



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
October 27, 2003**

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**22-03**

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**DMB:dmb**

The meeting was called to order at 9:30 a.m., with all Members being present, and with Chairman Hanley presiding.

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

### **BOARD MATTER**

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to continue to keep in thoughts and prayers the first responders, and all those who defend the country at home and around the world, and the families that support them.

### **AGENDA ITEMS**

2. **CERTIFICATE OF RECOGNITION PRESENTED TO FOREST EDGE  
ELEMENTARY SCHOOL ODYSSEY OF THE MIND ODD POD  
STRUCTURE TEAM** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the Forest Edge Elementary School Odyssey of the Mind Odd Pod Structure team for winning the gold medal at the 2003 Odyssey of the Mind World Finals at Iowa State University. Supervisor Connolly seconded the motion and it carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE FAIRFAX STARS GIRLS' 13-AND-UNDER AND 15-AND-UNDER BASKETBALL TEAMS** (Tape 1)

Supervisor Frey moved approval of the Certificates of Recognition presented to members of the Fairfax Stars Girls' 13-and-under and 15-and-under basketball teams for their accomplishments. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

4. **PROCLAMATION DESIGNATING NOVEMBER 2003 AS "NATIVE AMERICAN HERITAGE MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate November 2003 as "*Native American Heritage Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

**PW:pw**

5. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 2)

(APPTS)  
(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

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

**ARCHITECTURAL REVIEW BOARD**

Supervisor Hudgins moved the appointment of Ms. Joy Marshall Ortiz as the Architect #2 Representative to the Architectural Review Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Related Professional Group #1 Representative to the Architectural Review Board.

**ATHLETIC COUNCIL**

Chairman Hanley moved the reappointment of Mr. Phuc Truong Dao as the At-Large Alternate Representative to the Athletic Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Lee District Alternate and the Women's Sports Association Alternate Representatives to the Athletic Council.

Supervisor Kauffman noted that Dick Combs, Lee District Principal Representative, was resigning and asked unanimous consent that the Board direct staff to invite Mr. Combs to appear before the Board to be recognized for his many years of service to the Athletic Council. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board made an additional appointment to this Council. See Clerk's Summary Item CL#55.)

### **CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that all nominees to the Chesapeake Bay Preservation Ordinance Exception Review Committee be directed to her office for consideration and appointment on November 17, 2003. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Discussion ensued with input from Nancy Vehrs, Clerk to the Board.

Supervisor Mendelsohn moved to waive the Election Year Policy regarding appointments made after the election for the Chesapeake Bay Preservation Ordinance Exception Review Committee only. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

### **CHILD CARE ADVISORY COUNCIL**

Supervisor Hyland moved the appointment of Ms. Karen L. Hecker to fill the unexpired term of Ms. Karla Whalen as the Mount Vernon District Representative to the Child Care Advisory Council. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

### **COMMISSION FOR WOMEN**

Chairman Hanley moved the reappointment of Ms. Alta Newman as the At-Large Minority Representative to the Commission for Women. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Ms. Theresa Wanbaugh as the Braddock District Representative to the Commission for Women. Chairman Hanley, Supervisor Connolly, and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Traci Claar as the Hunter Mill District Representative to the Commission for Women. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

#### **COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

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

#### **COMMUNITY ACTION ADVISORY BOARD**

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

#### **CONSUMER PROTECTION COMMISSION**

The Board deferred the appointments of the Fairfax County Resident #7 and #12 Representatives to the Consumer Protection Commission.

#### **CRIMINAL JUSTICE ADVISORY BOARD**

The Board deferred the appointments of the At-Large Representative and the Mason, Providence, and Springfield District Representatives to the Criminal Justice Advisory Board.

#### **ENGINEERING STANDARDS REVIEW COMMITTEE**

##### **CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment to the Engineering Standards Review Committee:

- Mr. John E. "Jack" Reale, Jr. as the Department of Planning and Zoning Representative

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

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the At-Large Business Community Representative to the Fairfax Area Disability Services Board.

#### **FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD**

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

#### **FAIRFAX COUNTY SMALL BUSINESS COMMISSION**

Supervisor Bulova moved the reappointment of Mr. Harold Pyon as the Braddock District Representative to the Fairfax County Small Business Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Mr. Samuel Phipps as the Lee District Representative to the Fairfax County Small Business Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

The Board deferred the appointments of the At-Large #2 Representative to the Fairfax County Small Business Commission.

#### **HEALTH CARE ADVISORY BOARD**

Supervisor Hudgins moved the appointment of Ms. Caili Yang to fill the unexpired term of Pamela Herbert, M.D., as the Hunter Mill District Representative to the Health Care Advisory Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

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

#### **HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Provider #1 Representative to the Health Systems Agency Board.

**HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Springfield District #2 Representative to the Human Services Council.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Chairman Hanley moved the reappointment of Mr. Joseph Heastie as the At-Large #6 Representative to the Industrial Development Authority. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #2 Representative to the Industrial Development Authority.

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

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

**NORTHERN VIRGINIA REGIONAL PARK AUTHORITY**

Chairman Hanley moved the reappointment of Ms. Jean Packard as the Fairfax County #1 Representative to the Northern Virginia Regional Park Authority. Supervisor Connolly and Supervisor Gross jointly seconded the motion, which carried by unanimous vote.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointments of the At-Large Chairman's Representative and the Braddock District Representative to the Oversight Committee on Drinking and Driving.

**POLICE OFFICERS RETIREMENT SYSTEM BOARD**

Supervisor Hyland moved the appointment of Mr. Rodney G. Leffler as the Citizen At-Large #2 Representative to the Police Officers Retirement System Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

**TENANT LANDLORD COMMISSION**

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

**TREE COMMISSION**

Supervisor Mendelsohn moved the reappointment of Mr. John Dudzinsky as the Dranesville District Representative to the Tree Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Darelyn Handley as the Lee District Representative to the Tree Commission. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

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

**YOUTH BASKETBALL COUNCIL ADVISORY BOARD**

Following discussion, with input from David P. Bobzien, County Attorney, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide the Clerk's Board Summary from the Board meeting when the Youth Basketball Council Advisory Board was initially formed. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

The Board deferred the confirmation of the appointments to the Youth Basketball Council Advisory Board.

(NOTE: Later in the meeting, the Board took action regarding this board. See Clerk's Summary Item CL#57.)

6. **ADMINISTRATIVE ITEMS** (Tape 3)

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

Supervisor Hyland called the Board's attention to Admin 10 - Installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine Signs and discussion ensued with input from Mimi Murray, Transportation Planner, II, Traffic Operations Section, Department of Transportation (DOT), and Ellen Gallagher, Chief, Traffic Operations Section, DOT.

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

**ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 04042 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO  
ACCEPT AN AWARD FROM THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY (FEMA) FOR GRANT FUNDS TO  
CONTINUE PARTICIPATION IN THE NATIONAL URBAN SEARCH  
AND RESCUE RESPONSE (USRR) SYSTEM**

(SAR) Approved SAR AS 04042 for FRD to accept an assistance agreement and grant funds in the amount of \$1,154,400 from FEMA for administration and completion of an approved National USRR system. No local cash match is required.

**ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (HUNTER  
MILL, LEE, MASON, PROVIDENCE, AND SULLY 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>
Middleton Farms	Hunter Mill	Middleton Farm Lane West Ox Road Route 608 Additional ROW Only
Cobbs Creek (McShay Homes at)	Lee	Cobbs Creek Court
Anderson Property	Mason	Kristina Ursula Court
Waples Crest	Providence	Waples Crest Court Waples Mill Road Route 664 Additional ROW Only
Waples Crest, Section 2	Providence	Waples Crest Court
Oak Hill Estates, Section 1	Sully	Cedar Crest Lane Holly Grove Court Laurel Grove Way Thompson Road Route 669 Additional ROW Only
Oak Hill Estates, Section 2	Sully	Cedar Crest Lane
Stonecroft Business Park (Stonecroft Center Court)	Sully	Stonecroft Center Court



**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD PROJECT – ROUTE 29 AT BULL RUN POST OFFICE ROAD (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 3:30 p.m.** to consider the acquisition of certain land rights necessary for the construction of Project 064228 – Route 29 at Bull Run Post Office Road, in Fund 304, Primary and Secondary Road Bond Construction.

