



CLERK'S BOARD SUMMARY
REPORT OF ACTIONS OF THE
FAIRFAX COUNTY BOARD OF SUPERVISORS

MONDAY
February 7, 2005

This does not represent a verbatim transcript of the Board Meeting and is subject to minor change. For the most up-to-date version, check the website <http://www.fairfaxcounty.gov/bosclerk/main.htm>. This document will be made available in an alternative format upon request. Please call 703-324-3151 (VOICE), 703-324-3903 (TTY).

03-05

DS:ds

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, February 7, 2005, at 9:07 a.m., there were present:

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

- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Joan M. DuBois, Dranesville District, arrived at 9:09 a.m.

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

BOARD MATTERS

1. **MOMENT OF SILENCE** (9:08 a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women serving overseas.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Emma Jean Budd, who died last week. She was a longtime active member in the South County community, and former County employee who worked for the Electoral Board and retired a few years ago.

Chairman Connolly asked everyone to keep in thoughts the family of Young Ho Chang, Director of Transportation, whose father died recently.

Supervisor DuBois asked everyone to keep in thoughts the family of Mr. Steven Sherman, who died last week in Iraq. His family resides in Great Falls.

AGENDA ITEMS

2. **RESOLUTIONS OF RECOGNITION PRESENTED TO THE POLICE DEPARTMENT MOTOR SQUAD, OFFICE OF THE SHERIFF, POLICE DEPARTMENTS OF THE TOWN OF VIENNA AND THE CITY OF FAIRFAX, AND THE VIRGINIA STATE POLICE** (9:10 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolutions of Recognition presented to the following for their work on behalf of Santa's Ride:

- Fairfax County Police Department Motor Squad
- Office of the Sheriff
- Town of Vienna Police Department
- City of Fairfax Police Department

- Virginia State Police

Supervisor Hyland 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.

3. **RESOLUTION OF RECOGNITION PRESENTED TO THE SANTA TRAINS TEAM** (9:15 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to the Santa Trains Team for its effort. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JOSEPH HILLS** (9:21 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Joseph Hills for 40 years of service as a teacher for Fairfax County Public Schools. Mr. Hills also received the 2005 Virginia Teacher of the Year Award. Chairman Connolly seconded the motion and it carried by unanimous vote.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. SUE BETHKE AND MR. KARL INGEBRITSEN** (9:25 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Karl Ingebritsen for his service to the community. Mr. Ingebritsen was the first director of LINK, a source for transportation schedules and information for the community. Supervisor Hyland seconded the motion.

Supervisor Hudgins announced that Ms. Sue Bethke was unable to attend today's meeting to receive her award. However, Supervisor Hudgins moved approval of the Certificate of Recognition for Ms. Sue Bethke for her administrative support and noteworthy dedication assisting the director of LINK. Supervisor Hyland seconded the motion.

The question was called on the motions and they carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION FOR MERRIFIELD FIRE AND RESCUE STATION NUMBER 30** (9:32 a.m.)

Chairman Connolly announced that this Certificate of Recognition will be presented at the March 7, 2005, meeting.

A brief discussion ensued with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for the March 7 meeting.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO THE LAUREL HILL TASK FORCE** (9:32 a.m.)

(BACs) Supervisor Hyland moved approval of the Certificates of Recognition presented to the Laurel Hill Task Force for its work. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

(NOTE: Later in the meeting, action was taken regarding Laurel Hill. See Clerk's Summary Item CL#38.)

8. **CERTIFICATE OF RECOGNITION PRESENTED TO THE LITTLE HUNTING CREEK STEERING COMMITTEE** (9:46 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to the Little Hunting Creek Steering Committee for its work in producing the first watershed plan. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor McConnell, and Supervisor Smyth being out of the room.

(NOTE: Later in the meeting, the Board approved the Little Hunting Creek Management Plan. See Clerk's Summary Item CL#17.)

9. **PROCLAMATION TO DESIGNATE FEBRUARY 20–26, 2005, AS “ENGINEERS WEEK” IN FAIRFAX COUNTY** (9:55 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the proclamation designating February 20–26, 2005, as “*Engineers Week*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO EDISON HIGH SCHOOL MARCHING EAGLE BAND AND GUARD, AND DIRECTOR ERIC RICHARDS** (10 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to the Edison High School Marching Eagle Band and Guard, and their director, Eric Richards, for receiving First Place at the Regional Tournament of Bands held in Lancaster, Pennsylvania. They also placed in the top ten bands of more than 100 bands that participated in the Tournament of Bands Atlantic Coast Finals. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

11. **10 A.M. – PRESENTATION OF THE COMMUNITY SERVICES BOARD (CSB) ANNUAL REPORT** (10:13 a.m.)

(BACs) David Redman, Chairman, CSB, presented its annual report.

Discussion ensued with input from James A. Thur, Executive Director, CSB, regarding its budget.

Chairman Connolly referred to page 26 of the report and relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide comparative charts, spanning a ten year period, showing how the various “slices of the pie” have grown or shrunk over the years, to monitor the program to ensure that it reflects the need in the community, and that resources are being properly allocated to those needs. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information regarding the loss of psychiatric beds. Without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board direct staff to report with information from other states regarding how they handle situations when a patient who is released from the hospital refuses to follow the treatment plan. Without objection, it was so ordered.

12. **10:15 A.M. – PRESENTATION OF THE HISTORY COMMISSION ANNUAL REPORT** (10:44 a.m.)

(BACs) Lynne Garvey Hodge Wark, Chairperson, History Commission, presented its annual report.

Supervisor Gross asked unanimous consent that the Board direct the History Commission to send a letter to each District Supervisor's Office requesting any oral history that may have been gathered from residents in their district. Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct staff to review the setup of the Virginia 2007 Community Citizen Planning Committee to determine whether an additional seat could be created for Mr. Mayo Stuntz. Without objection, it was so ordered.

13. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (11:06 a.m.)

Chairman Connolly noted that photo red light legislation was defeated in the House of Delegates.

