



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 22, 2001**

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DMB:dmb

The meeting was called to order at 9:50 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; Christina M. Manning, 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 remember in thoughts and prayers the family of Meg Pickford who passed away last week and had been a long time citizen activist in her neighborhood community and the Fairfax community at large.

Supervisor Hudgins asked everyone to remember in thoughts and prayers the family of Francis Thompson of Reston who passed away last week and was active in the Saint John Neumann parish in the Reston community.

Supervisor Hyland asked everyone to remember in thoughts and prayers the family of Dr. George Santos, husband of his twin sister Carol, who passed away on January 21, 2001. Dr. Santos spent 35 years at Johns Hopkins University where he was involved in research for cancer of the blood and was a pioneer in cancer research.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO LAKE BRADDOCK HIGH SCHOOL LADY BRUINS CROSS-COUNTRY TEAM** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Lake Braddock High School Lady Bruins cross-country team for winning the 2000 Virginia AAA State Cross-Country championship. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

3. **PROCLAMATION DESIGNATING FEBRUARY AS "AFRICAN AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Proclamation to designate February as "*African American History Month*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

4. **RESOLUTION OF RECOGNITION PRESENTED TO MS. JUDY DOWNER** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Ms. Judy Downer for her dedication and service to the citizens of the Dranesville District. Supervisor Connolly seconded the motion and it carried by a vote on nine, Supervisor McConnell being out of the room.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO FAIRFAX COUNTY POLICE DEPARTMENT** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to the Fairfax County Police Department for receiving national acclaim from the International Association of Chiefs of Police and to Master Police Officer David Bean for winning the J. Stannard award for outstanding contribution to traffic crash investigation. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

6. **RESOLUTION PRESENTED TO THE CRIME PREVENTION OFFICERS OF THE FAIRFAX COUNTY POLICE DEPARTMENT**
(Tape 1)

Supervisor Connolly moved approval of the Resolution to commend and thank the Crime Prevention officers of the Fairfax County Police Department for their efforts in the Donate-A-Phone program. Supervisor Gross seconded the motion and it carried by unanimous vote.

7. **ORDERS OF THE DAY** (Tape 1)

Chairman Hanley called the Board's attention to a revised agenda, which included an additional Consideration Item, C-2 - Authorization to Advertise a Public Hearing to Consider an Intergovernmental Agreement on Zoning and a Boundary Adjustment Relating to Property Now Lying Partially Within the City of Fairfax and Partially Within the County (Providence District) and the withdrawal of Administrative Item 7 - Additional Time to Commence Construction for Special Exception Amendment Application SEA 88-S-077-3, Brookfield-Beverly Road Associates Limited Partnership (Sully District).

8. **10 A.M. – PRESENTATION BY THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) ON ITS ANNUAL REPORT** (Tapes 1-2)

Jessica Burmester, Vice-Chairman, CSB, presented its annual report, and discussion ensued with input from James A. Thur, Executive Director, CSB.

9. **10:15 A.M. – PRESENTATION BY THE FAIRFAX-FALLS CHURCH UNITED WAY** (Tapes 1-2)

Tom Sanders, member of the volunteer cabinet, presented the Fairfax-Falls Church United Way Report and reported a total of over \$325,000, from County employees, a 14 percent increase over last year. Mr. Sanders gave special recognition to the Fairfax County Fire and Rescue Department, which contributed \$112,000, one-third of this year's campaign.

DAM:dam

10. **10:25 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES**
(Tape 3)

Following a brief report, Supervisor Connolly moved adoption of the Legislative Report dated January 22, 2001. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Connolly further moved that the Board direct Chairman Hanley to sign a letter, dated January 22, 2001, to be provided to all the members of the Northern Virginia Delegation to the General Assembly with respect to numerous concerns regarding a regional transportation authority. Supervisor McConnell seconded the motion.

Supervisor Bulova asked to amend the motion to modify the letter as follows:

- Item 1b should read “Virginia Railway Express.”
- Item 2 should incorporate the negotiations with the railroads.

The modifications were accepted and further discussion ensued.

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

Supervisor Connolly announced that the Legislative Committee would hold its next meeting on January 26, 2001, at 4 p.m.

11. **ORDERS OF THE DAY** (Tape 3)

Chairman Hanley announced that the Board would proceed with district appointments, deferring at-large appointments until all Board Members were present.

12. **10:40 A.M. – APPOINTMENTS TO BOARDS, AUTHORITIES, COMMISSIONS AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

AIRPORTS ADVISORY COMMITTEE

The appointments of the Lee and Springfield District Representatives to the Airports Advisory Committee were deferred.

CHARACTER COUNTS! TASK FORCE

The appointment of the Sully District Representative to the Character Counts! Task Force was deferred.

CHILD CARE ADVISORY COUNCIL

Supervisor Gross moved the re-appointment of Ms. Jane Snyder as the Mason District Representative to the Child Care Advisory Council. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Supervisor Frey moved the re-appointment of Ms. Eileen Manning as the Sully District Representative to the Child Care Advisory Council. Supervisory Bulova and Supervisor Gross jointly seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn being out of the room.

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

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

Supervisor Bulova moved the re-appointment of Mr. Richard Yessian as the Braddock District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the re-appointment of Mr. Gus Hubal as the Dranesville District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the re-appointment of Mr. Wade Bolton as the Hunter Mill District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the re-appointment of Mr. Claire O. Ducker, Jr. as the Mason District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the re-appointment of Ms. Carole Harman as the Mount Vernon District Representative to the A. Heath Onthank Memorial Award Selection Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the re-appointment of Ms. Elaine Waggener as the Providence District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

Supervisor Frey moved the re-appointment of Mr. John Shughrue, Jr. as the Sully District Representative to the A. Heath Onthank Memorial Award Selection Committee. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

The appointment of the At-Large representative to the Alcohol Safety Action Program Local Policy Board was deferred.

ATHLETIC COUNCIL

CONFIRMATION:

Supervisor Hyland moved confirmation of the following appointment:

- Ms. Patricia Johnson as the Fairfax County Volleyball Council Representative.

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

BOARD OF BUILDING CODE APPEALS

Supervisor Gross moved the re-appointment of Mr. J. Christopher Fox as the At-Large Builder Representative to the Board of Building Code Appeals. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the re-appointment of Mr. Thomas Schroeder as the At-Large Builder (Alternate) Representative to the Board of Building Code Appeals. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the re-appointment of Mr. Mervin W. Dizenfeld as the At-Large Engineer (Alternate) Representative to the Board of

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

Chairman Hanley moved the re-appointment of Mr. Marvin Cantor as the At-Large Licensed Architect Representative to the Board of Building Code Appeals. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the re-appointment of Mr. James Ritter as the At-Large (Alternate) Representative to the Board of Building Code Appeals. Chairman Hanley seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the re-appointment of Mr. Paul Kraucunas as the At-Large Representative to the Board of Building Code Appeals. Supervisor McConnell seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Supervisor McConnell moved the appointment of Ms. Mary M. Byers to fill the unexpired term of Ms. Darlene LaLime as the Springfield District Representative to the Commission for Women. Supervisor Bulova seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The appointment of an At-Large Representative to the Commission on Organ and Tissue Donation and Transplantation was deferred.