**ADMIN 4 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN TO APPLY FOR A GRANT FROM THE MARS FOUNDATION**

Approved the Office for Children's submission of a competitive application to the Mars Foundation in the amount of \$50,000 to continue and expand training in Early Learning and Emerging Literacy. No local cash match is required.

**ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04038 FOR THE FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT (JDRDC) TO ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF JUVENILE JUSTICE (DJJ) TO ENHANCE SUPERVISION AND TREATMENT TO JUVENILE SEX OFFENDERS**

- (SAR) Approved SAR AS 04038 in the amount of \$168,508 from DJJ for JDRDC's Juvenile Sex Offender Enhanced Treatment Program. No local cash match is required.

**ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-H-035, AC ASSOCIATES II LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)**

- (AT) Approved 24 months of additional time to commence construction for Special Exception Application SE 00-H-035, to August 26, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (DRANESVILLE AND MOUNT VERNON DISTRICTS)**

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

- Application FS-V03-39 to January 26, 2004

- Application 2232-D03-12 to April 26, 2004

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), AMENDING THE UNIFORMED RETIREMENT SYSTEM – BENEFIT INCREASE FOR RETIREES**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), amending the Uniformed Retirement System by increasing the benefits of service retirees.

**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04041 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE (BJA) UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM**

- (SAR) Approved SAR AS 04041 in the amount of \$105,554 for FCPD to accept grant funding under the LLEBG program. Of this total, \$94,999 is direct LLEBG funding available from BJA, while the remaining \$10,555 is the required local cash match.

**ADMIN 10 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE SIGNS**

(NOTE: Earlier in the meeting, there was discussion of this item. See page 7.)

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100-\$500 Violation Fine signs at the 53 subject locations as shown in Attachment 1 of the Board Agenda Item dated October 27, 2003.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON SHREVE ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 4 p.m.** for the purpose of endorsing Shreve Road between US Route 29 (Lee Highway) and State Route 7 (Leesburg Pike) to be included in the R-TAP for a through truck restriction.

**ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04039 FOR THE FAIRFAX COUNTY DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO ACCEPT VIRGINIA AMERICORPS PROGRAM FUNDING FROM THE VIRGINIA COMMISSION ON NATIONAL AND COMMUNITY SERVICES (CNCS) TO SUPPORT THE STRENGTHENING COMMUNITIES INITIATIVE**

- (SAR) Approved SAR AS 04039 in the amount of \$51,136 from CNCS to support CRS' Strengthening Communities Initiative. The total cost of the program is \$112,564. The remaining \$61,431 in required local funding will be absorbed within the Fiscal Year 2004 CRS General Fund budget. No local cash match is required.

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04043 FOR THE DEPARTMENT OF COMMUNITY AND RECREATION SERVICES (CRS) TO ACCEPT GRANT FUNDS FROM THE US DEPARTMENT OF EDUCATION THROUGH THE FAIRFAX COUNTY PUBLIC LIBRARY FOUNDATION FOR THE ESTABLISHMENT OF COMPUTER CLUBHOUSES AT THE JAMES LEE COMMUNITY CENTER, MOTT COMMUNITY CENTER, AND RESTON TEEN CENTER**

- (SAR) Approved SAR AS 04043 in the amount of \$333,747 to establish Computer Clubhouses at the James Lee Community Center, Mott Community Center, and Reston Teen Center. No local cash match is required.

**ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04045 FOR THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF EDUCATION (VDE) TO CONTINUE THE ONGOING VIRGINIA PRESCHOOL INITIATIVE PROGRAM**

- (SAR) Approved SAR AS 04045 in the amount of \$963,661 from VDE for the Office for Children to continue the ongoing Virginia Preschool Initiative program. The total program cost is \$3,882,600. The match requirement of \$2,918,939 is met through the use of existing and related in-kind services, primarily at Fairfax County Public Schools. No local cash match is required.

7. **A-1 – PARKING REDUCTION FOR THE FRANKLIN OFFICE BUILDING (LEE DISTRICT)** (Tape 3)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 50 percent for the Franklin Office Building, pursuant to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Section 11-102, Paragraph 4(B), and based on an analysis of the parking

requirements for church and office uses on the site and a shared use parking study, based on the conditions outlined in the Board Agenda Item dated October 27, 2003.

8. **A-2 – APPROVAL OF REVISIONS TO PERSONNEL REGULATIONS EXPANDING DEPARTMENT HEAD AUTHORITY TO DELEGATE PERSONNEL ACTIONS, MODIFYING THE OVERTIME ELIGIBILITY THRESHOLD FOR DEPUTY SHERIFFS AND HOUSEKEEPING CHANGES** (Tape 3)

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

Extensive discussion ensued with input from Anthony H. Griffin, County Executive, and Susan Woodruff, Deputy Director, Department of Human Resources.

Following additional discussion, Supervisor Bulova moved that the Board defer action on this item and remand it to the Board's Personnel Committee for further information and discussion. Supervisor McConnell seconded the motion and it carried by unanimous vote.

9. **A-3 – TESTIMONY FOR PUBLIC HEARING ON VIRGINIA DEPARTMENT OF TRANSPORTATION SIX-YEAR PROGRAM FOR HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEAR (FY) 2005 THROUGH FY 2010** (Tape 3)

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

- Request that the Commonwealth Transportation Board (CTB) assist the region in meeting the emissions requirements outlined in the Clean Air Act Amendments of 1990, by providing funding for projects that specifically reduce vehicle emissions.
- Request that the CTB approve the Northern Virginia Transportation Authority's recommendations regarding Fiscal Year (FY) 2005 Congestion Mitigation and Air Quality, Regional Surface Transportation Program, when they are approved in December 2003.
- Request that the CTB approve funding for the priority projects listed in Attachments I and II of the Board Agenda item. Attachment I provides background information on several of the recommended priority projects. Attachment II recommends projects for funding in the Interstate and Primary Program.

- Request that the CTB restore funding to projects that were initially funded in the Virginia Transportation Act of 2000, including the I-66/I-495 interchange interim improvements, the I-95 fourth lane, the Richmond Highway project, and the Fairfax County Parkway (interchange at Fair Lakes Parkway/Monument Drive and widening from Sunrise Valley Drive to Route 123).
- Reiterate the County's request that the CTB continue funding for the Dulles transit enhancements, including \$7.4 million for the County's Express Bus Service and funding for the implementation of the Dulles Corridor Rapid Transit Project. These projects will assist the region in meeting its air quality goals. In addition, request that the CTB continue its policy of allocating 85 percent of the surplus Toll Road revenues to transit.
- Request that the CTB support the FY 2004 request for State transit capital and operating assistance to Northern Virginia, and approve the County's FY 2005 grant applications, including the RideSources grant application, when they are submitted in February 2004. These programs contribute to reducing vehicle emissions.
- Request that the Virginia Department of Transportation (VDOT) work closely with the County to implement the Richmond Highway Public Transportation Initiative including express bus service, and assorted improvements throughout the corridor. These improvements will help meet air quality improvement standards and relieve congestion.
- Request \$10.7 million to implement the Advanced Public Transportation Systems Deployment Plan for the FAIRFAX CONNECTOR Bus System. The plan was developed with funding assistance from the Department of Rail and Public Transportation and is consistent with the Dulles Corridor Rapid Transit Project Technology Implementation Plan and the Richmond Highway Transportation Improvement Project. The plan provides enhancements to the FAIRFAX CONNECTOR referenced in the Dulles Corridor Rapid Transit Project Draft Environmental Impact Statement.
- Request that VDOT reexamine its new policies of charging a flat four percent of project budgets for administrative costs to every project. Staff would like the CTB to review this VDOT policy with respect to impact on delivering projects on time and on budget and determine if there is a more equitable way for VDOT administration to cover its costs. The Board is specifically

concerned with the \$7 million additional charge to the Route 28 PPT A project.

