



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 20, 2003**

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The meeting was called to order at 9:10 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 MATTERS

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

Chairman Hanley asked everyone to keep in thoughts and prayers Verdia Haywood, Deputy County Executive, whose mother died last week. She said the Haywood family has identified the Benevolent Fund for the Nursing Home Hospital for memorial contributions. Chairman Hanley said that anyone interested in making a contribution could get the address from her or Catherine Chianese, Assistant to the County Executive.

Chairman Hanley asked everyone to keep in thoughts and prayers the family of Barbara Varon, member of the Electoral Board, who died last week. She said that Ms. Varon was a fierce advocate for the democratic process in the County and country, making the opportunity to vote available for everyone and encouraging all to do so.

(NOTE: Later in the meeting, the Board took action to honor Ms. Varon. See Clerk's Summary Item CL#49.)

2. **CHAIRMAN HANLEY EXTENDS A GOOD MORNING AND WELL WISHES TO HER SPOUSE** (Tape 1)

Chairman Hanley extended a good morning and well wishes to her spouse, Ed, who was in Fairfax Hospital recovering from surgery.

AGENDA ITEMS

3. **CERTIFICATES OF RECOGNITION PRESENTED TO WEST SPRINGFIELD LITTLE LEAGUE 9-10 AND 11-12 YEAR OLD ALL STAR TEAMS** (Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to members of the West Springfield Little League 9-10 year old All Star team for their accomplishments. Supervisor Connolly seconded the motion.

Supervisor McConnell moved approval of the Certificate of Recognition presented to members of the West Springfield Little League 11-12 year old All Star team for their accomplishments. Supervisor Hyland seconded the motion.

The question was called on the motions and they carried by a vote of nine, Supervisor Bulova being out of the room.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ADELE LEBOWITZ** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition to Ms. Adele Lebowitz for donating her 18-acre McLean estate to the Park Authority for a special playground where children with and without disabilities can play side-by-side, sharing the same excitement and thrills. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Dan and Julie Clemente, Co-Chair's of Clemyjontri Park Fundraising Foundation, accepted the certificate on behalf of Ms. Lebowitz, who was not able to attend because of her health.

Ms. Clemente said that anyone who wishes to make a tax-deductible pledge or contribution to the Clemyjontri Foundation should contact one of the following:

- Fairfax County Park Authority
- Fairfax County Park Foundation by phone at 703-324-8581 or by website at www.fairfaxcountyparkfoundation.com
- Supervisor Mendelsohn's District Office
- Mr. and Mrs. Clemente - 8500 Leesburg Pike

- For online contributions: www.clemypark.com

(NOTE: Later in the meeting, additional action was taken relating to this item. See Clerk's Summary Item CL#5.)

ADDITIONAL BOARD MATTER

5. **REQUEST FOR WAIVER OF APPLICATION FEES FOR CLEMYJONTRI PARK (DRANESVILLE DISTRICT)** (Tape 1)

(NOTE: Earlier in the meeting, additional action was taken relating to this item. See Clerk's Summary Item CL#4.)

Supervisor Mendelsohn said that since a land donation of 18 acres in McLean from Ms. Adele Lebowitz in the spring of 2000, the Park Authority has been actively master-planning and designing the first phase of park facilities at Clemyjontri Park. The first phase includes site grading and infrastructure, and the development of a handicap accessible playground, a carousel, and a picnic shelter. He said that in light of the substantial land donation, a unique public benefit will be derived from this development which will include accessibility for a special population of County citizens.

Therefore, Supervisor Mendelsohn moved that the Board waive retroactively, if necessary, the application fees and any other fees associated with site plan submission, reviewing, and permitting. In response to his inquiry, the County Attorney opined that such a waiver by the Board on behalf of the Park Authority is allowable under provisions of the Code of Virginia. He said that this motion should not be construed as a favorable 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 any way. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

AGENDA ITEMS

6. **PROCLAMATION DESIGNATING OCTOBER 25, 2003, AS "VOLUNTEERFEST® DAY" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate October 25, 2003, as "*VolunteerFest® Day*" in Fairfax County. Supervisor Hyland and Supervisor Mendelsohn jointly seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

7. **CERTIFICATES OF RECOGNITION PRESENTED TO CITIZENS AND DEVELOPERS** (Tape 1)

Supervisor Connolly moved approval of the Certificates of Recognition presented to citizens and developers who have made properties for training available to Fairfax County Public Safety. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JUDITH MUELLER** (Tapes 1-2)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Judith Mueller for her work and accomplishments with the Women's Center. Supervisor Mendelsohn and Chairman Hanley jointly seconded the motion and it carried by unanimous vote.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. TRUDY BRISENDINE** (Tape 2)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Trudy Brisendine for her years of service to Fairfax County upon her retirement. Supervisor Bulova and Supervisor Connolly jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

ADDITIONAL BOARD MATTER

10. **WELCOME TO MAHNAZ AHRARY, A FRESHMAN AT GEORGE MASON UNIVERSITY (GMU)** (Tape 2)

Supervisor Hudgins introduced Mahnaz Ahrary, a freshman at GMU, who is working on a citizenship project. She lives in Reston and is in the Hunter Mill District. Supervisor Hudgins warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

11. **PROCLAMATION DESIGNATING NOVEMBER 15, 2003, AS "AMERICA RECYCLES DAY" IN FAIRFAX COUNTY** (Tape 2)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate November 15, 2003, as "America Recycles Day" in Fairfax County. Supervisor Connolly and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

ADDITIONAL BOARD MATTER12. **HURRICANE ISABEL DEBRIS COLLECTION DATES** (Tape 2)

Chairman Hanley said it was brought to her attention that over the next three weeks the Department of Public Works and Environmental Services, Division of Solid Waste (DSW) will be conducting a sweep in each collection day area to collect any remaining debris from Hurricane Isabel. To officially complete the sweep staff will be unable to schedule special collections until the sweep is completed. The schedule will be as follows:

- Monday Collection Customers 10/20 – 10/22
- Tuesday Collection Customers 10/23 – 10/27
- Wednesday Collection Customers 10/28 – 10/30
- Thursday Collection Customers 10/31 – 11/4
- Friday Collection Customers 11/5 – 11/7

Chairman Hanley said that if DSW finishes one area ahead of schedule it will begin the next area. Since Hurricane Isabel hit the area the "Special Collection" volume increased from 160 tons per week to 700 tons per week. The collection is for hurricane debris only. To help expedite the collection progress, DSW has requested County citizens to please refrain from adding new yard debris to their piles until the sweep is completed. If citizens have questions they can contact Colleen Burroughs at 703-324-5228.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Frey clarified that the collection sweep is only for areas in the County that receive County collection. Constituents who have private collection service should continue to make arrangements with their haulers to have debris removed.

Chairman Hanley noted that County residents who receive County collection pay extra for the service.

AGENDA ITEMS13. **ADMINISTRATIVE ITEMS** (Tape 2)

Supervisor Connolly moved approval of the Administrative Items with a modification to Admin 10 – Authorization to Advertise a Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse and Leaf Collection Service (Dranesville, Hunter Mill, Mason, and Providence Districts) to delete the reference to Providence District. The second to the motion was inaudible.

Following discussion, Anthony H. Griffin, County Executive, withdrew Admin 7.

Chairman Hanley called the Board's attention to Admin 8 – Adoption of a Resolution by the Fairfax County Economic Development Authority Authorizing the Issuance of Revenue Bonds Which May be Issued in One or More Series of the Smithsonian Institution and discussion ensued.

Chairman Hanley called the Board's attention to Admin 9 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), Regarding Resource Protection Area Boundaries. Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to post a blown-up copy of the map which shows the entire County. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to make the map more prominent on the County's web site, as soon as possible, so that citizens can easily access it before the public hearing scheduled for November 17, 2003. Without objection, it was so ordered.

Discussion ensued with input from David P. Bobzien, County Attorney, and John Friedman, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

Supervisor Hyland called the Board's attention to Admin 6 – Additional Time to Commence Construction for Special Exception Application SE 00-V-040, W&N Company (Mount Vernon District) and asked to amend the motion to approve **12** months of additional time, instead of the requested 18 months. This was accepted.

The question was called on the main motion, as amended, and with the exception of Admin 7, 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), TO CREATE A NEW SECTION 82-1-29.1, "DUMPING TRASH, ETCETERA, ON HIGHWAY, RIGHT-OF-WAY, OR PRIVATE PROPERTY"

- (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 82 (Motor Vehicles and Traffic) to create a new Section 82-1-29.1, "Dumping trash, companion animals, etcetera, on highway, right-of-way, or private property."