COMMUNITY ACTION ADVISORY BOARD

Supervisor McConnell moved the appointment of Mr. Philip E. Rosenthal as the Springfield District Representative to the Community Action Advisory Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Connolly moved the re-appointment of Ms. Airi Roulette as the Providence District Representative to the Community Action Advisory Board. Chairman Hanley seconded the motion, which carried by unanimous vote.

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

COMMUNITY IMPROVEMENT COMMITTEE

Supervisor McConnell moved the appointment of Ms. Shana Marie Byers as the Springfield District Representative to the Community Improvement Committee. Chairman Hanley seconded the motion, which carried by unanimous vote.

The appointments of the Braddock, Dranesville, Mason (Fairdale Community), Providence, and Sully District Representatives to the Community Improvement Committee were deferred.

CONSUMER PROTECTION COMMISSION

The appointment of the At-Large (Resident of Fairfax County) Representative to the Consumer Protection Commission was deferred.

CRIMINAL JUSTICE ADVISORY BOARD

The appointment of the Braddock District Representative to the Criminal Justice Advisory Board was deferred.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

The appointments of the Providence and Sully District Representatives to the Environmental Quality Advisory Council were deferred.

FAIRFAX AREA DISABILITY SERVICES BOARD

The appointments of the Dranesville and Springfield District Representatives to the Fairfax Area Disability Services Board were deferred.

GEOTECHNICAL REVIEW BOARD**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following re-appointments to the Geotechnical Review Board:

- Mr. Ralph R. W. Beene, P.E., as a Professional Engineer (Primary) Representative.
- Mr. Daniel S. Rom, P.E., as a Professional Engineer (Primary) Representative.

- Mr. J. Christopher Giese, P.E., as a Professional Engineer (Alternate) Representative.

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

HUMAN SERVICES COUNCIL

The appointment of the Sully District Representative to the Human Services Council was deferred.

SMALL BUSINESS COMMISSION

The appointment of the At-Large #3 Representative to the Small Business Commission was deferred.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT CITIZENS ADVISORY COUNCIL

The appointments of the At-Large (Chairman's) and Sully District Representatives to the Juvenile and Domestic Relations District Court Citizens Advisory Council were deferred.

NORTHERN VIRGINIA TRANSPORTATION COORDINATING COUNCIL CITIZEN ADVISORY COMMITTEE

The appointment of an At-Large Representative to the Northern Virginia Transportation Coordinating Council Citizen Advisory Committee was deferred.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The appointments of two At-Large Representatives to the Oversight Committee on Drinking and Driving were deferred.

POLICE RETIREMENT BOARD**CONFIRMATION**

Supervisor Hudgins moved the confirmation of the following appointment to the Police Retirement Board:

- Lt. Erin F. Schaible as the Staff (Police) Representative.

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

ROAD VIEWERS BOARD

The appointments of two At-Large Representatives to the Road Viewers Board were deferred.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

The appointment of the Resident/Owner (Route 28 District) Representative to the Route 28 Highway Transportation District Advisory Board was deferred.

TENANT LANDLORD COMMISSION

Supervisor Frey moved the appointment of Mr. Steven R. Larimer as the Landlord Member #1 Representative to the Tenant Landlord Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the appointment of Mr. Daniel P. Jackson as the Tenant Member #3 Representative to the Tenant Landlord Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

The appointment of an At-Large (Landlord Member #3) Representative to the Tenant Landlord Commission was deferred.

TREE COMMISSION

The appointments of the Hunter Mill and Sully District Representatives to the Tree Commission were deferred.

AD-HOCS**ANIMAL CARE AND CONTROL COMMITTEE**

Supervisor Gross moved the appointment of Ms. Michelle Hupp as the Mason District Representative to the Animal Care and Control Committee. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HEALTH AND MEDICAL CARE DELIVERY TASK FORCE

Supervisor Kauffman moved the appointment of Ms. Gladys B. Keating as the Lee District Representative to the Health and Medical Care Delivery Task Force. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The appointments of the Mason, Springfield, and Sully District Representatives to the Health and Medical Care Delivery Task Force were deferred.

SIGN TASK FORCE

Supervisor Kauffman moved the appointment of Mr. Dennis J. Pfennig as the Lee District Representative to the Sign Task Force. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The appointments of the Dranesville and Sully District Representatives to the Sign Task Force were deferred.

TELECOMMUNICATIONS (“MONOPOLES”) LAND USE TASK FORCE

Supervisor Kauffman moved the re-appointment of Ms. Jane Kunka as the Lee District Representative to the Telecommunications (“Monopoles”) Land Use Task Force. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the re-appointment of Mr. Damon Torregrossa as the Sully District Representative to the Telecommunications (“Monopoles”) Land Use Task Force. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The appointment of the Hunter Mill District Representative to the Telecommunication (“Monopoles”) Land Use Task Force was deferred.

ADDITIONAL BOARD APPOINTMENT**NEW APPOINTMENT TO THE REVITALIZATION POLICY COMMITTEE** (Tape 3)

Supervisor Connolly announced the resignation of Ms. Linda McGinnis as the Providence District Representative to the Revitalization Policy Committee.

Supervisor Connolly moved the appointment of Mr. Carl A. S. Coan, Jr. as the Providence District Representative to the Revitalization Policy Committee. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

ADDITIONAL BOARD MATTER13. **MOMENT OF SILENCE** (Tape 3)

(BACs) Supervisor McConnell asked everyone to remember in thoughts and prayers Mr. Kenelm (Ken) Winslow, former Chairman of the Tree Commission, who died this past weekend. The funeral will be held Saturday, January 27 at Everly's Funeral Home in Fairfax.

AGENDA ITEMS14. **ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hudgins seconded the motion.

Supervisor Kauffman called the Board's attention to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 84.1-6-3(C), (Public Transportation) – Rates, Fares, and Charges and a brief discussion ensued.

The question was called on the motion to approve the Administrative Items, 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."

ADMIN 1 – INSTALLATION OF MULTI-WAY STOPS AT VARIOUS LOCATIONS (MOUNT VERNON AND PROVIDENCE DISTRICTS)

- Endorsed the installation of multi-way stops at the following locations:
 - Springhaven Drive and Buckeye Lane (Sully District)
 - Springhaven Drive and Hidden Meadow Drive (Sully District)
 - Stratford Lane and Wakefield Drive (Mount Vernon District)
 - Wakefield Drive and Linton Lane (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 2 – INSTALLATION OF "WATCH FOR CHILDREN" SIGNS AT VARIOUS LOCATIONS

(R)

- Adopted the Resolution endorsing the installation of "Watch for Children" signs at the following locations:
 - Fitzhugh Street (Springfield District)
 - Jeremiah Court (Springfield District)
 - Summit Drive (Sully District)
- Directed staff to request the Virginia Department of Transportation to install these signs at the earliest possible date.

ADMIN 3 – RECOMMENDATION OF STREETS TO BE INCLUDED IN THE TRAFFIC CALMING PILOT PROGRAM (TCPP)

- Endorsed the selection of the following streets into the joint Fairfax County Department of Transportation/Virginia Department of Transportation (VDOT) TCPP:
 - Prince William Drive (Providence District)
 - Barkley Drive (Providence District)
 - Southwick Street (Providence District)
 - Hunter Gate Way (Hunter Mill District)
- Directed staff to request VDOT to develop traffic calming plans in conjunction with each community as soon as possible.