- Request that the CTB continue the Congestion Relief Program started this past year with a stronger emphasis on local project selection, and use the \$808,000 that has previously been allocated to the Bus Fare Buy Down Program to provide ongoing bus service, marketing and transit ridership incentive programs in the Richmond Highway Corridor.
- Request that the CTB seek ways to assist Northern Virginia funding Washington Metropolitan Area Transit Authority's Infrastructure Renewal Program and critical items in its System Access Program, to ensure that the regions significant transit investments are protected and continue to provide the mobility and air quality benefits they were intended to provide.
- Approve the letter to Secretary Whittington Clement, contained in Attachment III of the Board Agenda item, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and Transit projects, facilities, and services. Attachments I and II of the Board Agenda item will also be attachments to the letter to Secretary Clement.
- Designate Chairman Hanley to present the Board position to CTB at the Six Year Program hearing.
- Encourage VDOT to be flexible in traffic operation decisions (flash at night, cycle lengths, pedestrian countdown signals, illuminated pedestrian crosswalks, lighted street signs).
- With new Commonwealth policy, encourage VDOT to support stand-alone bike/pedestrian facility projects and for bike and pedestrian projects to be fully included within all road construction projects.

Supervisor Connolly seconded the motion.

Supervisor Kauffman cited handwritten page 2 of the Discussion of Specific Projects for Funding in the FY 2005 - FY 2010 Virginia Transportation Six-Year Program, Attachment 1, and noted that the Capital Beltway Study includes the lease for parking at the Macy's structured parking at Springfield Mall; however, the lease expires December 2003. He said that while the intent of this new parking structure is that it would improve the need for it, the new parking structure is already full; therefore, Supervisor Kauffman asked to amend the motion to include in the testimony that Chairman Hanley is going to deliver, a request that VDOT continue that lease. This was accepted.

Extensive discussion ensued with input from Thomas Biesiadny, Chief, Coordination and Funding Section, Department of Transportation (DOT), and Young Ho Chang, Director, DOT.

Following additional discussion, Supervisor Hudgins called the Board's attention to handwritten page 4 of Attachment 1, regarding the Fairfax County Parkway widening project, and said that Hunter Mill District is experiencing a problem at the Parkway and the Sunset Hills interchange because of the width of the road and locations of the ramp. Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to review that interchange. Without objection, it was so ordered.

Supervisor Bulova called the Board's attention to handwritten page 4 of Attachment 1, regarding Route 236 Between Pickett Road and Lake Drive and said that the project is fully funded and citizens have been waiting for spot improvement along this corridor. Supervisor Bulova asked unanimous consent that the Board direct staff to determine when this project is to begin in 2004. Without objection, it was so ordered.

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

10. **A-4 – AMENDMENT TO THE PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE RESTON CENTER FOR INDUSTRY AND GOVERNMENT (RCIG)** (Tape 3)

On motion of Supervisor Hudgins, seconded by Supervisor Hyland, and carried by a unanimous vote, the Board concurred in the recommendation of staff and endorsed the proposed amendment to the RCIG covenants that would remove the current prohibition against residential use and authorize the County Executive to provide the County's written consent as outlined in the ballot provided by the Reston Association.

11. **A-5 – AUTHORIZATION FOR ACQUISITION OF A CONSERVATION EASEMENT IN CONJUNCTION WITH DEVELOPMENT OF THE BALLANTRAE HILL PROJECT (DRANESVILLE DISTRICT)** (Tape 3)

(R) On motion of Supervisor Mendelsohn, seconded by Supervisor Hyland, and carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," the Board concurred in the recommendation of staff and adopted the Resolution authorizing acquisition of a conservation easement across a portion of the Ballantrae Hill project.

12. **A-6 – DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT — FIXING DATE FOR PUBLIC HEARING, DELIVERY OF COPY OF LANDOWNER PETITION TO HERNDON TOWN COUNCIL, AND AUTHORIZING PUBLIC NOTICE OF HEARING (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (Tapes 3-4)

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

- Fix a public hearing on the question of creating the proposed district at the Board's meeting on December 8, 2003.
- Authorize notice of the public hearing to be given as required by law.
- Order that a copy of the Petition and notice of the public hearing be delivered to the Town Council of Herndon as soon as possible, along with the Board's request that the Town Council promptly take such steps as are required by law to permit property located within the Town and the proposed district to be included in such a district if it is created.

Supervisor Connolly seconded the motion.

Discussion ensued with input from James V. McGettrick, Assistant County Attorney; Leonard P. Wales, Assistant Director, Department of Management and Budget; David P. Bobzien, County Attorney; and Anthony H. Griffin, County Executive.

Supervisor Frey asked to amend the motion to include the maximum flexibility in advertising the public hearing to give the Board authority to make changes to the boundaries of the tax districts at the time of the public hearing. This was accepted.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn voting "NAY."

13. **C-1 – 2003 VIRGINIA ASSOCIATION OF COUNTIES' (VACO) ANNUAL MEETING** (Tape 4)

The Board next considered an item contained in the Board Agenda dated October 27, 2003, requesting designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting.



Supervisor Hyland moved that the Board designate Chairman Hanley as the Voting Delegate. Supervisor Connolly seconded the motion and it carried by unanimous vote.

14. **I-1 – CONTRACT AWARD – GREENBRIAR PARK, PARKING LOT EXPANSION (SPRINGFIELD DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated October 27, 2003, requesting authorization for staff to award a contract to Finley Asphalt and Sealing, Incorporated, in the amount of \$182,944 for the construction of Greenbriar Park, Parking Lot Expansion, Project 474498 in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

15. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD – GIRL POWER! PROGRAM** (Tape 4)

The Board next considered an item contained in the Board Agenda dated October 27, 2003, requesting authorization for staff to make the appropriation adjustment of \$37,000 to Fund 106, Fairfax-Falls Church Community Services Board, to restore lost funding to the Girl Power! program at the Fiscal Year 2004 Third Quarter Review.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

16. **ORDERS OF THE DAY** (Tape 5)

Chairman Hanley announced that the Board would proceed expeditiously with Board Matters so that she, Supervisor Connolly, and Supervisor Mendelsohn could attend a ceremony at the Reston East@Wiehle Avenue Commuter Lot to celebrate the opening of new slip ramps on the Dulles Access and Dulles Toll Roads.

(NOTE: Later in the meeting, the Board recessed to attend this ceremony.)

17. **STATE CORPORATION COMMISSION (SCC) PUBLIC MEETINGS** (Tape 5)

Chairman Hanley announced that the SCC will hold public meetings to gather customer comments on electric and telephone service outages caused by Hurricane Isabel. The Northern Virginia hearing will be held at 7 p.m. on October 30, 2003, in Rooms 4/5 of the Fairfax County Government Center.

Supervisor Gross clarified that the SCC meeting is not the Power Summit that the County staff is organizing.

18. **PUBLIC REVIEW OF PARK AUTHORITY'S NATURAL RESOURCE MANAGEMENT PLAN** (Tape 5)

Chairman Hanley announced that the Park Authority is inviting the public to comment on a draft Natural Resource Management Plan created to guide the agency in preserving and managing natural resources on parkland over the next five years. The meeting will be held at 7 p.m. on October 29, 2003, in the Government Center.

19. **CLEAN AIR PARTNERS** (Tape 5)

Chairman Hanley stated that Clean Air Partners, a coalition of public and private sector groups created and chartered by the Metropolitan Washington Council of Governments and the Baltimore Metropolitan Council, and committed to improving air quality in the Baltimore-Washington region, recognized the County for its "Ozone Action Days" program. The program seeks to reduce the effects of Code Red unhealthy air quality days. She outlined the steps that the County takes to limit ozone pollution on Code Red days.

Chairman Hanley noted that the County received an honorable mention in the category of "Outstanding Ozone Action Days Program" from Clean Air Partners in recognition of its effort to reduce ground level ozone pollution and to raise awareness of this issue among citizens and County employees. She congratulated both County employees and Supervisor Bulova, the Board's Clear Air Partner Representative.

20. **RECOGNITION BY THE INTERNATIONAL DARK SKIES ASSOCIATION (IDA)** (Tape 5)

Chairman Hanley announced that the County received a certificate from the IDA for its efforts in protecting the nighttime environment and preserving the heritage of dark skies through quality outdoor lighting. She mentioned the Board's recent adoption of a lighting ordinance.

(NOTE: Later in the meeting, the Board took action regarding an observatory in the Great Falls area. See Clerk's Summary Item CL#35.)

21. **WORKFORCE INITIATIVES** (Tape 5)

Chairman Hanley stated that the County has a number of different revenue streams for workforce initiatives. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a list

of those programs and provide the total dollars for them. Without objection, it was so ordered.

22. **BACKGROUND CHECKS** (Tape 5)

Chairman Hanley stated that a recent issue of *Update*, the biweekly newsletter of the Virginia Municipal League, had an article about a suggestion to localities from the Federal Bureau of Investigations regarding criminal background checks for job applicants. Anthony H. Griffin, County Executive, responded that the County is currently in compliance.

