. Bryan Trust, to March 9, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-Y-004, TRUSTEES OF THE MOUNT OLIVE BAPTIST CHURCH, LLC (SULLY DISTRICT)

- (AT) Approved 24 months of additional time to commence construction for Special Exception Application SE 00-Y-004, Trustees of the Mount Olive Baptist Church, LLC, to October 16, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (DRANESVILLE AND PROVIDENCE DISTRICTS)

Approved an extension of review period for the following Public Facility (2232) Review Applications:

- 2232-D05-17 to February 3, 2006
- FS-P05-33 to February 5, 2006
- FS-P05-26 to February 9, 2006

ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06046 FOR THE FAIRFAX COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC), EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

- (SAR) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page #7.)

Approved SAR AS 06046 for OEM to accept funding from the DC Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice, in the amount of \$335,504, to increase the number and capacity of volunteers affiliated with Citizen Corps programs and to plan for and manage spontaneous emergency response and recovery volunteers. No local cash match is required.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SPECIAL EXCEPTION AND SPECIAL PERMIT PHOTOGRAPHIC SUBMISSION REQUIREMENTS

(As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 26, 2006, at 8:15 p.m. and before the Board on **March 13, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding special exception and special permit photographic submission requirements.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFORDABLE DWELLING UNIT PROGRAM – CONDOMINIUM DEVELOPMENTS; COVENANT, PRICE, AND FINANCING CONTROL; AND MAXIMUM DENSITY IN A PLANNED RESIDENTIAL MIXED USE DISTRICT

(As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 18, 2006, at 8:15 p.m. and before the Board on **February 27, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the Affordable Dwelling Unit program – condominium developments; covenant, price, and financing control; and maximum density in a planned residential mixed use district.

ADMIN 10 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS TO ASSIST BURGUNDY FARM COUNTRY DAY SCHOOL

(R)
(BONDS) Adopted the Resolution requesting that the Economic Development Authority issue up to \$2,750,000 in revenue bonds to assist the Lorton Arts Foundation, Incorporated.

ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06045 FOR THE FAIRFAX COUNTY OFFICE OF PUBLIC AFFAIRS (OPA) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC) OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

(SAR) Approved SAR AS 06045 in the amount of \$100,000 for OPA to accept a DHS UASI Sub-Grant Award from the DC Office of the Deputy Mayor for Public

Safety and Justice to develop a strategic communications plan for the National Capital Region.

15. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:23 a.m.)

(APPTS)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Sully District Representative to the A. Heath Onthank Memorial Award Selection Committee.

ADVISORY SOCIAL SERVICES BOARD

Supervisor Frey moved the appointment of Mr. Sosthenes Klu to fill the unexpired term of Ms. Pamela Cave as the Sully District Representative to the Advisory Social Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

ANIMAL SERVICES ADVISORY COMMISSION

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

ARCHITECTURAL REVIEW BOARD

Chairman Connolly moved the reappointment of Mr. Peter Juanpere as the Related Professional Group #5 Representative to the Architectural Review Board. Supervisor Hudgins and Supervisory Hyland jointly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

Chairman Connolly moved the reappointment of Mr. J. Marcelo Gangotena as the At-Large (Diverse Population) Representative to the Athletic Council. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Hunter Mill District Alternate and Mason District Alternate Representatives to the Athletic Council.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Connolly moved the reappointment of Mr. John Yeatman as the Appraiser #1 Representative to the Board of Equalization of Real Estate

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

Supervisor McConnell moved the reappointment of Mr. Ryan Davis as the Appraiser #3 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Noelle Maynard as the Freeholder #3 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Gloria Crawford as the Attorney #3 Representative to the Board of Equalization of Real Estate Assessments. Chairman Connolly seconded the motion, which carried by unanimous vote.

A brief discussion ensued regarding the term limit of Ms. Crawford's reappointment, with input from Nancy Vehrs, Clerk to the Board of Supervisors.

Supervisor Kauffman moved the reappointment of Mr. Joseph Blackwell as the Freeholder #2 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Gross seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

Supervisor Frey moved the reappointment of Ms. Patricia Cornwell as the Sully District Representative to the Child Care Advisory Council. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

CIVIL SERVICE COMMISSION

Supervisor Frey moved the reappointment of Ms. Audrey Morton as an At-Large #1 Representative to the Civil Service Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

The Board deferred the appointment of the At-Large Chairman's Representative to the Commission for Women.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Supervisor Gross moved the appointment of Rabbi Rosalind Gold to fill the unexpired term of the Reverend Jane St. John as the Religious Community Representative to the Commission on Organ and Tissue Donation and Transplantation. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointments to the Community Action Advisory Board:

- Ms. Amy Owen as the Fairfax Bar Association Representative
- Ms. Shari Zamarra as the Faith Communities in Action Representative
- Mr. Virgil Bodeen as the Community Ministry Representative

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

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

CONSUMER PROTECTION COMMISSION

Chairman Connolly moved the appointment of Mr. Richard C. Sullivan, Jr., to fill the unexpired term of Mr. Lawrence Fowler as the At-Large #1 Representative to the Consumer Protection Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

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

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The Board deferred the appointment of the At-Large #3 Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large #2 (Business Community) and At-Large Chairman's Representatives, and the Hunter Mill, Lee, Mason, and Providence District Representatives to the Fairfax Area Disability Services Board.

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

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

- Mr. Ellwood Whitt, Jr. as the Fairfax Area Disability Services Board Representative

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Hyland provided notice of his intent to nominate Ms. Mattie Palmore as the Mount Vernon District Representative for appointment to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for January 9, 2006.

HISTORY COMMISSION

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

Chairman Connolly moved the appointment of Mr. Michael Irwin as the Citizen #8 Representative to the History Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

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

Chairman Connolly and Supervisor Frey jointly moved the reappointment of Ms. Esther McCullough as the Citizen #10 Representative to the History Commission. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Mr. Gary Simanson as the Historian #3 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

HUMAN RIGHTS COMMISSION

Supervisor Frey moved the appointment of Mr. Ken Schwartz to fill the unexpired term of Mr. Preston Royster as the At-Large #1 Representative to the Human Rights Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Jon Strother as the At-Large #2 Representative to the Human Rights Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

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

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Bulova moved the reappointment of Mr. Paul Leslie as the Braddock District Representative to the Information Technology Policy Advisory Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Edward Blum as the Providence District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative to the Information Technology Policy Advisory Committee.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Chairman Connolly moved the appointment of Mr. Michael McClanahan to fill the unexpired term of Ms. Doreen Williams as the At-Large Chairman's Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

The Board deferred the appointment of the Providence District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

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

PARK AUTHORITY

Chairman Connolly moved the reappointment of Mr. George Lovelace as the At-Large #2 Representative to the Park Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

PLANNING COMMISSION

Supervisor Hudgins moved the reappointment of Mr. Frank de la Fe as the Hunter Mill District Representative to the Planning Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Byers as the Mount Vernon District Representative to the Planning Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #1 Representative of the Police Officers Retirement System Board.

ROAD VIEWERS BOARD

Supervisor McConnell moved the reappointment of Mr. Joseph Bunnell as the At-Large #1 Representative to the Road Viewers Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

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

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

The Board deferred the appointment of the At-Large #4 Representative to the Road Viewers Board.

SMALL BUSINESS COMMISSION

Chairman Connolly moved the reappointment of Mr. Omar Kader as the At-Large #2 Representative to the Small Business Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Mr. Scott Monett as the Dranesville District Representative to the Small Business Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Samuel Phipps as the Lee District Representative to the Small Business Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

Supervisor Smyth moved the reappointment of Mr. John Elzroth as the Providence District Representative to the Small Business Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the reappointment of Mr. Mark Roeber as the Springfield District Representative to the Small Business Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District Representative to the Small Business Commission.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 Representative to the Southgate Community Center Advisory Council.

TRANSPORTATION ADVISORY COMMISSION

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

WETLANDS BOARD

The Board deferred the appointment of the At-Large #2 Representative to the Wetlands Board.

16. **A-1 – PROPOSED SOLICITATION FOR POLICE – DIRECTED TOWING SERVICES** (11:41 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and authorize the County Purchasing Agent to issue a Request for Proposal substantially in the form of a solicitation, as contained in the Board Agenda Item dated December 5, 2005, and award contracts in each designated towing zone. Supervisor Hyland seconded the motion.

Discussion ensued with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, concerning adding language to Section 16.8 of Request for Proposal RFP 06-835294-11 requiring that the “ATM” machine be working or functional. Supervisor Gross asked unanimous consent that the Board direct staff to modify the language to indicate that the ATM be working and functional. Without objection, it was so ordered.

Additional discussion ensued, with input from Ms. Muse, concerning the use of credit cards as payment.

Supervisor Bulova moved to amend the motion to change the language of Section 16.8 of RFP 06-835294-11 to the following:

- Contractors must accept **credit cards**, “debit” type cards for payment and/or in lieu of debit cards, provide a **functional** “ATM” machine at every location from which vehicles are released. No additional service fee may be charged by the tower for the use of the “ATM” service.

Supervisor Frey seconded the amendment to the motion and it **CARRIED** by a recorded vote of seven, Supervisor DuBois, Supervisor Hyland, and Supervisor McConnell voting “**NAY.**”

Further discussion ensued with input from Sergeant Pat Wimberly, Police Department, concerning the use of credit cards as payment.

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

17. **A-2 – TERMINATION OF AN EXISTING PARKING REDUCTION AGREEMENT FOR SEVEN CORNERS CENTER (MASON DISTRICT)**
(11:53 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the request to terminate the parking reduction agreement between Saul Holdings, LP and the Board for Seven Corners Center.

18. **A-3 – ENDORSEMENT OF DESIGN PLANS FOR THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS PARKING EXPANSION (BRADDOCK DISTRICT)** (11:54 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and endorse the design plans for a parking expansion at the Burke Centre VRE station, including a structured garage and surface parking, bus loop, sidewalks, elevators, bike racks, and other amenities, generally as presented at the October 20, 2005, public hearing. Supervisor McConnell seconded the motion.

Discussion ensued with input from Kenneth Lim, Project Manager, Department of Public Works and Environmental Services, regarding the number of additional parking spaces available after the expansion.