Discussion ensued with input from Michael H. Long, Senior Assistant County Attorney, who noted that the issue of photo red lights is still alive in the senate.

(NOTE: Later in the meeting, the Board discusses the cost associated with photo red light cameras. See Clerk's Summary Item CL#29.)

Supervisor Hyland moved that the Board direct staff to prepare a letter for Chairman Connolly's signature to be sent by email to members of the Delegation expressing opposition of House Bills (HB) 2456 and 2888. Supervisor Hudgins and Supervisor Kauffman jointly seconded the motion.

Discussion ensued regarding:

- HB 2456 – which says no locality can seek or accept any cash proffer payment paid either as a lump sum or on a pro-lot basis until the time a building permit is taken out.
- HB 2888 – which requires a locality to give the money back if the improvements have not been constructed after a five-year period from when the proffer payment is received.

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

Chairman Connolly, Chair, Board's Legislative Committee, relinquished the Chair to Vice-Chairman Bulova and moved adoption of the Legislative Report dated February 7, 2005. Supervisor Hyland and Supervisor McConnell jointly seconded the motion.

Discussion ensued with input from Mr. Long and David P. Bobzien, County Attorney, regarding the status of the Board of Zoning Appeals bills.

Further discussion ensued, with input from Mr. Long, regarding the issue of machetes and the anti-gang legislation.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly reminded the Board that the second annual Legislative Reception is scheduled to be held February 15, 2005, in Richmond, Virginia. He encouraged all Board Members to attend.

DMB:dmb

14. **ADMINISTRATIVE ITEMS** (11:28 a.m.)

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

Chairman Connolly called the Board's attention to Admin 2 - Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 69.1 (Water Recreation Facility Ordinance), and discussion ensued with input from Glenn L. Smith, staff, Division of Environmental Health, Health Department, regarding the requirement for lifeguards at pools in hotels.

Chairman Connolly called the Board's attention to Admin 3 - Adoption of a Resolution Approving the Issuance of Revenue Bonds Pursuant to the Plan of Financing of Public Broadcasting Service by the Economic Development Authority, and discussion ensued with input from Anthony H. Griffin, County Executive, regarding a facility in the County, that is headquartered outside of the County, which has come to the County's Economic Development Authority for purposes of getting finances.

The question was called on the motion to approve the administrative items and it carried by a 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 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL AND LEE DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Oakmill Section 5	Hunter Mill	Frying Pan Road
		Route 608
		Additional ROW Only
		Monroe Street
		Route 666
		Additional ROW Only
Carrington Estates	Lee	Highland Meadows Court

Route 611
Telegraph Road
Route 611
Additional ROW Only

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 69.1 (WATER RECREATION FACILITY ORDINANCE), REGARDING PUBLIC WATER RECREATION FACILITIES

(A) (NOTE: Earlier in the meeting, there was discussion of this item.)

Authorized the advertisement of a public hearing to be held before the Board on **Monday, February 28, 2005, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 69.1 (Water Recreation Facility Ordinance), regarding public water recreation facilities.

ADMIN 3 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS PURSUANT TO THE PLAN OF FINANCING OF PUBLIC BROADCASTING SERVICE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA)

(BONDS)

(R) (NOTE: Earlier in the meeting, there was discussion of this item.)

Adopted the Resolution authorizing the EDA to issue revenue bonds to assist financing pursuant to the Plan of Financing by Public Broadcasting Service authorizing the issuance of up to \$24,900,000.

ADMIN 4 – APPROVAL FOR THE HEALTH DEPARTMENT TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC)

Authorized the Health Department to accept a Department of Homeland Security UASI Sub-Grant Award from the DC Office of Deputy Mayor for Public Safety and Justice in the amount of \$1,420,000 to purchase basic level A, B, and C personal protective equipment for public health personnel. No local cash match is required.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-P-045-4, TYCON TOWER I INVESTMENT LIMITED PARTNERSHIP AND TYCON TOWER III INVESTMENT CORPORATION (PROVIDENCE DISTRICT)

(AT) Approved 30 months of additional time to commence construction for Special Exception Amendment Application SEA 83-P-045-4 to July 22, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (SULLY DISTRICT)

Extended the review period for 2232 Public Facility Review Application 2232-Y04-18 to June 20, 2005.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE SIGNAL HILL COMMUNITY PARKING

DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Signal Hill CPD. The proposed parking prohibition for Signal Hill CPD is proposed to be in effect 7 days per week, 24 hours per day.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES’ (CRS) GRANT APPLICATION TO THE COMMONWEALTH OF VIRGINIA FOR TWO REPLACEMENT VEHICLES

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 28, 2005, at 4:30 p.m.** to obtain citizen input for CRS’ grant application in the amount of \$99,814 to the Commonwealth of Virginia for FTA Section 5310 grant funds to replace two high-mileage FASTRAN vehicles at a substantially reduced cost to the County. Of this total, \$79,851 is the 80 percent grant funding, and the remaining \$19,963 is the required local cash match, which will be funded from the DVS FASTRAN Bus Replacement Program.

ADMIN 9 – APPROVAL FOR THE POLICE DEPARTMENT TO ACCEPT URBAN AREAS SECURITY INITIATIVE SUB-GRANT AWARDS FROM THE DISTRICT OF COLUMBIA (DC)

Authorized the Police Department to accept two sub-grant awards totaling \$1,697,086 from the Department of Homeland Security FY 2003 Urban Areas Security Initiative Grant Program, through the DC Office of Deputy Mayor for Public Safety and Justice. No local cash match is required.

15. **A-1 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2004–05 SUPPLEMENTAL REVENUE SHARING PROGRAM FUNDS AND MATCHING COUNTY FUNDS (LEE AND MOUNT VERNON DISTRICTS)** (11:30 a.m.)

- (R) On motion of Supervisor Hyland, 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 designating a maximum of \$100,000 in unused VDOT FY 2004–05 Revenue Sharing Program funds and a maximum of \$100,000 in matching funds from the Northern Virginia Transportation Commission to partially fund the Richmond Highway Public Transportation Initiative.