ADMIN 2 – COPS UNIVERSAL HIRING PROGRAM GRANT AWARD TO THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

Authorized FCPD to accept a \$1,200,000 COPS Universal Hiring Program grant from the US DOJ to hire, train, and support 16/16.0 SYE additional sworn law enforcement officers. A local cash match of \$3,862,102 is required over a 36-month period, for a total program cost of \$5,062,102.

ADMIN 3 – INSTALLATION OF A MULTI-WAY STOP AT WALHAVEN DRIVE AND JOYCE ROAD (LEE DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following location:
 - Walhaven Drive and Joyce Road (Lee District)
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 4 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGN ON GREENTREE MANOR LANE (SPRINGFIELD DISTRICT)

- (R) Adopted the Resolution endorsing the installation of a "Watch for Children" sign as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at Greentree Manor Lane.

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04040 FOR THE FAIRFAX COUNTY OFFICE OF PARTNERSHIPS TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), CENTERS FOR MEDICARE AND MEDICAID SERVICES, FOR THE PEDIATRIC NURSE PRACTITIONER PROGRAM

- (SAR) Approved SAR AS 04040 for the Office of Partnerships to accept a grant from DHHS in the amount of \$129,155 to be used for assessing the effectiveness of a pediatrician-supervised Pediatric Nurse Practitioner to provide a Medical Home for 500 MCCP children within a large group practice. No local cash match is required.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-V-040, W&N COMPANY (MOUNT VERNON DISTRICT)

(AT) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Approved 12 months of additional time, instead of the requested 18 months, to commence construction for Special Exception Application SE 00-V-040, to **July 8, 2004**, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – EXTENSION OF REVIEW PERIOD FOR A PUBLIC FACILITY 2232 REVIEW APPLICATION (SULLY DISTRICT)

(NOTE: Earlier in the meeting, this item was withdrawn by the County Executive. See page 6.)

ADMIN 8 – ADOPTION OF A RESOLUTION BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) AUTHORIZING THE ISSUANCE OF REVENUE BONDS WHICH MAY BE ISSUED IN ONE OR MORE SERIES OF THE SMITHSONIAN INSTITUTION (SULLY DISTRICT)

(BONDS)

(R) (NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Adopted the Resolution approving the Proposed Plan of Financing requesting that the EDA issue its revenue bonds to assist the Institution in financing by The Smithsonian Institution authorizing the issuance of up to an aggregate amount of \$100 million which may be issued in one or more series.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING RESOURCE PROTECTION AREA BOUNDARIES

(A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Planning Commission on November 6, 2003, and before the Board on **November 17, 2003, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding resource protection area boundaries.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, AND MASON DISTRICTS)

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

Authorized the advertisement of a public hearing to be held before the Board on **November 17, 2003, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse and leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 10 within Dranesville District (Idylwood Court)	Create	Refuse and Leaf	Approve
Small District 4 within Dranesville District (Evers Drive)	Enlarge	Refuse	Approve
Small District 4 within Dranesville District (Mary Ellen Court)	Enlarge	Refuse	Approve
Small District 6 within Dranesville District (Langley Forest)	Enlarge	Refuse	Approve
Small District 9 within Dranesville District (Nantucket)	Create	Refuse	Approve
Small District 11 within Dranesville District (Jenkins Ridge)	Create	Refuse	Approve
Local District A-3 within Small District 1 within Dranesville District (2008 Great Falls Street)	Enlarge	Refuse	Approve

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 within Dranesville District (1624 Davidson Road)	Enlarge	Refuse	Approve
Small District 3 within Hunter Mill District (Barristers Place)	Create	Refuse	Approve
Local District A within Small District 7 within Mason District (Colburn Drive)	Enlarge	Refuse and Leaf	Approve
Small District 10 within Mason District (Wilburdale)	Create	Refuse and Leaf	Approve

(NOTE: Later in the meeting additional action was taken regarding this item. See Clerk's Summary Item CL#14.)

14. **ADDITIONAL ACTION REGARDING ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE AND LEAF COLLECTION SERVICE (DRANESVILLE, HUNTER MILL, AND MASON DISTRICTS)**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk's Summary Item CL#13.)

Following discussion, Supervisor Hyland moved that the Board direct the County Executive, the County Attorney, and the Department of Cable Communications and Consumer Protection to work with the Department of Solid Waste and private waste removal companies to:

- Determine why the private waste removal companies are increasing fees to homeowner associations who have continuing contracts.
- Ensure there is consistency in every district.

Supervisor Connolly and Supervisor Hudgins jointly seconded the motion.

Following further discussion, with input from Anthony H. Griffin, County Executive, Supervisor Gross asked unanimous consent that the Board direct the County Attorney to provide an outline of County Code requirements for

permitting private waste removal companies, and whether any changes need to be made. Without objection, it was so ordered.

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

15. **A-1 – APPROVAL OF A RESOLUTION WHICH AUTHORIZES THE FAIRFAX COUNTY PARK AUTHORITY TO ISSUE A NOTE FOR THE PURPOSE OF RETIRING A NOTE USED FOR THE PURPOSE OF ACQUIRING PARK LANDS; AUTHORIZES THE SEWER FUND TO INVEST IN THE NOTE; AND APPROVES A PAYMENT AGREEMENT IN WHICH THE COUNTY AGREES TO REPAY THE NOTE ON BEHALF OF THE PARK AUTHORITY** (Tape 2)

- (R) On motion of Supervisor Hyland, seconded by Supervisor Connolly, 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, which includes the following provisions:

- Approves the issuance of a note by the Park Authority for the purpose of providing funds to retire a note issued for the purpose of acquiring parkland.
- Authorizes the investment in the Note by the Sewer Funds.
- Approves the Payment Agreement between the County and the Authority in which the County agrees to repay the Note on behalf of the Park Authority subject to annual appropriation.

16. **A-2 – AMENDMENT TO THE PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE RESTON CENTER FOR INDUSTRY AND GOVERNMENT** (Tape 2)

Supervisor Hudgins moved to defer action on this item until October 27, 2003. Supervisor Hyland seconded the motion.

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

17. **I-1 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT AND ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated October 20, 2003, announcing that the County has received recognition for

excellence in financial reporting and budgeting by the GFOA for the 26th consecutive year.

A brief discussion ensued.

18. **I-2 – CONTRACT AWARD – LAUREL HILL GOLF COURSE CONSTRUCTION AT LAUREL HILL (MOUNT VERNON DISTRICT)**
(Tape 2)

The Board next considered an item contained in the Board Agenda dated October 20, 2003, requesting authorization for staff to award a contract to Wadsworth Golf in the amount of \$5,285,722.63 for the construction of the Laurel Hill Golf Course at Laurel Hill.

Discussion ensued with input from John Pitts, Manager, Special Projects Branch, Planning and Development Division, Park Authority, and Michael A. Kane, Director, Park Authority.

Supervisor McConnell asked unanimous consent that the Board:

- Direct staff to report with information regarding whether contracts were pursued that specifically entailed handicapped accessible features and services.
- Direct staff, in pursuing future contracts, to require contract applicants to specifically provide handicapped accessible features and services.

Without objection, it was so ordered.

Additional discussion ensued with input from Mr. Pitts and Mr. Kane.

19. **I-3 – CONTRACT AWARD – ROSO STREET SANITARY SEWER EXTENSION AND IMPROVEMENT (LEE DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated October 20, 2003, requesting authorization for staff to award a contract to Cube Construction Corporation in the amount of \$123,260 for the construction of Roso Street Sanitary Sewer Extension and Improvement, in Project X00826, Extension Project 1996, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

20. **I-4 – CONTRACT AWARDS – INTEGRATED SEWER SYSTEM SPECIAL PROJECTS BASIC ORDERING AGREEMENT** (Tape 2)

The Board next considered an item contained in the Board Agenda dated October 20, 2003, requesting authorization for staff to award contracts in the maximum amount of \$400,000 per contract with two, one year extensions to the following for consulting services for the County's Integrated Sewer System:

- Hazen and Sawyer, PC
- CH2M Hill, Incorporated

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

21. **ADOPTION AWARENESS MONTH** (Tape 3)

Chairman Hanley announced that November is nationally recognized as Adoption Awareness Month. To recognize adoptive parents who provide safe and loving homes for the children, Barbara Allender, an adoptive parent in the County, and the Department of Family Services requested a proclamation.

Accordingly, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the appropriate individuals to appear before the Board on November 17, 2003, to receive a proclamation declaring November as "*Adoption Awareness Month*" in Fairfax County. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

22. **WORLD AIDS DAY** (Tape 3)

Chairman Hanley stated that the Health Care Advisory Board requested that the County recognize December 1, 2003, as World AIDS Day, as well as recognize the Northern Virginia AIDS Ministry and the Whitman-Walker Clinic of Northern Virginia for more than ten years of providing HIV and AIDS prevention education to residents of the County.