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

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

- Application FS-L00-114 to March 24, 2001
- Application FS-S00-120 to April 5, 2001
- Application 2232-Y00-37 to April 14, 2001
- Application FS-V97-19 to August 3, 2001
- Application FS-L97-24 to August 3, 2001

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-Y-001, EXXON CORPORATION (SULLY DISTRICT)

- (AT) Approved the request for 30 months of additional time for Special Exception Application SE 98-Y-001 until June 29, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 97-P-027, HOMESTEAD VILLAGE, INCORPORATED, PRUDENTIAL INSURANCE COMPANY OF AMERICA, INCORPORATED, ET AL (PROVIDENCE DISTRICT)

- (AT) Approved the request for 12 months of additional time for Special Exception Application SE 97-P-027 until November 11, 2001, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-3, BROOKFIELD-BEVERLY ROAD ASSOCIATES LIMITED PARTNERSHIP (SULLY DISTRICT)

(NOTE: Earlier in the meeting Chairman Hanley announced the withdrawal of this item. See Clerk's Summary Item 7.)

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 84.1-6-3(C), (PUBLIC TRANSPORTATION) - RATES, FARES, AND CHARGES

(NOTE: Earlier in the meeting this item was briefly discussed. See page 12.)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 5, 2001, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 84.1-6-3(c), (Public Transportation) - Rates, fares, and charges, to provide for a rate increase in metered fares and waiting time charges.

ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 01051 FOR THE FAIRFAX COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES (JDRDCS) TO ACCEPT A GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) IN ORDER TO CONTINUE THE INTENSIVE SUPERVISION PROGRAM (ISP)

- (SAR) Approved SAR AS 01051 in the amount of \$159,796 for JDRDCS to accept a Federal Juvenile Accountability Incentive Block Grant award from DCJS, including \$143,816 in DCJS funding, and \$15,980 for a required 10 percent local cash match. Funds will be used to continue the ISP for youth identified as serious and habitual offenders, to evaluate that program, and to engage in further needs assessment and strategic planning for the juvenile justice system in the County.

ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 01052 FOR CONTINUATION OF THE FEDERAL CHILD AND ADULT CARE FOOD PROGRAM (CACFP) GRANT WITHIN THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN (DFS/OFC)

- (SAR) Approved SAR AS 01052 in the amount of \$3,318,740 for DFS/OFC to continue participation in the CACFP for over 10,000 children by assisting childcare providers in offering nutritious meals to children in their care. This grant is funded by the US Department of Agriculture. No local cash match is required.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REVISING THE SUPPLEMENTAL, POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS TO CHANGE THE NAME OF THE FAIRFAX COUNTY SUPPLEMENTAL RETIREMENT SYSTEM, AND REFERENCES TO THAT SYSTEM, TO THE FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, revising the Supplemental, Police Officers, and Uniformed Retirement Systems to change the name of the Fairfax County Supplemental Retirement System and references to that system, to the Fairfax County Employees' Retirement System.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REVISING THE SUPPLEMENTAL, POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS BY MODIFYING THE DEFINITION OF THE MAXIMUM COMBINED COMPENSATION FOR A REHIRED RETIREE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, revising the Supplemental, Police Officers, and Uniformed Retirement Systems by modifying the definition of the maximum combined compensation for a rehired retiree to be consistent with the current County compensation plan.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REVISING THE SUPPLEMENTAL, POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS BY MODIFYING THE ELIGIBILITY DATES FOR CERTAIN BENEFITS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, revising the Supplemental, Police Officers, and Uniformed Retirement Systems by modifying the eligibility dates for certain benefits.

ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED REVISIONS TO CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 7, REVISING THE POLICE OFFICERS RETIREMENT SYSTEM BY MODIFYING THE COMPOSITION OF THE BOARD OF TRUSTEES

- (A)
(BACs) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7, revising the Police Officers Retirement System to increase the Board of Trustees from five to seven members by adding a third appointed Trustee and a Trustee elected from and by the retired members.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 7, REVISING THE FAIRFAX COUNTY POLICE OFFICERS RETIREMENT SYSTEM BY ALLOWING THE ADDITION TO THE MEMBERSHIP COMPOSITION OF EMPLOYEES WHO WERE LAW ENFORCEMENT OFFICERS FOR FIVE YEARS OR MORE WHO REMAINED WITH THE POLICE DEPARTMENT AFTER INCURRING INJURY WHILE ON ACTIVE MILITARY DUTY IN A WAR ZONE

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 7, revising the Fairfax County Police Officers Retirement System by allowing the addition to the membership composition of employees who were law enforcement officers for five years or more who remained with the Police Department after incurring injury while on active military duty in a war zone.

ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 3, SECTION 37, REVISING THE UNIFORMED RETIREMENT SYSTEM BY MODIFYING THE OFFSET TO THE SERVICE-CONNECTED DISABILITY RETIREMENT ALLOWANCE FOR SOCIAL SECURITY DISABILITY BENEFITS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 3, Section 37, revising the Uniformed Retirement System by modifying the offset to the service-connected disability retirement allowance for social security disability benefits.

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 2, REVISING THE SUPPLEMENTAL RETIREMENT SYSTEM BY MODIFYING ELIGIBILITY REQUIREMENTS FOR THE PRE-SOCIAL SECURITY BENEFIT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 26, 2001, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3, Article 2, revising the Supplemental Retirement System by modifying eligibility requirements for the pre-social security benefit.

ADMIN 18 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 98-M-002, WASHINGTON INTERNATIONAL TELEPORT, INCORPORATED (MASON DISTRICT)

- (AT) Approved the request for 24 months of additional time for Special Exception Application SE 98-M-002 until January 13, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

15. **A-1 – AWARD OF HOME PROGRAM FUNDS TO CHRISTIAN RELIEF SERVICES OF VIRGINIA FOR THE AFFORDABLE DWELLING UNIT (ADU) FORECLOSURE ACQUISITION PROGRAM** (Tape 3)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the Selection Advisory Committee's recommended award of \$230,000 in Home Investment Partnerships Program funds to Christian Relief Services of Virginia, Incorporated, for costs to purchase ADU homes Countywide which have gone to foreclosure sale, and/or to

acquire ADU homes where the loans have gone into default prior to foreclosure. These units will be resold to eligible ADU purchasers with covenants that would return the units to the ADU program. Supervisor Connolly seconded the motion.

Following discussion with input from Stephen Knippler, staff, Department of Housing and Community Development, the question was called on the motion, which carried by unanimous vote.

16. **A-2 – APPROVAL OF FISCAL YEAR (FY) 2001 FOREST PEST SUPPRESSION PROGRAM (FPSP)** (Tape 3)

Supervisor Hyland, moved that the Board concur in the recommendation of staff and direct staff to take actions concerning the FY 2001 FPSP as outlined in the memorandum to the Board dated January 22, 2001. Supervisor Connolly seconded the motion.

Discussion followed with input from Troy Shaw, staff, Gypsy Moth Section, Office of Site Development Services, Department of Public Works and Environmental Services.

Following further discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion, which carried by unanimous vote.

