



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 6, 2003**

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01-03

DMB:dmb

The meeting was called to order at 9 a.m., with all Members being present, with the exception of Supervisor Connolly and with Chairman Hanley presiding.

Supervisor Connolly arrived at 9:05 a.m.

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 MATTER

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

Chairman Hanley asked everyone to remember in thoughts and prayers all of those who are being called up and away to serve their country and to also remember their families.

Supervisor Gross asked everyone to remember in thoughts and prayers Mrs. Helen Langford, a wonderful volunteer in Mason District, who was the head of the Friends of the George Mason Regional Library and was very active in the Annandale Christian Community for Action.

AGENDA ITEMS

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

Chairman Hanley announced that there would be a change in the Orders of the Day and that the Board would proceed with the Certificate of Recognition presented to Major Audrey Slyman.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MAJOR AUDREY SLYMAN** (Tape 1)

Supervisor McConnell moved approval of the Certificate of Recognition presented to Major Audrey Slyman for more than 28 years with the Fairfax County Police Department. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE MEN'S FIREFIGHTER COMBAT CHALLENGE TEAM** (Tape 1)

Supervisor Connolly moved approval of the Certificates of Recognition presented to the members of the men's Firefighter Combat Challenge Team for their achievement in besting 640 competitors representing 150 fire departments from 42 states, provinces, and Europeans Air Force bases to place fifth in the 2002 World Championships held in Deerfield Beach, Florida and Soza and Company, the team's sponsor. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO COX COMMUNICATIONS AND THE FAIRFAX COUNTY POLICE DEPARTMENT TRAFFIC DIVISION** (Tape 1)

Supervisor Connolly moved approval of the Certificates of Recognition presented to Cox Communications and the Fairfax County Police Department Traffic Division for their partnership in bringing safety messages to citizens. Supervisor Bulova seconded the motion and it carried by unanimous vote.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MAJOR AUDREY SLYMAN** (Tape 1)

(NOTE: Earlier in the meeting the Board took action on this item. See Summary Item CL#3).

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. MONICA PERZ-WADDINGTON** (Tape 1)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Ms. Monica Perz-Waddington for her work in getting new playground equipment at Springfield Forest Park. Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO MEMBERS OF THE 2002 FALL BOND REFERENDUM COMMITTEE** (Tape 1)

(BACs) Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificates of Recognition presented to the members of the 2002 Fall Bond Referendum Committee for their work. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **PROCLAMATION DESIGNATING JANUARY AS "NATIONAL MENTORING MONTH" IN FAIRFAX COUNTY** (Tape 1)

Following discussion with input from Anthony H. Griffin, Chairman Hanley moved approval of the Proclamation to designate January as "*National Mentoring Month*" in Fairfax County. Supervisor Hyland 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.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. ROBERT ATHING** (Tape 1)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Robert Athing for being named 2002 Financial Crimes Investigator of the Year by the International Association of Financial Investigators. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

11. **CERTIFICATE OF RECOGNITION PRESENTED TO THE DEPARTMENT OF HUMAN RESOURCES** (Tape 1)

Supervisor Gross moved approval of the Certificate of Recognition presented to the Department of Human Resources for winning this year's large agency award from the International Personnel Management Association. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

12. **10 A.M. – BOARD ORGANIZATION AND APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AND INTERNAL BOARDS AND COMMITTEES** (Tapes 1-2)

Supervisor Kauffman moved the appointment of Supervisor Gerald "Gerry" W. Hyland as Vice-Chairman to the Board of Supervisors. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Supervisor Bulova asked unanimous consent that the Board direct staff to make a revision to page three of the list of "Intergovernmental Boards and Committees" to change the title of the "Endzone Partnership" to "Clean Air Partners." Without objection, it was so ordered.

Supervisor Connolly said that because of his election, the seat on the Board of the Virginia Association of Counties (VACo) on page four of the list of "Intergovernmental Boards and Committees" is open and the Board may want to appoint someone else.

Supervisor Connolly moved approval of the list of Appointments of Board Members to Various Regional Agencies, Committees, and Subcommittees for Calendar Year 2003 as distributed. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The entire list is as follows:

APPOINTMENTS OF BOARD MEMBERS TO VARIOUS REGIONAL AGENCIES, COMMITTEES, AND SUBCOMMITTEES FOR CALENDAR YEAR 2003

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

Gerald Hyland - Chairman
Penelope Gross
Dana Kauffman

ARLINGTON

Penelope Gross - Chairman
Gerald Connolly
Stuart Mendelsohn

DISTRICT OF COLUMBIA

Katherine Hanley - Chairman
Gerald Connolly
Gerald Hyland
Dana Kauffman

FAIRFAX CITY

Gerald Connolly - Chairman
Katherine Hanley
Sharon Bulova
Elaine McConnell

FALLS CHURCH

Penelope Gross - Chairman
Gerald Connolly
Stuart Mendelsohn

FORT BELVOIR

Dana Kauffman - Chairman
Gerald Hyland
Katherine Hanley

HERNDON

Stuart Mendelsohn – Chairman
Catherine Hudgins

LOUDOUN COUNTY

Stuart Mendelsohn - Chairman
Michael Frey
Catherine Hudgins

PRINCE WILLIAM -

(includes UOSA, City of Manassas, and City of Manassas Park)
Michael Frey – Chairman
Gerald Hyland
Elaine McConnell

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

Catherine Hudgins

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)

COG BOARD OF DIRECTORS

Penelope Gross - Principal
Gerald Connolly - Principal
Catherine Hudgins- Principal
Sharon Bulova – Alternate
Michael Frey – Alternate
Dana Kauffman - Alternate

COG METROPOLITAN WASHINGTON AIR QUALITY COMMITTEE

Dana Kauffman – Principal
Katherine Hanley – Principal
Sharon Bulova – Principal
Gerald Hyland – Alternate (for any member)

COG AIRPORT NOISE ABATEMENT

Stuart Mendelsohn – Principal
Gerald Hyland – Principal
Michael Frey – Alternate (for either member)

COG CHESAPEAKE BAY POLICY COMMITTEE

Penelope Gross – Principal
Gerald Hyland – Principal

COG HUMAN SERVICES COMMITTEE

Catherine Hudgins -Principal

COG PUBLIC SAFETY POLICY COMMITTEE

Penelope Gross - Principal

COG METROPOLITAN DEVELOPMENT POLICY COMMITTEE

Michael Frey – Principal
Sharon Bulova – Principal
Dana Kauffman – Principal

COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES

Penelope Gross

COG TRANSPORTATION PLANNING BOARD

Katherine Hanley - Principal
Catherine Hudgins - Principal
Gerald Connolly – Alternate
Stuart Mendelsohn – Alternate

CLEAN AIR PARTNERS

Sharon Bulova

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

Katherine Hanley
Stuart Mendelsohn

INOVA HEALTH SYSTEMS BOARD

Elaine McConnell

IHS HOSPITALS BOARD

Penelope Gross

Michael Frey

LIAISON WITH CENTRAL FAIRFAX CHAMBER OF COMMERCE

Sharon Bulova

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

(Formerly the Northern Virginia Planning District Commission - NVPDC)

Sharon Bulova

Gerald Connolly

Penelope Gross

Katherine Hanley

Catherine Hudgins

Elaine McConnell

Stuart Mendelsohn

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

(NVTC) (including WMATA and VRE Representatives)

Sharon Bulova - Principal (VRE Operation)

Gerald Connolly

Katherine Hanley – Alternate (WMATA)

Dana Kauffman - Principal (WMATA) and Principal (VRE Operation)

Elaine McConnell - Principal (VRE Operation)