Accordingly, Chairman Hanley moved that the Board direct staff to:

- Prepare a proclamation to recognize World AIDS Day in Fairfax County.

- Prepare certificates of appreciation for the Northern Virginia AIDS Ministry and the Whitman-Walker Clinic of Northern Virginia.
- Invite the appropriate representatives to appear before the Board at the November 17, 2003, meeting.

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

There was a brief discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs.

23. **ASSISTANCE FOR BELLE VIEW CONDOMINIUM (MOUNT VERNON DISTRICT)** (Tape 3)

Chairman Hanley, jointly with Vice-Chairman Hyland, called the Board's attention to copies of a newspaper article regarding Belle View Condominium and uninsured costs related to the damage caused by Hurricane Isabel. She noted that according to the newspaper account, the Belle View Condominium owners voted to borrow about \$3 million in loans rather than levy a one-time assessment on homeowners after learning that insurance was inadequate to cover from \$4 to \$6 million in storm related damages. These loans, one from the Small Business Administration and the other from a commercial bank, will increase homeowner fees an additional \$26 to \$83 per month according to the article.

Chairman Hanley moved that the Board direct the County Executive to work with staff to explore every avenue possible, such as low cost loans, to assist in mitigating the financial impact on these County homeowners who bore the most severe impacts of the recent storm. Vice-Chairman Hyland seconded the motion.

Following discussion, Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and asked to amend the motion to direct the County Executive and County Attorney to discuss with State officials whether the State could be involved which could allow for some reimbursement from FEMA, and this was accepted.

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

Following a brief discussion, the question was called on the motion, as amended, which carried by unanimous vote.

(NOTE: Later in the meeting, the Board viewed a videotape of the flooding caused by this storm. See Clerk's Summary Item CL#36.)

24. **GOVERNING MAGAZINE'S PUBLIC OFFICIALS OF THE YEAR 2003**
(Tape 3)

Chairman Hanley announced that Wanda Gibson, Director, Department of Information Technology, and David Molchany, Chief Information Officer, were named as *Governing Magazine's Public Officials of the Year 2003*. Chairman Hanley congratulated them for their exceptional work. They will be honored at a gala dinner on November 13, 2003.

25. **COUNTY GIS WINS "BEST OF BREED" AWARD IN 2003 DIGITAL COUNTY SURVEY** (Tape 3)

Chairman Hanley announced that the County's GIS program received the "*Best of Breed*" award in the 2003 Digital County Survey conducted by the Center for Digital Government. She congratulated staff on this achievement.

26. **PUBLIC AWARENESS CAMPAIGN** (Tape 3)

Chairman Hanley stated that she received a letter from Paul Ferguson, Chairman, Arlington County Board of Supervisors, inquiring as to whether the County wanted to contribute to the Virginia Association of County's Public Awareness Campaign. She asked unanimous consent that the Board refer this item to the County Executive. Without objection, it was so ordered.

27. **HISTORIC RECORDS** (Tape 3)

Chairman Hanley announced that the History Commission presented her with a book when she recently visited the Conference Room at the Fairfax City Library's Virginia Room, which was named in honor of the late Nan Netherton. Chairman Hanley read several historical passages from the book that showed that the County governing body dealt with many similar transportation issues hundreds of years ago.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

28. **BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR MENDELSON** (Tape 3)

(NOTE: Earlier in the meeting, following the presentation regarding Clemyjontri Park, Supervisor Mendelsohn presented his Board Matter. See Clerk's Summary Item CL#5.)

Supervisor Mendelsohn stated that he presented his Board Matter earlier in the meeting, and that he had no further Board Matters to present.

29. **PEDESTRIANS WANT TO WALK (ALL) OVER RICHMOND HIGHWAY (MOUNT VERNON DISTRICT)** (Tape 3)

Supervisor Hyland said that he received an email inquiry from a constituent concerning pedestrian safety crossing Richmond Highway at Huntington Avenue. Richmond Highway is the major north-south roadway in the Mount Vernon District and is, therefore, an extremely busy highway. The intersection of Huntington Avenue at Richmond Highway is particularly dangerous due to its proximity to the Woodrow Wilson Bridge and the additional traffic and congestion this creates. The email suggested a pedestrian light signal and a sign to be placed at the intersection of Huntington Avenue and Richmond Highway, or possibly a pedestrian overpass.

Accordingly, Supervisor Hyland asked unanimous consent that the Board direct the Department of Transportation to review and make recommendations to the Board for further action regarding a pedestrian overpass at Huntington Avenue and Richmond Highway or the requested signalization. Without objection, it was so ordered.

30. **CONCURRENT AND SIMULTANEOUS PROCESSING REQUESTED BY SAINT LOUIS CATHOLIC CHURCH AND SCHOOL FOR SPECIAL PERMIT AMENDMENT APPLICATION SPA 82-V-059-2 (MOUNT VERNON DISTRICT)** (Tape 3)

Supervisor Hyland referred to his written Board Matters, one of which was regarding a Special Permit Amendment Application SPA 82-V-059-2 that was recently filed on behalf of Saint Louis Catholic Church. The applicant proposes to demolish an existing building and construct a new building for student classrooms. The applicant does not propose to increase the number of students currently enrolled in the school or the number of employees.

Accordingly, Supervisor Hyland moved that the Board direct the Director of the Department of Public Works and Environmental Services to accept for concurrent and simultaneous processing any plans or drawings, including applications for demolition, to be processed concurrently with the Special Permit Amendment Application SPA 82-V-059-2. This motion should not be construed as a favorable 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. Supervisor McConnell seconded the motion and it carried by unanimous vote.

31. **MOUNT VERNON ESTATE AND GARDENS REQUESTS MODIFIED PROCESSING (MOUNT VERNON DISTRICT)** (Tape 3)

Supervisor Hyland referred to his written Board Matter regarding Mount Vernon Estate. The Mount Vernon Ladies Association of the Union, which owns and maintains the site, is proposing a major addition to the visitor's center portion of

the site to better enable visitors to experience the value and cultural richness of this important landmark. The proposed addition does not involve the existing historic structures, but will enhance the more modern existing visitor's center with three new experiences: an orientation center, education center, and a museum. Timely completion of this reconstruction is critical to the project and dependent upon quick processing of the construction plans.

Accordingly, Supervisor Hyland moved that the Board approve modified processing of the necessary site and building plans for construction of a new orientation center and education center/museum at the Mount Vernon Estate. This motion should not be construed as a favorable 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. Supervisor Connolly seconded the motion and it carried by unanimous vote.

32. **PETITION ADDRESSED TO THE BOARD REGARDING REAL ESTATE TAX CAP** (Tape 3)

Supervisor Hyland stated that last week he received a letter from Mr. Lawrence McGuire which was accompanied by a petition containing more than 1,000 signatures requesting that a cap be placed on real estate taxes, especially for senior citizens over age 65 who struggle on fixed incomes.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer the suggestions provided in the letter to the Legislative Committee.

Following a brief discussion, without objection, it was so ordered.

33. **FAIRFAX COUNTY POLICE OFFICERS RETIREMENT BOARD MEMBER RESIGNS** (Tape 3)

(BACs) Supervisor Hyland said that last week he received a letter signed by the presidents of the Fairfax County Police Association; the Fairfax Coalition of Police, Local 5000; the Fairfax County Black Law Enforcement Officers' Association; and the Fairfax County Retired Police Officers Association. The letter announced that Brant Baber, Citizen At-Large #2 Representative, to the Fairfax County Police Officers Retirement Board of Trustees, resigned his position after many years of loyal service, thus creating a vacancy on that Board. The coalition and three associations requested that the Board of Supervisors consider their recommendation that Mr. Rodney G. Leffler be appointed to fill this vacancy.

Accordingly, Supervisor Hyland asked unanimous consent that the Board consider this appointment next week. Without objection, it was so ordered.

34. **TRASH TO TREASURE MAY HELP WASTE DISPOSAL FACILITIES**
(Tape 3)

Supervisor Hyland said that it has been called to his attention that King County, Washington initiated a program which helps keep trash out of its landfills by allowing residents to sell usable household items to others. He distributed additional information about the program to the Board.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this matter to staff for review and recommendations about implementation of such a program in the County. Without objection, it was so ordered.

35. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (Tape 3)

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

36. **VISUAL PRESENTATION OF FLOODING CAUSED BY HURRICANE ISABEL IN NEW ALEXANDRIA (MOUNT VERNON DISTRICT)**
(Tape 3)

(NOTE: Earlier in the meeting, the Board discussed storm damage to Belle View Condominium. See Clerk's Summary Item CL#23.)