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

19. **A-4 – NATIONAL CAPITAL REGION MUTUAL AID AGREEMENT**
(11:55 a.m.)

- (R) On the motion of Supervisor Gross, seconded by Supervisor Kauffman, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution authorizing execution of the National Capital Regional Mutual Aid Agreement and authorizing the negotiation and execution of specific operational plans for each emergency response function to govern the process by which mutual aid is requested and provided.

20. **A-5 – APPROVAL OF A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES** (11:56 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve a MOA between the FCPD and the US Bureau of Alcohol, Tobacco, Firearms, and Explosives. Supervisor McConnell seconded the motion.

Discussion ensued with input from Major Frank Wernlein, FCPD, concerning the duties of the task force officer.

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

21. **A-6 – COMMUTER PARKING AT SPRINGFIELD MALL, SPRINGFIELD PLAZA, AMERICAN LEGION POST 176, AND CONTINUATION OF THE S91 SHUTTLE FROM SPRINGFIELD MALL TO FRANCONIA-SPRINGFIELD METRORAIL STATION (LEE DISTRICT)** (11:57 a.m.)

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

- Approve in substantial form the amended agreements with the following organizations to continue to provide essential commuter parking in the Springfield area:
 - Springfield Plaza
 - American Legion Post 176
 - Springfield Mall
- Authorize the Director of the Department of Transportation to execute these agreements.
- Authorize payment to the Washington Metropolitan Area Transit Authority to operate the S91 (Springfield Shuttle) route from Springfield Mall to the Franconia-Springfield Metrorail station.

Supervisor Smyth seconded the motion.

Discussion ensued with input from Katharine D. Ichter, Acting Director, Department of Transportation (DOT) and Carol G. Smith, Chief, Transportation Marketing Section, DOT, concerning funding and fiscal impact.

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

22. **A-7 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS TASK FORCE'S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2007 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (11:59 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and endorse the Chief Administrative Officers Task Force's 11 primary recommendations on the FY 2007 VRE budget, as contained in the Board Agenda Item dated December 5, 2005. Supervisor Bulova seconded the motion.

Discussion ensued with input from Katharine D. Ichter, Acting Director, Department of Transportation (DOT) and Michael R. Lake, Senior Transportation Planner, Coordination and Funding Section, DOT, concerning interjurisdictional expansion of the system and the FY 2007 VRE budget deficit.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide the Board with the result of this action on the FY 2007 VRE budget deficit. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

23. **A-8 – AUTHORIZATION TO REALLOCATE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FROM TELEGRAPH ROAD PROPERTY TO YORKVILLE COOPERATIVE AND TO ALLOCATE HOUSING FLEXIBILITY FUNDS (ONE PENNY FOR HOUSING) TO THE YORKVILLE COOPERATIVE PRESERVATION PROJECT (PROVIDENCE DISTRICT)** (12:07 p.m.)

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

- Authorize the reallocation of \$500,000 within Fund 145, HOME Investment Partnership Grant, from Project 013966, Telegraph Road Property, to Project 014237, Yorkville Cooperative Project.
- Authorize the allocation of \$250,000 in Fund 319, Housing Flexibility Fund, to be used for pre-acquisition/development feasibility studies for the Yorkville Cooperative project.

Chairman Connolly seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive, and Michael S. Pearman, Management Analyst, Real Estate Finance, Real Estate Finance and Grants Management Division, concerning the reallocation of funds from the Telegraph Road property to the Yorkville Cooperative.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board defer action on this item until additional information can be provided by staff. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#51.)

24. **A-9 – PARKING COMMITTEE REPORT** (12:09 p.m.)

This item was withdrawn by staff.

(NOTE: Later in the meeting, the Board discussed this item. See Clerk's Summary CL#26.)

25. **A-10 – AUTHORIZATION OF ADDITIONAL HOLIDAY PAY COMPENSATION FOR ALL FAIRFAX COUNTY EMPLOYEES WHO WORK ON THE ACTUAL HOLIDAY (AS OPPOSED TO THE DAY OBSERVED AS THE HOLIDAY BY THE COUNTY)** (12:09 p.m.)

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Gross moved that the Board concur in the recommendation of staff and authorize holiday pay compensation for the actual holidays of Christmas Eve, Christmas Day, and New Year's Day in Fiscal Year (FY) 2006, in addition to the holiday pay granted for the observed County holiday. Any necessary funding and Personnel Regulation revisions for permanent implementation of this change will be included as part of the FY 2007 Adopted Budget Plan. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

26. **A-9 – PARKING COMMITTEE REPORT** (12:13 p.m.)

(NOTE: Earlier in the meeting, it was noted that this item was withdrawn by staff. See Clerk's Summary CL#24.)

Discussion ensued with input from Anthony H. Griffin, County Executive, concerning when this item will be returned to the agenda.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide clarification on why "two wheel hitches" are not a part of the trailer category. Without objection, it was so ordered.

27. **C-1 – CENTEX HOMES' REQUEST TO ALLOW APPROVAL OF NEW DEVELOPMENT AGREEMENTS FOR VERNON HEIGHTS (COUNTY PROJECT NUMBER 34097-SP-01) (MOUNT VERNON DISTRICT) AND THE PAVILLIONS AT HUNTINGTON METRO MULTI-FAMILY PHASE I (COUNTY PROJECT NUMBER 7878-SP-04) (MOUNT VERNON DISTRICT)** (12:13 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board defer action on this item until after closed session. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary CL#76.)

28. **I-1 – REPAINTING OF OLD RICHMOND HIGHWAY EXPRESS SERVICE BUSES AND PAINTING OF NEW BUSES (MOUNT VERNON AND LEE DISTRICTS)** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to proceed with the repainting of old buses and the painting of the new buses through the Washington Metropolitan Area Transit Authority.

A brief discussion ensued about the increase in ridership and the need for additional service in the western end of the County.

The staff was directed administratively to proceed as proposed.

29. **I-2 – FAIRFAX CONNECTOR RIDERSHIP REPORT FOR FISCAL YEAR (FY) 2005** (12:14 p.m.)

(NOTE: Earlier in the meeting, the Board commended the Fairfax CONNECTOR on its anniversary. See Clerk's Summary Item CL#9.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, reporting on the Fairfax CONNECTOR Ridership for FY 2005.

30. **I-3 – CONTRACT AWARD – MONITORING SERVICES FOR THE COUNTY'S MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT TASK ORDER CONTRACT** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award a contract to Versar, Incorporated, in a maximum amount of \$1 million to provide assistance in carrying out various monitoring tasks to comply with the requirements of the County's MS4 Permit.

The staff was directed administratively to proceed as proposed.

31. **I-4 – CONTRACT AWARD – IMPLEMENTATION OF THE INSTITUTIONAL NETWORK (I-NET) ARCHITECTURE** (12:16 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award a contract to Unisys Corporation for Phase II, the implementation and consulting services, for the

installation of the electronic equipment and the activation of the network in accordance with the specified design.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide additional background information on this item. Following discussion, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The staff was directed administratively to proceed as proposed.

32. **I-5 – PRESENTATION OF FISCAL YEAR (FY) 2005 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, regarding the FY 2005 CAFR.

33. **I-6 – CONTRACT AWARD – WATERSHED PROGRAM SUPPORT SERVICES TASK ORDER CONTRACT** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award a contract to Tetra Tech, Incorporated, in the amount of up to \$3 million over a period of three years to provide support services to ensure the remaining watershed plans are developed consistently and on schedule.

Discussion ensued with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, regarding the need for consulting services.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to **DEFER** the awarding of this contract until the Board's Environmental Committee provides its recommendation and the Board can revisit this item in January. Without objection, it was so ordered. The Environmental Committee is scheduled to meet on December 12, 2005.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

34. **I-7 – CONTRACT AWARD – SOUTH VAN DORN STREET/I-495-OAKWOOD ROAD TRANSPORTATION SPOT IMPROVEMENT (LEE DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$216,305 for the construction of South

Van Dorn Street/I-495-Oakwood Road Transportation Spot Improvement, Project 4YP001, in Fund 304, Primary and Secondary Road Bond Construction.

The staff was directed administratively to proceed as proposed.

35. **I-8 – CONTRACT AWARD – LAUREL RIDGE ROAD SANITARY SEWER EXTENSION AND IMPROVEMENT (HUNTER MILL DISTRICT)** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award a contract to R.L. Rider and Company in the amount of \$381,770 for the construction of Laurel Ridge Road Sanitary Sewer Extension and Improvement, Project Number X00826, Extension Projects in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

36. **I-9 – CONTRACT AWARD – PUBLIC/PRIVATE MAINTENANCE ASSESSMENT PROJECT FOR STORMWATER MANAGEMENT FACILITIES TASK ORDER CONTRACT** (12:24 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for staff to award contracts to GKY and Associates and Post, Buckley, Schuh, and Jernigan in the amount of \$1 million each to provide engineering and inspection services for the Public/Private Maintenance Assessment Project which is to assess stormwater management infrastructure throughout the County.

Discussion ensued with input from Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, and Anthony H. Griffin, County Executive, regarding outsourcing the public and private inspection services.

Supervisor Frey asked unanimous consent that the Board defer the awarding of this contract pending review by the Board's Personnel Committee to compare the benefits of outsourcing versus providing the services in-house.

Following further discussion, Supervisor Gross moved to award the contract and direct staff to provide the Board with a cost analysis of outsourcing versus providing the services in-house. Supervisor Hudgins seconded the motion.

Following additional discussion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor McConnell being out of the room.

37. **I-10 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-L05-8, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC (LEE DISTRICT)** (12:36 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, announcing the Planning Commission's approval of Public Facility Application 2232-L05-8, Ompoint Communications Gap Operations LLC, located at 6601 Telegraph Road [Tax Map 92-1 ((1)) 21].

38. **I-11 – FAIRFAX COUNTY BUS STOP INVENTORY AND SAFETY STUDY** (12:36 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, presenting the County Bus Stop Inventory and Safety Study.

Discussion ensued, with input from Christopher D. Wells, Pedestrian Program Manager, Department of Transportation (DOT) and Ellen Gallagher, Acting Chief, Capital Projects and Operations Division, DOT, concerning providing an analysis of the bus stops by supervisor election district.