POTOMAC WATERSHED ROUNDTABLE

Penelope Gross

ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT COMMISSION

Katherine Hanley

Michael Frey

Catherine Hudgins

Stuart Mendelsohn

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
(WMATA)**

(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

Dana Kauffman - Principal

Katherine Hanley – Alternate

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

Penelope Gross

Catherine Hudgins

Katherine Hanley

INTRAGOVERNMENTAL AND OTHER COMMITTEES

AUDIT COMMITTEE

Katherine Hanley - Chairman

Sharon Bulova

Elaine McConnell

BOARD PROCEDURES COMMITTEE

Gerald Connolly - Chairman

Stuart Mendelsohn

BUDGET POLICY COMMITTEE

(Committee of the Whole)

Sharon Bulova - Chairman

Elaine McConnell - Vice-Chairman

DEVELOPMENT PROCESS COMMITTEE

(Committee of the Whole)

Michael Frey - Chairman

Penelope Gross - Vice-Chairman

ECONOMIC ADVISORY COMMITTEE

Elaine McConnell - Chairman

Gerald Connolly

Catherine Hudgins

ENVIRONMENTAL COMMITTEE

(Committee of the Whole)

Stuart Mendelsohn - Chairman

Sharon Bulova – Vice-Chairman

FIRE COMMISSION

Gerald Hyland

GOVERNMENT REORGANIZATION COMMITTEE

(Committee of the Whole)
Gerald Connolly - Chairman
Stuart Mendelsohn - Vice-Chairman

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

(Committee of the Whole)
Catherine Hudgins - Chairman
Dana Kauffman – Vice-Chairman

HUMAN SERVICES COMMITTEE

(Committee of the Whole)
Catherine Hudgins - Chairman
Penelope Gross - Vice-Chairman

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)
Katherine Hanley - Chairman
Catherine Hudgins - Vice-Chairman

LEGISLATIVE COMMITTEE

(Committee of the Whole)
Gerald Connolly - Chairman

PERSONNEL COMMITTEE

(Committee of the Whole)
Penelope Gross - Chairman
Stuart Mendelsohn - Vice-Chairman

REVITALIZATION COMMITTEE

Gerald Hyland – Chairman
Penelope Gross
Dana Kauffman

TRANSPORTATION COMMITTEE

(Committee of the Whole)
Elaine McConnell - Chairman
Catherine Hudgins - Vice-Chairman

PW:pw

13. **ADMINISTRATIVE ITEMS** (Tape 2)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Bulova seconded the motion and it carried by a 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 REGARDING THE LAND EXCHANGE/LOT LINE ADJUSTMENT OF AND TRANSFER OF COUNTY PROPERTY TO FAIRFAX COUNTY PARK AUTHORITY (SPRINGFIELD DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **February 10, 2003, at 3:30 p.m.** regarding the proposed land exchange/lot line adjustment of Tax Map 75-3(8) lot E and transfer of County property to the Fairfax County Park Authority.
 - Directed staff to notify adjacent property owners of the public hearing by certified mail.

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, MASON, AND MOUNT VERNON DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Chesterbrook Farm, Section 2	Dranesville	Copley Lane Route 83902 Hardwood Lane Route 2591
Hillside Estates	Dranesville	Hillside Drive Route 1012 Additional ROW Only Idylwood Road Route 695 Additional ROW Only
Popenoe	Dranesville	Parkerhouse Drive Springvale Road Route 674 Additional ROW Only
Reston, Section 939	Hunter Mill	Sunset Hills Road Route 675 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Walton Woods	Mason	Dade Drive Route 3787
Belle Haven Animal Medical Center	Mount Vernon	Belle Haven Road Route 632 Additional ROW Only
Sullenburger Property	Mount Vernon	Sullenburger Court Silverbrook Road Route 600 Additional ROW Only

ADMIN 3 – BOARD OF SUPERVISOR'S MEETING SCHEDULE FOR CALENDAR YEAR 2003

Adopted the Board's meeting schedule for January through December 2003.

ADMIN 4 – INSTALLATION OF MULTI-WAY STOPS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)

- Endorsed the installation of multi-way stops at the following locations as part of DOT's R-TAP:
 - Sorrel Street and Douglas Drive (Dranesville District)
 - Calder Road and Nolte Street (Dranesville District)
- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

ADMIN 5 – EXTENSION OF REVIEW PERIOD FOR 2232 PUBLIC FACILITY REVIEW APPLICATION (MOUNT VERNON DISTRICT)

Authorized the extension of review period for Public Facility (2232) Review Application FS-V02-29 to May 5, 2003.

14. **A-1 – ADVANCE DECAL SALE POLICY ADOPTION** (Tape 2)

- (P) Supervisor Connolly moved that the Board concur in the recommendation of staff and adopt a new Policy proposal that vehicle decals be issued 'in advance' to those

taxpayers who are otherwise current in their tax and parking ticket obligations to the County. Supervisor Bulova seconded the motion.

Discussion ensued with input from Kevin C. Greenlief, Director, Department of Tax Administration, and Anthony H. Griffin, County Executive.

Supervisor Connolly asked to amend the motion to direct staff to:

- Provide a one-year status review to the Board.
- Provide the Policy for reaffirmation in two years.
- Include information on other jurisdictions that have abolished the use of decals as well as other options regarding decals in the review.

Following further discussion, with input from Mr. Greenlief, the question was called on the motion, as amended, which carried by unanimous vote.

15. **A-2 – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND CELEBRATE FAIRFAX, INCORPORATED** (Tape 2)

(BACs) On motion of Supervisor Bulova, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the MOU that continues the relationship between Celebrate Fairfax, Incorporated, and the County.

16. **A-3 – SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003A** (Tape 2)

(R)
(Bonds) Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Adopt a Resolution authorizing the sale of General Obligation Refunding Bonds on or about February 6, 2003.
- Approve the form of the Escrow Deposit Agreement for the General Obligation Refunding Bonds.

Following discussion, with input from Leonard P. Wales, Assistant Director, Department of Management and Budget, 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."

17. **A-4 – AMENDED PARKING REDUCTION FOR FAIRFAX CORNER TOWN CENTER (SPRINGFIELD DISTRICT)** (Tape 2)

On motion of Supervisor McConnell, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 20.8 percent for Phase IB of the Fairfax Corner Town Center and a 24.7 percent reduction of the required on-site parking at the completion of the entire development, pursuant to Paragraph 4(B), Section 11-102 of the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), based on the Board's prior approval of a parking reduction for this site subject to the conditions outlined in the Board Agenda Item dated January 6, 2003.

18. **A-5 – APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN CHILDHELP USA CHILDREN'S CENTER OF VIRGINIA AND FAIRFAX COUNTY POLICE DEPARTMENT (FCPD), FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES (DFS), FAIRFAX/FALLS CHURCH COMMUNITY SERVICES BOARD (CSB), OFFICE OF THE COMMONWEALTH'S ATTORNEY OF FAIRFAX COUNTY, INOVA FAIRFAX HOSPITAL FOR CHILDREN, AND HISPANICS AGAINST CHILD ABUSE AND NEGLECT (HACAN)** (Tape 2)

On joint motion of Supervisor Connolly and Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the signing of a cooperative agreement between the FCPD, DFS, CSB, Office of the Commonwealth's Attorney of Fairfax County, ChildHelp USA Children's Center of Virginia, INOVA Fairfax Hospital for Children, and HACAN.

19. **A-6 – BOARD POSITION OF PROPOSED AMENDMENTS TO THE BUILDING CODE** (Tape 2)

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the sending of the draft letter, signed by the Chairman, requesting the Virginia Board of Housing and Community Development (BHCD) action on the proposed amendments to the Virginia Uniform Statewide Building Code. Supervisor Connolly seconded the motion.