Supervisor Hyland presented a videotape prepared by the Police Department during the days in the aftermath of Hurricane Isabel. The Police Department documented the results of the flooding which devastated the communities of New Alexandria, Belle View, and Riverview.

Supervisor Hyland noted that according to the FEMA maps, the shopping center that was flooded is not shown as being in a flood plain. He said that the videotape points out the real need for the County to provide adequate flood protection to the residents in the affected areas. Current controls can accommodate up to 7 ½ feet of water, but cannot handle this type of storm. He stated that he was looking forward to the After Incident Report and he asked unanimous consent that the Board direct the County Executive to determine what action can be taken to protect that community from future flooding. Without objection, it was so ordered.

Supervisor Hyland commended the County staff who responded to the needs of the affected community.

PW:pw

37. **TRASH PICK UP AT BUS STOPS** (Tape 4)

Supervisor Gross said that she had innumerable complaints concerning continued problems with trash pick up at bus stops. She convened several meetings concerning this matter with representatives from Washington Metropolitan Area Transit Authority (WMATA), Virginia Department of Transportation, Fairfax County Department of Transportation, Storm Water Maintenance, Health Department, and the Annandale Central Business District Planning Committee. A number of these bus stops are WMATA bus stops and it does not provide trash pick up at its bus stops outside of the District. Supervisor Gross, therefore, asked unanimous consent that the Board direct staff to begin a formal analysis of this issue to include what costs would be incurred to provide regular County trash pick up for bus stops in the Commercial Revitalization District. Without objection, it was so ordered.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to circulate the study that was previously conducted resulting in the "Adopt A Bus Stop" Program. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

38. **RECOGNITION OF HISPANICS AGAINST CHILD ABUSE AND NEGLECT GROUP (MASON DISTRICT)** (Tape 4)

Supervisor Gross stated that Hispanics Against Child Abuse and Neglect and its Morning Star Program have been working very effectively in the Baileys Crossroads area for several years. Supervisor Gross asked unanimous consent that the Board direct staff to invite this group and some of the young participants to appear before the Board to be recognized for their service to the community. Without objection, it was so ordered.

39. **AMENDMENTS TO COMPREHENSIVE SIGN PLANS CSP 86-W-001 AND CSP 86-P-089 (SPRINGFIELD DISTRICT)** (Tape 4)

Supervisor McConnell stated that on June 16, 2003, the Board took several actions regarding Land Bay A of the Government Center site, County Tax Map 55-((1))15, including authorizing the County Executive to execute a statement on behalf of the Board endorsing the filing of a series of zoning actions by the Peterson Companies, LC, and appointing the Peterson Companies, LC, as its agent for the zoning applications. Those applications have been filed and are now scheduled to come before the Board in January 2004. The Peterson Companies, LC, has indicated that it would like to file an amendment to the Comprehensive Sign Plan that governs the property.

Supervisor McConnell, therefore, moved that the Board:

- Appoint the Peterson Companies, LC, as its agent for an amendment to Comprehensive Sign Plans CSP 86-W-001 and CSP 86-P-089.
- Authorize the County Executive to execute a notarized statement on behalf of the Board indicating endorsement of the filing of an amendment to CSP 86-W-001 and CSP 86-P-086 by the Peterson Companies, LC.

Supervisor McConnell noted that this motion should not be construed to prejudge the outcome of these applications.

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

40. **DEDICATION AND OPEN HOUSE TO CELEBRATE NEWLY RENOVATED SPRINGFIELD DISTRICT GOVERNMENTAL CENTER (SPRINGFIELD DISTRICT)** (Tape 4)

Supervisor McConnell noted that an open house was held on October 18, 2003, celebrating the opening of the newly renovated Springfield District Governmental Center.

PMH:pmh

41. **PROPOSED DOMINION COVE POINT EAST COMPRESSOR STATION (SULLY DISTRICT)** (Tape 5)

Supervisor Frey said that he had faxed to Board Members a copy of a letter from the Department of Planning and Zoning to the Department of Environmental Quality regarding a proposal by Dominion Cove Point LNG to add a compressor station to property generally located between Bull Run Post Office Road and Pleasant Valley Road. In the letter, staff noted concerns that the environmental analysis does not provide adequate information regarding the nature of the proposed activity, the extent of use, the impact of the use on the adjacent Pleasant Valley Park, the environmental impact on the site, and the expected noise levels to be generated.

Therefore, Supervisor Frey moved that the Board direct staff to draft a letter for the Chairman's signature indicating the Board's endorsement of the comments submitted by staff. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

42. **EXXON MOBIL CORPORATION – FAIR RIDGE EXXON (SULLY DISTRICT)** (Tape 5)

Supervisor Frey said that Exxon Mobil is processing Proffered Condition Amendment and Final Development Plan Amendment Applications PCA/FDPA 1998-SU-009 to make minor amendments to the approved final development plan for the service station located on Route 50 at Fair Ridge Drive. The revised applications now include a service bay building in conformance with the recommendation of the Comprehensive Plan.

To facilitate the renovation of this station, Supervisor Frey moved that the Board authorize concurrent processing of the zoning and site plans. The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Chairman Hanley seconded the motion and it carried by unanimous vote.

43. **PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MASSAGE THERAPISTS** (Tape 5)

Supervisor Frey stated that he had met with the Zoning Administration Division staff and a certified massage therapist who had concerns about the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding restrictions on massage therapists. In particular, she proposed that the Code be modified to reflect the amendments to the State Code which now recognizes the certification process for massage therapists. Additionally, she requested that the Board consider amending the Code to include massage therapy as a permissible home occupation, and to explore the option of allowing home businesses to establish in townhomes.

Therefore, Supervisor Frey moved that the Board direct staff to review the:

- Proposal and consider it for addition to the Zoning Ordinance Amendment Work Order list.
- County Code provisions with the State Code to determine whether modifications are appropriate to ensure consistency.

Supervisor Kauffman seconded the motion.

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

44. **LANDSDOWNE SLIDE** (Tape 5)

Supervisor Hyland said that several meetings were held regarding the Landsdowne landslide and that a report has been completed.

Therefore, Supervisor Hyland moved that the Board direct staff to schedule meetings with representatives of the Virginia Department of Transportation, Fairfax County's Department of Transportation, and a representative of the homeowners to determine the responsibility and liability and to help the homeowners with their financial obligation. Supervisor Kauffman seconded the motion.

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

45. **FINANCIAL DISCLOSURE REPORTS** (Tape 5)

Supervisor Kauffman reminded the Board that it made Board Members' financial disclosure reports available on the County's web site. He added that financial reports from General Assembly candidates are also available.

Supervisor Kauffman said that the information is not complete. Given that district lines for the General Assembly spread across jurisdictional boundaries, the site does not capture reports for officials who represent the County in Richmond but happen to reside outside the County. For example, Delegate Van Landingham and Senator Ticer represent a number of precincts in Lee District, but their reports are not currently available on the County web site.

Accordingly, Supervisor Kauffman moved that the Board direct the County Electoral Board to work with the State Electoral Board so that reports for General Assembly members who represent, but do not reside in, Fairfax County are made available on the County web site. Chairman Hanley seconded the motion and it carried by unanimous vote.

46. **SPECIAL EXCEPTION APPLICATION SE 2002-DR-026 - WEST FALLS CHURCH PARKING GARAGE (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman said that when the Board approved Special Exception Application SE 2002-DR-026 for the West Falls Church Parking Garage, one of the conditions (number nine) stated:

- "Unless administratively approved by the Board of Supervisors, clearing and grading of the subject site shall not begin until temporary parking facilities which provide a minimum of 225 spaces are available for use. The applicant shall provide documentation to the satisfaction of the Department of Public Works and Environmental Services demonstrating the availability of parking."

Supervisor Kauffman noted that the Washington Metropolitan Area Transit Authority (WMATA) has been working to provide a temporary lot in the City of

Falls Church and another one in Fairfax County. It now appears, based on site layouts and conditions associated with the construction of these lots, the actual number of parking spaces will be between 200 and 225.

To keep this project on schedule and considering that WMATA's inability to provide 225 spaces is beyond WMATA's control, Supervisor Kauffman moved that the Board approve WMATA's clearing and grading of the site with the availability of fewer than 225 temporary spaces. WMATA will not reduce the existing surface parking lot until the temporary spaces are available. The second to the motion was inaudible.

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

Following further discussion, with input from staff, Supervisor Kauffman moved that the Board direct staff to review the plan for the County lot and ensure that the shuttle is as frequent or more frequent as the plan that was used for the Vienna Metro Station. Chairman Hanley seconded the motion and it carried by unanimous vote.

47. **OPENING OF THE EXPANDED FRANCONIA-SPRINGFIELD GARAGE**
(Tape 5)

Supervisor Kauffman announced the success of the opening of the expanded Franconia-Springfield garage.