17. **A-3 – ADOPTION OF A RESOLUTION CONCURRING WITH AN INDUCEMENT RESOLUTION OF THE CITY OF HARRISONBURG INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) REGARDING A POOLED LOAN PROGRAM APPLICATION OF THE VIRGINIA PUBLIC BROADCASTING BOARD** (Tape 3)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the concurring resolution with an inducement resolution of the IDA of the City of Harrisonburg relating to a pooled loan program application by the Virginia Public Broadcasting Board. Supervisor Bulova seconded 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.”

18. **C-1 – AUTHORIZATION TO NEGOTIATE UNDER THE PRIVATE DEVELOPER ASSISTANCE PROGRAM FOR GREEN BRANCH ESTATES (DRANESVILLE DISTRICT)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to negotiate under the Private Developer Assistance Program at the request

of Solitaire Homes for a certain storm drainage easement on the property identified as Tax Map Number 007-3-02-0016-A, owned by Suk Kew Kim and Hyun Hyung Kim.

Supervisor Mendelsohn moved that the Board authorize staff to negotiate under the Private Developer Assistance Program at the request of Solitaire Homes for a certain storm drainage easement on the property identified as Tax Map Number 007-3-02-0016-A. Supervisor Hyland seconded the motion, which carried by unanimous vote.

19. **C-2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN INTERGOVERNMENTAL AGREEMENT ON ZONING AND A BOUNDARY ADJUSTMENT RELATING TO PROPERTY NOW LYING PARTIALLY WITHIN THE CITY OF FAIRFAX AND PARTIALLY WITHIN THE COUNTY (PROVIDENCE DISTRICT)** (Tape 3)

- (A) The Board next considered an item requesting authorization for staff to advertise a public hearing to be held before the Board on **February 5, 2001**, to consider the following changes that are related to a proposed residential development of property that now lies partially within the City of Fairfax and partially within the County:

- An intergovernmental agreement on the exercise of zoning powers with the City of Fairfax.
- A boundary change with the City of Fairfax.

Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Board on **February 5, 2001**, to consider an intergovernmental agreement on zoning and a boundary adjustment relating to property now lying partially within the City of Fairfax and partially within the County. Chairman Hanley seconded the motion.

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

20. **I-1 – CONTRACT AWARD - ANNUAL CONTRACT FOR CONSTRUCTION SERVICES** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to award a contract to C&F Construction Company in the amount of \$1,108,995 for the annual contract for construction services. This work consists of removal and construction of curb and gutter, sidewalks, driveway

entrances, storm sewer structures, asphalt paving, bus stops and shelters, and other miscellaneous items.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD - JUDICIAL CENTER PARKING STRUCTURE** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to:

- Award a contract Falls Church Construction Corporation, in the amount of \$18,097,000 for the construction of Interim Parking, and a Pre-cast Concrete Parking Structure for 1,900 vehicles, including all architectural, structural, mechanical, electrical, plumbing, and other related work. This project also provides for the upgrading of the existing surface parking at the corner of West Street with Page Avenue.
- Reallocate funds in the amount of \$929,448 from Project 009209, Judicial Center Expansion.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – DAM SITES #3 AND #8, PROJECTS N00096 (DM03) AND N00096 (DM08) (BRADDOCK AND SPRINGFIELD DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to award a contract to Gannett Fleming, Incorporated in the amount of \$126,726 for remedial work for two regional stormwater management facilities, Dam Sites #3 (DM03) and #8 (DM08) in Project N00096, Dam Repairs, in Fund 308, Public Works Construction.

The staff was directed administratively to proceed as proposed.

23. **I-4 – PUBLIC MEETING FOR BUS SERVICE CHANGES ON FAIRFAX CONNECTOR ROUTES 304, 305, AND 385 (LEE, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to hold a public meeting scheduled for February 13, 2001 at 5 p.m., at the Newington Forest Elementary School, regarding proposed service changes on Fairfax Connector Routes 304, 305, and 385.

Following discussion with input from Andy Szakos, Chief, Transit Operations Division, Department of Transportation (DOT), and Wendy Jia, Transportation Planner, DOT, the staff was directed administratively to proceed as proposed.

24. **I-5 – REPORT OF THE WESTERN FAIRFAX COUNTY VIRGINIA RAILWAY EXPRESS (VRE) STATION TASK FORCE (SPRINGFIELD AND SULLY DISTRICTS)** (Tape 3)

(BACs) The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, announcing the analysis and conclusions of the VRE Station Task Force.

25. **I-6 – REDESIGN OF THE FAIRFAX COUNTY WEBSITE (WWW.CO.FAIRFAX.VA.US) AND INVESTIGATION OF ALTERNATE FUNDING SOURCES** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, requesting authorization for staff to:

- Continue its efforts to redesign and re-engineer the County's Public Website
- Work with staff from the Department of Management and Budget and the County Attorney's Office to investigate alternative funding sources for Internet initiatives such as Website advertising.

Discussion ensued with input from David P. Bobzien, County Attorney, and Anthony H. Griffin, County Executive.

Supervisor Hyland asked unanimous consent that the Board direct staff to research the Honolulu Website or other jurisdictions' Websites that are currently using outside vendor advertising. Without objection, it was so ordered.

Following discussion, with input from David Molchany, Chief Information Officer, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to research the ease of accessibility to the Clerk's Board Summaries, with attention to the most recent ones. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

26. **I-7 – OPEN SPACE LAND PRESERVATION FUND** (Tape 3)

The Board next considered an item contained in the Memorandum to the Board dated January 22, 2001, announcing that staff has developed:

- An information packet explaining the Open Space Land Preservation Fund, which will be included with the Filing by Exception forms to be mailed to County citizens in the Spring, 2001.
- Administrative procedures for the Open Space Land Preservation Program.

Discussion ensued with input from Paul L. Baldino, Director, Park Authority.

PMH:pmh

27. **WOMEN'S HISTORY MONTH** (Tape 4)

Chairman Hanley announced that the month of March is nationally recognized as Women's History Month. In conjunction with the Office for Women, the Office of Equity Programs has requested a Proclamation to observe March as Women's History Month in Fairfax County.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite representatives from the Office of Equity Programs, and the Office for Women to appear before the Board at its February 26, 2001, meeting to receive a proclamation declaring March as Women's History Month in Fairfax County. Supervisor Connolly seconded the motion and it carried by unanimous vote.

28. **RECYCLING OF USED ELECTRONIC AND COMPUTER EQUIPMENT** (Tape 4)

Chairman Hanley said that on February 28, 2000, the Board directed staff to report regarding the establishment of a recycling program for used electronic and computer equipment after a constituent contacted her office and noted that there was a need for such a program in the County.

Chairman Hanley asked unanimous consent that the Board direct staff to respond to the Board's original motion with an update, if applicable, to report on establishing such a program.

There was a brief discussion with input from Anthony H. Griffin, County Executive.

Without objection, it was so ordered.

29. **FAIRFAX COUNTY RECEIVES A PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) RATING DESIGNATING THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) A "HIGH PERFORMER"** (Tape 4)

Chairman Hanley referred to her written Board Matter announcing that the FCRHA received a PHAS rating designating it as a "High Performer," under criteria established and evaluated by the United States Department of Housing and Urban Development (HUD).