Discussion ensued with input from Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to send the entire history of the issues to the new members of the BHCD. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Following further discussion with input from Ms. Zager, Supervisor Gross asked unanimous consent that the Board direct staff to change the nature of the letter to more strongly reflect the requests of the Board. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to provide a current list of the members of the BHCD. Without objection, it was so ordered.

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

20. **A-7 – BOARD ACTION TO APPROVE A MEMORANDUM OF AGREEMENT WITH THE RESTON ASSOCIATION TO UTILIZE CERTAIN PROPERTY FOR THE ESTABLISHMENT OF A SOUTHGATE COMMUNITY CENTER** (Tape 2)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the Memorandum of Agreement concerning the establishment and operation of a new community center in the Reston area to be called the Southgate Community Center. Chairman Hanley seconded the motion.

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

Discussion continued briefly.

21. **I-1 – TRANSFER OF A 1967 HEAVY DUTY MILITARY WRECKER TO THE NEWPORT NEWS FIRE DEPARTMENT** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization for staff to transfer the title for the 1967 heavy-duty military wrecker to the Newport News Fire Department.

The staff was directed administratively to proceed as proposed.

22. **I-2 – LICENSE AGREEMENT WITH NORTHERN VIRGINIA REGIONAL PARK AUTHORITY – STORM DRAINAGE IMPROVEMENTS WITHIN THE WASHINGTON AND OLD DOMINION RAILROAD REGIONAL PARK (HUNTER MILL DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization for staff to execute a License Agreement with the Northern Virginia Regional Park Authority.

The staff was directed administratively to proceed as proposed.

23. **I-3 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-D02-29, VERIZON WIRELESS (DRANESVILLE DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-D02-29.

24. **I-4 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-V02-5, FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, announcing the Planning Commission's approval of Public Facilities Application 2232-V02-5.

25. **I-5 – CONTRACT AWARD – LONG BRANCH STREAM VALLEY TRIAL EXTENSION (BRADDOCK DISTRICTS)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization for staff to award a contract to Berry Paving and Concrete Construction Company, Incorporated, in the amount of \$329,734 for the extension of the existing stream valley trail as part of Project W00100, Braddock District Walkways, Detail W1050, Long Branch Stream Valley Park, in Fund 307, Sidewalk Construction.

The staff was directed administratively to proceed as proposed.

26. **I-6 – APPROVAL OF REIMBURSEMENT AGREEMENTS FOR THE OPERATION AND MAINTENANCE OF ACORN STREET LIGHTING FIXTURES ON DECORATIVE FLUTED FIBERGLASS POLES IN THE TOWN OF VIENNA COMMERCIAL REVITALIZATION AREA, MAPLE AVENUE PHASE II AND III (HUNTER MILL DISTRICT)** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization for staff to execute the:

- Reimbursement Agreements between the Town of Vienna and the County
- Agreements for the Purchase of Electricity between Dominion Virginia Power and the County

for the operation and maintenance of acorn street lighting fixtures on decorative fluted fiberglass poles in the Vienna Commercial Revitalization Area,

Maple Avenue, Phase II and III.

The staff was directed administratively to proceed as proposed.

27. **I-7 – DEVELOPMENT AND IMPLEMENTATION OF A FAIRFAX COUNTY CITIZEN CORPS COUNCIL** (Tape 2)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization for staff to continue with the development of a Citizen Corps Council. The group will work with the Emergency Management Coordinating Committee to consider and invite additional, appropriate members as needed and to develop a charter consistent with its intended purpose, the needs of the County, and an integrated approach. Once these activities are completed, the Council will be formally established by the County Executive.

Following discussion, the staff was directed administratively to proceed as proposed.

28. **I-8 – CONTRACT AWARD - CONSULTING SERVICES FOR DEVELOPMENT OF A SOLID WASTE MANAGEMENT PLAN** (Tapes 2-3)

The Board next considered an item contained in the Board Agenda dated January 6, 2003, requesting authorization to award a contract to Logistics Management Institute in an amount not to exceed \$321,467 over two years for the provision of consultant services for a contractor to work with County staff to identify current and future solid waste capacity requirements for commercial and residential needs of Fairfax County.

Discussion ensued with input from Joyce M. Doughty, Director, Division of Solid Waste, Disposal and Resource Recovery, Department of Public Works and Environmental Services.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide a timeline for the work to be performed by the consultant. Following input from Ms. Doughty, without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

29. **NBC4 HEALTH AND FITNESS WEEKEND** (Tape 4)

Chairman Hanley announced that the tenth annual NBC4 Health and Fitness Expo will take place at the Washington Convention Center on January 18 and 19, 2003. To mark the milestone regional exposition, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send a proclamation declaring January 18 and 19, 2003, as "*NBC4 Health and Fitness Weekend*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

30. **AFRICAN AMERICAN HISTORY MONTH** (Tape 4)

Chairman Hanley said that the month of February is nationally recognized as African American History Month. In conjunction with federal observances, the Office of Equity Programs requested the County to observe February as African American History Month.

Accordingly, Chairman Hanley moved that the Board direct staff to invite representatives from the African American community and the Office of Equity Programs to appear before the Board at January 27, 2003, meeting to receive a proclamation declaring February as "*African American Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Connolly being out of the room.

31. **CHILD ABUSE PREVENTION MONTH** (Tape 4)

Chairman Hanley stated that the Advisory Social Services Board requested that the County recognize April as Child Abuse Prevention Month. Accordingly, she moved that the Board direct staff to invite representatives from the Advisory Social Services Board to appear before the Board at the March 24, 2003, meeting to receive a proclamation declaring April as "*Child Abuse Prevention Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by unanimous vote.

32. **NATIONAL INFANT IMMUNIZATION MONTH** (Tape 4)

Chairman Hanley announced that the month of April is National Infant Immunization Month. While the County has an 80 percent compliance rate for this important area of public health, as a commitment to all children, the Board needs to encourage all County residents to take advantage of timely childhood immunizations.

Therefore, Chairman Hanley moved that the Board direct staff to invite representatives from the Health Department and the Health Care Advisory Board to appear before the Board on April 7, 2003, to receive a proclamation declaring April as "*Immunization Month*" in Fairfax County. Supervisor McConnell seconded the motion, which carried by unanimous vote.

33. **CLEAN AIR EFFORTS** (Tape 4)

Chairman Hanley stated that reducing pollution has become a top priority for jurisdictions in the Eastern United States, including Fairfax County, through the Metropolitan Washington Air Quality Committee (MWAQC), that face federal deadlines for reducing ozone and smog. These pollutants are caused in part by transport from older coal-fired plants located primarily in the midwestern states, including one owned by Pepco in West Virginia.

Chairman Hanley said that on Tuesday, December 31, 2002, nine northeastern states (Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont) filed suit challenging the Administration's decision to relax national industrial pollution restrictions for the first time since enactment of the Clean Air Act in 1970.

Chairman Hanley noted that the Board has been proactive in:

- Supporting State legislation (Board action 8/6/01).
- Asking the Board's Legislative Committee to address the issue of the Board supporting federal legislation that would end the grandfathering of coal-fired plants (Board action 9/10/02).
- Directing the Chairman to sign a letter in support of such legislation (HR 1256) to the Virginia Congressional delegation and asking that members agree to co-sponsor and support the legislation (Board action 10/1/02).

Chairman Hanley said that Virginia does not appear to be among the states that have joined the suit despite the fact that the Washington metropolitan area is in serious, now severe, non-attainment for high levels of air pollutants.