23. **REQUEST FROM THE WESTERN FAIRFAX COUNTY CITIZENS ASSOCIATION (SULLY DISTRICT)** (Tape 5)

Chairman Hanley stated that she received a request in the form of a resolution from the Western Fairfax County Citizens Association for the Board to examine the degradation of water quality in Elk Lick Run resulting from construction sites in eastern Loudoun County. Accordingly, she asked unanimous consent that the Board refer the resolution to staff for review. Without objection, it was so ordered.

Following a brief discussion regarding possible interjurisdictional committee review, without objection, the request was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

24. **COUNTY TELEWORK EXPO A GREAT SUCCESS** (Tape 5)

On behalf of the Board, Supervisor Connolly congratulated Carol Stuart, Catherine A. Chianese, Thomas Mauter, Karrie Beckman, and all of the other County staff who worked to make the recent Telework Expo a success. The goal of the Expo, organized by County employees for County employees, was to inform more employees of the benefits and possibilities of telework. He noted that the Expo moved forward the most aggressive telework plan of any local government in the Metropolitan Washington area. He continued to challenge the other 16 jurisdictions to pursue telework efforts.

Supervisor Connolly stated that Ms. Stuart has been the inspiration for this successful telework program, and it has set the standard for the region as the County works toward a goal of 20 percent of eligible employees' teleworking by 2005. He noted that she is leaving the County next month.

Accordingly, Supervisor Connolly asked unanimous consent that the Board direct staff to invite Ms. Stuart and other County employees involved in the telework program to appear before the Board at the next meeting to report on the progress made toward the goal and to express appreciation to them for their ardent support

for telework as part of the County's transportation goals. Without objection, it was so ordered.

25. **WAIVER OF FEES FOR REMOVAL OF GREENWAY DOWNS RESIDENTIAL PERMIT PARKING DISTRICT #13 (RPPD) AS AN RPPD (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that citizens residing on Greenway Boulevard and West George Mason Road have petitioned for the removal of Greenway Downs RPPD #13. This neighborhood finds that it no longer needs the assistance of an RPPD to have adequate parking for residents and have petitioned the County for removal.

Accordingly, Supervisor Connolly moved that the Board direct staff to waive the \$10 per household application fee required to remove an RPPD from the County's RPPD registry. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

26. **WAIVER OF FEES FOR WADE PLACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that citizens on Wade Place have petitioned for an RPPD. This represents an expansion of the Graham Road RPPD. The neighborhood suffers from chronic road congestion as a result of non-resident parking.

Accordingly, Supervisor Connolly moved that the Board waive the:

- Minimum requirement of 100 contiguous or nearly contiguous parking spaces for the establishment of an RPPD.
- \$10 per household application fee.

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

27. **VIRGINIA TOPS AREA POLICE OFFICER FATALITIES TO DATE IN 2003** (Tape 5)

Supervisor Connolly reported that the National Law Enforcement Officers Memorial Fund announced that eight Virginia law enforcement officers were killed in the line of duty in 2003. This matches the highest total for the Commonwealth ever recorded and is the third highest total of any other state in the nation so far this year. He noted that this past week was the one-year anniversary of the death of Trooper C. Mark Cosslett, who died on I-95 in Newington while responding to a reported sniper shooting. These tragic losses underscore the risks that police officers routinely face.

Given the recent number of police fatalities in Virginia, Supervisor Connolly moved that the Board reaffirm its commitment to support measures to make police officers safer. He also encouraged County citizens, when they see County police officers on patrol, to take a moment to wave a greeting and thank them for the superb, but hazardous job these committed men and women do every day so all citizens can securely go about their lives. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

28. **MAIN STREET CHILD DEVELOPMENT CENTER CELEBRATES 30 YEARS (PROVIDENCE DISTRICT)** (Tape 5)

Supervisor Connolly stated that he learned that the Main Street Child Development Center is celebrating its 30-year anniversary. Accordingly, he asked unanimous consent that the Board direct staff to invite members of the center to appear before the Board at either the November or December meeting to be recognized for their 30 years of service. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

29. **ADOPT A FAMILY PICK UP SITES** (Tape 5)

Supervisor Connolly reminded the Board that at last week's meeting he spoke about the Adopt a Family program sponsored by the Office of Partnerships. He noted that in previous years the pick up location had been the Government Center, but last year, because of security concerns regarding wrapped packages, the location was changed to Heritage Fellowship United Church of Christ in Reston. He expressed his appreciation to that church, but noted his concern regarding the logistical hardship on residents of the southern part of the County to travel to Reston.

Accordingly, Supervisor Connolly asked unanimous consent that the Board direct the Office of Partnerships to examine the possibility of arranging additional sites, such as the South County Center, to allow better access for constituents. Without objection, it was so ordered.

30. **MARINE CORPS MARATHON** (Tape 5)

Supervisor Connolly announced that Merni Fitzgerald, Director, Office of Public Affairs, completed this past Sunday's Marine Corps Marathon and won an award. The Board congratulated her on this achievement.

31. **ORDERS OF THE DAY** (Tape 5)

(NOTE: Earlier in the meeting, Chairman Hanley announced that Members of the Board would participate in a celebration of the opening of new slip ramps on the Dulles Access and Dulles Toll Roads. See Clerk's Summary Item CL#16.)

Chairman Hanley announced that the Board would recess in 20 minutes and she invited the members of the press to join in the bus trip.

32. **FORT BELVOIR LAND EXCHANGE WITH THE PARK AUTHORITY (MOUNT VERNON DISTRICT)** (Tape 5)

Supervisor Hyland reported the favorable land exchange between Fort Belvoir and the Park Authority regarding the McNaughton Memorial Ballfields and the Berman tract. He expressed appreciation to Congressman Thomas M. Davis, Senator George Allen, Jr., and Senator John Warner for their efforts.

On behalf of the Board, Supervisor Connolly expressed appreciation to Supervisor Hyland for his leadership on this issue.

33. **NEW ALEXANDRIA AREA HOMES (MOUNT VERNON DISTRICT)** (Tape 5)

Supervisor Hyland expressed appreciation to Anthony H. Griffin, County Executive, and Robert Stalzer, Deputy County Executive, for bringing staff to the Mount Vernon District to address the challenge of replacing no less than a dozen homes in the New Alexandria area. All of those homes are in the floodplain and must be demolished and replaced. He said that each home will require a special exception application. He noted that he will present a Board Matter on this issue later in the meeting.

(NOTE: Later in the meeting, the Board took action regarding New Alexandria. See Clerk's Summary Item CL#70.)

34. **INOVA (MOUNT VERNON DISTRICT)** (Tape 5)

Supervisor Hyland asked unanimous consent that the Board direct the County Executive to follow up with Inova officials about the status of the questions that the Board had raised several weeks ago and provide that information later in the meeting. Without objection, it was so ordered.

35. **TURNER FARM FEE WAIVERS (DRANESVILLE DISTRICT)** (Tape 5)

(NOTE: Earlier in the meeting, the Board noted recognition from the Dark Skies Association. See Clerk's Summary Item CL#20.)

Supervisor Mendelsohn noted that he previously presented an item to waive fees regarding Turner Farms and that he now needed to update it because the action had been too limited and did not include the observatory. The Turner Farm Team has been working with the Park Authority over the last two years to develop park facilities and an observatory at the farm site. He said that the observatory is being constructed almost exclusively with private funds.

Accordingly, in consideration of the public benefit and the continued effort and dedication of the Turner Farm Team to the development of the park, Supervisor Mendelsohn moved that the Board waive:

- The building permit application review fees.
- Any and all other fees associated with any development or construction at Turner Farm Park pursuant to the adopted park master plan.

This motion does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

**SBE:sbe**

36. **BAILEY'S CROSS ROADS VOLUNTEER FIRE DEPARTMENT (MASON DISTRICT)** (Tape 6)

- (A) Supervisor Gross stated that in 1991, the Board conveyed property located on Columbia Pike at Tax Map Number 61-4((1) parcel 20A to the Bailey's Cross Roads Volunteer Fire Department. The volunteers continue to operate a fire and rescue station from this property. The deed from the Board to the Volunteer Fire Department contains an Automatic Reverter Clause which provides that should the property ever be used for a purpose other than a fire station, or should any part of the property be "sold, conveyed, leased or transferred to any person or entity other than a volunteer fire department," then title to the property would automatically revert to the Board.