16. **A-2 – DESIGNATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FISCAL YEAR (FY) 2005–06 REVENUE SHARING FUNDS AND MATCHING COUNTY FUNDS (LEE AND MOUNT VERNON DISTRICTS)** (11:31 a.m.)

- (R) On motion of Supervisor Hyland, 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 designating a maximum of \$500,000 in FY 2005–06 VDOT Revenue Sharing Program funds and \$500,000 in matching funds from the Northern Virginia Transportation Commission to partially fund the Richmond Highway Public Transportation Initiative.

17. **A-3 – APPROVAL OF THE LITTLE HUNTING CREEK WATERSHED MANAGEMENT PLAN (MOUNT VERNON AND LEE DISTRICTS)** (11:32 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the Little Hunting Creek Watershed Management Plan.

18. **A-4 – ENDORSEMENT OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) DESIGN PLANS FOR A PARK-**

AND-RIDE FACILITY ON BACKLICK ROAD AT ITS INTERSECTION WITH THE FRANCONIA-SPRINGFIELD PARKWAY (LEE DISTRICT) (11:32 a.m.)

On motion of Supervisor Kauffman, the second being inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed VDOT's design plans for a park-and-ride facility on the eastern side of Backlick Road at its intersection with the Franconia-Springfield Parkway, including roadway, trail, stormwater management, and drainage improvements, as presented at the December 1, 2004, public hearing.

19. **C-1 – CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE BYLAWS** (11:32 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting approval of the Bylaws of the Chesapeake Bay Preservation Ordinance Exception Review Committee.

Supervisor Gross moved approval of the Chesapeake Bay Preservation Ordinance Exception Review Committee Bylaws. Supervisor Hyland seconded the motion and it carried by unanimous vote.

20. **I-1 – FIRST ROUND OF PUBLIC MEETINGS CONCERNING UPDATING THE TRANSPORTATION ELEMENT OF THE COUNTY POLICY PLAN (TRANSPORTATION PLAN UPDATE)** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting authorization for staff to proceed with the first round of public meetings for the Transportation Plan Update according to the scheduled dates and locations outlined in the Board Agenda Item.

Discussion ensued with input from Leonard Wolfenstein, Chief, Transportation Planning Section, Department of Transportation, regarding additional public meetings being held concerning updating the transportation element of the County Policy Plan.

Following additional discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to add two additional informational public meetings to be located in the Reston/Herndon/Great Falls and Burke/Fairfax areas. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Kauffman asked unanimous consent that the Board direct staff to look at a way to adjust the Policy Plan to assure that it reflects the need for improving existing transit infrastructure and particularly Metro Stations that serve as terminal stations and that will need to be modified over time. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD – EMERGENCY HOSPITAL PSYCHIATRIC CARE SERVICES** (11:36 a.m.)

The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting authorization for staff to award a contract to INOVA Mount Vernon Hospital potentially in the amount of \$1,603,272.94 inclusive of the initial contract period and four one year renewal options for emergency hospital psychiatric care services.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – TRAFFIC SIGNALIZATION DESIGN SERVICES TASK ORDER CONTRACT** (11:36 a.m.)

The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting authorization for staff to award a contract to BMI-SG in the amount of \$150,000 for Traffic Signalization Design services on various County projects which are being designed by staff and/or when these services are not part of a design contract with an outside firm.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to put on the agenda for the next scheduled City/County meeting with the City of Fairfax, the issue of traffic signalization and coordination of signalization. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The staff was directed administratively to proceed as proposed.

23. **I-4 – CONTRACT AWARD – ENGINEERING DESIGN SERVICES FOR ROUTE 29 WIDENING (SPRINGFIELD AND SULLY DISTRICTS)** (11:37 a.m.)

The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting authorization for staff to award a contract to Rinker Design Associates, PC in the amount of \$343,392 for the design of Project 008803, Route 29 Widening, in Fund 301, Contributed Roadway Improvement Fund.

The staff was directed administratively to proceed as proposed.

24. **I-5 – CONTRACT AWARD FOR THE CONSTRUCTION OF THE SOUTHGATE NEIGHBORHOOD COMMUNITY CENTER (HUNTER MILL DISTRICT)** (11:37 a.m.)

The Board next considered an item contained in the Board Agenda dated February 7, 2005, requesting authorization for staff to award a contract to the Falls Church Construction Corporation in the amount of \$2,880,000 for the construction of the Southgate Neighborhood Community Center, located in Reston.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

25. **ORDERS OF THE DAY** (11:37 a.m.)

Chairman Connolly requested that Board Members present their matters with alacrity because the Board needed to proceed directly into closed session. He announced that Supervisor Gross needed to leave at 2 p.m. to represent the Board at a meeting, and Supervisor Hyland needed to leave at 2:30 p.m.

Chairman Connolly announced that Supervisor Hyland had prepared pea soup for the Board's lunch.

26. **RECOGNITION OF THE EMERALD SOCIETY PIPE BAND** (11:38 a.m.)

Chairman Connolly said that in March of 1984, the Northern Virginia Firefighters' Emerald Society Pipe Band stepped onto the streets and proudly made their first public appearance at the Alexandria Saint Patrick's Day parade. Last year the band marked its twentieth anniversary of service to Fire, Rescue, Law Enforcement, and the communities of Fairfax County and Northern Virginia.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Invite the members of the Emerald Society Pipe Band to appear before the Board to receive recognition for their years of service to the citizens of Fairfax County.
- Coordinate this recognition for the first meeting in March, before Saint Patrick's Day.

Without objection, it was so ordered.

27. **HANDS-ON HELP PREVENTING IDENTITY THEFT** (11:38 a.m.)