Therefore, Chairman Hanley moved that the Board direct staff to prepare and send certificates of appreciation to those members of the FCRHA and Housing and Community Development staff involved in these efforts to recognize this most important accomplishment. Supervisor Connolly seconded the motion and it carried by unanimous vote.

30. **CENSUS 2000** (Tape 4)

Chairman Hanley noted that she received a Certificate of Recognition presented to Fairfax County in appreciation for its valuable contribution to Census 2000.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

31. **TINNER HILL BROCHURE** (Tape 4)

Supervisor Connolly distributed to Board Members a brochure developed by the Tinner Hill Foundation. He said that it tells the story of Tinner Hill and of the brave men and women that lived there and fought segregation in the early part of the twentieth century. It also mentions the ongoing activities of the non-profit Tinner Hill Heritage Foundation in keeping their memories alive and furthering their ideals. Finally, it outlines some plans for the future.

32. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-P-040 (SUN COMPANY, INCORPORATED)** (Tape 4)

Supervisor Connolly announced his intent, later in the meeting, to defer the public hearing on Special Exception Amendment Application SEA 98-P-040 until February 5, 2001, at 3 p.m.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Summary Item CL#62.)

33. **REQUEST FOR CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-D-049-4 AND FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-D-049-5** (Tape 4)

Supervisor Connolly said that Lerner Enterprises recently submitted a Proffered Condition Amendment Application and a Final Development Plan Amendment Application for processing by the Zoning Evaluation Division. These applications seek to amend the footprint and height of an office building and accessory parking structure that are part of the ongoing development program of Tysons II. This proposed development is one section of the Lerner property that eventually will contain significant public open space and pedestrian connections. The office building and these amenities will help to create transit-oriented development around future rail stations in Tysons Corner.

Supervisor Connolly moved that the Board direct the Director of the Department of Public Works and Environmental Services to concurrently process the site plans and other associated plans related to the applications with the review of these applications. This action does not prejudice the consideration of this review in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

34. **EARTHQUAKE DEVASTATES EL SALVADOR** (Tape 4)

Supervisor Connolly said that on January 13, 2001, Central America was devastated by an earthquake measuring 7.6 on the Richter scale. The hardest hit was El Salvador, leaving more than 46,000 people homeless and more than 1,200 people dead. Many of the deaths were caused by mudslides that covered several towns leaving the residents buried. Because many of El Salvador's citizens were left homeless, much aid is needed to help care for the victims of this earthquake. The Hispanic Community has begun to raise money to help the victims. A Spanish-Language Radiothon Fundraiser was held on Saturday January 20, 2001, with local area restaurants collecting donations.

Supervisor Connolly said that much more money is needed to help the victims during this time of need. St. Anthony's Catholic Church in Northern Virginia is collecting money that will be personally taken to El Salvador by Father Eugino Hoyos. The League of United Latin American Citizens (LULAC) and the American Salvadoran Association of Virginia is collecting money to help aid the victims. All donations are tax deductible and will go to rebuild El Salvador. The American Red Cross and many other non-profit organizations will also be taking donations.

Supervisor Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize through Channel 16 and the County website the opportunities to make donations which will help rebuild the

lives of many who have lost everything during this natural disaster. Without objection, it was so ordered.

35. **VIENNA METRO PARKING GARAGE** (Tape 4)

Supervisor Connolly said that the Vienna Metro Parking Garage at the Vienna/Fairfax/GMU Metro Station is now open.

36. **EXPANSION OF RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) NUMBER 33** (Tape 4)

Supervisor Gross said that the residents of the Springdale neighborhood are requesting an expansion of the existing RPPD Number 33 to include portions of the following adjoining streets: Lacy Boulevard, Moncure Avenue, Munson Road, and Lewis Lane.

Supervisor Gross moved that the Board waive the application fees associated with this RPPD. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

37. **GOVERNING MAGAZINE** (Tape 4)

Supervisor Gross said that the current issue of *Governing Magazine* has an article entitled "The IT Czar of Main Street." She said it features David Molchany, Chief Information Officer, Fairfax County.

38. **HOME HEALTH AIDES** (Tape 4)

Supervisor Gross asked unanimous consent that the Board direct staff to report as soon as possible on the issue of home health aides and consistent service. Without objection, it was so ordered.

39. **INTENT TO DEFER PUBLIC HEARINGS** (Tape 4)

Supervisor Hyland announced his intent, later in the meeting, to defer until February 26, 2001, the following public hearings:

- Rezoning Application RZ 2000-MV-017
- Rezoning Application RZ 2000 MV-060

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#73 and CL#75.)

40. **AN INVITATION TO MOUNT VERNON'S FOURTEENTH ANNUAL TOWN MEETING – SATURDAY, JANUARY 27, 2001**
(Tape 4)

Supervisor Hyland announced that Mount Vernon's fourteenth Annual Town meeting is to be held on Saturday, January 27, 2001, 8 a.m. until 1 p.m. at Mount Vernon High School's Little Theatre, 8515 Old Mount Vernon Road, Alexandria (Fairfax County). This meeting generates an attendance of 350 to 450 persons.

Supervisor Hyland announced that Chairman Hanley; Supervisor Kauffman; Anthony H. Griffin, County Executive; and School Superintendent, Daniel Domenech will be participating. Although the Town Meeting is directed primarily to residents of Mount Vernon and those along Richmond Highway, the meeting is open to all citizens of Fairfax County, providing a local forum to hear first hand the significant issues involving Mount Vernon, as well as Countywide, while creating the opportunity for citizens to meet their elected representatives and express their views and concerns.

41. **CHRISTIAN RELIEF SERVICES (CRS)** (Tape 4)

Supervisor Hyland said that he was recently sent a copy of the CRS Annual Report commemorating 15 years of service to those locally, nationally, and around the world living under conditions of poverty, illness, and despair.

Supervisor Hyland moved that the Board direct staff to invite the Executive Director of CRS to appear before the Board to be recognized for its contributions to persons in need in Fairfax County. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

42. **AN ALERT FROM THE IMMIGRATION AND NATURALIZATION SERVICE (INS)** (Tape 4)

Supervisor Hyland said that he recently received a letter from Mr. Orantes, regarding an information campaign recently adopted by the Board of Supervisors of Los Angeles County, California, concerning the extension of Section 245(I) of the Legal Immigration and Family Equity (LIFE) Act.

Supervisor Hyland said that the INS advisory notifies the public that the agency is moving very quickly to develop application procedures for immigration benefits created by the LIFE Act. The public will be informed as procedures are finalized.

Supervisor Hyland said that one of the provisions of the LIFE Act is the temporary reinstatement of Section 245(I) of the Immigration and Nationality Act (INA). Section 245(I) is not amnesty for all persons

unlawfully in the US. This provision only applies to certain persons residing in the US who, although otherwise eligible for an immigrant visa, are barred from adjusting their status in the US. It allows such persons to adjust their status in the US instead of acquiring their visa abroad.

Supervisor Hyland said that a fact sheet on the LIFE Act can be found on the INS website: www.ins.usdoj.gov.

Accordingly, Supervisor Hyland asked unanimous consent that the fact sheet be disseminated through the Office of Public Affairs for appropriate action and publicity. Without objection, it was so ordered.