Supervisor Gross said that in 1995 and again in 1998, the volunteers asked the Board to agree that the Board's reversionary interest in the property would not be triggered should the Volunteer Fire Department lease a portion of the site for telecommunications facilities. The Board agreed to waive its reversionary

interests in each instance and as a result, a monopole and various antennae have been located on the property.

Supervisor Gross stated that the volunteers recently approached her office about an easement that the Volunteer Fire Department would like to grant on the property without triggering the Automatic Reverter Clause. Therefore, a public hearing needs to be scheduled before the Board to decide whether to waive any reversionary interest that the Board may have in the Bailey's Cross Roads Volunteer Fire Department property, in the event that the volunteers grant the requested easement.

Therefore, Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 3:30 p.m.** regarding the proposal that the Board forego claiming that its reversionary interest would be triggered if the Bailey's Cross Roads Volunteer Fire Department were to grant an easement to Unison Site Acquisition, LLC on property located at Tax Map Number 61-4((1)) parcel 20A. Supervisor Kauffman seconded the motion.

Following a brief discussion, with input from David P. Bobzien, County Attorney, the question was called on the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

37. **ANNANDALE WOMEN'S CLUB CELEBRATES ITS FIFTIETH ANNIVERSARY (MASON DISTRICT)** (Tape 6)

Supervisor Gross announced that the Annandale Women's Club is celebrating its fiftieth anniversary on November 6, 2003. Supervisor Gross asked unanimous consent that that the Board direct staff to prepare a certificate congratulating the Annandale Women's Club on that occasion. Without objection, it was so ordered.

38. **DEBRIS PICK UP FROM HURRICANE ISABEL** (Tape 6)

Supervisor Gross stated that the debris pick-up from Hurricane Isabel is taking too long and asked unanimous consent that the Board direct staff to determine if anything else can be done to accelerate the pick-up. Without objection, it was so ordered.

Following discussion, Anthony H. Griffin, County Executive, stated that staff would report with information on the status of the debris problem later in the meeting.



PMH:pmh

39. **EXPEDITED PROCESSING OF A PENDING SPECIAL EXCEPTION APPLICATION BY FEDERAL REALTY PARTNERS LP (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that Federal Realty Partners LP has recently acquired two existing shopping centers located on Richmond Highway. The two properties are zoned to the C-6 District and were largely developed in the 1970s. The new property owner intends to renovate the property, which will include improvements such as new building facades, landscaping, and better traffic circulation. The first step of this renovation process is the filing of a special exception for a drive-through bank in proximity to Richmond Highway. The application has been filed and is likely to soon be accepted. The property owner is under certain time constraints regarding site plan approval for the planned improvements, including the new bank. A request has been submitted for expedited processing of the pending special exception.

Therefore, Supervisor Kauffman moved that the Board direct the Director of the Department of Planning and Zoning to expeditiously process a special exception application for a drive-through bank filed by Federal Realty Partners LP. Public hearings before the Planning Commission and Board should be scheduled in January 2004. This motion should not be construed as a recommendation of this application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations or adopted standards in way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

40. **KINGSTOWNE FAITH EVANGELICAL PRESBYTERIAN CHURCH'S ANNUAL FAITH 5K RUN/WALK (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that on October 18, 2003, the Kingstowne Faith Evangelical Presbyterian Church held its annual Faith 5K Run/Walk. It partnered with the Inova HealthPlex in Franconia Springfield to hold the event.

Supervisor Kauffman noted that more than 500 people participated, with the Koinonia Foundation being the chief beneficiary of the event. Koinonia is a non-profit, charitable organization that provides medical needs, clothing, food, and helpful other agency referrals for needy individuals and families in the Franconia-Kingstowne area.

In light of the work that was put into this successful event by the organizers, Supervisor Kauffman moved that the Board direct the Office of Public Affairs to invite the organizers to appear before the Board and be presented with a resolution commending their efforts. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

41. **FUNDING OF STREET LIGHTS** (Tape 7)

Supervisor Kauffman asked unanimous consent that the Board direct staff to review options for the funding of street light programs within neighborhoods and report its findings. Without objection, it was so ordered.

42. **LEE DISTRICT TOWN MEETING** (Tape 7)

Supervisor Kauffman expressed his appreciation to Chairman Hanley for attending the Lee District town meeting.

43. **TOUR DE LEE (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman announced that the Tour de Lee was successful with at least a 50 percent increase in riders.

Supervisor Kauffman noted that his son participated in the ride for the first time.

44. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (Tape 7)

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

45. **INTENT TO DEFER PUBLIC HEARINGS (SULLY DISTRICT)** (Tape 7)

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

- Proffered Condition Amendment Application PCA 78-S-063-3
- Rezoning Application RZ 2003-SU-024

(NOTE: Later in the meeting, the public hearings were formally deferred. See Clerk's Summary Item CL#75 and CL#76.)

46. **REQUEST FOR STATE FUNDING FOR THE JUVENILE AND DOMESTIC RELATIONS COURT** (Tape 7)

Supervisor Hudgins said that she recently received a letter from Janet Muldoon, Chairperson of the Citizen Advisory Council of the Juvenile and Domestic Relations County Court. Ms. Muldoon cautions that State funding continues to diminish but that, in spite of this, Fairfax County's Juvenile and Domestic Relations Court continues to set the State and national standard. However, Ms. Muldoon requests that the Board include a request for appropriate State funding for the Juvenile and Domestic Relations Court in its Legislative Program for the 2004 General Assembly. Given the prior year challenges in providing the courts the support needed to meet its goals for rehabilitation and prevention, this

matter merits further discussion.

Therefore, Supervisor Hudgins moved that the Board refer this issue and the letter from Ms. Muldoon to the Board's Legislative Committee for consideration. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

47. **RECESS/CLOSED SESSION** (Tape 7)

At 11:45 a.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
  - 1. *Board of Supervisors v. Heron Pines, L.C., et al.*, At Law No. 215344 (Fx. Co. Cir. Ct.)
  - 2. *Board of Supervisors v. Michele Stanco, et al.*, At Law No. 207931 (Fx. Co. Cir. Ct.) (Sully District)
  - 3. *William E. Shoup, Fairfax County Zoning Administrator v. Clyde W. Proffitt*, In Chancery No. 183471, and *Clyde W. Proffitt v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. 209708 (Fx. Co. Cir. Ct.) (Lee District)
  - 4. *Board of Supervisors v. Camberley Homes, L.C., et al.*, At Law No. 204277 (Fx. Co. Cir. Ct.) (Sully District)

5. *Board of Supervisors v. Batman/McNair Associates, L.P., et al.*, At Law No. 217365 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Fairfax Coalition of Police, Local 5000, et al. versus Fairfax County, Virginia, et al.; C.A. 03-1068-A.

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

**DS:ds**

At 3:05 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

#### **ADDITIONAL BOARD MATTERS**

48. **INTENT TO DEFER PUBLIC HEARINGS (SULLY AND SPRINGFIELD DISTRICTS)** (Tape 8)

Chairman Hanley announced that, later in the meeting, at the appropriate time, the following public hearings would be deferred:

- Proffered Condition Amendment Application PCA 78-S-063-3
- Rezoning Application RZ 2003-SU-024
- Special Exception Amendment Application SEA 01-S-046

(NOTE: Later in the meeting, the public hearings were formally deferred. See Clerk's Summary Items CL#75, CL#76, and CL#83.)

49. **CHAIRMAN HANLEY'S LAST MEETING FOR LAND USE CASES** (Tape 8)

Chairman Hanley announced that this would be the last time that she would have the opportunity to conduct public hearings regarding land use cases.

#### **ACTIONS FROM CLOSED SESSION**

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

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements

and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Frey seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

51. **ACCEPTANCE OF SETTLEMENT OFFER FROM FRONTIER INSURANCE COMPANY IN BOARD OF SUPERVISORS VERSUS MICHELE STANCO, ET AL., AT LAW NUMBER 207931** (Tape 8)

Supervisor Frey moved that the Board accept the settlement offer from Frontier Insurance Company in *Board of Supervisors versus Michele Stanco, et al.*, At Law Number 207931, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

52. **REJECTION OF REVISED SETTLEMENT OFFER IN BOARD OF SUPERVISORS VERSUS HERON PINES, LC, ET AL., AT LAW NUMBER 215344** (Tape 8)

Supervisor Frey moved that the Board reject the revised settlement offer in *Board of Supervisors versus Heron Pines, LC, et al.*, At Law Number 215344, but authorize the County Attorney to make a counter offer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

### **AGENDA ITEMS**

53. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049 (HAMSTEAD VILLAGE LLC) (DRANESVILLE DISTRICT)** (Tape 8)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#58.)