Chairman Connolly announced that every day this week, February 7 – 11, County residents can get hands-on help from the Department of Cable Communications and Consumer Protection to prevent identity theft. In celebration of National Consumer Protection Week, consumer protection investigators will be available to answer questions, offer advice, and take complaints about identity theft or any other consumer scam. Residents can visit the Government Center, Suite 127, 12000 Government Center Parkway from 11 a.m. to 2 p.m. for free help or call the Consumer Protection Division for help at 703-222-8435.

Discussion ensued regarding the use of Social Security numbers in the collection of taxes, as well as the possibility of having this program on cable television.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize this information, possibly developing his written Board Matter, with its helpful hints, into a press release. Without objection, it was so ordered.

28. **HOSTING OF WORLD POLICE AND FIRE GAMES** (11:41 a.m.)

Chairman Connolly stated that Sergeant Bruce K. Blechl of the Franconia Station of the Police Department visited a number of Board Members regarding the opportunity for the County to bid on hosting the World Police and Fire Games in 2013. These games have been held every two years since 1985. This sports event is second only to the World Olympics in terms of athlete participation, typically involving 7,000 to 10,000 law enforcement officers and firefighters.

Chairman Connolly distributed a memorandum from Sergeant Blechl as an attachment to the written Board Matter. He provided a "frequently asked questions" section regarding the hosting of this event.

Accordingly, Chairman Connolly moved that the Board endorse the concept of the County's applying to be a host city for the 2013 World Police and Fire Games and direct the County Executive to work with the necessary parties to return to the Board with a plan of action for Board approval. Supervisor Frey seconded the motion.

Supervisor Kauffman asked to amend the motion to direct staff to work with the Convention and Visitors Corporation on this endeavor, and this was accepted.

Following discussion regarding the development of a possible steering committee, with input from Anthony H. Griffin, County Executive, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor DuBois being out of the room.

29. **COST OF PHOTO RED LIGHT CAMERAS** (11:44 a.m.)

(NOTE: Earlier in the meeting, during the report of General Assembly activities, Chairman Connolly mentioned photo red light legislation. See Clerk's Summary Item CL#13.)

Chairman Connolly called the Board's attention to a January 31, 2005, article in *The Washington Times* that states that the AAA motor club is asking for hearings on the use of the District of Columbia's photo red light and speeding cameras. AAA is concerned that the District might be using its photo red light and speeding cameras primarily for revenue collection.

Chairman Connolly noted for the record that recent studies have shown that the County is actually losing money on the operation of red light cameras. In Fiscal Year 2003, Fairfax collected \$1,120,086 in revenue and paid \$1,271,518 in costs. He said that the County set up the program to save lives and protect the public, not to increase revenues.

30. **WORLD TUBERCULOSIS (TB) DAY** (11:44 a.m.)

Chairman Connolly noted that TB continues to kill approximately two million people each year worldwide. As noted in his written Board Matter, to encourage detection and educate the public about TB, the Health Department and Health Care Advisory Board will participate in "World TB Day," on March 24, 2005, the day that marks the anniversary of the discovery of the organism which causes TB.

Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim March 24, 2005, as "*World TB Day*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Care Advisory Board, Health Department, and others to be recognized with the proclamation at the March 21, 2005, Board meeting. Without objection, it was so ordered.

31. **NATIONAL PUBLIC HEALTH WEEK** (11:45 a.m.)

Chairman Connolly announced that April 4-10, 2005, is recognized as National Public Health Week. Accordingly, he moved that the Board proclaim April 4-10, 2005, as "*National Public Health Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Department, Health Care Advisory Board, and others to receive the proclamation at the April 4, 2005, Board meeting. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Chairman Connolly moved that the Board direct staff to invite representatives from the Medical Society of Northern Virginia and FASTRAN to be recognized with certificates on April 4 in conjunction with this event for their outstanding contributions to County public health efforts. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

32. **YOUR HEALTH IS IN YOUR HANDS: WASH** (11:46 a.m.)

Chairman Connolly announced that the Health Department is beginning a large scale public education campaign called "Your Health is in Your Hands: WASH." He noted that one of the simplest, but most powerful actions people can do to prevent the spread of infectious and communicable diseases is to wash their hands with some frequency. He shared the results of some studies on hand washing.

Therefore, Chairman Connolly moved that the Board direct the Office of Public Affairs to promote this important initiative by including it in Channel 16 programming, the *Courier*, and all other appropriate media outlets. Supervisor Hyland seconded the motion.

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

33. **MEDIATION MONTH** (11:48 a.m.)

Chairman Connolly noted that March is traditionally recognized as Mediation Month. Accordingly, he moved that the Board proclaim March 2005 as "Mediation Month" in Fairfax County and direct staff to invite the appropriate representatives from the County's Alternative Dispute Resolution Office and possibly the Conflict Resolution Office from George Mason University to appear before the Board to receive the proclamation at the March 7, 2005, Board meeting. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

34. **FOSTER CARE MONTH** (11:49 a.m.)

Chairman Connolly announced that May is Foster Care Month. Accordingly, he moved that the Board proclaim May 2005 as "*Foster Care Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Department of Family Services and appropriate non-profit organizations to be recognized with the proclamation at the April 25, 2005, Board meeting. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

35. **VOLUNTEER SERVICE AWARDS** (11:49 a.m.)

Chairman Connolly noted that April 21 is Volunteer Recognition Day. Therefore, he moved that the Board proclaim April 21, 2005, as "*Volunteer Recognition Day*" in Fairfax County and invite appropriate representatives from Volunteer Fairfax and the Citizen Emergency Response Team ("CERT") to receive the proclamation at the April 4, 2005, Board meeting. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

36. **VOLUNTEER FAIRFAX CELEBRATES THIRTIETH ANNIVERSARY** (11:49 a.m.)

Chairman Connolly announced that Volunteer Fairfax is celebrating its thirtieth anniversary. It has matched many volunteers with many wonderful causes throughout the County over the years.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite appropriate representatives from Volunteer Fairfax to receive a proclamation congratulating it for 30 years of service to the Fairfax community at the April 4, 2005, Board meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

37. **SMALL BUSINESS WEEK** (11:50 a.m.)