43. **REZONING APPLICATION RZ 2000-MV-060** (Tape 4)

Supervisor Hyland moved that the Board authorize the County Executive to serve as the Board's authorized agent for purposes of completing the affidavit for Rezoning Application RZ 2000-MV-060 on behalf of the Board and to certify that the County Executive is authorized to act as the Board's agent with regard to this matter. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

44. **MOTION TO DECLINE OFFER OF DEDICATION OF OPEN SPACE** (Tape 4)

Supervisor Hyland referred to his written Board Matters in which Beazer Homes, the developer of Section Three of Worthington Woods, proposes a resubdivision of that section that would delete a small portion of the common open space shown on the current recorded plat. This area is 20,395 square feet in size. The resubdivision would redistribute this area into some existing lots to increase their size. The increase in the size of these lots will permit construction of more upscale units. No increase in the number of lots is proposed.

These common open space areas are not readily usable for recreational purposes, nor would their deletion adversely affect properties outside the boundaries of the subdivision. As reconfigured, the common open space will still exceed site plan open space requirements of the Zoning Ordinance. Since there is no proffered plan, there is no specific amount of open space proffered.

The reduction in size of the common space will constitute a "disposal of common open space" under Section 2-702(4) of the Zoning Ordinance. The County Attorney's office interprets this provision as requiring Beazer Homes to first offer the small open space area for dedication to the County.

Since this open space area is of no real value to the County, it would be appropriate for the Board to decline the offer of dedication and allow the open space to remain within the community.

Supervisor Hyland moved that the Board, pursuant to Section 2-702(4) of the Zoning Ordinance, decline the offer of dedication of the 20,395 square feet of open space described in the Resubdivision Plat. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

45. **ANNANDALE HIGH SCHOOL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)** (Tape 4)

Supervisor Bulova said that student parking on residential streets around Annandale High School continues to be a serious problem and expansion of the Annandale RPPD is needed.

Supervisor Bulova said she has forwarded to the Department of Transportation petitions for the expansion of the Annandale RPPD on Erie Street from Manion Street to Heritage Drive, and for the entire length of Barr Place and Hoy Place.

Therefore, Supervisor Bulova moved that the Board direct staff to waive the number of parking spaces and the fees, and to proceed as expeditiously as possible. Supervisor Mendelsohn seconded the motion and it carried by unanimous vote.

46. **COUNTYWIDE NON-MOTORIZED (TRAILS) COMMITTEE** (Tape 4)

(BACs) Supervisor Bulova asked unanimous consent that the Board direct staff to report with the composition of the County Non-motorized (Trails) Committee and for recommendations if there is not user representation. Without objection, it was so ordered.

NV:nv

47. **INCREASED ENERGY COSTS** (Tape 5)

Supervisor Hudgins stated that the Energy Information Administration of the US Department of Energy and the District of Columbia Energy Office made a presentation to the Washington Metropolitan Council of Governments Board of Directors meeting on January 10, 2001, on the expected increase in the cost of energy adversely affecting home heating bills this winter. Those bills could increase by 50 percent or more this winter as a result of colder weather, low fuel availability, and increased costs. The supply of electricity has been insufficient in parts of the US, especially California, causing the need for brownouts and rolling

blackouts. While the local region has not been affected to that extent, the increased cost has caused a hardship for some homeowners.

Accordingly, Supervisor Hudgins moved that the Board direct:

- Staff to review the impact that increased energy costs and low fuel inventory has had on Fairfax County citizens.
- The Office of Public Affairs to publicize information on the Energy Assistance Programs available in the County, how citizens may participate in the programs, and the importance for citizens to conserve all energy sources.

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

48. **INTENT TO DEFER THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 00-H-028** (Tape 5)

Supervisor Hudgins announced her intent to defer at the appropriate time, later in the meeting, the public hearing on Special Exception Application SE 00-H-028 until February 5, 2001.

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

49. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 00-D-003** (Tape 5)

Supervisor Mendelsohn announced his intent to defer at the appropriate time later in the meeting the public hearing on Special Exception Application SE 00-D-003.

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

50. **FAIRFAX COUNTY BAR ASSOCIATION CELEBRATES ITS TWENTY-FIFTH ANNIVERSARY** (Tape 5)

Jointly with Supervisor Hyland (a fellow Bar Association member), Supervisor Mendelsohn announced that the Fairfax County Bar Association is celebrating the twenty-fifth anniversary of its incorporation. He cited its growth in membership and the types of programs it offers. He also noted that Jan Brodie, Senior Assistant County Attorney, serves as its president.

Accordingly, Supervisor Mendelsohn moved that the Board direct staff to invite Ms. Brodie and the Board of Directors of the Fairfax County Bar Association to appear before the Board in recognition of more than 25 years of service and dedication to the legal community and the citizens of the County. Supervisor Hyland seconded the motion, which carried by unanimous vote.

51. **TOWN OF HERNDON LETTER** (Tape 5)

Chairman Hanley noted that both she and Supervisor Mendelsohn received a letter from the Town of Herndon regarding amendments to a piece of legislation. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board refer it to staff for review. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

52. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (Tape 5)

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

53. **WAIVER OF APPLICATION FEES FOR FLEA MARKET PERMITS FOR SPRINGFIELD-FRANCONIA HOST LIONS CLUB CHARITIES** (Tape 5)

Supervisor Kauffman stated that the Springfield-Franconia Host Lions Club Charities, Incorporated recently contacted him regarding a fee waiver request for application fees for permits associated with flea markets it holds. Members expressed appreciation for the Board's help in the past and have asked for support of a waiver again this year. The proceeds from the flea markets are returned to the community.

Accordingly, Supervisor Kauffman moved that the Board waive the application fees for 21-day permits associated with the Springfield Host Lions Club Charities 2001 flea markets. Supervisor Hyland seconded the motion, which carried by unanimous vote.

54. **POSSIBLE LEGISLATIVE ITEM TO BE DISCUSSED LATER IN THE MEETING** (Tape 5)

(NOTE: Earlier in the meeting, the Board took action regarding 2001 General Assembly activities. See Clerk's Summary Item CL#10.)

Supervisor McConnell asked unanimous consent to reserve time at the end of the meeting, if necessary, to present a Board Matter regarding action that may be taken later today in a Virginia General Assembly caucus.

Following discussion, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to distribute the statistics that were circulated at the Board's Legislative Committee meeting on Friday, January 19, 2000. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Without objection, Supervisor McConnell's request was so ordered.

(NOTE: Nothing further was discussed later in the meeting.)

55. **INTENT TO DEFER BOARD DECISION ON A PROPOSAL TO ABANDON A PORTION OF HORSEPEN ROAD** (Tape 5)

Supervisor Hudgins announced her intent to defer later in the meeting, at the appropriate time, the decision on a proposal to abandon a portion of Horsepen Road.

(NOTE: Later in the meeting, this decision was formally deferred. See Clerk's Summary CL#77.)

56. **EXPRESSION OF APPRECIATION TO COLLEAGUES WHO JOINED THE FAIRFAX EDUCATION ASSOCIATION (FEA) IN RICHMOND** (Tape 5)

Supervisor Connolly expressed appreciation to his colleagues on the Board who joined with the FEA buses on Monday, January 15, 2001, in a trip to Richmond for a rally on education. Supervisor Bulova, Supervisor Connolly, Supervisor Kauffman, and Supervisor McConnell all participated.