Accordingly, Chairman Hanley moved that the Board direct staff to send a letter to Governor Mark Warner, copied to the Congressional Delegation, reiterating Board support for stronger action against coal-fired power plants that pollute the County's air and asking that Virginia join the suit. Supervisor Bulova and Supervisor McConnell jointly seconded the motion.

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

Chairman Hanley noted that January 2004 is the deadline for a new state implementation plan for air and therefore, a new constrained long range plan that will be in conformance with it.

With reference to a mobile model regarding the mix of on road vehicles that was presented to members of the MWAQC which Chairman Hanley cited, Supervisor Mendelsohn asked consent that the Board direct staff to provide copies of it to all Members of the Board. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, and James Gorby, Director, Department of Vehicle Services, Chairman Hanley asked unanimous consent that the Board direct staff to provide information as to the effect on the County's fleet as well as other fleets of the proposed closure of compressed natural gas fueling stations by Washington Gas.

Supervisor Connolly asked to amend the motion to direct staff also to request from Washington Gas its rationale for the phase out as well as its assessment of the effect on the region.

Without objection, the request, as amended, was so ordered.

Chairman Hanley called the Board's attention to a memorandum to the TPB Technical Committee regarding a vehicle fleet inventory for public sector agencies. She noted that she offered the County as a test case for using the form.

Accordingly, Chairman Hanley asked unanimous consent that the Board direct staff to complete the form expeditiously. Without objection, it was so ordered.

34. **UNDERGROUND UTILITY FACILITIES** (Tape 4)

Chairman Hanley stated that to protect underground utility facilities in Northern Virginia, the Miss Utility Program coordinates proposed excavation locations to prevent damage. Currently a call center operating in the metropolitan area notifies all stakeholders of the pending excavations.

Chairman Hanley said that it had been called to her attention that as of July 1, 2003, the notification structure now in place will be altered and local calls will be answered in Roanoke through a central call center for all of Virginia. To support the essential level of service needed to maintain the highest level of public safety and the least economic disruption for area ratepayers, she moved that the Board direct staff to evaluate the proposed changes and to make a recommendation to the Board as to whether the County should prepare testimony on behalf of County ratepayers. Supervisor Gross seconded the motion and discussion ensued.

In regard to the financing of the new call center, Chairman Hanley clarified that the motion included an evaluation of all aspects of the proposed changes.

The question was called on the motion, as clarified, which carried by a vote of eight, Supervisor Bulova and Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

35. **MOUNT VERNON DISTRICT'S SIXTEENTH ANNUAL TOWN MEETING** (Tape 4)

Supervisor Hyland announced that the Mount Vernon District's Sixteenth Annual Town Meeting will be held Saturday, January 25, 2003, from 8 a.m. to 1 p.m. at Mount Vernon High School's Little Theatre Auditorium, 8515 Old Mount Vernon Road. He announced that refreshments would be served during the first hour and that participants could view the many exhibits provided by County agencies and nonprofit groups. He invited everyone to attend.

36. **EXPEDITED PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-V-151 (MOUNT VERNON DISTRICT)** (Tape 4)

Supervisor Hyland stated that he was formally asked by a representative of the applicant, Del-Ray Glass, to request that the Board grant expedited processing for Proffered Condition Amendment Application PCA 85-V-151. He noted that since the property in question is within the Richmond Highway Commercial Revitalization District, it may already be qualified for expedited review.

Accordingly, Supervisor Hyland moved that the Board direct staff to grant expedited processing for Proffered Condition Amendment Application PCA 85-V-151. He noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and does not prejudice the consideration of the land use application in any way. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Bulova and Supervisor Mendelsohn being out of the room.

37. **CONSIDERATION OF SPLIT SHIFTS FOR ELECTIONS OFFICERS** (Tape 4)

Supervisor Hyland stated that he received a request from a constituent, Mr. Tom Fina, asking the Board to consider split shifts for elections officers. The League of Women Voters, at the 1998 General Assembly session, requested and received enabling legislation to permit localities throughout the state to experiment with split shifts for election poll workers. He distributed an article

that pinpoints the reason split shifts are being requested in Virginia, specifically the difficulties in recruiting because of long hours and generally token pay.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this matter to staff for further review and recommendations. Without objection, it was so ordered.

38. **MOUNT VERNON COUNCIL RESOLUTION REQUESTING TRAFFIC COURT AT THE SOUTH COUNTY CENTER (MOUNT VERNON DISTRICT)** (Tape 4)

Supervisor Hyland distributed to the Board copies of a letter and formal resolution from the Mount Vernon Council requesting that the Board direct the County Executive to develop and implement a plan in conjunction with the Chief Judge, Sheriff, and Police Department to establish and operate a satellite traffic court in the South County Center. He noted that Supervisor Kauffman raised this issue in the past. The council believes that the request is justified because of the long distance citizens and police must travel to testify at Traffic Court. This is time consuming for the citizen and hampers the Police Department's efficiency.

Accordingly, Supervisor Hyland asked unanimous consent that this matter be referred to the County Executive for review and an official recommendation. Without objection, it was so ordered.

39. **CLARIFICATION OF NEWSPAPER ARTICLE (SPRINGFIELD DISTRICT)** (Tape 4)

Supervisor McConnell called the Board's attention to an article in the January 6, 2003, edition of *The Washington Post* regarding a store in Clifton. She clarified that she will do whatever it takes to protect her name against "all accusations of doing illegal things."

40. **LEGISLATIVE ACTION REGARDING A CAP ON REAL ESTATE TAXES** (Tape 4)

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide copies of bills regarding a five percent cap on real estate taxes. Without objection, it was so ordered. Chairman Hanley stated that they would be provided at the Board's Legislative Committee meeting.

Supervisor Connolly asked unanimous consent that the Board direct staff to prepare documentation on the economic consequences of those proposed bills for distribution at the Board's Legislative Committee meeting on Friday, January 17, 2003. Without objection, it was so ordered.

A brief discussion ensued.

41. **2003 COMMUNITIES THAT CARE YOUTH SURVEY** (Tape 4)

Supervisor Mendelsohn raised the issue of the 2003 Communities that Care Youth Survey and the issue of the addition of sexual risk behavior questions. He asked unanimous consent that the Board direct staff to provide for Board review on January 27, 2003, the proposed survey as well as the previous survey administered in 2001 and its history. Without objection, it was so ordered.

An extensive discussion ensued.

PW:pw

42. **REQUEST TO WAIVE THE FILING FEES FOR THE EXPANSION OF THE ROBINSON SECONDARY SCHOOL RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova said that student parking on residential streets around Robinson Secondary School continues to be a serious problem and expansion of the Robinson RPPD is needed. Consequently, she forwarded to the Department of Transportation (DOT) a petition for the expansion of the Robinson RPPD on Concordia Street from Gadsen Drive to Holden Street. To proceed with the request, DOT needs Board approval to waive the filing fees.

Therefore, Supervisor Bulova moved that the Board direct staff to waive the fees and to proceed as expeditiously as possible. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

43. **RECOGNITION OF FOREST EDGE ELEMENTARY SCHOOL AND SIEMENS ENTERPRISE NETWORKS (HUNTER MILL DISTRICT)** (Tape 5)

Supervisor Hudgins announced that Forest Edge Elementary School and Siemens Enterprise Networks have been recognized for their successful partnership with the Siemens Caring Hands Foundation Community Excellence 2002 Chairman's Award, which provides a \$5,000 donation to Forest Edge Elementary School. The two have been partners since 1991 and have benefited hundreds of Forest Edge Elementary School students.