48. **INTENT TO DEFER PUBLIC HEARINGS (LEE DISTRICT)** (Tape 5)

Supervisor Kauffmann announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2003-LE-001 and Special Exception Amendment Application SEA 85-LE-001-2 until October 27, 2003.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#94.)

49. **ANNUAL VOLUNTEER RECOGNITION AWARD** (Tape 5)

(NOTE: Earlier in the meeting, during the Moment of Silence, the Board recognized the death of Ms. Barbara Varon. See Clerk's Summary Item CL#1.)

Supervisor Hudgins said that on October 12, 2003, not only Fairfax County but all of Virginia lost a strong advocate for the democratic process, Ms. Barbara Varon. Articulate and gracious, Ms. Varon was a spirited volunteer for various and numerous social and civic causes for more than 40 years.

In particular, since the early 1980s, Ms. Varon was actively involved in expanding the voting franchise to all Virginia residents, young and old, native and foreign born. Born in Germany, Ms. Varon highly valued the rights and responsibilities of citizenship. Her more than 25 years of election related service ranged from high school field registrar to Chairman of the Fairfax County Board of Elections.

As the former Secretary of the Fairfax County Board of Elections, Supervisor Hudgins moved that the Board request that the Fairfax County Board of Elections, in conjunction with the Office of the General Registrar, and Fairfax County Office of Equity Programs, establish an annual volunteer recognition award to honor Ms. Varon in memories and to celebrate the spirit of her commitment. Supervisor Connolly seconded the motion.

Supervisor Connolly announced that a memorial service will be held at his home on Sunday, October 26, 2003. For more information, call 703-560-6946.

Following discussion, the question was called on the motion and it carried by eight, Supervisor Bulova and Supervisor Frey being out of the room.

50. **PLAZA AMERICA PROFFERS PEDESTRIAN AND PUBLIC TRANSPORTATION PROJECTS (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that on December 13, 2002, the developers of Plaza America contributed a \$1.8 million proffer for pedestrian and public transportation enhancements along Sunset Hills Road. She said that as a result of the proffer dedication, her office and the Department of Transportation reviewed recommendations from citizens and from the County to improve pedestrian safety and access and to improve transit ridership. In the past ten months the following projects have been undertaken by utilizing the proffer funding:

- A continuous pedestrian walkway from the Town of Herndon (at the Fairfax County Parkway) to Wiehle Avenue on the south side of Sunset Hills Road.
- A continuous pedestrian walkway from the Town of Herndon (at the Fairfax County Parkway) to Reston Parkway on the north side of Sunset Hills Road.
- Crosswalk and pedestrian signals at priority transit/pedestrian locations as identified on the "Reston on Foot" plan.
- Pedestrian signals at signalized intersections without existing pedestrian signals.
- A continuous pedestrian walkway from Reston Parkway west of the Reston substation to provide a link to the W&OD trail on the

north side of Sunset Hills Road.

- Bus shelters or pads at existing bus stops that do not have shelters or pads and provide system maps and timetables at all bus shelters on Sunset Hills Road.

The remaining funds have been allocated to improve access for the transit ridership by improving the Fairfax Connector Route 505 to 15 minute headway timing during the midday hours. The proffer dollars were targeted to improve the public transportation network in the area surrounding Plaza America and along Sunset Hills Road. The success of this effort marks not only the improvement of transportation in this specific area of Reston, but is indicative of efforts that need to be made around Reston and throughout the County. By creating a comprehensive public transportation network that includes bus shelters, crosswalks, and frequent and dependable bus service, citizens can be prepared for the advent of rail in the Dulles Corridor.

Therefore, Supervisor Hudgins moved that the Board direct staff to commence the additional service for the Fairfax Connector 505 expeditiously. Supervisor Hyland seconded the motion.

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

51. **CONCURRENT PROCESSING REGARDING KSI (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that KSI executed a contract to purchase two of the remaining undeveloped blocks within the Urban Core of the Reston Town Center. KSI proposes to develop Blocks 16 and 18 by right with a mix of residential units and ground-floor retail continuing the tradition in Reston of having a strong retail component to the mixed use environment. Importantly, parking will be provided in below-grade parking structures below or behind the residential units. This proposed development is in conformance with the development plan amendment the Board approved in May 2002.

Supervisor Hudgins said that a series of PRC plans and site plan amendments are required for the project to proceed. KSI is anxious to begin its work in the Town Center and, therefore, is seeking concurrent processing of the PRC plans and site plans associated with this project.

Accordingly, Supervisor Hudgins moved that the Board direct the Director of the Department of Public Works and Environmental Services to concurrently process the PRC plan, site plan revisions, site plan, and other associated documents associated with Tax Map 17-1 ((16)) 18 and 17-3 ((10)) 16. Approval of this motion does not relieve the applicant of the requirement to comply with all applicable ordinances and standards affecting development of the project, nor

does it prejudice the staff's review of the plans. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, and Supervisor Gross being out of the room.

52. **SHELTER FOR HOMELESS PERSONS** (Tape 5)

(BACs)

Supervisor Hudgins said that Board Members may recall that the Homeless Oversight Committee asked the Board to review the issue of providing shelter for homeless persons who have medical needs that cannot be adequately addressed in the current shelter system. These situations range from a homeless person who needs assistance in administering and managing medications, to a person's being discharged from a hospital who needs a level of nursing -- care that is not available in the shelters. Although the Emergency Housing Task Force gathered some information about this need in the fall of 2000, there is not a clear picture of how many homeless persons have such needs, or how often these situations arise.

To address this issue, Supervisor Hudgins moved that the Board direct the County Executive and the Health Care Advisory Board to collect current year information on numbers of homeless persons who have medical needs that cannot be adequately served in the County's shelters, the types of situations presented, and possible alternatives for providing the needed care. Appropriate representation from the health care community should be included in assessing the issue, and benchmarking how other communities handle these situations should also be part of developing a recommendation on how the County should address the issue. Staff in the Department of Health, as well as the Department of Family Services and the Department of Systems Management for Human Services, and other agencies if needed, should support this effort. Supervisor Connolly seconded the motion.

Supervisor Connolly asked unanimous consent that the Board direct staff to pay particular attention to the number of detoxification beds. Without objection, it was so ordered.

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

53. **CERTIFICATE OF APPRECIATION FOR MR. PHIL LILIENTHAL (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins said that Mr. Phil Lilienthal and his wife Lynn were volunteers more than 36 years ago in the Peace Corps in Ethiopia. Now he has decided to make his passion a reality and return to Africa. The years in between have not been empty because for 36 uninterrupted years Mr. Lilienthal operated a boy's summer camp, Camp Winnebago, in Kents Hill, Maine.

Mr. Lilienthal is building Camp Sizanani which is scheduled to open in January 2004 and is located about 40 minutes outside of Soweto. The camp will

house 100 children, all infected with the AIDS virus, and the nine-day pilot project is a partnership with an HIV/AIDS Clinic near Johannesburg. Mr. Lilienthal said, "A camp can give children some fun in their lives." He also said that "After two weeks, they may think they are as good as anyone else and they might just start believing it."

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a certificate of appreciation in recognition for Mr. Lilienthal's outstanding humanitarian efforts in building Camp Sizanani, a haven for African children infected with the AIDS virus. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor Frey being out of the room.

54. **APPOINTMENTS TO THE RESTON COMMUNITY CENTER BOARD OF GOVERNORS (HUNTER MILL DISTRICT)** (Tape 5)

(APPTS) Supervisor Hudgins said that on October 18, 2003, the Reston Community Center held its annual preference poll election for its Board of Governors. The following individuals were elected to serve three-year terms on the Reston Community Center Board of Governors:

- Mr. Bill Bouie
- Mr. Joseph Lombardo
- Mr. Carl Levine

Supervisor Hudgins moved that the Board appoint the above individuals to serve on the Reston Community Center's Board of Governors so that the new members can be seated at the next Board of Governors meeting. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor Frey being out of the room.

55. **VIRGINIA MUNICIPAL LEAGUE (VML) COMMENTS** (Tape 5)

Supervisor Connolly distributed to Board Members copies of comments that Senator John H. Chichester presented at the VML conference this morning.

(NOTE: Later in the meeting, this item was acknowledged. See Clerk's Summary Item CL#59.)

56. **RESIDENTIAL ARCHITECTURAL PLAN REVIEW PROCESSING TIMES** (Tape 5)

Supervisor Connolly said that over the summer, concerns were raised about the excessive delays and backlogs of building plan reviews and fire inspections. He commended the County Executive, the Fire Department, and Building Code

Services for diligently identifying the problems and solutions to these problems.