Supervisor Gross asked unanimous consent that the Board direct staff to provide an analysis of the bus stops by supervisor election district. Without objection, it was so ordered.

39. **I-12 – QUARTERLY STATUS REPORT ON THE BOARD'S FOUR-YEAR TRANSPORTATION PROGRAM** (12:40 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, regarding the quarterly status report on the Board's Four-Year Transportation Program.

40. **I-13 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda dated December 5, 2005, requesting authorization for the County Executive, the appropriate Deputy County Executive, or the Chief Financial Officer to approve street acceptance items and award contracts during the period between the December meeting and the first meeting in January.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

41. **FAIRFAX FAMILIES CARE: YEAR END UPDATE** (12:41 p.m.)

Chairman Connolly provided the Board with an end-of-the-year update on the Fairfax Families Care initiative relating to assistance for families affected by Hurricane Katrina.

42. **EMERGENCY PREPAREDNESS** (12:41 p.m.)

Chairman Connolly noted that on October 17, 2005, the County Executive delivered a comprehensive report to the Board on the State of Emergency Planning and Preparedness in the County. A review of the presentation and the materials raised two concerns for him, one regarding evacuation plans for hospitals, nursing homes, et cetera, and the other regarding the County's dams that could be affected by a storm.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to:

- Assure that a survey is done of medical facilities housing patients who could require evacuation to determine what transportation carriers will be used and what the receiving facilities will be.
- Assure that those evacuation plans are up-to-date and workable.
- Take the necessary steps to assure that the County has an up-to-date list of the number of homes at risk for each of the County's high hazard dams.
- Provide this report no later than January 23, 2006.

Without objection, it was so ordered.

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

Chairman Connolly asked unanimous consent that the Board direct the County Executive to provide an analysis of any concerns about the condition of the dams.

Following further discussion, with input from Mr. Griffin, without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action regarding emergency management. See also Clerk's Summary Items CL#68 and CL#101.)

43. **JOINT STATEMENT ON CONGESTION MANAGEMENT** (12:45 p.m.)

Chairman Connolly noted that Governor-Elect Tim Kaine was holding a series of town hall meetings on transportation across the State to listen to citizens' and elected officials' ideas on improving the State's transportation network. The first meeting in Northern Virginia was held at the Manassas Regional Airport, and was attended by several hundred interested people. At that meeting, Chairman Connolly and Delegate Jim Scott presented an "8-Point Congestion Management Plan" to the Governor, which starts with the creation of a coordinating Office of Congestion Management in Richmond promoting telework, transit-oriented development, flextime, et cetera. He shared copies of this plan with Board Members.

Discussion ensued regarding the plan and the town hall meetings.

Supervisor Frey moved that the Board direct staff to invite the Governor-Elect to hold a meeting at the County Government Center tentatively on January 3, 2006. Chairman Connolly seconded the motion, which carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

Discussion continued briefly regarding the heavy traffic along Route 28 to the recent meeting in Manassas as well as support of public transportation as evidenced in a recent survey of residents in the region.

44. **RECOGNITION OF POLICE DEPARTMENT SECOND LIEUTENANT RANDALL HARGUS** (12:51 p.m.)

Chairman Connolly stated that on February 24, 2005, Police Department Second Lieutenant Randall Hargus stopped to assist a disabled motorist. As he stood at the trunk of his cruiser retrieving flares, he was struck by a vehicle estimated to have been traveling at 45 miles an hour. He suffered grievous injuries. The driver of the vehicle was found to have been driving while intoxicated.

Chairman Connolly announced that on November 30, the Capital Area Chapter of the Theodore Roosevelt Association honored Lieutenant Hargus with the second annual Theodore Roosevelt Police Award. The award honors a deserving law enforcement officer who has overcome a serious handicap, illness, or injury and continues to render praiseworthy service to his department.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite Lieutenant Hargus to appear before the Board to receive recognition for his heroic efforts in overcoming critical injuries, for his demonstration of personal strength and courage, for his leadership, and for his commitment to his fellow officers and his department. Without objection, it was so ordered.

45. **AFRICAN AMERICAN HISTORY** (12:51 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim February 2006 as “*African American History Month*” in Fairfax County and direct staff to invite appropriate representatives from the Office of Equity Programs and others to receive the proclamation at the January 23, 2006, Board meeting. Without objection, it was so ordered.

46. **SYNTHETIC TURF FIELD DEVELOPMENT PROGRAM** (12:51 p.m.)

Chairman Connolly noted that the Athletic Council recently worked with staff from the Department of Community and Recreation Services (DCRS) and the Park Authority to develop procedures for the new Synthetic Turf Field Development Program. This program, established through the redirection of fee revenue from the athletic services application fee, will enable sports organizations to submit proposals to match County funds up to \$483,000 to install synthetic turf on selected fields.

Accordingly, Chairman Connolly moved that the Board direct the Park Authority staff to work with staff from DCRS and the Department of Management and Budget to explore opportunities to use Park Bond funds to leverage the \$483,000 currently set aside for this program. A plan to make those funds available for the installation of additional turf fields should be developed and presented to the Board and the Park Authority Board. Supervisor Smyth seconded the motion.

Supervisor Smyth asked to amend the motion to include in this plan the stormwater management implications of these turf fields, and this was accepted.

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

47. **ANNUAL ENVIRONMENTAL QUALITY ADVISORY COMMITTEE (EQAC) PUBLIC MEETING** (12:53 p.m.)

(BACs) (NOTE: Earlier in the meeting, EQAC presented its annual report. See Clerk’s Summary Item CL#12.)

Chairman Connolly announced that EQAC will be holding its annual public meeting on Wednesday, December 14 at 7:30 p.m. in the Board Auditorium at the Government Center. This meeting gives citizens an important opportunity to share their views with the Commission on the state of County’s environment and its environmental management programs.

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

48. **FAIRFAX COUNTY GOVERNMENT SAVINGS AS WELL AS PARKING GARAGE ISSUES** (12:54 p.m.)

Chairman Connolly distributed copies of a *Washington Post* article written by George F. Will in which he lauded Indiana for savings to state government. One example included the reduction of the state's vehicle fleet for a savings of \$1.95 million. Chairman Connolly pointed out that because of initiatives of the Board and the Audit Committee, the County saved roughly \$2 million in the reduction of its vehicle fleet.

On the subject of vehicles, Supervisor Smyth asked unanimous consent that the Board direct staff to provide a report on a green roof for the parking garage near the Herrity Building. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

In addition, in Fairfax's ongoing quest to make County government more efficient and cost effective, Chairman Connolly said that the Board reviewed and strengthened controls over the County's travel policy and office furniture purchases, thereby further reducing costs.

Supervisor Hyland raised the issue of the parking garage nearest the judicial center (courthouse) and asked unanimous consent that the Board direct staff to provide signage at the end of the street indicating "no public parking." Following input from Mr. Griffin, without objection, it was so ordered.

With reference to the savings for the vehicle fleet, Supervisor Gross asked unanimous consent that when the Board considers retiring vehicles in the next cycle, it revisit the criteria of only mileage. She noted that some vehicles, such as a "farm truck" for Green Springs Garden Park, would have low mileage because of the nature of its work. Without objection, it was so ordered.

With reference to the signage of the parking garage at the judicial center, Supervisor Kauffman asked unanimous consent that the Board direct staff to report with the security issues involved with public parking in the garage. Without objection, it was so ordered.

Chairman Connolly moved that the staff work with the Auditors to compile a list of County government savings undertaken over the past two years, including areas such as Value Engineering, so that the Board has a better understanding of the savings achieved and an understanding of those areas that should be pursued for further savings. Supervisor Smyth seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board approved the Auditors' report. See Clerk's Summary Item CL#67.)

49. **ANIMAL-FRIENDLY LICENSE PLATE PROCEEDS** (1 p.m.)

Chairman Connolly called to the Board's attention the fact that for Fiscal Year 2005, the County received \$27,690 from the Commonwealth of Virginia in proceeds from the sale of animal-friendly license plates. This money will be used to support sterilization of dogs and cats at the County's Animal Shelter. This program is a good example of governments partnering with citizens to provide a key benefit.

There was a brief discussion regarding the program.

50. **"CREATING A COMPREHENSIVE BICYCLE INFRASTRUCTURE"**
(1:02 p.m.)

Chairman Connolly outlined several steps the County has undertaken to improve its pedestrian infrastructure, but noted the need for more.

Accordingly, Chairman Connolly moved that the Board direct staff from the Department of Transportation and the Department of Planning and Zoning to report with a list of recommendations to better incorporate bicycle facilities as part of the transportation infrastructure, including, but not limited to:

- The creation of a Countywide bicycle facilities map and a cost estimate for its creation and printing.
- The establishment, potentially, of a staff position with substantial responsibilities devoted to bicycle facility planning, implementation, and coordination.
- The examination of roads in the County that may accommodate on-road bike lanes without substantial construction.
- The creation of a pilot program in a specific area of the County for the establishment of an interconnected bicycling network.

Chairman Connolly added that in making its recommendations, staff is asked to note the State's role, through the Virginia Department of Transportation, in constructing and maintaining transportation facilities, and to examine possibilities for partnerships with the State and/or other entities. Vice-Chairman Bulova seconded the motion.

Following discussion regarding previous work on the subject, the question was called on the motion, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

AGENDA ITEM

51. **A-8 – AUTHORIZATION TO REALLOCATE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FROM TELEGRAPH ROAD PROPERTY TO YORKVILLE COOPERATIVE AND TO ALLOCATE HOUSING FLEXIBILITY FUNDS (ONE PENNY FOR HOUSING) TO THE YORKVILLE COOPERATIVE PRESERVATION PROJECT (PROVIDENCE DISTRICT)** (1:05 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#23.)

Noting the presence of Paula Sampson, Director, Department of Housing and Community Development, Chairman Connolly called attention to A-8.

Discussion ensued about the reallocation and restrictions on federal funds, with input from Ms. Sampson.

The question was called on the pending motion (from earlier in the meeting), and it carried by unanimous vote.