57. **RECESS/CLOSED SESSION** (Tape 5)

At 12:45 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, and in addition:

- Craven versus Sadar, et al., Record Number 002395

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

Chairman Hanley announced that closed session would convene at 1:45 p.m.

SBE:sbe

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

ACTIONS FROM CLOSED SESSION

58. **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 Connolly 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."

59. **AUTHORIZATION OF THE SETTLEMENT OF THE CASE REGARDING CONCEPT DESIGN STUDIO, INCORPORATED, AT LAW NUMBER 187851** (Tape 6)

Supervisor Connolly moved that the Board authorize the settlement of *Concept Design Studio, Incorporated versus County of Fairfax, Fairfax County Department of Purchasing and Supply Management; Larry N. Wellman, CPPO, Purchasing Agent, Director, Fairfax County Department of Purchasing and Supply Management; Sue Frinks, CPCM CPPB, Contract Administrator, Fairfax County Department of Purchasing and Supply Management*, At Law Number 187851, according to the terms and conditions outlined by the County Attorney in closed session. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

60. **AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (EAST PARCEL) WITH KOLL METROPOLITAN, LLC** (Tape 6)

(NOTE: Later in the meeting further action was taken on this item. See Clerk's Summary Item CL#79.)

Supervisor Frey moved that the Board authorize the County Executive to execute the amendment to the Real Estate Sales Agreement (East Parcel) with Koll Metropolitan, LLC, dated December 18, 2000. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

61. **AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE REAL ESTATE SALES AGREEMENT (WEST PARCEL) WITH KOLL METROPOLITAN, LLC** (Tape 6)

(NOTE: Later in the meeting further action was taken on this item. See Clerk's Summary Item CL#79.)

Supervisor Frey moved that the Board authorize the County Executive to execute the amendment to the Real Estate Sales Agreement (West Parcel) with Koll Metropolitan, LLC, dated December 18, 2000. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

AGENDA ITEMS

62. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 98-P-040 (SUN COMPANY, INCORPORATED) (PROVIDENCE DISTRICT)** (Tape 6)

Supervisor Connolly moved to defer the public hearing on Special Exception Amendment Application SEA 98-P-040 until **February 5, 2001, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

63. **3 P.M. – PH ON REZONING APPLICATION RZ 2000-LE-028 (CATON FAMILY LIMITED PARTNERSHIP) (LEE DISTRICT)** (Tape 6)

- (O) Mr. Robert Lawrence reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Kauffman moved to amend the Zoning Ordinance as it applies to the property which is the subject of Rezoning Application RZ 2000-LE-028 from the R-1 District to the R-3 District, subject to proffers dated January 22, 2001. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor

Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER

64. **WELCOME TO BOY SCOUT TROOP 1131 FROM SAINT STEVENS METHODIST CHURCH** (Tape 6)

Chairman Hanley recognized the presence of Boy Scout Troop 1131 from Saint Stevens Methodist Church and warmly welcomed its members to the Board Auditorium.

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

At 3:15 p.m., the Board recessed briefly and at 3:30 p.m. reconvened in the Board Auditorium with all Board Members being present, with the exception of Supervisor Hudgins and Supervisor Hyland, and with Chairman Hanley presiding.

AGENDA ITEMS

NV:nv

66. **3:30 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY** (Tape 6)

At 3:30 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Hanley in accordance with Article III, Section I of the Bylaws.

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

OFFICERS

Katherine K. Hanley Chairman, Fairfax County Board of Supervisors	Chairman
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Gerald W. Hyland Vice-Chairman, Fairfax County Board of Supervisors	Vice-Chairman
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Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	Secretary
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Robert L. Mears Director, Office of Finance	Treasurer
David P. Bobzien County Attorney	Attorney
Anthony H. Griffin County Executive	Executive Director
Richard J. Gozikowski Director, Office of Waste Management, Department of Public Works and Environmental Services (DPWES)	Authority Representative

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

Supervisor Gross moved approval of the minutes of the January 24, 2000, meeting of the Fairfax County Solid Waste Authority. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

Supervisor Gross moved approval of the financial statements for the Authority as distributed to members of the Authority. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Hyland being out of the room.

A brief discussion ensued with input from Jeffrey M. Smithberger, Deputy Director, Solid Waste Disposal and Resource Recovery Division, Department of Public Works and Environmental Services.

At 3:35 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

SBE:sbe

67. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-121 (WESTMINSTER SCHOOL, INCORPORATED) (MASON DISTRICT)** (Tape 6)

Mr. William C. Thomas, Jr. reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Application Amendment SEA 84-M-121, subject to the development conditions dated January 18, 2001.
- Modification of the transitional screening requirement along the southern, western, and northern property boundaries.
- Waiver of the barrier requirements along the western property boundary, as conditioned.
- Waiver of the requirement that usable outdoor recreation area be limited to area outside the limits of the required front yard.

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

68. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2000-PR-041 (VIRGINIA CENTER LIMITED PARTNERSHIP) (PROVIDENCE DISTRICT)** (Tape 6)

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

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, 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 2000-PR-041, from the PDC District, to the PDH-30 District, subject to proffers dated January 18, 2001.
- Approval of a modification of the transitional screening and waiver of the barrier requirement along the north, northeast, and west sides of the site in favor of proposed landscaping, subject to the executed proffers dated January 18, 2001.
- Approval of a reduction to permit a minimum of three loading spaces, subject to the executed proffers dated January 18, 2001.

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

69. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 00-H-028 (CATHOLIC DIOCESE OF ARLINGTON, THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA, AND HIS SUCCESSORS IN OFFICE) (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins moved to defer the public hearing on Special Exception Application SE 00-H-028 until **February 5, 2001, at 4 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

70. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LIMITATIONS ON MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES** (Tape 6)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2001.

Following the public hearing, which included testimony by one speaker, Supervisor Connolly moved adoption of the proposed amendments to the

Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding limitations on mobile and land based telecommunication facilities, as recommended by the Planning Commission, with an effective date of **January 23, 2001, at 12:01 a.m.** Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

DS:ds

71. **4 P.M. – BOARD DECISION ON A PROPOSAL TO ABANDON A PORTION OF HORSEPEN ROAD (ROUTE 605) (HUNTER MILL DISTRICT)** (Tape 7)

(NOTE: Later in the meeting action was taken on this item. See Clerk's Summary Item CL#77.)

72. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-MA-036 (S & R DEVELOPERS, INCORPORATED) (MASON DISTRICT)** (Tape 7)

- (O) 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, Francis Burns, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2000-MA-036, from the C-3 District to the R-8 District, subject to proffers dated January 18, 2001.
- Waiver of the minimum district size requirement.