Supervisor Hudgins moved that the Board direct staff to invite representatives of both Forest Edge Elementary School and Siemens to appear before the Board for recognition of their outstanding contributions. Chairman Hanley seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

PMH:pmh

44. **NATIONAL LAW ENFORCEMENT OFFICER MEMORIAL FUND CALENDAR** (Tape 6)

Supervisor Gross said that the National Law Enforcement Officer Memorial Fund Calendar commemorates the nearly 16,000 law enforcement officers who have been killed in the line of duty all across the country. The Commonwealth of Virginia is ranked eighteenth in the number of fallen officers. In 2001, there were 230 officers killed, including 72 who died in the September 11 terrorist attacks, the deadliest day in law enforcement history.

Supervisor Gross noted that "Living Legends" are highlighted on each page. The June 2003 calendar page pays tribute to Virginia's Lieutenant Brian Boykin, Assistant Commander of the Mason District Police Station. Lieutenant Boykin has served Fairfax County since 1986, and has developed nationally recognized community policing programs, such as the Survival Techniques and Education for Youth program. A firm believer of the motto, "if you are not part of the solution, you are part of the problem," Lieutenant Boykin developed a nationally recognized program for improved community police relations while on assignment to the National Organization of Black Enforcement Executives. He is a founder of the Fairfax County Black Law Enforcement Officers' Association and serves on a national task force with the United States Attorney's Office which oversees and develops training programs to eradicate racial profiling in law enforcement.

45. **ARTICLE FROM PUBLIC MANAGEMENT MAGAZINE ENTITLED "THE PRIVATE SECTOR COULD TAKE A LEAF FROM OUR BOOK"** (Tape 6)

Supervisor Gross said last year the County of Fairfax earned an A- for being the best managed county in the nation. She noted that an article from the December 2002 edition of *Public Management* magazine entitled "The Private Sector Could Take a Leaf From Our Book," discusses public versus corporate management after the revelations of Enron and WorldCom Corporations, among others.

Supervisor Connolly noted that the County received the highest grade accorded any of the 40 counties in the US.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

46. **CERTIFICATE OF RECOGNITION FOR MS. SANDRA CHISHOLM (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman stated that he attended a bi-district meeting of the United Methodist Church where a \$1 million grant was awarded from the United Methodist Church's Commission on Relief that will benefit a number of faith-based service providers in the Northern Virginia area.

Supervisor Kauffman noted that Sandra Chisholm, Faith Liaison, provided the data necessary to complete the grant application.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Ms. Chisholm to appear before the Board to be recognized for her efforts. Without objection, it was so ordered.

A brief discussion ensued.

47. **BUDGET IMPLICATIONS FROM THE STATE** (Tape 6)

Supervisor Connolly distributed to Board Members a document entitled "*State Allocation Change from Previous Fiscal Year (in millions \$)*" and noted that the combination of estimated State reductions and the impact on the County and cumulatively from Fiscal Year (FY) 2002 - FY 2004 is \$46.666 million of revenue that the County was receiving and will not be receiving from the State.

Supervisor Connolly announced that the Legislative Committee will be meeting every week starting January 17, 2003, at 4 p.m.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

Chairman Hanley raised the issue of the proposal to allow, require, deputize, recruit, or draft local treasurers and Commissioners of Revenue to be Department of Motor Vehicle agents.

A brief discussion ensued.

48. **ADOPT-A-FAMILY PICK-UP SITES** (Tape 6)

Supervisor Connolly said that every year his office, along with many others in the County, participates in the annual Adopt-a-Family program sponsored by the Office of Partnerships. The Adopt-a-Family Program was established in 1988 to help working low-income families provide special holidays. The program typically serves over 300 families during the holiday season.

Supervisor Connolly noted that in previous years the pick-up location for the families has been the Government Center but recently, due to security concerns

regarding wrapped packages, the location was moved to Heritage Fellowship United Church of Christ in Reston. He expressed his concern that low-income residents, many of whom depend on public transportation from areas such as Falls Church, Baileys Crossroads, Route One, and other locations have difficulty traveling to Reston and transporting their gifts home to their families.

Therefore, Supervisor Connolly moved that the Board direct the Office of Partnerships to review this issue of arranging additional sites to allow better access for constituents. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

49. **INFORMATION TECHNOLOGY RECYCLING DAY SCHEDULED**
(Tape 6)

Supervisor Connolly noted that if residents' New Year's resolutions include cleaning out old obsolete computer equipment, then they should mark their calendars for Saturday, January 11, when EcoStewards Alliance, KeepItGreen, and the Burke Presbyterian Church will co-sponsor a computer recycling day. Old computer components can be dropped off at the church parking lot at 5690 Oak Leather Drive in Burke, between 9 a.m. and 2 p.m. There is a \$7 charge for all monitors, to defer the cost of refurbishing, but all other equipment is free. Donations, which are tax deductible, will go to support services for disabled residents. Sponsors invite everyone to enjoy a complimentary cup of hot chocolate while there. Participants should make a list of each donated item with its fair-market value to keep for tax deduction purposes. KeepItGreen recommends looking on the ebay website or checking other sources for current selling prices of used equipment.

50. **SULLY PLANTATION (SULLY DISTRICT)** (Tape 6)

(R) Supervisor Frey moved adoption of the following Resolution:

Whereas Sully, the 1794 home of Northern Virginia's first Congressman Richard Bland Lee and a Fairfax County historical treasure, was saved by Act of Congress in 1959 from demolition during construction of Washington Dulles International Airport;

And whereas, pursuant to the same Act of Congress title to the buildings known as "Sully" was transferred to the Fairfax County Park Authority by the federal government so the Park Authority could preserve and protect Sully, and display Sully to the public as a part of the history of Fairfax County and our nation;

And whereas, Sully is one of the most significant historic sites in Fairfax County and is visited by tens of thousands of visitors yearly who are able to tour a notable example of Federal period architecture and experience how Sully's residents lived in the eighteenth century;

And whereas, under the stewardship of the Fairfax County Park Authority, Sully has been added to the National Register of Historic Places and became one of the first county museums in the United States to achieve prestigious accreditation by the American Association of Museums;

And whereas, the land for Sully and approximately 68 acres of vacant adjacent airport property are owned by the Federal Aviation Administration and have been severed from the airport by the expansion of Route 28 and its evolution into a limited access highway;

And whereas, development of the airport property adjacent to Sully for airport purposes could result in significant adverse consequences relative to the Fairfax County Park Authority's preservation and protection of Sully, as well as its ability to present Sully to the public;

And whereas, extensive archaeological research conducted by the Fairfax County Park Authority and supported by the Sully Foundation has located many additional cultural resources on the land occupied by Sully and the adjacent airport land, including research to support accurate reconstruction of long-demolished Sully farm and slave quarter structures on both properties;

And whereas, the opening of the Air and Space Museum on the west side of Route 28 from Sully is expected to greatly expand the visitation to Sully and require additional facilities to meet public demand;

And whereas, the current construction of the Route 28/Barnsfield Interchange requires relocating the entrance to Sully, which should be completed with minimum impact on Sully's cultural resources, and could seriously impact cultural resources if the airport property adjacent to Sully on the east side of Route 28 is used for airport purposes;

Now therefore be it resolved that the Board of Supervisors endorses all efforts to transfer the approximately 100 acres of Federal Aviation Administration land on the east side of Route 28 to the Fairfax County Park Authority to ensure protection of these priceless resources and the enjoyment of Fairfax County citizens and visitors in perpetuity.

Supervisor Connolly seconded the motion.