Unfortunately, residential architectural plan review processing is now taking several more weeks to complete as compared to processing times over the summer. Processing times have continued to expand over the past year. It now takes upwards of three months to obtain building permits whereas last year it took four weeks. The inconvenience and cost imposed on individuals and business is unacceptable.

Therefore, Supervisor Connolly moved that the Board direct the:

- County Executive and the Director of the Office of Building Code Services to determine what measures can be immediately implemented to accelerate the building plan review process.
- County Executive report at the Board's November 17, 2003, meeting with an update detailing the status of accelerating the time frame of building permit reviews.

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

A brief discussion ensued.

57. **ADOPT-A-FAMILY PARTNERSHIP** (Tape 5)

Supervisor Connolly said that the holiday season can be a festive time but for many families struggling to get by, it can be difficult. He said that every year his office, along with many others in Fairfax County, participates in the annual Adopt-a-Family program sponsored by the Office of Partnerships. The Adopt-a-Family Partnership was established in 1988 to help working low-income families provide special holidays. Last year, through the generous support of many volunteers, the program served 125 families.

Supervisor Connolly encouraged Board Members to participate in this wonderful program.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct the Office of Public Affairs to advertise on Channel 16 contact information for the Adopt-A-Family program. Without objection, it was so ordered.

A brief discussion ensued.

58. **BEARS IN CRUISERS PART II** (Tape 5)

Supervisor Connolly said that earlier this month the citizens of the County saw the extraordinary capabilities and resources the Police Department brought to bear

on the investigation and capture of crime spree criminals who kidnapped a US Senator's wife. He said that he is confident that the case developed by the County Police Department will lead to a successful prosecution. What may have been overshadowed by the national media attention was another kidnapping.

Supervisor Connolly noted that this one began with a carjacking in Manassas. A four-year-old boy was trapped in his car seat as the carjacker fled. Thanks to coordination between police departments and dispatchers, Fairfax County officers were in position along I-66, prepared to stop the car should it come their way. It did. Master Police Officer Joe Alfreda assumed responsibility for rescuing the boy as officers closed in on the car. Seconds later Officer Alfreda was holding a frightened, crying child. As a McLean District officer participating in the "Bears in Cruisers" program, MPO Alfreda did what comes naturally. He asked the child if he would like a teddy bear.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to send a letter of thanks to the May Company and Tysons Comer Center for their continued support of the "Bears in Cruisers" program and invite Master Police Officer Alfreda and others involved to appear before the Board to be recognized for their efforts. Without objection, it was so ordered.

Supervisor McConnell expressed appreciation to Mrs. Charlene Murphy, wife of Planning Commission Chairman Peter F. Murphy, for collecting bears.

59. **VIRGINIA MUNICIPAL LEAGUE (VML) COMMENTS** (Tape 5)

(NOTE: Earlier in the meeting, the Board referred to this item. See Clerk's Summary Item CL#55.)

There was a brief discussion regarding the comments of Senator John H. Chichester, which were presented at the VML conference.

60. **LEE DISTRICT TOWN MEETING** (Tape 5)

Supervisor Kauffman announced the Lee District town meeting will be held on Saturday, October 25, 2003, from 9 a.m. until 1 p.m. at Lane Elementary School.

61. **TOUR DE LEE (LEE DISTRICT)** (Tape 5)

Supervisor Kauffman announced that on Sunday, October 26, 2003, the Tour de Lee, a 16 mile bike ride, will be held between 8 a.m. and 9:30 a.m. To register, call 703-971-6262 and ask for Linda.

Supervisor Kauffman announced that there will also be a 1.5-mile ride which begins at Rose Hill Elementary School and ends at Lee District Park.

62. RECESS/CLOSED SESSION (Tape 5)

At 12:25 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
 - 1. *Fred Garrison, D.V.M. v. County of Fairfax, Virginia*, In Chancery No. 174695 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *Joseph V. Buonassissi, II, et al. v. Fairfax County, et al.*, In Chancery No. 186304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. Claim of Hugh and Mary Doherty, 1447 Woodacre Drive, McLean (Dranesville District)
 - 4. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
 - 5. *William E. Shoup, Fairfax County Zoning Administrator v. Ceon Land Development, L.L.C.*, In Chancery No. 182705 (Fx. Co. Cir. Ct.) (Lee District)

6. *William E. Shoup, Fairfax County Zoning Administrator v. Jerome E. Headley, Francis A. Headley, and Grace F. Headley*, In Chancery No. 182102 (Fx. Co. Cir. Ct.) (Mason District)
7. *Mary Anne T. Shea v. Fairfax County Board of Supervisors*, Case No. 03-24035 (Fx. Co. Gen. Dist. Ct.)
8. *Board of Supervisors v. Randolph Williams, Inc., et al.*, At Law No. 217342 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Fairfax Coalition of Police, Local 5000, et al.: C.A. 03-1068-A.

Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Mendelsohn being out of the room.

DMB:dmb

At 3:10 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTIONS FROM CLOSED SESSION

63. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 6)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

64. **AUTHORIZATION OF A CLAIM IN JOSEPH V. BUONASSISSI, II, ET AL. VERSUS FAIRFAX COUNTY, ET AL., IN CHANCERY NUMBER 186304** (Tape 6)

Supervisor Hyland moved that the Board authorize a claim in *Joseph V. Buonassissi, II, et al. versus Fairfax County, et al.*, in Chancery Number 186304,

according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion and it carried by unanimous vote.

65. **AUTHORIZATION OF MODIFICATION OF THE GROVETON OFFICE BUILDING COVENANT** (Tape 6)

Supervisor Kauffman moved that the Board authorize modification of the Groveton Office Building Covenant in the form distributed to Board Members, extending the deadline until July 1, 2005, for the MDP Groveton LLC to commence construction of an office building on property previously purchased from the Board by MDP designated as Tax Map Numbers 92-2 ((1))-13A, 93-1((38))(1), 1, 4, and 7 and 93-1((1)) 97 and 98. Supervisor Hyland seconded the motion and it carried by unanimous vote.

66. **BOARD ACCEPTANCE OF THE CLAIM OF HUGH AND MARY DOHERTY** (Tape 6)

Supervisor Mendelsohn moved that the Board accept the claim of Hugh and Mary Doherty but only in the amount of \$59,348, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

67. **REJECTION OF THE SETTLEMENT OFFER IN *FRED GARRISON, D.V.M. VERSUS COUNTY OF FAIRFAX, VIRGINIA*, BUT AUTHORIZE COUNTEROFFER** (Tape 6)

Supervisor Frey moved that the Board reject the settlement offer in *Fred Garrison, D.V.M. versus County of Fairfax, Virginia*, in Chancery Number 174695, but authorize the County Attorney to make a counteroffer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

68. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY I LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 6)

Supervisor Gross moved to defer indefinitely the public hearing on Special Exception Amendment Application SEA 94-M-047. Supervisor Bulova seconded the motion and it carried by unanimous vote.

Supervisor Connolly asked unanimous consent that the Board direct the Office of the County Attorney to resolve a defect in the affidavit. Without objection, it was so ordered.

69. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2001-BR-028 (ZION NEIGHBORHOODS LLC) (BRADDOCK DISTRICT)** (Tape 6)

(NOTE: At its September 29, 2003, meeting the Board deferred the public hearing on this item until October 20, 2003.)

The application property is located in the southeast quadrant of Zion Drive and Laura Belle Lane, Tax Map 68-4 ((1)) 48, 49, 50A; 68-4 ((4)) A1, C, D, 1; 77-2 ((26)) 1–3.

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.

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

- In excess of \$200 from Mr. Robert A. Lawrence

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 Bulova moved:

- Approval of Proffered Condition Amendment Application PCA 2001-BR-028, subject to the proffers dated September 10, 2003.
- Waiver of the Public Facilities Manual standards to allow 24 percent of the lots in the subdivision to be pipestem lots.

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

70. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-HM-010 (JACQUES J. MOORE) (HUNTER MILL DISTRICT)** (Tape 6)

(NOTE: At its September 29, 2003, meeting the Board deferred the public hearing on this item until October 20, 2003.)

The application property is located at 8595 Leesburg Pike, Tax Map 29-3 ((1)) 1B.

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.

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

- In excess of \$200 from Mr. Robert A. Lawrence and Mr. William H. Gordon

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2003-HM-010, subject to the development conditions dated September 4, 2003.
- Waiver of Paragraph 3 of Section 9-518 of the Zoning Ordinance to permit an existing parking space to be located eight feet (Leesburg Pike service drive) from the front lot line.
- Waiver of the six-foot trail requirement along Leesburg Pike in favor of the existing four-foot wide sidewalk.
- Modification of the trail requirement along Ashgrove Lane to permit an escrow of funds in lieu of construction of a walkway.
- DENIAL of the request to waive the outdoor lighting levels per Paragraph 2 of Section 14-903 to permit an outdoor lighting level of 50 footcandles in the display areas instead of 30 footcandles.