(BACs) Supervisor Gross circulated a letter from the Small Business Commission requesting designation of April 25-29, 2005, as Small Business Week. Accordingly, she moved that the Board designate April 25-29, 2005, as "*Small Business Week*" in Fairfax County. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

Supervisor Gross clarified that her motion included inviting appropriate representatives from the Small Business Commission and others before the Board for recognition.

38. **LAUREL HILL REFORMATORY/PENITENTIARY PROGRAM MANAGER (MOUNT VERNON DISTRICT)** (11:51 a.m.)

(NOTE: Earlier in the meeting, the Board recognized the members of the Laurel Hill Task Force. See Clerk's Summary Item CL#7.)

Supervisor Hyland reminded the Board that on December 6, 2004, he indicated his intent to ask for the Board's consideration of three action items in support of the Laurel Hill Adaptive Reuse Task Force recommendations. The first item for consideration is to establish a position for a project manager who will be responsible for initiating a process to seek a development partner and oversee the implementation of the recommendations for reuse of the former reformatory and penitentiary areas.

Supervisor Hyland said that while he believed that the position established by the County Executive is essential to the integrated and coordinated development and adaptive reuse of the entire land holdings at Laurel Hill, the task force identified a need for an individual who would specifically focus on, coordinate, and manage the implementation of the adaptive reuse recommendations of the task force for the Central Max Facility. Providing this focus will result in necessary actions to occur sooner than might otherwise occur, which he believes will save the County money in the long run.

Accordingly, Supervisor Hyland moved that the Board direct the County Executive to:

- Provide for another position to the Laurel Hill project to accommodate the recommendation of the task force regarding the temporary position of project manager for the adaptive reuse area.
- Earmark \$100,000 to provide the flexibility in procuring the resources necessary for development consultant services.

Following discussion, Anthony H. Griffin, County Executive, stated that he would provide for this funding as an addendum item in the proposed Fiscal Year 2006 Budget.

39. **ESTABLISHMENT OF THE LAUREL HILL PROJECT ADVISORY CITIZEN OVERSIGHT COMMITTEE (MOUNT VERNON DISTRICT)** (11:52 a.m.)

(BACs)

(APPTS) Supervisor Hyland referred to the establishment of a three member citizen's oversight advisory committee to monitor the development of the reformatory and penitentiary areas. This was a recommendation of the task force.

As noted in Supervisor Hyland's written Board Matter, the Laurel Hill Project Advisory Committee of citizens would continue the work begun by the Laurel Hill Adaptive Reuse Citizen Advisory Task Force by monitoring the development of the reformatory and penitentiary area. The goal is to ensure that the development process is objective and transparent to all County stakeholders, including the Board, citizens, and development partners. The committee will audit the process to ensure that it is implemented in accordance with all relevant documents, including the Memorandum of Agreement, the County Comprehensive Plan, and the final Laurel Hill recommendations approved by the Board. The Laurel Hill Project Advisory Committee should interact with the project manager and development team and make recommendations as necessary. The committee should provide periodic reports to the Board.

Specifically, the Laurel Hill Project Advisory Committee should be invited to participate in the implementation of development strategies within the adaptive reuse areas. Such participation should include at a minimum, the opportunity to comment prior to the release of any Request for Proposal related to redevelopment or adaptive use.

Supervisor Hyland asserted that the Laurel Hill Project Advisory Committee should be comprised of three at-large members appointed by the Board for a three-year term. At least one member should have professional development expertise and another member should be from the former Laurel Hill Adaptive Reuse Citizens Advisory Task Force. Over the last two months three nominees have been identified. All were members of the Laurel Hill Adaptive Reuse Citizens Task Force, and bring a wealth of expertise to the advisory committee.

Therefore, Supervisor Hyland moved the following appointments:

- Mr. Tim Sargeant
- Mr. Robert Cosgriff
- Mr. Doug Wrenn

to serve as the first Laurel Hill Project Advisory Committee for a period of three years. Supervisor Bulova seconded the motion.

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

40. **OUT-OF-TURN PLAN AMENDMENT FOR LAUREL HILL (MOUNT VERNON DISTRICT)** (11:54 a.m.)

Supervisor Hyland said that in the presentation made to the Board on December 6, 2004, the Laurel Hill Adaptive Reuse Task Force received a scenario that supports mixed use development on the Reformatory/Penitentiary site. The recommendation supports education, office, research uses, as well as retail and residential use with the residential component to include a mix of market rate and magnet housing.

Given that the current Comprehensive Plan does not reflect these recommendations, Supervisor Hyland moved that the Board:

- Authorize staff to prepare an Out-of-Turn Plan Amendment to consider revisions to the Comprehensive Plan.
- Consider language that would address phasing of the development of the adaptive reuse areas.
- Consider language that allows the flexibility to allow the County to consider amending the development scenario if the County is not able to identify a responsive and qualified development team.
- Initiate the Out-of-Turn Plan Amendment as soon as possible subsequent to the County's consideration of responses to the Request for Expression of Interest.

Chairman Connolly seconded the motion and it carried by unanimous vote.

41. **EXPANSION OF THE APPROVED SEWER SERVICE AREA TO INCLUDE THE GUNSTON CENTER PARCEL (MOUNT VERNON DISTRICT)** (11:55 a.m.)

Supervisor Hyland said that there is a property in the Mount Vernon District commonly referred to as Gunston Center that is bounded by the RF&P railroad right-of-way to the east, the Interstate 95 right-of-way to the west, and Furnace Road to the south. This property is not located in the Approved Sewer Service Area, although it is immediately adjacent to it. In fact, the County entered into agreements with Prince William County and the Prince William County Service Authority several years ago to allow certain parcels in the immediate vicinity to be served by the Prince William sewer system.

Supervisor Hyland said that it is his understanding that the Commonwealth of Virginia's Department of Environmental Quality would likely approve a private package sewer plant for this property if an application is submitted for such a facility. An official from the Virginia Department of Environmental Quality confirmed to him last week that such a package sewage treatment plant would either be allowed to discharge on site or would be allowed to run a sewer pipe under Furnace Road to discharge into the nearby Occoquan River. He added that he does not believe that such a private package sewage treatment plant would be in the best interests of Fairfax County.