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

51. **RECESS/CLOSED SESSION** (Tape 6)

At 12:20 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. *Board of Supervisors of Fairfax County, Virginia v. Jasey B. Briley, et al.*, At Law No. 204373 (Fx. Co. Cir. Ct.) (Mason District)
2. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, and Wallace To. Sansone v. Michael R. Bratti*, At Law No. 207043 (Fx. Co. Cir. Ct.) (Dranesville District)
3. *Jimmie K. Walker and Margie L. Walker v. Fairfax County Board of Supervisors and Fairfax County*, At Law No. 204529 (Fx. Co. Cir. Ct.) (Lee District)
4. *Board of Supervisors v. Governors Run, L.P., et al.*, At Law No. 201904 (Fx. Co. Cir. Ct.) (Sully District)
5. *Ricardo Ortiz, Joy Ortiz, Morteza Sizdahkhani, Trustee, Mahin D. Sizdahkhani, Trustee, and Mort Investment Co., Inc. v. Sean P. Flattery, Debra L. Flattery, Gregory A. Cinque, Nancy L. Cinque, Michael A.*

- Schwein, Sonja W. Schwein, Ronald W. Brown, Mukta Verma, Naresh Verma, Basheer/Edgemoore-Millwood, LLC, and the Board of Supervisors of Fairfax County, Virginia, In Chancery No. 181641 (Fx. Co. Cir. Ct.) (Dranesville District)*
6. In Re: Renovation To The County's Jermantown Road Vehicle Maintenance Facility
 7. *Charles J. Fitzgerald v. Fairfax County Civil Service Commission, Fairfax County Police Department, and Fairfax County, In Chancery No. 180431 (Fx. Co. Cir. Ct.)*
 8. *Vanguard Services Unlimited v. Board of Zoning Appeals of Fairfax County, Board of Supervisors of Fairfax County, and Jane W. Gwinn, Fairfax County Zoning Administrator, C.A. 02-1707-A (E.D. Va.) (Mason District)*
 9. *Board of Supervisors v. Randolph Williams, Inc., et al., At Law No. 202356 (Fx. Co. Cir. Ct.) (Sully District)*
 10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ruby V. Fast and Garde Morris O. Johnson, In Chancery No. 148675 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
 11. *Jane W. Gwinn, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Ved P. Gupta and Ajaib S. Toor, In Chancery No. 178658 (Fx. Co. Cir. Ct.) (Lee District)*
 12. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ryan Epp, Robert E. Epp, and Dian Epp, In Chancery No. 180438 (Fx. Co. Cir. Ct.) (Mason District)*

13. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Joseph G. Bonzano, et al.*, In Chancery No. 179735 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Jane W. Gwinn, Fairfax County Zoning Administrator v. George Daamash*, In Chancery No. 178684 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Youth Development Foundation, Inc., and Michael J. Ohm*, In Chancery No. 178543 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Warren G. Basye*, In Chancery No. 176708 (Fx. Co. Cir. Ct.) (Mason District)
17. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Martha Tabares and Flavio Pereira*, In Chancery No. 181798 (Fx. Co. Cir. Ct.) (Mason District)
18. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ronald S. Brewer and Samuel M. Brewer*, In Chancery No. 181881 (Fx. Co. Cir. Ct.) (Sully District)
19. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Antilla E. Trotter*, Case No. 02-36631 (Fx. Co. Gen. Dist. Ct.) (Lee District)
20. *Jane W. Gwinn, Fairfax County Zoning Administrator v. David E. Conty*, Case No. 02-33652 (Fx. Co. Gen. Dist. Ct.) (Sully District)
21. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Fernando L. White, et al.*, Case No. 02-36630 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

22. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Shala Sharify and Zakriya Sharify*, Case No. 02-36927 (Fx. Co. Gen. Dist. Ct.) (Sully District)
23. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Salvador Garcia*, Case No. 02-36925 (Fx. Co. Gen. Dist. Ct.) (Lee District)
24. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Ardon E. Nichols, II*, Case No. 02-34025 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Marietta Gaston*, Case No. 02-34026 (Fx. Co. Gen. Dist.) (Lee District)

And in addition:

- Discussion under the provisions of *Virginia Code Ann.* § 2.2-3711A. 20
- Ground lease with option to purchase between the Board of Supervisors of Fairfax County, Virginia; the City of Falls Church, Virginia; and the Tinner Hill Heritage Foundation, Incorporated

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

DS:ds

At 2:55 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ADDITIONAL BOARD MATTER

52. **HAPPY ANNIVERSARY TO SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (Tape 7)

Chairman Hanley said that today was Supervisor McConnell's wedding anniversary and presented her with flowers that her husband, Mr. McConnell, had delivered.

Chairman Hanley circulated around the dais a photo album containing pictures of the McConnell's wedding and, on behalf of the Board, wished her a happy anniversary.

ACTIONS FROM CLOSED SESSION

53. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 7)

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."

54. **REJECTION OF THE SETTLEMENT OFFER IN BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, VERSUS JASEY B. BRILEY, ET AL., AT LAW NUMBER 204373** (Tape 7)

Supervisor Gross moved that the Board reject the settlement offer in *Board of Supervisors of Fairfax County, Virginia, versus Jasey B. Briley, et al.*, At Law Number 204373, but authorize the County Attorney to make a counteroffer, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Connolly seconded the motion, which carried by unanimous vote.

55. **APPOINTMENT OF MR. MICHAEL KANE AS PARK AUTHORITY DIRECTOR** (Tape 7)

Supervisor Gross moved the appointment of Mr. Michael Kane to the position of Park Authority Director at Grade E-12 with a salary of \$121,500 effective January 6, 2003. Supervisor Hyland seconded the motion, which carried by unanimous vote.

56. **AUTHORIZATION OF THE ADVERTISEMENT OF A PUBLIC HEARING REGARDING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FALLS CHURCH, THE TINNER HILL HERITAGE FOUNDATION, AND FAIRFAX COUNTY** (Tape 7)

(A) Supervisor Connolly moved that the Board authorize the advertisement of a public hearing regarding a Memorandum of Agreement between the City of Falls Church, the Tinner Hill Heritage Foundation, and Fairfax County to be held

before the Board on **January 27, 2003, at 4:30 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

57. **3 P.M. BOARD DECISION ON REZONING APPLICATION RZ 2002-MA-055 (JOHN H. THILLMANN) (MASON DISTRICT)** (Tape 7)

(A) (NOTE: At its December 9, 2002, meeting the Board held a public hearing regarding this item and deferred decision until January 6, 2003.)

The application property is located east of the intersection of Powell Lane and Columbia Pike, Tax Map 61-4 ((1)) 157 and 61-4 ((4)) A, B1, and 5.

Supervisor Hyland moved to re-open the public hearing on Rezoning Application RZ 2002-MA-055. Supervisor Gross seconded the motion.

Following discussion with input from David P. Bobzien, County Attorney, Supervisor Gross moved a substitute motion to re-advertise the public hearing on Rezoning Application RZ 2002-MA-055. Supervisor Connolly seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#69.)

58. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-012 (BETTY M. MEADOWS) (DRANESVILLE DISTRICT)** (Tape 7)

(NOTE: At its October 28, 2002, meeting the Board deferred the public hearing on this item until November 18, 2002. At its November 18, 2002, meeting the Board deferred the public hearing on this item until December 9, 2002. At its December 9, 2002, meeting the Board deferred the public hearing on this item until January 6, 2003.)

The application property is located at 11254 Leesburg Pike, Tax Map 11-2 ((1)) 22C.

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

A brief discussion ensued.