ADDITIONAL BOARD MATTERS

52. **DEFERRAL OF A PUBLIC HEARING (MASON DISTRICT)** (1:07 p.m.)

Supervisor Gross announced her intent to defer, at the appropriate time later in the meeting, the public hearing on Rezoning Application RZ 2005-MA-014 until January 23, 2006, at 3:30 p.m.

(NOTE: Later in the meeting, the Board formally deferred this public hearing. See Clerk's Summary Item CL#92.)

53. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR BULOVA** (1:07 p.m.)

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

54. **HOUSING OVERCROWDING** (1:08 p.m.)

(NOTE: Earlier in the meeting, during adoption of the Legislative Program, the Board took action regarding overcrowding. See Clerk's Summary Item CL#10.)

Supervisor Kauffman referenced a memorandum from the County Executive dated November 18 regarding overcrowding. He commended the County Executive for his initial response, but shared additional questions and concerns.

With regard to enforcement, Supervisor Kauffman expressed his support of the team-based enforcement, but he urged the County Executive to address workload challenges and he emphasized the importance of conducting the inspections in the evening.

With regard to penalties, Supervisor Kauffman asserted that the only way for landlords to address the issue is to have them face serious financial penalties and potentially jail time.

As to education and outreach, Supervisor Kauffman asserted that tough enforcement against violators will spread more quickly and have more impact than any brochure.

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

- Report with how the fire marshal can be made part of the community inspection process, where cross training is occurring between the Police Department and the Department of Planning and Zoning.
- Consider occupancy limits in the Residential Use Permit (RUP) process.

Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Attorney to determine whether the County has the power to put some express limitations in the issuance of a RUP. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Kauffman noted the shortage of building inspectors and that there is a several months long backlog with resulting health and safety issues. He also noted a Board Matter he presented in March 2005 regarding the definition of family in the current Zoning Ordinance that was not mentioned in the County Executive's November 18 memorandum.

Accordingly, Supervisor Kauffman moved that the Board direct the County Executive to take the aforementioned other concerns and suggestions into consideration and review them for inclusion in approaches and strategies currently being developed by the inter-agency Overcrowding Work Group and provide regular status reports. Chairman Connolly seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct the County Attorney to determine whether the County requires enabling legislation from the

General Assembly to change the definition of family given the State's definition. Following discussion, without objection, it was so ordered.

Following further discussion, Supervisor Hudgins asked unanimous consent that the Board direct staff to also focus on the impact on the community rather than simply the family relationship. Without objection, it was so ordered.

Supervisor DuBois asked unanimous consent that the Board direct staff to review the staffing involved with this issue. Without objection, it was so ordered.

Following discussion regarding staffing, Anthony H. Griffin, County Executive, noted for the record that he is striving to keep staffing totals to a minimum.

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

55. **AGING POPULATION** (1:16 p.m.)

(BACs) Supervisor Kauffman said that baby boomers will start turning 65 in 2011. Today the County is home to more than 80,000 seniors, but by 2020, their numbers will have swelled to about 139,000.

Supervisor Kauffman said that in response to the Board's request, staff presented its initial findings in *Anticipating the Future*, which outlines both the challenges and opportunities of a rapidly increasing senior population. He noted that this demographic shift has serious socioeconomic implications for the County.

To prepare the Board and staff to respond to coming challenges and opportunities of the growing senior population, Supervisor Kauffman asked unanimous consent that the Board work with the County Executive to create a new, standing Committee of the Whole to focus on creating and maintaining an aging-friendly County. He outlined some pros and cons of a booming senior population as well as some research on the subject.

Supervisor Kauffman said that in a County which still overwhelmingly favors a suburban land use approach, there are questions as to how seniors who may no longer be able to drive safely get to their medical appointments, the supermarket, libraries, recreation, and other important elements of daily life. Other questions he raised include:

- How does the County work with aging populations who find themselves isolated because of language and culture?
- How does the Board allocate general fund resources between the need to educate the next generation-and the pressing needs of the older generation?

Acknowledging that these are difficult issues that cut across many County agencies, and authorities, boards, and commissions, Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to report with recommendations for a new Committee of the Whole to study these issues. He visualized that the Area Agency of Aging, with support from other County agencies, as serving as the primary staff for this ongoing effort. He further requested that the recommendations for this committee be presented for the Board's consideration after the first of the year. Without objection, it was so ordered.

Chairman Connolly stated that he would create a new committee, and a chairman, when he appoints Board committees in January.

Supervisor Gross noted that in 2000 she had a Mason District Senior Task Force that produced a study on a number of the issues raised. She said that she would distribute copies to the Board and the County Executive for their review of the efforts of this community group.

56. **TRANSIT ORIENTED DEVELOPMENT (TOD)** (1:22 p.m.)

Jointly with Supervisor Smyth, Supervisor Kauffman said TOD is a term that is being used more frequently in the County, and for many years to come, as Metrorail service is extended to Wiehle and on to Dulles Airport. A working-level definition of TOD has been created through ongoing staff and community work on the Metrowest project in Providence District and a number of other large projects under construction or review in other parts of the County.

However, Supervisor Kauffman said that this concept has not been taken from a working-level definition to something easily understood or quickly translatable to the average citizen. He said that TOD must be understandable and, to the extent possible, standardized and verifiable. Cumulative impacts of such projects near individual transit stations and along service corridors must also be taken into account.

Jointly with Supervisor Smyth, Supervisor Kauffman moved that the Board direct staff to provide a more refined, standardized definition or set of principles of what it takes to be a TOD in the County. These principles should provide the flexibility to deal with unique circumstances surrounding each station area. He suggested that staff could include this as a part of the ongoing Transportation Plan Review or some other means to move toward an answer soon, while allowing for public comment and refinement. Supervisor Hyland seconded the motion.

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

57. **SIGNS DESIGNATING A PORTION OF A ROADWAY AS THE "OLANDER AND MARGARET BANKS ROAD" (LEE DISTRICT)** (1:25 p.m.)

Supervisor Kauffman said that in October the community joined the Banks Family in celebrating the generosity of their patriarch, Olander Banks, with a dedication ceremony marking the future site of the Olander and Margaret Banks Community Park on the tract of land on Old Telegraph Road in the Kingstowne area that has been the family home since 1957. Prior to this, at the October 17 Board meeting, he had asked the Department of Transportation and the Park Authority to work together to investigate the feasibility of designating a portion of Old Telegraph Road in honor of the Banks' contribution to the community. The two agencies have conferred and are in agreement that the best way to commemorate the Banks' generosity is through special signage designating a portion of Old Telegraph Road in honor of the Banks family.

Therefore, Supervisor Kauffman moved that the Board direct staff to request the Virginia Department of Transportation to install signs in each direction on Old Telegraph Road between Hayfield Road and Telegraph Road designating this portion of roadway as the "Olander and Margaret Banks Road." Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

58. **FEE WAIVER REQUEST (LEE DISTRICT)** (1:26 p.m.)

Supervisor Kauffman moved that the Board waive the application fees for 21 day permits associated with the Springfield Franconia Host Lions Club Charities, Incorporated, 2006 flea markets as it has done in previous years. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

59. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR DUBOIS** (1:27 p.m.)

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

PMH:pmh

60. **BOSTON PROPERTIES (HUNTER MILL DISTRICT)** (1:28 p.m.)

Supervisor Hudgins said that Boston Properties Limited Partnership has filed a Development Plan Amendment Application DPA 85-C-088-05 and Proffered Condition Amendment Application PCA 85-C-088-07 to modify the allowed uses on two parcels in the Reston Town Center Urban Core. The applications currently are under review by staff and are currently set for public hearing before the Planning Commission on January 11, 2006.

Supervisor Hudgins said that she has met with the applicant on several occasions to discuss this zoning application. The applicant also has met with members of the Reston community, including the Reston Planning and Zoning Committee, to advise them of the applicant's zoning plans. Because of lease commitments for an office building to be constructed on one of the two parcels in question, the applicant has requested that the Board authorize expedited processing to affirmatively establish a public hearing date before the Board.

Therefore, Supervisor Hudgins moved that the Board authorize expedited processing for Development Plan Amendment Application DPA 85-C-088-05 and Proffered Condition Amendment Application PCA 85-C-088-07 in the name of Boston Properties Limited Partnership. She expressed her hope that these applications be scheduled for public hearing before the Board on January 23, 2006. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

61. **FIFTIETH ANNIVERSARY OF THE STATEMENT OF DEFIANCE BY MS. ROSA PARKS** (1:28 p.m.)

Supervisor Hudgins noted the fiftieth anniversary of the statement of defiance by Ms. Rosa Parks.

62. **PERMITS TASK FORCE** (1:30 p.m.)

Supervisor Smyth said that, on average, the County is receiving three permit applications each week for home additions that are actually newly constructed homes on existing foundations. The current guidelines of what constitutes a new home, versus an addition, do not adequately address the variety of circumstances encountered in the current building and remodeling climate. Thus, a clear definition is needed to address the discrepancy. Ideally, any such policy would be incorporated into legislation to provide enforcement with sufficient leverage to achieve compliance. In addition, policies need to be established that will ensure proper safety inspections, code compliance requirements, and overcome code enforcement challenges. Present trends indicate an increased number of similar applications each week due to the lack of land availability, economic conditions, and the rising cost for new homes.

Therefore, Supervisor Smyth asked unanimous consent that the Board:

- Establish a cross agency task force to clarify the above mentioned definition, determine inspection and code compliance needs, including when residential use permits are required; and identify which agency/branch will be responsible for issuing these types of permits.

- Direct staff to lead and guide the task force process and include the agencies and organizations that are deemed appropriate to this process.
- Direct the Permits Task Force to provide the Board with a written report of the issues that were identified and resultant recommendations within one year from the date of approval of this Board.

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to determine how this request will impact the work plan of staff and if there are any budgetary implications for the Fiscal Year 2007 budget. Without objection, it was so ordered.

63. **ARLINGTON COUNTY PUBLIC SAFETY RADIO SYSTEM UPGRADES – EXPEDITED PROCESSING OF FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA C-108-3 AND THE ASSOCIATED PUBLIC FACILITIES APPLICATION (PROVIDENCE DISTRICT)**
(1:33 p.m.)