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

73. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-060 (BOARD OF SUPERVISORS' OWN MOTION) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2000-MV-060 indefinitely. Supervisor Kauffman and Supervisor Mendelsohn jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

74. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 00-D-003 (COMMUNITY WIRELESS STRUCTURES II, LLC) (DRANESVILLE DISTRICT)** (Tape 7)

Supervisor Mendelsohn moved to defer the public hearing on Special Exception Application SE 00-D-003 until **February 5, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

75. **4 P.M. – PH ON REZONING APPLICATION RZ 2000-MV-017 (ALD GROUP, INCORPORATED) (MOUNT VERNON DISTRICT)** (Tape 7)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2000-MV-017 until **February 5, 2001, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

76. **BOARD RECESS** (Tape 7)

At 4:10 p.m., the Board recessed briefly, and at 4:30 p.m. the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Hanley presiding.

77. **4 P.M. – BOARD DECISION ON A PROPOSAL TO ABANDON A PORTION OF HORSEPEN ROAD (ROUTE 605) (HUNTER MILL DISTRICT)** (Tape 7)

(NOTE: On January 8, 2001, the public hearing on this item was held. At the conclusion of the public hearing, the Board deferred decision until January 22, 2001.)

Supervisor Hudgins moved that the Board defer decision on a proposal to abandon a portion of Horsepen Road until **February 5, 2001, at 3 p.m.**

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

78. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, BY ENACTING CHAPTER 9.1 (COMMUNICATIONS) AND REPEALING CHAPTER 9 (CABLE COMMUNICATIONS)** (Tapes 7-8)

- (O) A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2001.

Following the public hearing, which included testimony by 12 speakers, Supervisor Connolly moved adoption of the Ordinance to enact Chapter 9.1 (Communications), and Attachment One, and repeal Chapter 9 (Cable Communications). Supervisor Kauffman seconded the motion.

Supervisor Bulova asked to amend the motion to include on handwritten page 57 of the proposed Ordinance, lines 14 through 16 to read as follows: "...a grantee shall provide Public, Educational and Governmental (PEG) access support as authorized by federal law, 47 U.S.C. Section 531, and as specified in the Franchise Agreement. Terms to be established by the Board."

Discussion ensued with input from Michael Long, Senior Assistant County Attorney.

Supervisor Mendelsohn asked to amend the motion as follows: "A Grantee shall provide PEG as authorized by 47 U.S.C. Section 531, and shall provide leased access channels as required by 47 U.S.C. Section 532, and other access channel capacity, facilities, and financial support as specified in this franchise agreement.

Supervisor Bulova withdrew her motion in favor of Supervisor Mendelsohn's language.

Chairman Hanley asked Supervisor Mendelsohn to hand write the amended motion.

Supervisor Frey asked unanimous consent that the Board direct staff to be considerate of areas farther away (e.g. Great Falls, western parts of the Sully District, Clifton, and Fairfax Station) during franchise agreement negotiations so as not to make these areas the last to be serviced. Without objection, it was so ordered.

Supervisor Mendelsohn read his handwritten amendment to the motion: "A Grantee shall provide PEG as authorized by 47 U.S.C. Section 531, and shall provide leased access channels as required by 47 U.S.C.

Section 532, and shall provide other access channel capacity, facilities, and financial support as specified in this franchise agreement." This was accepted.

Following further discussion, Mr. Long suggested the motion read as follows: "A Grantee shall provide PEG as authorized by 47 U.S.C. Section 531, and other access channel capacity, facilities, and financial support as specified in this franchise agreement."

Supervisor Hyland asked to amend the amendment as follows: "A grantee shall provide PEG or other access channel capacity, facilities, and financial support, and as specified in this franchise agreement and authorized by 47 U.S.C. Section 531," This was accepted.

Supervisor Mendelsohn moved that the Board defer action on this item until conclusion of the two 5 p.m. public hearings. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

(Later in the meeting action was taken on this item. See Clerk's Summary Item CL#81.)

79. **5 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO KOLL METROPOLITAN LLC (SULLY DISTRICT)** (Tape 8)

(NOTE: Earlier in the meeting action was taken related to this item. See Clerk's Summary Items CL#60 and CL#61.)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2001.

Following the public hearing, Supervisor Frey moved that the Board give final approval to the sale of Land Bay A as set forth in the two contracts with Koll Metropolitan, LLC, dated December 18, 2000, as amended on January 22, 2001. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

80. **5 P.M. – PH ON THE INFILL AND RESIDENTIAL DEVELOPMENT STUDY AND THE PLANNING COMMISSION'S RECOMMENDATIONS** (Tapes 8-10)

A Certificate of Publication was filed from the editor of the *Fairfax Journal* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 4 and January 11, 2001.

Following the public hearing, which included testimony by 15 speakers, there was input from James P. Zook, Director, Department of Planning and Zoning, and Jeffrey L. Blackford, Deputy Director, Office of Site Development Services, Department of Public Works and Environmental Services.

Supervisor Mendelsohn, jointly with Supervisor Kauffman, moved approval of the Planning Commission recommendations, including its established priorities, with the following modifications:

- Return SC-5, "Allow cluster development by-right," to staff for further evaluation. Given likely State legislation which could mandate cluster-by-right, it is imperative that staff closely monitor that legislation and be prepared to begin drafting criteria that limits the impact of cluster development as soon as possible after the 2001 General Assembly session. This must include items such as:
 - Tree preservation
 - Buffer areas
 - Conservation easements and parkland dedications
 - Limits on clearing and grading
 - EQC preservation
 - Setbacks greater than the minimum yard requirements
 - Innovative stormwater management and BMPs
 - Right-of-way dedication and road improvements

In addition, any consideration that would allow cluster development by-right should be strictly limited to residential zones of R-2 and above and be limited to cases where cluster plans would allow no more homes than can be built by-right, taking into account reductions in land area for RPAs.

- Modify SC-9, "Modify bulk regulation provisions in the Zoning Ordinance," with a directive to staff to come back to the Board with amendments to the dated (1977) "Transitional Screening" requirements. Specifically, staff needs to consider adding screening requirements between residential uses.

- Return TP-1, "Reduce grading to increase tree preservation," to staff for further review. Staff review should include an evaluation of additional environmental benefits associated with tree preservation above and beyond reductions in grading and runoff. The review should examine other methodology besides the coefficients looked at in this study.
- Amend TR-4A, to delete references to "sidewalks" and replace it with "sidewalks or trails." Supervisor Kauffman and Supervisor Mendelsohn support additional language to allow trails to meander around trees or other environmentally sensitive areas where possible.

Supervisor Kauffman seconded the motion.

Supervisor Bulova asked to amend the motion and include in bullet number 4 "...sidewalks, trails, or paths." This was accepted.

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

81. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, BY ENACTING CHAPTER 9.1 (COMMUNICATIONS) AND REPEALING CHAPTER 9 (CABLE COMMUNICATIONS)** (Tape 10)

- (O) (NOTE: Earlier in the meeting the public hearing was held on this item and the Board deferred action. See Clerk's Summary Item CL#78.)

Supervisor Connolly moved adoption of the proposed amendments to the Code of the County of Fairfax, by enacting Chapter 9.1 (Communications) and repealing Chapter 9 (Cable Communications), with the following modification to Subsection C, Attachment One, Page 57: "As authorized by 47 U.S.C. Section 531, a Grantee shall provide PEG access. Such PEG access channel capacity, facilities, and financial support shall be provided as specified in its Franchise Agreement." Supervisor Bulova 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."

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

At 8:40 p.m., the Board adjourned.

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