Supervisor Hyland said that the most environmentally sensitive way to allow this property to be sewer is to expand the Approved Sewer Service Area to include the Gunston Center parcel. He said that it is important that sewer not be allowed to expand into the nearby Mason Neck area. He said that he has discussed this matter with the County Attorney's Office, the Department of Planning and Zoning (DPZ),

and the Department of Public Works and Environmental Services (DPWES), and he has been assured that expanding the Approved Sewer Service Area to include the Gunston Center parcel will not set a precedent to allow sewer to expand into the Mason Neck area, primarily because the RF&P right-of-way is an appropriate boundary for the Approved Sewer Service Area. He said that the developer of the Gunston Center parcel is willing to leave as open space an adjacent parcel if the Gunston Center parcel is included in the Approved Sewer Service Area. Based on the foregoing, Supervisor Hyland moved that the Board direct:

- DPZ to prepare an amendment to the Comprehensive Plan that would support the expansion of the Approved Sewer Service Area to include the Gunston Center parcel.
- DPZ, in conjunction with DPWES, to prepare an amendment of the Approved Sewer Service Area to include the Gunston Center parcel.
- DPWES to prepare and process any amendments necessary to the sewer agreements with Prince William County and the Prince William County Service Authority to allow the Gunston Center parcel to be served by the Prince William County sewer system.

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

Anthony H. Griffin, County Executive, provided brief comments regarding Chesapeake Bay standards and a brief discussion ensued.

42. **MOUNT VERNON DISTRICT TOWN MEETING** (11:59 a.m.)

Supervisor Hyland expressed appreciation to Chairman Connolly, County Executive Anthony H. Griffin, and Supervisor Kauffman for attending the successful and well-attended Mount Vernon Town Meeting on Saturday, February 5.

Chairman Connolly and Supervisor Kauffman commended Supervisor Hyland for his meeting.

PW:pw

43. **COMMITTEE FOR HELPING OTHERS (CHO) (HUNTER MILL DISTRICT)** (12 noon)

Supervisor Hudgins said that CHO, a Vienna non-profit, recently requested that the organization be granted an exemption from all fees associated with waste disposal. The committee collects used furniture for families in need and occasionally some of the used furniture items are unwanted and require disposal once a year.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff of the Solid Waste Disposal and Resource Recovery Division to exempt CHO from the disposal fees associated with the yearly disposal. Following input from David P. Bobzien, County Attorney, without objection, it was so ordered.

44. **RED HATTERS OF VIENNA (HUNTER MILL DISTRICT)** (12:01 a.m.)

Supervisor Hudgins said that the Red Hatters of Vienna have provided help for area homeless persons, especially women, in the County. They have made a very generous donation of \$3,000 to purchase sleeping bags to help the homeless citizens endure the elements of winter and have pledged \$3,000 for a "sleeping bag account" for 2006. Additionally, they plan to present a check in the amount of \$18,000 to the Northwest Center Advisory Board.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Red Hatters of Vienna to appear before the Board to be recognized for their generous support for the homeless and the mental health programs of the Fairfax-Falls Church Community Services Board. Without objection, it was so ordered.

45. **JAMES DEDES, DIRECTOR, JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES, WINS AWARD**
(12:02 p.m.)

Supervisor Hudgins noted that James Dedes, Director, Court Services for the Juvenile and Domestic Relations District Court, was selected to receive the Juvenile Court Administrator Award given by the National Juvenile Court Services Association. This award recognizes court administrators who make significant contributions to their courts and to the communities being served.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Dedes to appear before the Board to be recognized for this outstanding leadership and significant management skills. Without objection, it was so ordered.

46. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (12:03 p.m.)

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

47. **NO BOARD MATTERS FOR SUPERVISOR DUBOIS (DRANESVILLE DISTRICT)** (12:03 p.m.)

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

PMH:pmh

48. **NO BOARD MATTERS FOR SUPERVISOR McCONNELL (SPRINGFIELD DISTRICT)** (12:03 p.m.)

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

49. **APPOINTMENT TO THE COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE (SULLY DISTRICT)** (12:04 p.m.)

(APPT) Supervisor Frey moved the appointment of Mr. Travis Combest as the Sully District Representative to the Countywide Non-motorized Transportation (Trails) Committee. Supervisor Hyland seconded the motion and it carried by unanimous vote.

50. **EXPANSION OF THE CENTREVILLE HISTORIC DISTRICT (SULLY DISTRICT)** (12:04 p.m.)

Supervisor Frey said that on August 2, 2004, the Board supported his motion to examine expansion of the Centreville Historic District which included researching properties for inclusion in the Centreville Historic Overlay District. He said that he has formed a work group to provide input into this process. It met last week and the citizens of that group requested that several additional parcels be included in the study.

Therefore, Supervisor Frey moved that the following properties be included in the research of the proposed boundaries: Tax Map numbers 54-4((1))B1, 26A, 28A, 28B, 46A, 56, 57 and 54-4((7))1-16. This motion, the second to which was inaudible, carried by unanimous vote.

51. **NO BOARD MATTERS FOR SUPERVISOR BULOVA (BRADDOCK DISTRICT)** (12:06 p.m.)

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

52. **PARK AUTHORITY FEES** (12:06 p.m.)

Supervisor Kauffman said that he has heard from many of the County's senior citizens regarding the Park Authority's proposed decrease in the senior discount for RECenter and golf fees.

To increase the opportunity for more community input regarding this issue, Supervisor Kauffman moved that the Board direct the Park Authority Board to extend its public comment period to at least February 22, 2005. This extension will provide an extra week for discussion and sharing of thoughts, concerns, and valuable ideas. Supervisor Hyland seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to draft a formal request for his signature. 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.