Supervisor Smyth said that the Arlington County Office of Emergency Management (OEM) is in the process of upgrading its public safety radio system. This system supports Arlington County's emergency first responders (police, fire and emergency medical), and also the City of Falls Church and mutual aid operation with Fairfax County. Arlington is also replacing its public safety mobile digital communication system for public safety.

Arlington County OEM has requested expedited processing of its applications.

Therefore, Supervisor Smyth moved that the Board direct staff of the Department of Planning and Zoning to proceed with expedited processing of Arlington County's pending Public Facilities 2232 application and Final Development Plan Amendment Application FDPA-C-108-3. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the pending applications in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

64. **CONCURRENT AND EXPEDITED PROCESSING – REZONING APPLICATION RZ 2005-PR-020 – TCR MID-ATLANTIC PROPERTIES, INCORPORATED (PROVIDENCE DISTRICT)** (1:33 p.m.)

Supervisor Smyth said that representatives of TCR Mid-Atlantic Properties Incorporated have requested concurrent and expedited processing of their site plans and other related plans associated with their pending Rezoning Application RZ 2005-PR-020. The parcel associated with this rezoning application went

through the recent North County APR Cycle. The pending rezoning application was submitted pursuant to the approved comprehensive plan changes and is scheduled to be heard by the Planning Commission on December 7, 2005.

Therefore, Supervisor Smyth moved that the Board direct staff to accept for expedited and concurrent processing the site plans and other related plans associated with Rezoning Application RZ 2005-PR-020. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

65. **MERRIFIELD MIXED USE LLC – MERRIFIELD TOWN CENTER REZONING APPLICATION (PROVIDENCE DISTRICT)** (1:34 p.m.)

Supervisor Smyth said that Merrifield Mixed Use LLC is preparing to file a rezoning application for its proposed development of a portion of the Merrifield Town Center area. The application will include approximately 27 acres of land on the south side of Lee Highway, currently developed as a multiplex cinema. The applicant proposes to relocate the existing multiplex cinema to the rear of the parcel, and to construct a mixed-use "Town Center" development on the remaining portion of the property. The application contemplates the inclusion of 12,646 square feet of right-of-way in the application. The right-of-way proposed for inclusion is near the Lee Highway frontage of the property and is approximately 12,646 square feet, or 0.29031 acres, of Route 744, Hilltop Road. The applicant proposes to include this area as part of its overall project, which incorporates major transportation circulation improvements as contemplated by the Comprehensive Plan. The applicant is seeking Board authorization to include the right-of-way in its rezoning application.

Therefore, Supervisor Smyth moved that the Board direct staff to include a total of approximately 12,646 square feet right-of-way adjacent to Tax Map Parcels 49-3 ((1))-80A and 80B, in the Merrifield Mixed Use LLC rezoning application. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning applications or future abandonment/vacation requests in anyway. Chairman Connolly seconded the motion and it carried by unanimous vote.

66. **"BY RIGHT" DEVELOPMENT** (1:37 p.m.)

Supervisor Smyth referred to a situation regarding the "by right" development of a house being built. She said that the plans approved by the County were modified without notifying the County. She noted that staff informed her that it was very difficult, if not impossible, to check on the height of a structure and that there are no standards for taking measurements around the foundations to get the calculations for the average grade plane.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to review the situation and report its findings. Without objection, it was so ordered.

67. **APPROVAL OF AUDIT COMMITTEE QUARTERLY AUDIT REPORT**
(1:38 p.m.)

(BACs) Supervisor McConnell moved that the Board accept the Auditors' December 6, 2005, Quarterly Status Report. Supervisor Bulova seconded the motion and it carried by unanimous vote.

68. **JOINT BOARD MATTER WITH CHAIRMAN CONNOLLY AND SUPERVISOR KAUFFMAN ON AN EMERGENCY MANAGEMENT SUMMIT** (1:39 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding Emergency preparedness. See Clerk's Summary Item CL#42.)

Supervisor Hyland referred to his written Board Matter regarding emergency management and moved that the Board request the Garrison Commander of Fort Belvoir to invite the elected officials and Emergency Management staff from surrounding jurisdictions to attend an Emergency Management Summit at Fort Belvoir early next year. Supervisor McConnell seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took action regarding Emergency Management. See Clerk's Summary Item CL#101.)

69. **MOUNT VERNON COUNCIL RESOLUTION ON PARKING RESTRICTIONS** (1:40 p.m.)

(BACs) Supervisor Hyland said the Mount Vernon Council of Citizens Associations, at its November meeting, passed a resolution requesting the Board to adopt Virginia Statue 46.2-1222.1 as a stand alone ordinance. Currently, the Code of the County of Fairfax requires the community to solicit support from individual homeowners, seek monetary contributions to procure prescribed signage, and create a Residential or Community Parking District. This resolution would, in effect, seek Countywide enforcement of the enabling statue.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this resolution to the County Executive and the Transportation Advisory Committee for their recommendations and action. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on two parking districts. See Clerk's Summary Items CL#97 and CL#98.)

70. **PUBLIC HEARING FOR THE VACATION OF TALBERT ROAD (MOUNT VERNON DISTRICT)** (1:41 p.m.)

- (A) Supervisor Hyland moved that the Board authorize a public hearing to be held before the Board on March 13, 2006, regarding the vacation of Talbert Road in the Lorfax Heights subdivision in Lorton. Chairman Connolly seconded the motion and it carried by unanimous vote.

71. **WILDWOOD COMMUNITY – VACATION OF A PORTION OF WILDWOOD STREET, OWNED BY THE BOARD (MOUNT VERNON DISTRICT)** (1:41 p.m.)

Supervisor Hyland referred to his written Board Matter and moved that the Board authorize incorporating the vacation of that portion of Wildwood Street located north of Midway Place in the Community of Wildwood as generally identified in the rezoning application filed in the name of Calvert Homes located on Tax Map 107-2-((2)). Approval of this motion would in no way prejudice the substantive review of the rezoning application. Supervisor Bulova seconded the motion and it carried by unanimous vote.

72. **SUMMIT STREET PLAN AMENDMENT (SULLY DISTRICT)** (1:42 p.m.)

Supervisor Frey said that during the 2004 North County Area Plans Review (APR) process, APR 04-III-7BR was submitted for Tax Map parcels 54-4 ((2)) 2-7, 8A, 9A, 10-14, and 49-57. This nomination requested consideration of a density of 5-8 dwelling units per acre (du/ac). APR Item 04-III-7BR was deferred indefinitely by the Planning Commission on April 20, 2005, so that it could be reviewed within the context of the Centreville Historic District Study.

As a result of the Centreville Historic District analysis, significant Civil War earthworks have been identified on parcels within and adjacent to the area of APR Item 04-III-7BR. To provide an opportunity to fully consider these earthworks in the evaluation of the potential Plan change, Supervisor Frey moved that the area nominated by APR 04-III-7BR be expanded to include Parcel 54-4((4)) 4.

Accordingly, Supervisor Frey moved that an Out-of-Turn Plan Amendment be authorized for this larger area which will now encompass Tax Map Parcels 54-4 ((2)) 2-7, 8A, 9A, 10-14, 49-57 and 54-4 ((4)) 4. Staff is directed to consider residential use up to 3 du/ac with provisions that address the preservation of these Civil War earthworks. Chairman Connolly seconded the motion and it carried by unanimous vote.

73. **DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE MANASSAS NATIONAL BATTLEFIELD BYPASS (SULLY DISTRICT)**
(1:44 p.m.)

Jointly with Chairman Connolly, Supervisor Frey said that on September 26, the Board endorsed comments regarding the DEIS for the Manassas National Battlefield Bypass. The essence of the comments was the need for additional information, particularly concerning the preferred alternative D as it had been modified.

Since that time, Supervisor Frey convened a meeting with staff from the Fairfax County Department of Transportation, the Fairfax County Park Authority (FCPA), the Federal Highway Administration (FHA) and the National Park Service to further clarify the issues of concern. The two major issues were the impacts on recently acquired County parkland and the Battlefield Bypass' compatibility with the Tri-County Parkway.

At its November 15 meeting, the Commonwealth Transportation Board endorsed the West Two alignment for the Tri-County Parkway which clarifies the relationship with the Battlefield Bypass and its impacts on Fairfax County. The FHA staff and Superintendent Bob Sutton of the Manassas National Battlefield Park were very helpful and accommodating in working to minimize the impacts on the Sully Woodlands parkland and have committed to working through the preliminary and final design processes to ensure that all steps are taken to protect County parkland.

Supervisor Frey said that this is a unique opportunity to further two goals which are often at odds with each other - historic preservation and protection of parkland, and transportation improvements. Removing Route 29 from the middle of the national battlefield park not only will ensure that it remains the treasure that it is, but also represents the only way Route 29 will ever be widened to alleviate the tremendous bottleneck that occurs every day.

Therefore, jointly with Chairman Connolly, Supervisor Frey moved that the Board endorse Alternative D modified for the Manassas National Battlefield Bypass, and direct the Chairman to sign the letter on behalf of the Board. This alternative has FHA support, the support of the Prince William County Board of Supervisors, and the Fairfax County Park Authority. This support is based on the commitments that have been made by the FHA and the National Park Service to continue to work with County and FCPA staff through the final design process to minimize any potential negative impacts. Chairman Connolly seconded the motion and it carried by unanimous vote.

