



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
December 9, 2002**

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**24-02**

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**SBE:sbe**

The meeting was called to order at 9:35 a.m., with all Members being present, with the exception of Supervisor Mendelsohn, and with Chairman Hanley presiding.

Supervisor Mendelsohn arrived during closed session.

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. **EXPRESSION OF APPRECIATION TO THE BOARD** (Tape 1)

Chairman Hanley expressed her appreciation and thanks to the Board Members for all their help and kindness over the Thanksgiving holiday in regard to her injury.

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

Chairman Hanley asked everyone to remember in thoughts and prayers the family of Mrs. Kathryn Byrnes who died recently. Mrs. Byrnes had been an active member of the McLean Community.

Supervisor Kauffman asked everyone to remember in thoughts and prayers the family of Mrs. Betty Kohlmeier who died this past week. Mrs. Kohlmeier was an active member of the Springfield Methodist Church, Springfield Women's Club, and the Lion's Club.

**AGENDA ITEMS**3. **CERTIFICATES OF RECOGNITION PRESENTED TO THE STUDENT OFFICERS OF ELECTION AND ELECTION PAGES** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificates of Recognition presented to the student Officers of Election and Election Pages for assisting at the November 5, 2002, General Election. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. DIANE MILLER** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Diane Miller, varsity field hockey coach at Lake Braddock Secondary School, on the occasion of her three hundredth victory as coach. This motion, the second to which was inaudible, carried by a vote of seven, Supervisor Connolly and Supervisor McConnell being out of the room, Supervisor Mendelsohn not yet having arrived.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO THE MEMBERS OF THE COMMUNITY CHALLENGES TASK FORCE** (Tape 1)

Supervisor Bulova moved approval of the Certificates of Recognition presented to members of the Community Challenges Task Force for their work. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE TRURO COMMUNITY** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the Truro community for being named as one of five 2002 'Best Places to Live' in the Washington region by *Washingtonian* Magazine. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Mendelsohn not yet having arrived.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JUDITH ISOM** (Tape 1)

(BACs) Supervisor McConnell moved approval of the Certificate of Recognition presented to Ms. Judith Isom for her years of service as the Springfield District Representative on the Juvenile and Domestic Relations Court Citizen Advisory

Council. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JUDITH SILVERSTEIN** (Tape 1)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Certificate of Recognition presented to Ms. Judith Silverstein for her year of service as an AmeriCorps Promise Fellow with Volunteer Fairfax and the Fairfax Partnership for Youth. Vice-Chairman Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

9. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY HISTORY COMMISSION ON ITS ANNUAL REPORT** (Tape 1)

(BACs) Charles Wroblewski, Chairperson, Fairfax County History Commission, presented its annual report.

Discussion ensued with input from Jack L. Hiller, At-Large Citizen Representative and Chairman of the Marketing Committee, and Elise Ruff Murray, At-Large Citizen Representative and Treasurer, Fairfax County History Commission.

Chairman Hanley noted that page five of the report states that there are 11 County historical markers, yet only 10 sites were listed. She relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct the Commission to provide the location of the eleventh site. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Further discussion ensued with input from Ms. Ruff Murray and Mr. Wroblewski.

10. **10:15 A.M. – BOARD ADOPTION OF THE 2003 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (Tapes 1-2)

Supervisor Connolly, Chairman of the Board's Legislative Committee, briefly addressed key issues related to the Legislative Program for the Virginia General Assembly as contained in the Board Agenda Item dated December 9, 2002.

Supervisor Connolly moved adoption of the Legislative Program. He noted that the Board meets with the State legislators on December 16, 2002, to present this program. Supervisor Bulova seconded the motion.

The question was called on the motion, which **CARRIED** by a recorded vote of eight\*, Supervisor Frey voting “NAY,” Supervisor Mendelsohn not yet having arrived.

(NOTE: \*Supervisor McConnell voted “AYE” on the motion with the exception of the initiatives on weapons in public places and sexual orientation for the Human Rights Ordinance.)