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

Following the public hearing, which included testimony by five speakers, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, Supervisor Mendelsohn moved to defer decision on Special Exception Application SE 2002-DR-012 until **January 27, 2003, at 4 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

59. **3 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-007 (RANDOLPH J. BENDER) (MOUNT VERNON DISTRICT)** (Tapes 7-8)

- (O) The application property is located at the west side of Pohick Road, approximately 1000 feet south of its intersection with Magic Leaf Road, Tax Map 98-1 ((1)) 50.

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

Discussion ensued with input from David P. Bobzien, County Attorney, and Barbara A. Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ).

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

Following the public hearing, which included testimony by one speaker, Denise Thomas, Staff Coordinator, ZED, DPZ, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-007 from the R-1 District to the R-3 District, subject to the proffers dated November 19, 2002.
- Approval of the request to construct a cul-de-sac with a radius smaller than 45 feet to face of curb and 55 feet to the right-of-way.

Supervisor Kauffman 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."

60. **3 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-016 (WEST*GROUP PROPERTIES LLC) AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-5 (WEST*GROUP PROPERTIES LLC, WEST*MAC ASSOCIATES LP, GANNETT COMPANY, INCORPORATED, AND THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY) (PROVIDENCE DISTRICT)**
(Tapes 8-11)

- (O) The Rezoning Application RZ 2002-PR-016 [Tax Map 29-4 ((7)) A3], and Proffered Condition Amendment Application [Tax Map 29-2 ((15)) A6, A7, A8, B1, B2, 4B2; 29-4 ((7)) A3, A4, A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 5A, 6, 7A1, 7B, 8, 9, 10, 11A] property is located south of the Dulles Airport Access Road, west of Interstate 495, east of International Drive, and north of Tysons Boulevard.

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

Supervisor Mendelsohn said that he reviewed with the County Attorney his position regarding this case. Therefore, he recused himself from the public hearing and left the room.

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

- \$200 from Ms. Kathryn A. MacLane

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

- West*Group Properties, LLC
- Ms. Kathryn A. MacLane

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

- In excess of \$200 from Ms. Kathryn MacLane

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

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

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

- Mr. John C. Ulfelder
- Ms. Kathryn A. Mac Lane
- Mr. Gerry T. Halpin

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

- In excess of \$200 from Eagle Management

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

ADDITIONAL BOARD MATTER

Absence of Cathy Lewis, Staff Coordinator

Supervisor Connolly noted that Cathy Lewis, Staff Coordinator for this case, was not here today because she had given birth to a seven pound baby boy named Jack. On behalf of the Board, he sent her wishes of good luck.

Discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ); Leslie Johnson, Branch Chief, ZED, DPZ; Sterling Wheeler, Planning Division, DPZ; and Michael A. Davis, Transportation Planner, Transportation Planning Division, Department of Transportation.

Following the public hearing, which included testimony by 23 speakers, Ms. Johnson presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Approval of Proffered Condition Amendment Application PCA 88-D-005-2, subject to the proffers dated July 18, 2002.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-016, from the C-3 District to the PRM District, and approval of the

Conceptual Development Plan, subject to the proffers dated January 2, 2003.

- Waiver of the 200-square foot privacy yard requirement for the proposed single family attached units.
- Approval of a variance of the PRM Use Limitations to permit the single family attached units as shown on the CDP/FDP.
- Waiver of the transitional screening and barrier requirements between the proposed uses within the development.
- Waiver of the 600-foot limitation on the length of private streets.
- Waiver to allow underground stormwater detention and water quality controls in a residential development.

Supervisor Hyland seconded the motion.

Following discussion, with input from Ms. Johnson, the question was called on 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 McConnell, and Chairman Hanley voting "AYE," Supervisor Mendelsohn being out of the room.

61. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-009 (BRADFORD WHITE AND ASSOCIATES, LC) (HUNTER MILL DISTRICT)** (Tape 11)

- (O) The application property is located on the north side of West Ox Road opposite the terminus of Gatepost Lane, Tax Map 35-2 ((1)) 6 and 7.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

Anthony H. Griffin, County Executive disclosed that he lives in the adjacent subdivision, and is a member of the Homeowners Association which has a direct interest in this application. Therefore, he excused himself and left the room.

Ms. Kelsey 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 Hudgins moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-HM-009, from the R-1 District to the PDH-2 District, subject to the proffers dated December 11, 2002. Supervisor Connolly seconded the motion, which carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Chairman Hanley voting "AYE," Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Hudgins moved approval of a variance to allow a six-foot high fence along West Ox Road, in accordance with Paragraph 3F of Section 10-104. Supervisor Hyland seconded the motion, which carried by a vote of six, Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2002-SU-021 (ALD GROUP, INCORPORATED) (SULLY DISTRICT)** (Tape 11)

(O) The application property is located in the northeast quadrant of the intersection of Lee Highway and O'Day Drive, Tax Map 54-3 ((2)) 40 and 41.

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

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

Following the public hearing, which included testimony by two speakers, 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 2002-SU-021, from the R-1 and WS Districts to the R-8 and WS Districts, subject to the proffers dated December 12, 2002.
- Waiver of the service road requirement along Lee Highway.
- Modification of the transitional screening requirement along the northern property boundary.

- Waiver of the minimum district size requirement.
- Waiver of the additional travel lane requirement along Lee Highway.

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

63. **4 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2001-LE-024 (EQUITY HOMES, LP) (LEE DISTRICT)** (Tape 11)

- (O) (NOTE: At its October 7, 2002, meeting the Board held a public hearing on this item and deferred decision indefinitely.)

The application property is located in the triangle formed by the intersection of Old Telegraph Road and Telegraph Road, Tax Map 100-1 ((2)) 1-3; 100-1 ((4)) 1; 100-1 ((9)) A, 1 and 2.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-LE-024, from the R-1 District to the PDH-3 District, and approval of the Conceptual Development Plan, subject to the proffers dated September 23, 2002.
- Waiver of the fence height requirements to permit the proposed wall along Telegraph Road to be up to eight feet in height.
- Modification of the trail along Old Telegraph Road as shown on the CDP/FDP.

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

64. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MV-023 (K&L LLC, D/B/A BRENTWOOD ACADEMY) (MOUNT VERNON DISTRICT)** (Tape 11)

The application property is located at 3725 Nalls Road, Tax Map 101-4 ((1)) 62.

Mr. Jerry Pnevmatikatos reaffirmed the validity of the affidavit for the record.

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

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2002-MV-023, subject to the development conditions dated October 30, 2002.
- Modification of the transitional screening requirements in favor of the existing vegetation along all lot lines.
- Waiver of the barrier requirement along the northern lot line.

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

65. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 74-2-112-3 AND SPECIAL EXCEPTION APPLICATION SE 2001-SP-055 (MCDONALD'S CORPORATION) (SPRINGFIELD DISTRICT)** (Tape 11)

The Proffered Condition Amendment Application PCA 74-2-112-3 and Special Exception Application SE 2001-SP-055 property is located on the east side of West Ox Road, approximately 200 feet north of its intersection with Piney Branch Road, Tax Map 56-1 ((13)) 2.

Supervisor McConnell moved to defer the public hearing on Proffered Condition Amendment Application PCA 74-2-112-3 and Special Exception Application SE 2001-SP-055 until **January 27, 2003, at 4 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova,

Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

66. **4:30 P.M. – PH REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT THE MCLEAN GOVERNMENT CENTER TO MCLEAN YOUTH INCORPORATED/MCLEAN YOUTH SOCCER FOR ATHLETIC FIELD USE (DRANESVILLE DISTRICT)**
(Tapes 11-12)

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 December 19 and December 26, 2002.

Robert L. Morgan, Leasing Manager, Facilities Management Division, Department of Public Works and Environmental Services, gave the staff presentation.