74. **RECESS/CLOSED SESSION** (1:48 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 (§) 2.2-3711 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. *BT-NEWYO, L.L.C. v. Board of Supervisors of Fairfax County, Virginia*, At Law No. CL-2005-0000026 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *Roubin Associates, L.L.C. v. The Board of Supervisors of Fairfax County, Virginia*, In Chancery No. CH-2004-0192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Falls Church Amoco, Inc.*, In Chancery No. CH-2005-0001273 (Fx. Co. Cir. Ct.) (Providence District)
 - 4. *William E. Shoup, Fairfax County Zoning Administrator v. Rosa A. Torres and Jose A. Morales*, In Chancery No. CH-2005-0003484 (Fx. Co. Cir. Ct.) (Sully District)
 - 5. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Achilles Alefantis and Susan Alefantis*, In Chancery No. CH-2005-0002785 (Fx. Co. Cir. Ct.) (Dranesville District)

6. *William E. Shoup, Fairfax County Zoning Administrator v. William R. White, et al.*, In Chancery No. CH-1999-0161689 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy L. Hockenberry, et al.*, In Chancery No. CH-2005-0001301 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Charles S. Cauley, et al.*, In Chancery No. CH-2004-0191533 (Fx. Co. Cir. Ct.) (Springfield District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Adam G. Love and Sofia K. Love*, In Chancery No. CH-2005-0004711 (Fx. Co. Cir. Ct.) (Mason District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. John J. Watkins, Jr. and Janie Watkins*, In Chancery No. CH-2005-0005082 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Andrea Ventura, Santos A. Ventura-Blanco, and Isabel R. Blanco*, In Chancery No. CH-2005-0005346 (Fx. Co. Cir. Ct.) (Providence District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Angula L. Mitchell*, In Chancery No. CH-2005-0005119 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. Clarence W. Case and Peggy Case*, In Chancery No. CH-2005-0005257 (Fx. Co. Cir. Ct.) (Providence District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Michael L. Lewis and Sonja B. Lewis*, In Chancery No. CH-2005-0005242 (Fx. Co. Cir. Ct.) (Lee District)

15. *Board of Supervisors of Fairfax County, Virginia v. Windy Hill Limited Partnership, et al.*, At Law No. CL-2005-0007091 (Fx. Co. Cir. Ct.) (Mason District)
16. *Board of Supervisors v. Hunter Development Company of Fairfax, Inc., et al.*, At Law No. CL-2004-0223641 (Fx. Co. Cir. Ct.) (Sully District)
17. *William E. Shoup, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC*, In Chancery No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)
18. *William E. Shoup, Fairfax County Zoning Administrator v. Hanh P. Nguyen and Phoung Tran*, Case No. 05-31449 (Fx. Co. Gen. Dist. Ct.) (Sully District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. David Conty*, Case No. 05-31450 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
20. *William E. Shoup, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 05-31458 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *William E. Shoup, Fairfax County Zoning Administrator v. Rida Saadiq and Sayyida Rahim-Saadiq*, Case No. 05-31451 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
21. *William E. Shoup, Fairfax County Zoning Administrator v. Kodratulla Amiri and Nazia Amiri*, Case No. 05-31452 (Fx. Co. Gen. Dist. Ct.) (Sully District)

And in addition:

- RQO5-776445-39C, Deferred Compensation for County Employees
- Virginia Code Section 58.1-3115
- Virginia Code Section 15.2-852

- Public Facilities Manual Section 2-0G01.5, as it relates to Consideration Item 1

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

DS:ds

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

ADDITIONAL BOARD MATTER

75. **WEATHER UPDATE** (3:01 p.m.)

Chairman Connolly announced that the Schools have announced that evening activities have been cancelled due to the snow. Although, school is on its regular schedule today as well as the School-Aged Child Care Program.

AGENDA ITEM

76. **C-1 – CENTEX HOMES' REQUEST TO ALLOW APPROVAL OF NEW DEVELOPMENT AGREEMENTS FOR VERNON HEIGHTS (COUNTY PROJECT NUMBER 34097-SP-01) AND THE PAVILIONS AT HUNTINGTON METRO MULTI-FAMILY PHASE I (COUNTY PROJECT NUMBER 7878-SP-04) (MOUNT VERNON DISTRICT)**
(3:01 p.m.)

(NOTE: Earlier in the meeting the Board deferred consideration of this item. See Clerk's Summary Item CL#27.)

The Board next considered an item in the Board Agenda dated December 5, 2005, regarding Centex Homes' request to allow approval of new development agreements for Vernon Heights and the Pavilions at Huntington Metro Multi-Family Phase I.

Supervisor McConnell moved that the Board concur with the approval of development agreements for the Vernon Heights (Plan Number 34097-SP-01) and the Pavilions at Huntington Metro (Plan Number 7878-SP-04), in accordance with all State and County requirements, including, but not limited to, the Code of the County of Fairfax and the Public Facilities Manual. Supervisor Bulova seconded the motion and it carried by unanimous vote.

ACTION FROM CLOSED SESSION77. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:02 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."

DET:det

AGENDA ITEMS78. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-H-060 (COMMERCE BANK, NA) (HUNTER MILL DISTRICT)**
(3:02 p.m.)

(NOTE: On November 21, 2005, the Board deferred the public hearing on this item until December 5, 2005.)

The application property is located in the northeast quadrant of the intersection of Baron Cameron Avenue and Bennington Woods Road, Tax Map 17-1 ((7)) 4D2.

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

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

Following the public hearing, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 93-H-060, subject to the development conditions dated September 28, 2005.
- Modification of the transitional screening requirements along the western property line.

- Waiver of the barrier requirements along the western property line.

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

79. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-018 (BRANCH BANKING AND TRUST COMPANY OF VIRGINIA) (LEE DISTRICT) 3:07 p.m.)**

The application property is located at 7025 A Manchester Boulevard, Tax Map 91-1 ((12)) N pt.

Mr. Benjamin F. Tompkins reaffirmed the validity of the affidavit for the record.

Mr. Tompkins 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, Regina C. Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of Special Exception Application SE 2005-LE-018, subject to the development conditions dated September 21, 2005. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

80. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-011 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-062-2 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-011 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT)

(3:10 p.m.)

- (O) (NOTE: On November 21, 2005, the Board deferred the public hearing on this item until December 5, 2005.)

The Rezoning Application RZ 2004-MV-011 property is located in the west quadrant of the intersection of Richmond Highway and Furnace Road, Tax Map 113-3 ((1)) 5H1.

The Proffered Condition Amendment Application PCA 89-V-06202 property is located in the northeast, northwest, southeast, and southwest quadrants of where Furnace Road crosses under Henry G. Shirley Memorial Highway (I-95) at the Fairfax/Prince William County lines, Tax Map 113-3 ((1)) 5A, 5C, 5D, 5F, 5H1, 5H2, and 5H3.

The Special Exception Application SE 2004-MV-011 property is located in the west quadrant of the intersection of Richmond Highway and Furnace Road, Tax Map 113-3 ((1)) 5H1.

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

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

- In excess of \$100 from Mr. Michael M. Webb of Colchester Land Company LLC

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

- In excess of \$100 from S.L. Hinson Associates, LLLP, a member of Colchester Land Company LLC

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

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 Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-011, from the I-4 District to the I-5 District, and approval of Proffered Condition Amendment Application PCA 89-V-062-2, subject to the proffers dated December 2, 2005.
- Approval of Special Exception Application SE 2004-MV-011, subject to the development conditions dated October 5, 2005.

- Reaffirmation of the previously approved modification of the transitional screening requirements and waiver of the barrier requirement along the southern and northern boundaries of Land Bays A, B, and C, and along the northern boundary of Land Bay D.
- Modification of the limitations listed in Section 9-504 of the Zoning Ordinance to allow the retail space permitted pursuant to Special Exception Application SE 2004-MV-011 to operate up to 24 hours a day.

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

Supervisor Hyland submitted items for the record.

81. **3 P.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE MAP OF THE CHESAPEAKE BAY PRESERVATION AREAS, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING RESOURCE PROTECT AREA BOUNDARIES ON MAP PAGE NUMBER 41-1 (DRANESVILLE DISTRICT)** (3:27 p.m.)

(O) (P) (NOTE: On July 11, 2005, the Board held a public hearing regarding this item and deferred decision on map page 41-1 until December 5, 2005.)

Supervisor DuBois moved adoption of the proposed:

- Amendments to the map of the Chesapeake Bay Preservation Areas as depicted on the map page number 41-1, contained in the Board Agenda Item dated December 5, 2005.
- Policy for the Treatment of Approved and Pending Plans of Development.

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

Following the vote, discussion ensued concerning the perennially of the stream, with input from John Friedman, Code Analysis Division, Department of Public Works and Environmental Services.

82. 3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-043 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST, DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN, TRUSTEES, AND MEISELMAN FAMILY LLC) (HUNTER MILL DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-5 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST) (HUNTER MILL DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2002-HM-046 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST, DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN, TRUSTEES, AND MEISELMAN FAMILY LLC) (HUNTER MILL DISTRICT) (No Time)

(NOTE: This public hearing was held later in the meeting. See Clerk's Summary Item CL#91.)

83. 3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-P-039-09 (HUNTERS BRANCH PARTNERS LLC) (PROVIDENCE DISTRICT) (3:31 p.m.)

The application property is located in the NW quadrant of the intersection of Lee Highway and Nutley Street, Tax Map 48-4 ((1)) 1E and 1G.

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

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

Discussion ensued concerning the problem of mud on the trail and the cause of the problem. Ms. Stagg acknowledged that there was a drainage problem in the area being discussed and stated that a letter had been provided to Kenneth A. Lawrence, Providence District Representative to the Planning Commission, with the number of the property manager. Supervisor Smyth requested that she be provided with a copy of the letter as well.

Following the public hearing, St. Clair Williams Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 80-P-039-09, subject to the proffers dated December 1, 2005. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

84. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-SU-020 (WHOLE WORLD FELLOWSHIP AND CHURCH AT NORTHERN VIRGINIA, DOMINION CHRISTIAN SCHOOL AND INVISIBLE TOWER, LLC) (SULLY DISTRICT) (3:37 p.m.)**

The application property is located at 10922 Vale Road, Tax Map 37-1 ((1)) 17 and 17A.

Mr. James R. Michal reaffirmed the validity of the affidavit for the record.

Mr. Michal 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 discussion, Supervisor Gross asked unanimous consent that the Board direct staff to provide information on the location of tree poles in the County as well as their heights. Without objection, it was so ordered.

Following the public hearing, which included testimony by one speaker, Regina C. Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Special Exception Application SE 2005-SU-020, subject to the development conditions dated November 21, 2005.
- Modification of the transitional screening and barrier requirements along the property lines in favor of the existing vegetation, as shown on the SE plat.

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

Supervisor Frey submitted items for the record.