Chairman Hanley announced that the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049 would be held later in the meeting.

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

At 3:10 p.m. the Board recessed briefly, and, at 3:15 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell and Supervisor Mendelsohn, and with Chairman Hanley presiding.

**ADDITIONAL APPOINTMENT**55. **ATHLETIC COUNCIL** (Tape 8)

(APPT) (NOTE: Earlier in the meeting the Board deferred this appointment. See Clerk's Summary Item CL#5.)

Supervisor Kauffman moved the appointment of Mr. William J. Shuttleworth as the Lee District Alternate Representative to the Athletic Council. Supervisor Hyland and Supervisor Mendelsohn jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

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

At 3:15 p.m. the Board recessed briefly, and, at 3:20 p.m. reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

57. **YOUTH BASKETBALL COUNCIL ADVISORY BOARD** (Tape 8)

(BACs) (NOTE: Earlier in the meeting, the Board deferred confirmation of the appointments to this board. See page 7.)

Supervisor Mendelsohn asked unanimous consent that the Board direct the Department of Community and Recreation Services to provide information regarding why Alexandria, Arlington, and Falls Church City have representatives on the Fairfax County Youth Basketball Council.

Following discussion, without objection, the request was so ordered.

Supervisor Bulova moved that the Board defer confirmation of the appointments to the Youth Basketball Council Advisory Board. Supervisor Mendelsohn seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

**AGENDA ITEMS**58. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049 (HAMSTEAD VILLAGE LLC) (DRANESVILLE DISTRICT)** (Tape 8)

(NOTE: At its October 20, 2003, meeting the Board deferred the public hearing on this item until October 27, 2003.)

The application property is located on the south side of Farm Mill Drive north of Farm Meadow Court, Tax Map 30-1 ((3)) 35, 36, pt. E1 and D.

Discussion ensued with input from Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), and Barbara A. Byron, Director, ZED, DPZ.

Ms. Erika L. Byrd reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed the following campaign contributions in excess of \$200 which he had received from:

- Eagle Management Corporation
- Mr. Gerald T. Halpin

Supervisor Frey disclosed the following campaign contributions in excess of \$200 which he had received from:

- ESDC, Incorporated
- Ms. Kathryn A. MacLane

Supervisor Bulova disclosed the following campaign contribution in excess of \$200 which she had received from:

- Ms. Kathryn A. MacLane

Supervisor Kauffman disclosed the following campaign contributions in excess of \$200 which he had received from:

- Ms. Kathryn A. MacLane
- Mr. Gerald T. Halpin
- Ms. Helen Halpin
- Eagle Management Corporation

Supervisor Gross disclosed the following campaign contribution in excess of \$200 which she had received from:

- Ms. Kathryn A. MacLane

Supervisor Connolly disclosed the following campaign contribution in excess of \$200 which he had received from:

- Ms. Kathryn A. MacLane

Chairman Hanley disclosed the following campaign contributions in excess of \$200 which she had received from:

- Mr. Gerald T. Halpin
- Mr. Peter A. Ognibene
- Mr. John C. Ulfelder
- Mr. Bruce K. Wilber
- Mr. Charles B. Ewing, Jr.
- Mr. Thomas F. Nicholson
- Ms. Helen Halpin

Ms. Byrd 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, Mr. Braham presented the staff and Planning Commission recommendations.

Chairman Hanley announced that Supervisor Mendelsohn had recused himself from this public hearing.

Therefore, Chairman Hanley moved:

- Approval of Proffered Condition Amendment Application PCA 1998-DR-049, subject to the proffers dated July 25, 2003.
- Modification of the transitional yard and barrier requirements as shown on the proffered Conceptual Development Plan Amendment/Final Development Plan Amendment.

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

### **ADDITIONAL BOARD MATTER**

59. **REQUEST FOR BOOK SIGNING FOR SARJIT KAUR** (Tape 8)

Supervisor Bulova said that Sarjit Kaur, a County citizen, whom Board Members should know from other organizations such as Faith Communities in Action and the Multicultural Center, has written a book about Sikhs in America. She said



that her book is being read all over the world. Ms. Kaur went to her native country, India, this summer where she was received with acclaim, and had book signings.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff from the Library System to arrange a ceremony or book signing for Ms. Kaur in the County libraries. Without objection, the request was so ordered.

### **AGENDA ITEMS**

60. **3:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF MERRILEE DRIVE (ROUTE 6065) (PROVIDENCE DISTRICT)** (Tape 8)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 9 and October 16, 2003.

Discussion ensued with input from Michael A. Davis, Transportation Planner, Transportation Planning Division, Department of Transportation.

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

- Ordinance vacating a segment of Merrilee Drive
- Order abandoning a segment of Merrilee Drive

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

61. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-032 (DEWBERRY VI, LLC) (PROVIDENCE DISTRICT)** (Tape 8)

- (O) The application property is located in the southwest quadrant of the intersection of Arlington Boulevard and Williams Drive, and north and south of Pennell Street, Tax Map 49-3 ((1)) 135; 49-3 ((9)) 1B, 2, 2A, 3, 7A, and 11A.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

Supervisor Connolly disclosed the following campaign contribution in excess of \$200 which he had received from:

- Northern Virginia Realtors Political Action Committee

Supervisor Bulova disclosed the following campaign contribution in excess of \$200 which she had received from:

- Northern Virginia Realtors Political Action Committee

Supervisor Gross disclosed the following campaign contribution in excess of \$200 which she had received from:

- Northern Virginia Realtors Political Action Committee

Supervisor Frey disclosed the following campaign contribution in excess of \$200 which he had received from:

- Northern Virginia Realtors Political Action Committee

Supervisor Hudgins disclosed the following campaign contribution in excess of \$200 which she had received from:

- Northern Virginia Realtors Political Action Committee

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

Following the public hearing, which included testimony by one speaker, discussion ensued with input from William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning.

Mr. Mayland presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-032, from the R-1 and C-3 Districts to the C-3 District, subject to the proffers dated October 20, 2003.
- Modification of the transitional screening and barrier requirements in favor of the landscaping and barriers depicted on the generalized development plan.

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

62. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-V-018 (ALEXANDRIA HOTEL ASSOCIATES, LC) (MOUNT VERNON DISTRICT)** (Tape 8)

The application property is located at 5821 Richmond Highway, Tax Map 83-4 ((1)) 11A.

Ms. Lynne J. 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, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Mendelsohn seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application SEA 99-V-018, subject to the proposed development conditions dated October 15, 2003.
- Waiver of the service drive requirement.
- Waiver of the peripheral parking lot landscaping requirement.
- Modification of the streetscape and trail requirements along Richmond Highway to that shown on the SEA Plat.
- Modification of the barrier requirement along the southern property line abutting the Belle Haven Country Club in favor of the existing vegetation.

Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell being out of the room.

63. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-001 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-001-2 (CALVARY ROAD BAPTIST CHURCH) (LEE DISTRICT)** (Tape 8)

(O) The applications are located in the northeast quadrant of the intersection of Beulah Street and Charles Arrington Drive, Tax Map 91-1 ((1)) 63–66.

Ms. Arlene L. Pripeton reaffirmed the validity of the affidavit for the record.

Ms. Pripeton 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, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-001, from the R-1 District to the R-3 District, subject to the proffers dated September 26, 2003.
- Approval of Special Exception Amendment Application SEA 85-L-001-2, subject to the development conditions dated October 24, 2003.
- Modification of the transitional screening requirement along the eastern property line in favor of the existing vegetation.

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

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

At 3:55 p.m., the Board recessed briefly, and, at 4 p.m. reconvened in the Board Auditorium, with all members being present, with the exception of Supervisor Hyland and Supervisor McConnell, and with Chairman Hanley presiding.

65. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-C-060-10 (FAIRFAX COUNTY SCHOOL BOARD) (HUNTER MILL DISTRICT)** (Tape 8)

The application property is located on the east side of Thomas Jefferson Drive, approximately 300 feet north of Coppermine Road, Tax Map 16-3 ((1)) 41.

Mr. John C. McGranahan, Jr. reaffirmed the validity of the affidavit for the record.

Mr. McGranahan 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.

Discussion ensued with input from Mr. McGranahan.

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 87-C-060-10, subject to the proffers dated October 10, 2003.
- Modification of the transitional screening and barrier requirements along all property boundaries, as depicted on the Conceptual Development Plan Amendment/Final Development Plan Amendment.

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

Supervisor Hyland stated for that record that Sunny Sarna, agent for the applicant, is working to provide a pedestrian opening with a lockage gate along the northwestern boundary in a location to be determined by the Fairfax County Public Schools, preferably at the terminus of Golden Harvest Court or Rolling Plains Drive.

66. **ORDERS OF THE DAY** (Tape 9)

Chairman Hanley announced that the Board would proceed next with the public hearing on Rezoning Application RZ 2003-PR-002 (Christopher Management, Incorporated).

67. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-020 (FOUNDATION FOR THE COLLINGWOOD LIBRARY AND MUSEUM ON AMERICANISM) (MOUNT VERNON DISTRICT)** (No Tape)

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item CL#69.)

68. 4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-002 (CHRISTOPHER MANAGEMENT, INCORPORATED) (PROVIDENCE DISTRICT) (Tape 9)

(O) The application property is located on the south side of Chain Bridge Road, approximately 250 feet east of its intersection with Anderson Road, Tax Map 30-3 ((2)) 261–269.

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

Supervisor Connolly disclosed the following campaign contribution in excess of \$200 which he had received from:

- Christopher Management, Incorporated
- Mr. E. John Regan

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

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

Following the testimony of Ms. Mary Holbeck (Speaker Two), discussion ensued with input from Peter Braham, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning.

Mr. Braham presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-002, from the R-1 and HC Districts to the HC and PDH-20 Districts, and approval of the Conceptual Development Plan, subject to the proffers dated October 23, 2003.
- Approval of a variance, pursuant to Section 16-401 of the Zoning Ordinance, to allow a Planned Development Housing District that is less than 2 acres in size and to allow a fence higher than four feet in a front yard.
- Modification of the transitional screening yard requirements along the eastern, southern, and western boundaries and between the proposed multifamily building and the single family detached dwelling unit in accordance with the proffers and the Conceptual Development Plan/Final Development Plan.

- Waiver of the barrier requirement along Colonial Lane.

Supervisor Hyland seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn voting "AYE," Chairman Hanley voting "NAY."

69. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-020 (FOUNDATION FOR THE COLLINGWOOD LIBRARY AND MUSEUM ON AMERICANISM) (MOUNT VERNON DISTRICT)** (Tape 9)

The application property is located at 8301 East Boulevard, Tax Map 102-4 ((!1)) 71 and 71A.

Ms. Mary B. "Missy" Schukraft reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2003-MV-020, subject to the development conditions dated October 17, 2003.
- Modification of the setback requirement of 100 feet from residential property along the northern boundary, pursuant to Section 9-305 of the Zoning Ordinance, to permit a setback of 25 feet for the new conference center, and 35 feet for the existing structure, as shown on the SE plat.
- Modification of the transitional screening requirement along the northern and southern boundaries in favor of the existing vegetation as shown on the SE plat, and waiver of the barrier requirement along the southeastern property boundary.

Supervisor Bulova seconded the motion.

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

**ADDITIONAL BOARD MATTER**70. **FLOODING CAUSED BY HURRICANE ISABEL (MOUNT VERNON DISTRICT)** (Tape 9)

(NOTE: Earlier in the meeting there was additional discussion relating to this item. See Clerk's Summary Item CL#33.)

Supervisor Hyland said that the flooding caused by Hurricane Isabel resulted in significant damage to many homes in the New Alexandria section of the Mount Vernon District. Many of the damaged homes will need a significant amount of work that may require a special exception approval by the Board. Some homes may need to be rebuilt and may require special exception approval. The flooding caused by Hurricane Isabel created a significant hardship for the affected owners.

Therefore, Supervisor Hyland moved that the Board authorize separate Board's Own Motion special exception applications to be filed with the owners as co-applicants for any of the properties within New Alexandria for which it is determined a special exception will be required to build new homes on these properties. The homeowners will be responsible for all of the necessary engineering drawings, for submitting all of the necessary application information and materials to the County, including the affidavit, and for actually accomplishing the work. This motion does not relieve the owner from compliance with any ordinances or regulations and does not prejudice the outcome of the applications in any way.

Supervisor Hyland said some of the properties in New Alexandria that were the subject of his first motion may also require variances of the minimum yard requirements. This is due to nonconformities that have arisen over the years and because the lots on which the flooded houses exist may not have sufficient width or depth to accommodate, under current Zoning Ordinance setback requirements, the same home that existed before Hurricane Isabel. He said these homeowners should be able to build their new homes with the same or lesser footprints that existed for the homes that now must be replaced.

Therefore, he moved that the Board authorize separate Board's Own Motion variance applications to be filed with the owners as co-applicants for any of the foregoing properties under limited circumstances. Those circumstances would be limited to situations where it is determined a variance will be required to build new homes with the same footprint or a smaller footprint in any areas of the property in which the existing homes did not satisfy the current applicable yard requirements. The Board would join the owner as a co-applicant if the existing encroachments into the required yards are not exacerbated in any way by the variance application. The homeowners will be responsible for all of the necessary engineering drawings, for submitting all of the necessary application information and materials to the County, including the affidavit, and for actually accomplishing the work. It is noted that this motion does not relieve the applicant



from compliance with any ordinances or regulations other than the applicable yard requirements and does not prejudice the outcome of the applications in any way. Approval of these motions would seek to ease the already heavy burdens of these property owners. Supervisor Kauffman seconded the motions.

Supervisor Hyland further moved that the Board:

- Authorize concurrent processing for any properties covered by the first two motions.
- Direct staff to expedite the processing of any such applications.

Supervisor Kauffman seconded the motion.

Following discussion, Supervisor Hyland amended his motions specifically limiting it to owners of existing properties.

Following further discussion, with input from Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, Supervisor Hyland amended his motions to establish a time limit of 12 months for property owners who were affected.

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

### **AGENDA ITEMS**

71. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-SP-021 (CLARK L. MASSIE) (SPRINGFIELD DISTRICT)** (Tape 9)

(O) The application property is located in the southwest quadrant of the intersection of Britford Drive and Lee Chapel Road, Tax Map 78-3 ((1)) 22A and 22B.

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

Supervisor Frey disclosed the following campaign contribution in excess of \$200 which he had received from:

- Mr. Robert A. Lawrence, Esquire

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, Supervisor McConnell moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Mendelsohn

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SP-021, from the R-1 District to the PDH-5 District, subject to the proffers dated October 23, 2003.
- Modification of the transitional screening and barrier requirement at the east property line, to that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Modification of the trail requirement along Lee Chapel Road in favor of the proposed five-foot wide sidewalk, as shown on the CDP/FDP, and described in the proffers.
- Approval of a variance to the fence height limitation, per Paragraph 8 of Section 16-401 of the Zoning Ordinance, to permit the proposed fence along Lee Chapel Road to be up to six feet in height with posts at seven feet in height.

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

72. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-002 (CHRISTOPHER MANAGEMENT, INCORPORATED) (PROVIDENCE DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#68.)

PW:pw

73. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-060-3 (DULLES GREENE, LP) (DRANESVILLE DISTRICT)** (Tape 10)

The application property is located in the northeast and northwest quadrants of the intersection of Dulles Green Drive and Rock Hill Road, Tax Map 15-2 ((1)) 8A; 16-1 ((1)) 5B and 10.

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

Supervisor Mendelsohn moved:

- Approval of Proffered Condition Amendment Application PCA 89-D-060-3, subject to the proffers dated September 29, 2003.
- Reaffirmation of the previously approved modifications of the transitional screening and barrier requirements, in favor of that depicted on the Conceptual Development Plan Amendment/Final Development Plan Amendment.
- Reaffirmation of the previously approved waiver of the 600-foot maximum length requirement for private streets.