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

71. **BOARD RECESS** (Tape 6)

At 3:20 p.m., the Board recessed briefly, and, at 3:30 p.m., reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

72. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-HM-004 (SUNITA SINGH) (HUNTER MILL DISTRICT)**
(Tapes 6-7)

The application property is located at 13262 Middleton Farm Lane, Tax Map 25-3 ((15)) 178.

Mr. Sunita R. Singh reaffirmed the validity of the affidavit for the record.

Mr. Singh 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 nine speakers, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, Supervisor Hudgins moved approval of Special Exception Application SE 2003-HM-004, subject to the development conditions dated July 30, 2003. Chairman Hanley seconded the motion and it carried by unanimous vote.

73. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-019 (TRUSTEES OF CHURCH FRIENDS MEETING OF LANGLEY HILL) (DRANESVILLE DISTRICT)** (Tape 7)

- (O) The application property is located in the northwest quadrant of the intersection of Georgetown Pike and Dogue Hill Lane, Tax Map 22-3 ((1)) 48.

Ms. Mary Theresa Flynn reaffirmed the validity of the affidavit for the record.

Ms. Flynn 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.

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

- In excess of \$200 from Ms. Mary Theresa Flynn

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

Supervisor Mendelsohn moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-DR-019, from the R-1 and HD Districts to the R-2 and HD Districts, subject to the proffers dated August 25, 2003.
- Modification of the transitional screening yard requirement along the eastern and southern boundaries and waiver of the barrier requirement along the eastern and southern boundaries.
- Modification of the trail requirement along Route 193 to allow the existing six-foot trail to meet the trails requirement.

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

74. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 92-V-001 (BELMONT BAY FARM, LIMITED, ET AL) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Agricultural and Forestal District Application AR 92-V-001 until **January 26, 2004, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

75. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 85-V-002-2 (MARTIN B. JARVIS AND VIVIAN I. JARVIS) (MOUNT VERNON DISTRICT)** (Tape 7)

- (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 2 and October 9, 2003.

The application property is located at 10808 and 10814 Harley Road, Tax Map 118-2 ((1)) 11 V/Z and 118-2 ((2)) 1 V/Z.

Mr. Martin B. Jarvis reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F, Agricultural and Forestal District Application AR 85-V-002-2, to renew the Martin B. Jarvis and Vivian I. Jarvis Local Agricultural and Forestal District, subject to the ordinance provision dated September 24, 2003. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova and Supervisor McConnell being out of the room.

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 2003-MV-001 (EUGENE H. THOMPSON) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural and Forestal District), Appendix F, Agricultural and Forestal District Application AF 2003-MV-001 until **January 5, 2004, at 4 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor McConnell being out of the room.

77. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MV-017 (PROVIDENT BANKSHARES CORPORATION T/A PROVIDENT BANK) (MOUNT VERNON DISTRICT)** (Tape 7)

The application property is located in the northeast quadrant of Richmond Highway and Arlington Drive, Tax Map 92-4 ((1)) 94A pt.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2003-MV-017, subject to the development conditions dated October 10, 2003.
- Waiver of the minimum lot width requirements of the Arlington Drive frontage of the site.
- Modification of the Richmond Highway streetscape requirement to that shown on the SE plat.

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

78. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-005 (KUSTOM KASTLES LLC) (SULLY DISTRICT)** (Tape 7)

(O) (NOTE: At its September 15, 2003, meeting the Board deferred the public hearing on this item until September 29, 2003. At its September 29, 2003, meeting the Board deferred the public hearing on this item until October 20, 2003.)

The application property is located on the west side of Veronica Road, approximately 200 feet north of its intersection with Fernbrook Drive, Tax Map 55-1 ((2)) 32.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin 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, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SU-005, from the R-1 and WS Districts to the R-2 and WS Districts, subject to the proffers dated October 15, 2003. Vice-Chairman Hyland seconded the motion and it carried by

a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

Supervisor Frey moved:

- Waiver of the minimum district size requirement.
- That the Board direct the Director of the Department of Public Works and Environmental Services waive the Public Facilities Manual guideline for the maximum number of pipestem driveways to allow the four shown on the plan.

Vice-Chairman Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

79.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-029-9 AND SPECIAL EXCEPTION APPLICATION SE 2003-HM-014 (PRENTISS PROPERTIES ACQUISITION PARTNERS, LP) (HUNTER MILL DISTRICT) (Tape 7)

The application property is located west of Sunrise Valley Drive, between the west terminus of Dulles Corner Lane and the Loudoun County Line, Tax Map 15-4 ((1)) 1B1.

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.

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

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

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 86-C-029-9, subject to the proffers dated August 26, 2003.

- Special Exception Application SE 2003-HM-014, subject to the proposed development conditions dated September 3, 2003.

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

SBE:sbe

80. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-H-021 (BANK OF AMERICA, N.A.) (HUNTER MILL DISTRICT)** (Tape 8)

The application property is located in the northwest quadrant of Baron Cameron Avenue and Bracknell Drive, Tax Map 17-1 ((7)) 4E1, 4A, and 4C2.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Mr. Looney 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.

Supervisor McConnell disclosed that M. J. Wells and Associates, LLC have a business relationship with her company and it is not related to any part of this application.

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

ADDITIONAL BOARD MATTER

Welcome To Cub Pack 1134 from Langley School

Supervisor Mendelsohn recognized the presence of members of Cub Pack 1134 from Langley School and warmly welcomed them to the Board Auditorium.

Supervisor Hudgins moved:

- Approval of Special Exception Amendment Application SEA 98-H-021, subject to the development conditions dated October 6, 2003.
- Reaffirmation of the modification of the peripheral parking lot landscaping along the Baron Cameron Avenue site frontage for the drive-through pharmacy option in favor of that shown on the SEA Plat.

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

81. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-D-086-5 (THE LANGLEY SCHOOL) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located at 1411 Balls Hill Road, Tax Map 30-1 ((1)) 42A, 43, and 30-1 ((22)) 2A.

Mr. Jonathan P. Rak reaffirmed the validity of the affidavit for the record.

Mr. Rak 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.

Supervisor Mendelsohn moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Kauffman, and Chairman Hanley being out of the room.

Supervisor Mendelsohn moved:

- Approval of Special Exception Amendment Application SEA 84-D-086-5, subject to the development conditions dated October 8, 2003.
- Modification of the transitional screening requirements along the northern and eastern boundaries in favor of the existing vegetation, subject to the proposed development conditions dated October 8, 2003.
- Modification of the transitional screening requirements along the western boundary in favor of the existing and proposed vegetation, subject to the proposed development conditions dated October 8, 2003.
- Modification of the barrier requirement, subject to the proposed development conditions dated October 8, 2003.
- Waiver the service drive requirement along Dolly Madison Boulevard.

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

82. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049 (HAMSTEAD VILLAGE LLC) (DRANESVILLE DISTRICT)** (Tape 8)

On behalf of Supervisor Mendelsohn, Supervisor Gross moved to defer the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049 until **October 27, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

83. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-034 (JACK J. AND LYN R. MORRIS) (MASON DISTRICT)** (Tape 8)

The application property is located at 6071 Arlington Boulevard, Tax Map 51-4 ((2)) (A) 8.

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

Supervisor Gross moved approval of Special Exception Amendment Application SEA 81-M-034, subject to the development conditions dated September 29, 2003. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, and Chairman Hanley being out of the room.

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

At 4:50 p.m., the Board recessed briefly, and at 5:05 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Connolly and Supervisor Kauffman, and with Chairman Hanley presiding.

85. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-DR-018 (BANK OF AMERICA N.A.) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located at 748 Walker Road, Tax Map 13-1 ((1)) 8.

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

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

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

Supervisor Mendelsohn moved:

- Approval of Special Exception Application SE 2003-DR-018, subject to the development conditions dated September 25, 2003.
- Waiver of the street light requirement along Walker Road frontage as requested by the Great Falls Citizen Association.

Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Kauffman being out of the room.

86. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 9005 BACKLICK ROAD (MOUNT VERNON 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 2 and October 9, 2003.

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

Following the public hearing, Supervisor Hyland moved:

- Adoption of the Ordinance to declare 9005 Backlick Road [Tax Map Number 109-1-((01))-0022] blighted, constituting a nuisance.
- Approval of the blight abatement plan for 9005 Backlick Road.

Supervisor Connolly and Supervisor Gross jointly seconded the motion.

Discussion ensued with input from Ms. Sadar.

The question was called on the motion, which 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."