85. 3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-HM-004 (GREAT FALLS HERITAGE PARTNERS, LLC) (HUNTER MILL DISTRICT) (3:53 p.m.)

The application property is located on the east side of Reston Avenue and the south side of Leesburg Pike, Tax Map 11-2 ((1)) 34B.

Ms. Tara E. Wiedeman reaffirmed the validity of the affidavit for the record.

Ms. Wiedeman 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, Carrie Lee, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2005-HM-004, subject to the development conditions dated October 26, 2005.
- Waiver of the service drive requirements along the Route 7 frontage of the site.
- Modification of the transitional screening requirements on all property boundaries to that shown in the SE Plat and as conditioned.
- Waiver of the barrier requirements along all property boundaries to that shown on the SE Plat, and as conditioned.
- Modification of Paragraph 3 of Section 9-308 of the Zoning Ordinance to accommodate service vehicles at a side or rear entrance.
- Modification of the requirement to provide a minimum 100-foot building setback from the northern property lines, as set forth in Paragraph 5 of Section 9-308 of the Zoning Ordinance.*

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

Supervisor Hudgins submitted items for the record.

(*NOTE: Later in the meeting, the Board took action to correct the building setback condition. See Clerk's Summary Item #104.)

86. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-046 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)** (3:58 p.m.)

The application property is located at 10816, 10824, 10900 Oakton Road and 3300, 3308, 3310, and 3400 Jermantown Road, Tax Map 47-3 ((1)) 17A (formerly part of parcels 16A and part of 17), 18–20, 20A, 21A, 22, 22A, 23, 24, and 34A.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Mr. John T. Hazel, Junior

Mr. McDermott 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, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 99-P-046, subject to the development conditions dated December 5, 2005.
- Modification of the transitional screening requirements to permit an alternative planting schedule as depicted on the Special Exception Plat, subject to the development conditions dated December 5, 2005.
- Modification of the transitional screening requirements to permit reduction in the width of the planting schedule as depicted on the Special Exception Plat, subject to the development conditions dated December 5, 2005.
- Waiver of the barrier requirements along Jermantown Road and Oakton Road subject to the development conditions dated December 5, 2005.
- Modification of the barrier requirement adjacent to the common property lines of Lot 16B in favor of a detailed landscape plan,

including existing vegetation and a barrier, to be coordinated with and approved by the owner of Lot 16B, subject to the development conditions dated December 5, 2005.

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

87. **3:30 P.M. – PH ON AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 96-S-002 (NILA M. CASTRO) AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) (SPRINGFIELD DISTRICT) (4:10 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 November 17 and November 24, 2005.

The application property is located at 11720 Chapel Road, Tax Map 76-3 ((1)) 13Z.

Ms. Nila M. Castro reaffirmed the validity of the affidavit for the record.

Ms. Castro 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 discussion, with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide cumulative data and total acreage of agricultural and forestal districts in the County at the next Board meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

Supervisor McConnell moved:

- Approval of Local and Agricultural Forestal District Application AR 96-S-002.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), renewing the Castro Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 12, 2005.

Supervisor Bulova 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."

DS:ds

88. **4 P.M. – PH ON AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 2005-SU-002 (OSCAR J. SANDERS, TRUSTEE AND MARY E. SANDERS, TRUSTEE) AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) (SULLY DISTRICT)**
(4:14 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 November 17 and November 24, 2005.

The application property is located at 16009 Lee Highway, Tax Map 63-2 ((1)) 9, 64-1 ((1)) 32 and 64-3 ((1)) 1A.

Mr. J. David Sanders reaffirmed the validity of the affidavit for the record.

Mr. Sanders 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, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Local and Agricultural Forestal District Application AF 2005-SU-002.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), establishing the Sanders Local Agricultural and Forestal District, subject to the Ordinance provisions dated November 16, 2005.

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

89. **4 P.M. – PH ON AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 2005-DR-001 (GARY SIMANSON AND PRIVATE HISTORIC PRESERVATION GROUP, LLC) AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) (DRANESVILLE DISTRICT) (4:18 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 November 17 and November 24, 2005.

The application property is located at 840 Leigh Mill Road, Tax Map 13-3 ((1)) 19A2, 19B, 20B1, 24A, and 26.

Mr. Gary A. Simanson reaffirmed the validity of the affidavit for the record.

Mr. Simanson 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, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor DuBois moved:

- Approval of Local and Agricultural Forestal District Application AF 2005-DR-001.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), establishing the Simanson Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 7, 2005.

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

90. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-14 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT) (4:21 p.m.)**

The application property is located at 3300 Gallows Road, Tax Map 49-3 ((1)) 136C, 136C1; 59-2 ((1)) 1A pt., 1B pt., 1C pt., 1D, and 1E.

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

Supervisor Gross disclosed that she represents the County on the Inova Health Care Services Board.

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

- In excess of \$100 (the value of complimentary tickets for a charitable event) from Inova Health Care Services

Supervisor Hyland disclosed that he represents the County on the Inova Health Care Services Board.

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

- In excess of \$100 (the value of complimentary tickets for a charitable event) from Inova Health Care Services

Supervisor McConnell disclosed that she is a member of the Inova Health System Foundation Board.

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

- In excess of \$100 from Stephen M. Cumbie of Inova Health System Foundation Board
- In excess of \$100 from Citizens for Jim Scott to Potomac PAC, with which he has a relationship

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

Following the public hearing, John David Moss, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 80-P-078-14, subject to the development conditions dated November 28, 2005.

- Modification of the transitional screening and waiver of the barrier requirements in favor of that shown on the SEA plat, and as conditioned.
- Approval of the trail requirement waiver along Gallows Road in favor of the trail and sidewalk shown on the SEA plat.

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

91. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-043 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST, DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN, TRUSTEES, AND MEISELMAN FAMILY LLC) (HUNTER MILL DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-5 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST) (HUNTER MILL DISTRICT)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2002-HM-046 (L. FARNUM JOHNSON, JR. AND JEFFREY J. FAIRFIELD, MANAGING CO-TRUSTEES OF THE RUTH C. LAUNDERS MARITAL TRUST, DAVID I. MEISELMAN AND WINIFRED C. MEISELMAN, TRUSTEES, AND MEISELMAN FAMILY LLC) (HUNTER MILL DISTRICT) (4:27 p.m.)

- (O) The Rezoning Application RZ 2002-HM-043 property is located west of Centreville Road and north and south of Sunrise Valley Drive, Tax Map 16-3 ((1)) 4B, 4C, 5, and 5A; 16-3 ((1)) 39A [previously known as 16-3 ((1)) 4 and 39].

The Proffered Condition Amendment Application PCA 79-C-037-5 property is located on the west side of Centreville Road approximately 400 feet south and 175 feet west of its intersection with Sunrise Valley Drive, Tax Map 16-3 ((1)) 4B and 4C.

The Special Exception Application SE 2002-HM-046 property is located north and south of Sunrise Valley Drive and west of Centreville Road, Tax Map 16-3 ((1)) 4B, 4C, 5, and 5A; 16-3 ((1)) 39A previously known as 16-3 ((1)) 4 and 39].

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

Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented a brief description of the application and site location.

Discussion ensued, with input from Mr. Shriber, and Barbara A. Byron, Director, ZED, DPZ, regarding the site location and the uses in the floodplain.

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

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins entered an item for the record.

Mr. Shriber presented the staff and Planning Commission recommendations.

Following discussion regarding the application, Supervisor Hudgins said that, with this application, she would like to see the program, when implemented, come to the Board Members' offices, to ensure that the prescribed TDM measures in the proffer are met.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA *76-C-037-5. Supervisor Hyland seconded the motion.

*Discussion ensued, with input from Mr. Shriber, who noted that the correct Proffered Condition Amendment Application is PCA **79**-C-037-5.

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

Supervisor Hudgins moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-043, from the R-1 and I-4 Districts to the PDC District, subject to the proffers dated December 5, 2005.
 - Approval of this application shall be contingent upon the applicant's payment of funds according to the Board of Supervisors formula for the rezoning of commercial and industrially zoned land to residential use within the Route 28 Tax District, with such payments to be received prior to the effective date of the rezoning as set by the Board of Supervisors.

- The effective date of the rezoning shall be established as February 3, 2006.
- Failure by the applicant to provide payment to the County of the full amount determined by the formula described herein prior to the effective date of this rezoning decision shall mean that the change in zoning requested by the applicant shall not become effective and this rezoning decision shall be void in accordance with the Virginia Code Section 15-15.2-4603, paragraph C.
- Approval of Special Exception Application SE 2002-HM-043*, subject to the development conditions dated November 9, 2005, provided that the applicant shall have 60 months to commence construction.
- Approval of Resource Area Encroachment Plan 1504-WRPA-001-1, subject to the development conditions dated November 30, 2005.
- Waiver of the service drive requirement along the Dulles Airport Toll Road.
- Waiver of the 600-foot maximum length for private street.
- Modification of the loading space requirement.
- Modification of the major paved trail requirement along Centreville Road to permit the trail location depicted on the CDP/FDP.
- Waiver of the on-road bike lane on Centreville Road.
- Modification of the use limitation for the PDC District to permit the gross floor area of residential uses secondary use to exceed 50 percent of the principal uses, excluding affordable dwelling units and bonus market rate units.
- Waiver of the service drive requirement along the Dulles Airport Access Road.

Supervisor Hyland seconded the motion.

Following discussion regarding the waiver of the on-road bike lane, the question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

*Following discussion, with input from Denise Scott, Deputy Clerk, Board of Supervisors, and Mr. Shriber, regarding the correct number of the Special Exception Application, Supervisor Hudgins clarified that the Special Exception Application is SE 2002-HM-046.

On November 30, 2005, the Planning Commission approved Final Development Plan Application FDP 2002-HM-043, subject to the FDP Conditions dated November 9, 2005.

92. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-014 (ROBERT A. YOUNG OF BANNERWOOD INVESTMENTS, LLC) (MASON DISTRICT)** (4:51 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2005-MA-014 until **January 23, 2006, at 3:30 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

93. **4 P.M. – PH ON REZONING APPLICATION RZ 2004-SP-027 (RANDOLPH J. BENDER) (SPRINGFIELD DISTRICT)** (4:52 p.m.)