Following the public hearing, which included testimony by one speaker, Supervisor Connolly asked unanimous consent that the Board direct staff to review the issues regarding signage on the fields. Without objection, it was so ordered.

Discussion ensued with input from David P. Bobzien, County Attorney, and Ruth E. S-Soulier, Assistant County Attorney.

Supervisor Mendelsohn moved authorization for staff to execute a lease, substantially in accordance with the proposed lease, for a portion of County-owned property at the McLean Government Center (Tax Map 30-1-01-0033) to McLean Youth Incorporated/McLean Youth Soccer for the purpose of games, practices, clinics, and other activities consistent with youth sports, or community-related activities. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Hudgins, and Chairman Hanley being out of the room.

Supervisor Connolly asked unanimous consent that the Board direct the Department of Community and Recreation Services to provide periodic briefings to the Board on how this is working. Without objection, it was so ordered.

67. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-SP-004 (EQUITY HOMES, LP) AND SPECIAL EXCEPTION APPLICATION SE 2002-SP-032 (CLIFFORD A. TAYLOR AND MADONNA E. TAYLOR) (SPRINGFIELD DISTRICT)** (Tape 12)

The Rezoning Application RZ 2003-SP-004 property is located on the north side of Route 29, approximately 200 feet west of Willowmeade Drive, Tax Map 55-4 ((1)) 1, 2, 3, 4A, 5, and 6.

The Special Exception Application SE 2002-SP-032 property is located at 12908 Lee Highway, Tax Map 55-4 ((1)) 2 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, William Mayland, 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 2002-SP-004, from the R-1 and WS Districts to the R-2 and WS Districts, subject to the proffers dated December 11, 2002.
- Modification of the Public Facilities Manual to permit a trail in lieu of a sidewalk along Lee Highway.
- Waiver of the service drive requirement along Lee Highway.

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

Supervisor McConnell moved:

- Approval of Special Exception Application SE 2002-SP-032, subject to the development conditions dated November 14, 2002.
- Modification of the transitional screening requirements in favor of the existing vegetation and landscaping shown on the SE Plat, waiver of the barrier requirement for the perimeter of the site, waiver of the interior parking lot landscaping requirement, and waiver of the trails and sidewalk requirements along Lee Highway.

- Modification of the Additional Standard 4 to permit a plant nursery on 2.1 acres, modification of Additional Standard 5 to permit a building structure 50 feet from an abutting residential district, modification of Additional Standard 6 to permit off-street parking ten feet from an abutting residential district, and modification of Additional Standard 9 to permit 50 parking spaces as shown on the SE Plat.

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

68. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-003 (SPRINT PCS/APC REALTY AND EQUIPMENT COMPANY, LLC/SLEEPY HOLLOW UNITED METHODIST CHURCH) (MASON DISTRICT)** (Tapes 12-13)

The application property is located at 3435 Sleepy Hollow Road, Tax Map 60-2 ((33)) 1A.

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

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

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

Following the testimony of Mr. Gene Woo (Speaker 4) Chairman Hanley relinquished the Chair to Acting-Chairman McConnell and asked unanimous consent that the Board direct staff to provide information regarding the effect of cell towers on pacemakers. Without objection, it was so ordered.

Acting-Chairman McConnell returned the gavel to Chairman Hanley.

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 Application SE 2002-MA-003, subject to the development conditions dated October 23, 2002.

- Modification of the screening requirement along all property boundaries in favor of that depicted on the SE Plat and as conditioned.
- Modification of the barrier requirement along the northeastern, northwestern, and southeastern property boundaries in favor of that depicted on the SE Plat and as conditioned.

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

69. **ADDITIONAL ACTION REGARDING AUTHORIZATION TO RE-ADVERTISE REZONING APPLICATION RZ 2000-MA-055 (JOHN H. THILLMANN) (MASON DISTRICT)** (Tape 13)

- (A) (NOTE: Earlier in the meeting the Board took additional action regarding this item. See Clerk's Summary Item CL#57.)

Supervisor Gross moved authorization to re-advertise a public hearing to be held before the Board on **February 10, 2003, at 4 p.m.** regarding Rezoning Application RZ 2000-MA-055. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

70. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-26 (KINGSTOWNE RESIDENTIAL OWNERS CORPORATION) (LEE DISTRICT)** (Tape 13)

The application property is located on the north side of Kingstowne Village Parkway, approximately 1,200 feet west of its intersection with Hayfield Road, Tax Map 91-3 ((1)) 63G.

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

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

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA C-448-26, subject to the proffers dated December 2, 2002.
- Modification of the transitional screening yard requirement and waiver of the barrier requirement along the southern boundary.

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

71. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-25 (KINGSTOWNE RESIDENTIAL OWNERS CORPORATION) (LEE DISTRICT)** (Tape 13)

The application property is generally located within the northwest quadrant of the intersection of Kingstowne Village Parkway and Hayfield Road, Tax Map 91-3 ((11)) A and B.

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

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

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA C-448-25, subject to the proffers dated December 2, 2002.
- Modification of the transitional screening yard requirement and waiver of the barrier requirements along the southern and eastern boundaries.

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

72. **5 P.M. – PH ON A PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING THE USE OF HIGH DENSITY POLYETHYLENE (HDPE) PIPE FOR SPECIFIC STORM DRAINAGE APPLICATIONS** (Tapes 13-15)

- (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 December 19 and December 26, 2002.

Jan Leavitt, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services (DPWES), presented the staff recommendation.

Following discussion with input from Stanley Hite, Assistant State Materials Engineer, Virginia Department of Transportation, W. Clayton Ormsby, representative, Engineering Standards Review Committee (ESRC), presented the ESRC recommendation.

Further discussion ensued with input from Scott St. Clair, Director, Maintenance and Stormwater Management Division, DPWES; Mr. Hite; and Mr. Ormsby.

Following the public hearing, which included testimony by four speakers, Supervisor Mendelsohn moved adoption of proposed amendments to the PFM dealing with HDPE pipe as recommended by the ESRC and outlined in Attachment A of the Board Agenda Item dated January 6, 2003. Supervisor Gross seconded the motion.

Following discussion, with input from Mr. Hite, Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES; and Mr. St. Clair, Supervisor McConnell asked to amend the motion to direct staff to report in two years to determine whether the use should be expanded, and this was accepted.

Supervisor Bulova asked to amend the motion to include staff's amendment to the ESRC proposal outlined as Attachment C in the Board Agenda Item dated January 6, 2003, along with Attachment A. Supervisor Hudgins seconded the amendment.

Following discussion with input from Ms. Leavitt, Mr. Ormsby, and Mr. St. Clair, and speaker number four, Dana Eddy, Chairman, ESRC, Supervisor Bulova moved a substitute motion to table, and refer Attachments A and C to the ESRC. Supervisor Hudgins seconded the motion and it **FAILED** by a recorded vote of seven, Supervisor Bulova and Supervisor Hudgins voting "AYE," Supervisor Hyland being out of the room.

The question was called on Supervisor Bulova's amendment to include Attachment C, along with Attachment A and it **FAILED** by a recorded vote of

seven, Supervisor Bulova and Supervisor Hudgins voting "AYE," Supervisor Hyland being out of the room.

Supervisor Mendelsohn amended his main motion to adopt the proposed amendments to the PFM as recommended by the ESRC and outlined as Attachment A, and refer Attachment C to the ESRC for review and recommendation, and this was accepted.

Following discussion, the question was called on the main motion, as amended, and it **CARRIED** by a recorded vote of eight, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Bulova voting "NAY," Supervisor Hyland being out of the room.

73. **BOARD ADJOURNMENT** (Tape 15)

At 11:10 p.m. the Board adjourned.

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