Supervisor Kauffman seconded the motion and it **CARRIED** by a recorded vote of four, Supervisor Hudgins voting "NAY," Chairman Hanley abstaining, and Supervisor Connolly, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

74. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-HM-011 (VAN METRE WOODLAND PARK APARTMENTS I, LP, VAN METRE WOODLAND PARK APARTMENTS II, LP, AND VAN METRE WOODLAND PARK APARTMENTS IIA, LP) (HUNTER MILL DISTRICT) (Tape 10)**

The application property is located on the south side of Sunrise Valley Drive, east of its intersection with Fox Mill Road, Tax Map 16-3 ((1)) 25D1, 25D2, 25D3; 16-4 ((1)) 32B.

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

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

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 1999-HM-011, subject to the proffers dated October 16, 2003.
- Notwithstanding what is depicted on the Conceptual Development Plan Amendment Condition and the Final Development Plan Amendment (CDPA/FDPA), one of the 16 proposed parking spaces shown along the southern property line shall be replaced with a landscaped island.
- Modification of the transitional screening requirements and waiver of the barrier requirements in favor of the existing vegetation and supplemental landscaping shown on the CDPA/FDPA.
- Reaffirmation of the waiver of the 600-foot maximum private street length requirement and waiver of the loading space requirements.

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

75. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-3 (WESTFIELDS CORPORATE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SULLY DISTRICT)** (Tape 10)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 78-S-063-3 until **January 5, 2004, at 4:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

76. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-024 (MHI RUGBY ROAD, LLC) (SULLY DISTRICT)** (Tape 10)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-024 **until the Planning Commission acts.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

**ADDITIONAL BOARD MATTER**77. **REVIEW OF ALL PARKING (REQUIREMENT) STANDARD ORDINANCES** (Tape 10)

Following discussion, Supervisor Bulova moved to add a review of all parking standard ordinances to the agenda of the Development Process Committee meeting scheduled for November 18, 2003. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

**AGENDA ITEMS**78. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-047 (WL HOMES, LLC, D/B/A JOHN LAING HOMES-WASHINGTON) (PROVIDENCE DISTRICT)** (Tape 10)

- (O) The application property is located in the northwest quadrant of the intersection of Lee Highway and Cedarest Road, Tax Map 48-4 ((1)) 31, 33, 33A, 33B, and 49-3 ((2)) 7, 9, and 10.

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

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

- In excess of \$200 from Mr. William H. Gordon

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

- In excess of \$200 from Mr. Stephen Fox

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

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

Supervisor Connolly moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-047, from the R-1 and HC Districts to the PDH-5 and HC Districts.
- Approval of the Conceptual Development Plan, subject to the proffers dated October 24, 2003.
- Approval of a variance, in accordance with paragraph 8 of Section 16-401 to permit a noise wall located in the front yard to be a maximum height of seven feet.

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

79. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-3 (WESTFIELDS CORPORATE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SULLY DISTRICT)**  
(No Tape)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item CL#75.)

80. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-BR-003 (LANDMARK PROPERTY DEVELOPMENT, LLC) (BRADDOCK DISTRICT)** (Tapes 10-11)

- (O) The application property is located at the east terminus of Oak Leather Drive and west of Summit Oak Way, Tax Map 77-2 ((1)) 42B.

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

Supervisor Bulova disclosed the following campaign contribution in excess of \$200 which she had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management

Supervisor Frey disclosed the following campaign contributions in excess of \$200 which he had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management
- Mr. John Thillmann

Supervisor Hudgins disclosed the following campaign contribution in excess of \$200 which she had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management

Supervisor Hyland disclosed the following campaign contribution in excess of \$200 which he had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management

Supervisor Kauffman disclosed the following campaign contribution in excess of \$200 which he had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management

Supervisor Gross disclosed the following campaign contributions in excess of \$200 which she had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management
- Mr. John Thillmann

Chairman Hanley disclosed the following campaign contribution in excess of \$200 which she had received from:

- Mr. Scott M. Herrick of Landmark Property Development, LLC, through Cherokee Management

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

Following the public hearing, which included testimony by one speaker, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of

Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-BR-003, from the R-4 District to the R-8 District, subject to the proffers dated October 23, 2003.
- Approval of a waiver of the 5-acre minimum district size for the R-8 District.
- Return of the site plan to the Planning Commission for its recommendation and approval prior to the final approval of the site plan.

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

81. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-024 (MHI RUGBY ROAD, LLC) (SULLY DISTRICT)** (No Tape)

(NOTE: Earlier in the meeting, the Board deferred this public hearing. See Clerk's Summary Item CL#76.)

82. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-025 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-29 (CHRISTOPHER MANAGEMENT, INCORPORATED) (LEE DISTRICT)** (Tape 11)

- (O) The Rezoning Application RZ 2003-LE-025 property is located on the west side of South Van Dorn Street, east and west sides of Villa Street, Tax Map 81-4 ((3)) A, A1, B–H, J, K, R, S, 2C, 10A, 10B, 11, 12, 12A, 12B, 12C and a portion of Villa Street public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Villa Street to proceed under Section 15.2-2272 (2) of the Code of Virginia.)

The Proffered Condition Amendment Application PCA C-448-29 property is located on the north side of Lake Village Drive, Tax Map 91-2 ((12)) 19.

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



Chairman Hanley disclosed the following campaign contributions in excess of \$200 which she had received from:

- Mr. Dexter Odin
- Mr. James Pittleman

Mr. Riegler 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.

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning presented the application.

Following the public hearing, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-025, from the R-1 and HC Districts to the PDH-5 and HC Districts, and the Conceptual Development Plan, subject to the proffers dated October 22, 2003.
- Approval of a modification of the transitional screening yard and barrier requirements along the northern boundary and adjacent to the affordable dwelling units in the northwestern corner of the property that is shown on the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA).
- Approval of a modification as to limitation of the length of a private street.
- Approval of modifications to the Public Facilities Manual requirements with regard to the radius and width of public streets as shown on the CDPA/FDPA.
- Approval of Proffered Condition Amendment Application PCA C-448-29.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting

"AYE," Supervisor Connolly, Supervisor Gross, and Supervisor Hyland being out of the room.

83. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-S-046 (SANG OH AND COMPANY, INCORPORATED, DBA VIRGINIA GOLF CENTER AND ACADEMY) (SPRINGFIELD DISTRICT)** (Tape 11)

Supervisor McConnell moved to defer the public hearing on Special Exception Amendment Application SEA 01-S-046 until **January 5, 2004, at 4:30 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Gross, and Supervisor Hyland being out of the room.

#### **ADDITIONAL BOARD MATTER**

84. **EXPRESSION OF APPRECIATION TO STAFF** (Tape 11)

Chairman Hanley thanked staff of the Department of Planning and Zoning for all their years of service to her and the County.

#### **AGENDA ITEMS**

85. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (Tape 11)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 9 and October 16, 2003.

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

- Ms. Stacy Williams – Thanking the Board and fire fighters for the Fill the Boot Drive.
- Mr. Kevin Kincaid – Thanking the Board and citizens for the Fill the Boot Drive.
- Ms. Marie Yi and son regarding ice rink management at Mount Vernon Recreation Center Ice Rink as it pertains to freestyle skaters who pay for ice time and train without coaches.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to refer Ms. Yi's concerns to the County Executive for further action. These concerns included the following:

- Parents are not allowed to coach children from the bleachers.

- Skaters without coaches are given only limited time to play their program music, and players with coaches play their music first.
- Volunteers harass skaters to leave the ice at the exact end of their session.
- The age threshold for free ice time for volunteering was changed after volunteer service was already performed.

Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

Public comment continued with testimony presented by the following individuals:

- Mr. Del Wilson – Thanking the Board for its support of the Northern Virginia Senior Olympics held September 14–28, 2003.
- Ms. Jacqueline Stephens – Thanking the Board for its support of the Northern Virginia Olympics held September 14–28, 2003.
- Colonel William J. Stephens (Retired) – Thanking the Board for its support of the Northern Virginia Olympics held September 14–28, 2003.
- Bishop Anthony Lawrence, Director, Goose Creek Kiwanis Club regarding naming of the Tri-County Parkway.

Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to review Bishop Lawrence's request to name the proposed Tri-County Parkway after the Reverend Dr. Martin Luther King. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

86. **BOARD ADJOURNMENT** (Tape 11)

At 6:40 p.m., the Board adjourned.

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