(NOTE: Later in the meeting, the Board noted the availability of a Park Authority report on this issue. See Clerk's Summary Item CL#66.)

53. **SCHOOL BUS EXHAUST RETROFIT PROJECT COMPLETION** (12:08 p.m.)

Supervisor Kauffman referred to a memorandum from Anthony H. Griffin, County Executive, regarding school bus exhaust retrofit project completion.

Supervisor Kauffman noted that the project was completed and met all of its objectives 15 months ahead of schedule.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite the members of the project to appear before the Board to be recognized for this accomplishment. Without objection, it was so ordered.

54. **APPRECIATION TO CHAIRMAN CONNOLLY AND SUPERVISOR HYLAND (LEE DISTRICT)** (12:09 p.m.)

Supervisor Kauffman expressed his appreciation to Chairman Connolly and Supervisor Hyland for attending the Lee District Open House.

55. **SUPERVISOR KAUFFMAN IS THE NEW CHAIRMAN OF THE WASHINGTON METROPOLITAN WASHINGTON AREA TRANSIT AUTHORITY (WMATA)** (12:09 p.m.)

Supervisor Hudgins noted that Supervisor Kaufmann is the new chairman of WMATA.

56. **SUPERVISOR McCONNELL'S BIRTHDAY (SPRINGFIELD DISTRICT)** (12:09 p.m.)

Chairman Connolly announced that Supervisor McConnell's birthday is next week, and on behalf of the Board he wished her a happy birthday. She shares a birthday with President Abraham Lincoln.

57. **LAST DAY FOR MR. DREW BUSH** (12:09 p.m.)

Chairman Connolly announced that today is the last day that Mr. Drew Bush will be covering the Board meetings for the former *Northern Virginia Journal*, previously known as the *Fairfax Journal*, now to be known as the *Examiner*.

On behalf of the Board, Chairman Connolly wished him well.

58. **RECESS/CLOSED SESSION** (12:10 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to *Virginia Code* § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to *Virginia Code* § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to *Virginia Code* § 2.2-3711(A) (7).

1. *William E. Shoup, Fairfax County Zoning Administrator v. Susan C. Beck, Louis Kobus, Jr., and Village Turf, Inc.*, In Chancery Number CH-2001-0173551 (Fx. Co. Cir. Ct.) (Lee District)
2. *William E. Shoup, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, In Chancery Number. CH-2003-0187208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
3. *William E. Shoup, Fairfax County Zoning Administrator v. Theia Trusselle*, Case Number 05-1147 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
4. *William E. Shoup, Fairfax County Zoning Administrator v. Eugene G. Hopson*, In Chancery Number CH-2004-0189092 (Fx. Co. Cir. Ct.) (Braddock District)
5. *William E. Shoup, Fairfax County Zoning Administrator v. Patricia Delisio and John Aidonis*, In Chancery No. CH-2004-0199371 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *Board of Supervisors of Fairfax County, Virginia and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Androula Demetriou*, At Law Number CL-2005-0000362 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Record No. 032390 (Sup. Ct. Va.) (Providence District)

And in addition:

- Department of Planning and Zoning Amendment Work Program item relating to the amount of time allowed to commence special permits, special exceptions, and variances.
- Proposed Fairfax Water replacement of a well system in Great Falls.

- Fisenne, et ux. versus Fairfax County Board of Zoning Appeals At Law Number 225648.
- Affidavit requirement for Board's own motion rezonings.

This motion, the second to which was inaudible, carried by unanimous vote.

DET:det

At 2:45 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:45 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. The motion, the second to which was inaudible, 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."

60. **SALARY INCREASE FOR THE COUNTY ATTORNEY** (2:46 p.m.)

Supervisor Gross noted that the Board had successfully concluded its annual evaluation of the County Attorney, David Bobzien, and moved that the County Attorney's base salary be increased by 5.5 percent, or \$9,120, which would bring his salary level to \$174,935, effective February 1, 2005. (His total compensation, including deferred compensation, is \$192,935.) Supervisor Hyland seconded the motion, which carried by unanimous vote.

61. **SALARY INCREASE FOR THE COUNTY EXECUTIVE** (2:46 p.m.)

Supervisor Gross stated that the Board had successfully concluded its annual evaluation of the County Executive, Anthony H. Griffin, using a new evaluation form, which was more extensive in scope, and provided what was probably the most comprehensive evaluation of a county executive in the County's history. Supervisor Gross moved that the County Executive's base salary be increased by five percent, or \$9,750 annually, which would bring his base salary to \$204,756. Other terms of his contract remain unchanged. Supervisor Hyland seconded the motion, and it carried by unanimous vote.

62. **AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SEND A LETTER TO THE BOARD OF ZONING APPEALS (BZA)** (2:47 p.m.)

Supervisor Hyland moved that the Board authorize the County Executive to send a letter to the BZA in response to the BZA's February 1, 2005, memorandum to the Board requesting reconsideration of the County Executive Decision to deny its request for the retention of private legal counsel in *Fisenne versus Fairfax County Board of Zoning Appeals, At Law Number 225648*. Chairman Connolly seconded the motion, and it carried by unanimous vote.

63. **RECESS** (2:47 p.m.)

The Board recessed and at 3:19 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland, and with Chairman Connolly presiding.

AGENDA ITEMS

64. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-S-028 (GESHER DAY SCHOOL) (SPRINGFIELD DISTRICT)** (3:19 p.m.)

(NOTE: On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005.)

The application property is located at 4700 Shirley Gate Road, Tax Map 56-4 ((1)) 19B and 56-4 ((3)) 1.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel 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, Kris Abrahamson, Branch Chief, RZ/SE Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Special Exception Amendment Application SEA 01-S-028, subject to the development conditions dated January 14, 2005.
- Modification of the barrier requirement to the west and waiver of the barrier to the north, east, and south in favor of that shown on the SE Plat and as conditioned.
- Modification of the transitional screening requirement to allow use of the existing vegetation, as shown on the SE Plat.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

ADDITIONAL BOARD MATTERS

-

65. **REPLACEMENT OF DEER PARK ELEMENTARY SCHOOL CLINIC ROOM AIDE (SULLY DISTRICT)** (3:29 p.m.)