- (O) The application property is located on the south side of Lee Highway, approximately 500 feet east of Holly Avenue and 500 feet west of Robertson Farm Court, Tax Map 56-1 ((1)) 46 and 56-1 ((7)) 1A.

Ms. Lizabeth Lee Walther reaffirmed the validity of the affidavit for the record.

Ms. Walther 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, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SP-027, from the C-8, R-1, and WS Districts to the PDH-2 and WS Districts, subject to the proffers dated November 10, 2005.

- Approval of a variance in the fence height limitation to permit the proposed fence along Lee Highway/Route 29 to be up to six feet in height with columns up to eight feet in height, as depicted on the CDP/FDP.
- Waiver of the construction of a third lane on Route 29 and waiver of construction of the on-road bike lane on Route 29.

Supervisor DuBois seconded the motion.

Following discussion, with input from Ms. Abrahamson, regarding sidewalks, the question was called on the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

On April 28, 2005, the Planning Commission approved Final Development Plan Application FDP 2004-SP-027, subject to the proffers dated March 16, 2005.

94. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-SU-007 (CARL BERNSTEIN, TRUSTEE AND HORACIO MAGALHAES TRUSTEES) (SULLY DISTRICT)** (4:59 p.m.)

- (O) The application property is located on the east side of O'Day Drive approximately 1,000 feet north of its intersection with Lee Highway, Tax Map 54-3 ((2)) 47.

Mr. Mark G. Jenkins reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed that she has a business relationship with Land Design Consultants, Incorporated, but it is not related to any party of this application in any way.

Mr. Jenkins 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 testimony of Ms. Lisa Turkeltaub, Speaker One, discussion ensued with input from Mr. Shriber regarding the proffers.

Following the public hearing which included testimony by three speakers, discussion ensued with input from Mr. Jenkins and David P. Bobzien, County Attorney, regarding the proposed development and the designated density.

Following rebuttal from Mr. Jenkins, further discussion ensued regarding the proffers.

Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-SU-007, from the R-1 and WS Districts to the R-8 and WS Districts, subject to the proffers dated November 30, 2005.
- Waiver of the minimum district size requirement.
- Modification of the transitional screening and barrier requirements along a portion of the southern property boundary.

Supervisor Hyland 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."

95. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-L-147 (KHAN INTERNATIONAL, LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-V-009-2 (KHAN INTERNATIONAL, LLC) (MOUNT VERNON DISTRICT) (5:42 p.m.)

The application property is located east of Gunston Cove Road and south of Lorton Road at 9308 Gunston Cove Road, Tax Map 107-4 ((1)) 11A.

Mr. David N. Hunter reaffirmed the validity of the affidavit for the record.

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a brief description of the application and site location.

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

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell

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

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 79-L-147, subject to the proffers dated October 21, 2005.
- Approval of Special Exception Amendment Application SEA 89-V-004*, subject to the development conditions dated October 27, 2005, as contained in Attachment Two of the second staff report addendum.

Supervisor McConnell seconded the motion.

*Following discussion, with input from Mr. Braham, regarding the correct Special Exception Amendment Application number, Supervisor Hyland corrected his motion, that the Special Exception Amendment Application is SEA 84-V-009-2, and this was accepted.

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

96. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 11335 LEE HIGHWAY (SPRINGFIELD DISTRICT) (5:48 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 November 22 and November 29, 2005.

Christina M. Sadar, Blight Abatement Program Coordinator, Housing and Community Development, presented the staff report.

The public hearing was held and included testimony by one speaker.

Following the testimony of Jerry Griffin, representative for the owner, discussion ensued with input from Ms. Sadar, regarding the need for this hearing. Mr. Griffin stated that the owner is in the process of eradicating the blight on the property.

Following further discussion, with an inquiry to Regina Thorn Corbett, Administrative Assistant, County Executive's Office, regarding the upcoming Board meeting schedule, Supervisor McConnell moved to defer decision on this item until **January 9, 2006, at 4:30 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

97. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CARDINAL FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (6:01 p.m.)

(O) (NOTE: Earlier in the meeting, a board matter was presented regarding parking districts. See Clerk's Summary Item CL#69.)

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 November 22 and 29, 2005.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova and Chairman Connolly submitted items for the record.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, shown in Attachment One of the Board Agenda Item, establishing the Cardinal Forest CPD, in accordance with existing CPD restrictions. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Gross and Supervisor Smyth being out of the room.

Chairman Connolly said that a forthcoming recommendation has been developed by the Department of Transportation in conjunction with a multi-agency parking committee that has been reviewing various parking issues to locate CPD signs at the entrances of restricted roadways and that intervals need to delineate CPDs. The recommendation will decrease the number of signs required, thus reducing sign pollution, as well as cost.

Therefore, to expedite implementation of the recommendation, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that this course of action be implemented immediately. Supervisor Hyland and Vice-Chairman Bulova jointly seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

98. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE BURKE CENTRE COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (6:09 p.m.)

(O) (NOTE: Earlier in the meeting, a board matter was presented regarding parking districts. See Clerk's Summary Item CL#69.)

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 November 22 and November 29, 2005.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the testimony of Colette Sheldon, Speaker One, discussion ensued with input from Mr. Mounier regarding provisions for homeowners with boats and trailers to be able to pull up in front of a home long enough to be able to pack and unpack, as well as lawn service or company vehicles.

Following the testimony of Andy Padgett, Speaker Three, discussion ensued, with input from Mr. Mounier, regarding the number of properties in the affected area.

Further discussion ensued, with input from Hayden Coddling, County Attorney's Office, regarding the number of residents included in the district and the process used, if any, to verify that petitioners currently live in the community.

Following the testimony of Luanne Smith, Speaker Five, discussion ensued with input from Mr. Mounier regarding how the petition area is determined.

The public hearing was held and included testimony by nine speakers.

Supervisor Bulova and Chairman Connolly submitted items for the record.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, as shown in Attachment One of the Board Agenda Item dated December 5, 2005, establishing the Burke Centre CPD, in accordance with existing CPD restrictions. Chairman Connolly seconded the motion.

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

Supervisor McConnell asked unanimous consent that the Board direct staff to report with a study of what land the County might have that could be turned into parking lots for vehicles that are not permitted in neighborhoods and provide income for the County. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to include in the study information regarding the feasibility of the idea and what pieces would need to be in place for this to work. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to include in the study the environmental impact. Without objection, it was so ordered.

Discussion ensued, with input from Mr. Mounier, regarding who enforces the Code amendment.

Supervisor McConnell asked unanimous consent that the Board direct staff to check some of the streets that are laden with these type vehicles to ensure that these vehicles are not out of State. Without objection, it was so ordered.

99.

4:30 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2007 THROUGH 2012 AND CONSTRUCTION BUDGET FOR FY 2007 (7 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 November 22 and November 29, 2005.

Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, introduced Leonard Siegel, Fairfax Preliminary Engineering Manager, Virginia Department of Transportation (VDOT) and Allison Richter, Program Manager, VDOT.

During Mr. Siegel's presentation, Chairman Connolly called the Board's attention to the Board Agenda Item dated December 5, 2005, Tables A and B, and discussion ensued with input from Mr. Siegel and Mr. Biesiadny regarding the overall funding.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report at its January meeting with figures in inflation adjusted dollars. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Further discussion ensued, with input from Mr. Siegel, regarding the Rolling Road project and other projects and bridges.

Following the public hearing, Supervisor Bulova moved approval of the Secondary System Construction Program for FY 2007 through FY 2012, according to Attachment One of the Board Agenda Item dated December 5, 2005. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

100. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) ARTICLE 6, DEFERRED COMPENSATION PLAN ORDINANCE**
(7:18 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 November 22 and November 29, 2005.

Peter Schroth, Director, Department of Human Resources, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 6, relating to the County's Deferred Compensation Plan. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

101. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 14 (EMERGENCY MANAGEMENT)**
(7:20 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 November 22 and November 29, 2005.

C. Douglas Bass, Director, Office of Emergency Management, presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from Marilyn McHugh, Assistant County Attorney, regarding the County's authority to order evacuations.

Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 14 (Emergency Management). Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

102. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:28 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 November 22 and November 29, 2005.

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

The public hearing was held and included testimony by the following speaker:

- Mr. Mike Stollenwerk regarding County Emergency Management Planning

ADDITIONAL BOARD MATTERS

103. **REQUEST FOR RECOGNITION OF CHARLIE C. CROWDER, JR.** (7:30 p.m.)

(BACs) Supervisor Gross announced that Charlie C. Crowder, Jr., General Manager, Fairfax Water, will be retiring. Therefore, she asked unanimous consent that the Board direct staff to invite Mr. Crowder to appear before the Board to receive a certificate of appreciation. Without objection, it was so ordered.

104. **CORRECTED ACTION ON SPECIAL EXCEPTION APPLICATION SE 2005-HM-004 (GREAT FALLS HERITAGE PARTNERS, LLC) (HUNTER MILL DISTRICT)** (7:30 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#85.)

Supervisor Hudgins said that was an error in the last bulleted motion she made earlier regarding Special Exception Application SE 2005-HM-004.

Discussion ensued, with input from Karen J. Harwood, Deputy County Attorney, regarding the error.

Supervisor Hudgins moved modification of the requirement to provide a minimum 100-foot building setback from the north **and south** property lines, as set forth in Paragraph 5 of Section 9-308 of the Zoning Ordinance. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

105. **HAPPY BIRTHDAY TO BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (7:32 p.m.)

Supervisor Hyland said that Supervisor Bulova will be celebrating her birthday on Tuesday, December 6. On behalf of the Board, he wished her a Happy Birthday.

106. **HAPPY HOLIDAYS WISHES** (7:32 p.m.)

Supervisor McConnell said the Board and County residents are fortunate to live in a diverse community and are now going into a holiday where people of many different faiths celebrate. Therefore, Supervisor McConnell wished a Merry Christmas to the Christian community, a Happy Hannukah to the Jewish community, a Happy Kwanzaa to African States, and a Happy Holidays to all other faiths.

107. **BOARD ADJOURNMENT** (7:32 p.m.)

The Board adjourned.

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