Following discussion, Supervisor Mendelsohn asked unanimous consent that the Board direct staff to report with:

- An analysis of the quarterly update on houses on the spot blight abatement list.
- How long it took those homes to come to the Board once they were declared blighted.
- How long it took to demolish them following Board action.
- Information regarding whether other tools are available to the Board that could help shorten or improve the time it takes to reach a resolution.

Without objection, it was so ordered.

Following further discussion, Supervisor Gross asked unanimous consent that the Board direct staff to provide the related information that was requested at the Revitalization Policy Committee meeting. Without objection, it was so ordered.

87. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-SU-016 (CHANTILLY PROFESSIONAL BUILDINGS ASSOCIATES, LLC) (SULLY DISTRICT)** (Tape 8)

The application property is located at 3914 Centreville Road, Tax Map 34-4 ((1)) 28A.

Mr. Theodore D. Britt reaffirmed the validity of the affidavit for the record.

Mr. Britt 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.

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

- In excess of \$200 from Chantilly Professional Buildings Associates, LLC

- In excess of \$200 from Steven E. Britt, a member of Chantilly Professional Buildings Associates, LLC, the applicant and title owner through Britt Construction, a company not associated with the site.

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

Supervisor Frey moved approval of Special Exception Application SE 2003-SU-016, subject to the development conditions dated September 30, 2003. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, and Supervisor Kauffman being out of the room.

88. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-052 (COMBINED PROPERTIES LIMITED PARTNERSHIP) (MASON DISTRICT)** (Tape 8)

The application property is located in the northeast quadrant of the intersection of Braddock Road and Backlick Road within the Bradlick Shopping Center, Tax Map 71-4 ((1)) 27 pt.

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

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

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

Supervisor Gross moved approval of Special Exception Amendment Application SEA 01-M-052, subject to the development conditions dated October 1, 2003. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Frey being out of the room.

89. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-006 (MVHRC HOLDING, INCORPORATED) (LEE DISTRICT)** (Tape 8)

- (O) The application property is located on the north side of Audubon Avenue, approximately 400 feet west of Ladson Lane, Tax Map 101-2 ((1)) 14 and 15.

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

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

- In excess of \$200 from Van Metre Communities, LLC an affiliate of MVHRC Holding Incorporated.

Supervisor McConnell also noted that she and M.J. Wells and Associates, LLC have a business relationship; however, the business relationship is not related to any party to this application.

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.

Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn 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-006, from the R-3 and C-8 Districts to the C-8 District, subject to the proffers dated October 9, 2003.
- Modification of the transitional screening requirements for the southern portion of the northeastern boundary (adjacent to Audubon Estates) to permit the existing vegetation and supplemental plantings, as shown on the GDP, to satisfy the transitional screening requirements.
- Modification of the transitional screening requirements along the southern and eastern property line to permit the existing vegetation and supplemental plating, as shown on the GDP, to satisfy the transitional screening requirements.
- Modification of the transitional screening requirements along the western property line to permit the existing vegetation to satisfy the transitional screening requirements.
- Modification of the barrier requirements along the eastern property line and the southern portion of the northeastern property line to allow the existing board-on-board wood fence to satisfy the barrier requirements.
- Waiver of the barrier requirement along the southern property line.

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

90. **5:30 P.M. – PH ON REZONING APPLICATION RZ 1999-PR-035 (BBV BUILDING COMPANIES, INCORPORATED) (PROVIDENCE DISTRICT)** (Tapes 8-9)

(O) (NOTE: At its September 29, 2003, meeting the Board deferred the public hearing on Rezoning Application RZ 1999-PR-035 until October 20, 2003.)

The application property is located in the southwest quadrant of the intersection of Gallows Road and Idylwood Road, Tax Map 3904 ((1)) 26.

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

Discussion ensued with input from Mr. McDermott and David P. Bobzien, County Attorney. Mr. McDermott stated that Mr. Robert J. Batal has retired from the Company and has not drawn any salary or distribution for the entirety of the year 2003.

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

- In excess of \$200 from BBV Building Companies, Incorporated

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

- In excess of \$200 from BBV Building Companies, Incorporated
- In excess of \$200 from Gary P. Bowman of the Bowman Consulting Group, Limited
- In excess of \$200 from Francis A. McDermott, Attorney/Agent for Applicant

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

- In excess of \$200 from Mr. John M. Batal
- In excess of \$200 from BBV Building Companies, Incorporated
- In excess of \$200 from Mr. Robert J. Batal

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

Following the public hearing, which included testimony by seven speakers, Mary Ann Godfrey, 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 1999-PR-035, from the R-1 District to the R-2 District, subject to the proffers dated October 14, 2003, and subject to the terms and conditions of the letter addressed to Supervisor Connolly, dated October 20, 2003, from Hunton and Williams, signed by Francis A. McDermott.
- Waiver of the Public Facilities Manual requirement to permit more than 20 percent pipestem lots.

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

91. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-010 (J&C ENTERPRISES) (LEE DISTRICT)** (Tapes 9-10)

- (O) The application property is located on the east side of Cinder Bed Road, approximately 1,000 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 25–28).

Mr. Robert A. Lawrence 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. Robert A. Lawrence

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.

Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hyland, Supervisor Mendelsohn, and Chairman Hanley 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-010, from the R-1 District to the I-5 District, subject to the proffers dated September 30, 2003, and relocation of the loading dock area.
- Modification of the transitional screening requirement along the eastern property line from 50 to 25 feet with landscaping of evergreen trees and existing vegetation, as shown on the Generalized Development Plan (GDP).
- Modification of the transitional screening yard requirement along the northern property line from 50 to 16 feet, with landscaping of evergreen trees and existing vegetation, as shown on the GDP.
- Modification of the barrier requirements along the eastern property line to permit the side of proposed Building A to serve as a barrier.
- Waiver of the trail requirement along Cinder Bed Road in favor of the proposed five-foot wide concrete sidewalk, as shown on the GDP.

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

92. **5:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-035-4 (JCJ, LC) (PROVIDENCE DISTRICT)**
(Tape 10)

The application property is located on the north side of Leesburg Pike, approximately 350 feet southeast of Chain Bridge Road, Tax Map 29-4 ((2)) 14A.

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

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

- In excess of \$200 from Mr. Joseph Chang, JCJ, LC
- In excess of \$200 from JCJ, LC

Supervisor McConnell stated that M.J. Wells and Associates, LLC have a business relationship with her company; however, the business relationship is not related to any party to this application.

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

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

Supervisor Connolly moved approval of:

- Proffered Condition Amendment Application PCA 84-P-035-4, subject to the proffers dated September 9, 2003.
- The Conceptual Development Plan and variance, pursuant to the provisions of Section 16-401, to allow two of the three interim uses to be automobile oriented uses.

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

93. **6 P.M. – PH TO OBTAIN CITIZEN INPUT REGARDING THE PROPOSED USE OF FUNDS RECEIVED BY THE FAIRFAX COUNTY POLICE DEPARTMENT UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM** (Tape 10)

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 2 and October 9, 2003.

Following the public hearing, Supervisor Kauffman moved that the Board approve the proposed use of the funds received by the Police Department under the LLEBG Program. Supervisor McConnell and Supervisor Hudgins jointly seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hyland, and Supervisor Mendelsohn being out of the room.

94. **6 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 10)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 2003-LE-001 and Special Exception Amendment Application SEA 85-L-001-2 until **October 27, 2003, at 3:30 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor Hyland being out of the room.

95. **6 P.M. – PH ON REZONING APPLICATION RZ 2003-SP-020 (FMMT, LLC) (SPRINGFIELD DISTRICT)** (Tape 10)

- (O) The application property is located in the northeast quadrant of the intersection of Ox Road and Lee Chapel Road, Tax Map 97-1 ((1)) 10 and 12.

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

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

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-SP-020, from the R-1, R-C, and WS Districts to the R-2 and WS Districts, subject to the proffers dated September 29, 2003.
- Approval of a variance to permit an increase in fence height to six feet along the road frontages, pursuant to Paragraph 3F, Section 10-104 of the Zoning Ordinance.

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

96. **6 P.M. – PH ON REZONING APPLICATION RZ 2003-BR-012 (CHRISTOPHER MANAGEMENT, INCORPORATED) (BRADDOCK DISTRICT)** (Tape 10)

(O) The application property is located at the south terminus of Rust Road, west of the City of Fairfax boundary, Tax Map 57-1 ((1)) 3–7, and a portion of a private outlet road.

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

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

Following the public hearing, Tracy Swagler, Senior 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 Ordinance RZ 2003-BR-012, from the R-1 and WS Districts to the PDH-4 and WS Districts, subject to the proffers dated September 30, 2003.
- Waiver of the 600-foot maximum length requirement for private streets.

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

97. **BOARD ADJOURNMENT** (Tape 10)

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

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