Supervisor Frey informed the Board that he had been contacted by parents at Deer Park Elementary. Due to the absence of the clinic room aide, who is expected to be out for approximately two months, and the difficulties in hiring, there was no one available to replace the aide. The school had suggested that the aide be replaced by volunteer parents. Because of medical complexities and liability issues, Supervisor Frey asked unanimous consent that the Board direct the County Executive to review the issue and determine if a short-term solution could be found. Without objection, it was so ordered.

66. **REPORT FROM THE CHAIRMAN OF THE COUNTY PARK AUTHORITY** (3:31 p.m.)

(Note: Earlier in the meeting, the Board raised the issue of Park Authority fees for senior citizens. See Clerk's Summary Item CL#52.)

Chairman Connolly noted that the requested report from the Chairman of the County Park Authority, Hal Strickland, concerning the senior fee, was available.

67. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-028 (WEST*GROUP PROPERTIES, LLC)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-SU-027 (WEST*GROUP PROPERTIES, LLC)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-018 (WEST*GROUP PROPERTIES, LLC) (SULLY DISTRICT) (3:31 p.m.)

(NOTE: On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005.)

The application property is located on the west side of Stonecroft Boulevard approximately 1,500 feet south of Lee Jackson Memorial Highway and north and south of Stonecroft Court, Tax Map 33-4 ((1)) 3B, 3C, 3D1, 3F, and 3G.

Mr. Thomas Fleury reaffirmed the validity of the affidavit for the record.

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

- In excess of \$200 from Ms. Kathryn A. MacLean

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

- In excess of \$200 from Ms. Kathryn A. MacLean

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

- In excess of \$200 from West*Group Properties, LLC

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

- In excess of \$200 from Rosenthal Companies which includes Geneva Enterprises, Incorporated
- In excess of \$100 from Keith S. Turner

- In excess of \$100 from John C. Ulfelder
- In excess of \$100 from Kathryn A. MacLane

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

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

Following discussion, Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 1999-SU-018, subject to the proffers dated January 20, 2005. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

Supervisor Frey moved to amend the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SU-028, from the I-5, WS, and AN Districts to the C-8, WS, and AN Districts, subject to the proffers dated January 20, 2005. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

Supervisor Frey moved approval of Special Exception Application SE 2004-SU-027, subject to the development conditions dated January 5, 2005. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

68. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-IV-LP1, LOCATED EAST OF CRANFORD STREET/GUNSTON COVE ROAD INTERSECTION (MOUNT VERNON DISTRICT)** (3:41 p.m.)

(NOTE: On January 10, 2005, the Board deferred the public hearing on this item until January 24, 2005. On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005.)

Supervisor Kauffman moved to defer the public hearing on proposed Out-of-Turn Plan Amendment S04-IV-LP1 until **February 28, 2005, at 3 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

69. **RIVERSIDE MANOR WELL REPLACEMENT PROJECT (DRANESVILLE DISTRICT)** (3:42 p.m.)

Supervisor DuBois, jointly with Chairman Connolly, moved that the Board request that Fairfax Water defer action on February 10, 2005, relative to the Riverside Manor Well Replacement Project, and consider scheduling a public comment session at one of its meetings prior to rendering a decision. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

AGENDA ITEMS

3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-597-03 (MERCANTILE POTOMAC BANK)

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-019 (MERCANTILE POTOMAC BANK) (PROVIDENCE DISTRICT) (3:43 p.m.)

(NOTE: On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005.)

The Proffered Condition Amendment Application PCA-C-597-03 property is located on the south side of Boone Boulevard, approximately 300 feet east of its intersection with Howard Avenue, Tax Map Number 39-1 ((6)) 69A pt..

The Special Exception Application SE 2004-PR-019 is located at 8229 Boone Boulevard, Tax Map Number 39-1 ((6)) 69A pt.

Ms. Kara Whisler reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Keith C. Martin

Supervisor McConnell disclosed that she had a business relationship with M.J. Wells and Associates, LLC, however the business relationship was not related to any party in the application.

Ms. Whisler 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 Smyth moved:

- Approval of Proffered Condition Amendment Application PCA C-597-03, subject to the proffers incorrectly dated February 3, 2004.
- Approval of Special Exception Application SE 2004-PR-019, subject to the proposed development conditions dated October 7, 2004.

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

3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109 (SOLID WASTE) (3:50 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 20 and January 27, 2005.

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 109 (Solid Waste), to change references, clarify terminology, and clarify applicability of alternative mechanisms for bonding for solid waste collection and disposal companies. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross, Supervisor Hudgins, and Supervisor Hyland being out of the room.

72. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, REPEALING CHAPTER 70 (WATER) AND ADDING A NEW CHAPTER 70.1 (PRIVATE WATER WELL ORDINANCE)** (4 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 20 and January 27, 2005.

Glenn Smith, Program Manager, Environmental Health Administration, Health Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, repealing Chapter 70 (Water) and creating a new Chapter 70.1 (Private Water Well Ordinance). Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross, Supervisor Hyland, and Supervisor Kauffman being out of the room.

73. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN MINIMUM REQUIRED YARDS; WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH REQUIREMENTS; AND INCREASE IN FENCE OR WALL HEIGHT** (4:19 p.m.)

- (O) (NOTE: On January 24, 2005, the Board deferred the public hearing on this item until February 7, 2005.)

Supervisor Frey moved to indefinitely defer the consideration of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding modification of certain minimum required yards; waiver of residential minimum lot width requirements; and increase in fence or wall height. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hyland, and Supervisor Kauffman being out of the room.

74. **BOARD ADJOURNMENT** (4:21 p.m.)

Supervisor McConnell moved to adjourn. Supervisor Bulova seconded the motion, and it carried by a vote of seven, Supervisor Gross, Supervisor Hyland, and Supervisor Kauffman being out of the room.