Supervisor Connolly stated that at the last Legislative Committee meeting there was discussion on the North Carolina Clean Smokestacks Act of 2001 which was referenced by a representative of the Virginia Chapter of the Sierra Club at a recent public hearing on the County's 2003 Legislative Program. After considerable discussion, the Committee determined that research of a more technical nature about the emission of pollutants from coal burning utilities in Virginia is needed to evaluate whether similar legislative would benefit the County or the Commonwealth of Virginia. Supervisor Connolly stated that staff drafted a letter for the Chairman's signature to W. Tayloe Murphy, Secretary of Natural Resources, that seeks additional information on this subject.

Therefore, Supervisor Connolly moved that the Board direct staff to send the letter to the Honorable W. Tayloe Murphy. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Kauffman moved that the County join the Virginia Coalition of High Growth Communities and that the Board designate the Chairman, or her designee, to serve as the County's representative on this Coalition. Supervisor Kauffman stated that membership would have an associated fee. Supervisor Bulova and Supervisor Hyland jointly seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Connolly thanked the staff that assembled the Legislative Program and he expressed appreciation for the great job they do representing the citizens of the County in Richmond. He reminded everyone of the legislative breakfast at 7:30 a.m. at the Fairview Park Marriott on Monday, December 16, 2002.

**PW:pw**

11. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)  
(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Mount Vernon District Representative to the Advisory Social Services Board.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

The Board deferred the appointment of the Citizen Representative to the Affordable Dwelling Unit Advisory Board.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Sully District Representative to the Animal Services Advisory Commission.

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

The Board deferred the appointments of the At-Large #2 and At-Large #4 Representatives to the Celebrate Fairfax, Incorporated Board of Directors.

**CHILD CARE ADVISORY COUNCIL**

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

**COMMISSION FOR WOMEN**

Supervisor Gross moved the appointment of Ms. Ligia Espinosa as the Mason District Representative to the Commission for Women. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

**COMMISSION ON AGING**

The Board deferred the appointment of the Sully District Representative to the Commission on Aging.

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

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

**COMMUNITY ACTION ADVISORY BOARD**

The Board deferred the appointments of the Dranesville and Mason District Representatives to the Community Action Advisory Board.

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County Resident #7 Representative to the Consumer Protection Commission.

**CRIMINAL JUSTICE ADVISORY BOARD**

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

**FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

Supervisor Frey asked unanimous consent that the Board direct staff to provide additional information regarding the appointees to this council prior to confirming the appointments. Without objection, it was so ordered.

(NOTE: Later in the meeting the Board made appointments to this council. See Clerk's Summary Item CL#67.)

**FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD**

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

**FAIRFAX COUNTY SMALL BUSINESS COMMISSION**

The Board deferred the appointment of the At-Large #3 Representative and Dranesville District Representative to the Fairfax County Small Business Commission.

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Chairman Hanley moved the appointment of Charles F. Fletcher, D.D.S. to fill the unexpired term of Ms. Cynthia L. Warger as the At-Large #4 Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

**HEALTH CARE ADVISORY BOARD**

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

Supervisor Frey noted that Ms. Judy Beattie resigned her seat as the Sully District Representative to the Health Care Advisory Board because she was appointed to the Virginia State Health Care Advisory Board.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Consumer #6 Representative to the Health Systems Agency Board.

**HUMAN RIGHTS COMMISSION**

The Board deferred the appointment of the At-Large #12 Representative to the Human Rights Commission.

**HUMAN SERVICES COUNCIL**

The Board deferred the appointment of the Mount Vernon District #1 Representative to the Human Services Council.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointments of the Hunter Mill and Lee District Representatives to the Oversight Committee on Drinking and Driving.

**ROAD VIEWERS BOARD**

The Board deferred the appointment of the At-Large #1 Representative to the Road Viewers Board.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointments of the Condominium and Tenant Member #1 and #3 Representatives to the Tenant Landlord Commission.

**TRANSPORTATION ADVISORY COMMISSION**

The Board deferred the appointment of the Providence District Representative to the Transportation Advisory Commission.

**AD HOC COMMITTEES****LAUREL HILL ADAPTIVE REUSE PLAN ADVISORY COMMITTEE**

The Board deferred the appointment of the Sully District Representative to the Laurel Hill Adaptive Reuse Plan Advisory Committee.

**DS:ds**

12. **ADMINISTRATIVE ITEMS** (Tape 4)

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

Chairman Hanley 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 7 (Central Absentee Voter Election District) Regarding Election Precincts. Discussion ensued with input from Margaret K. Luca, Electoral Board Secretary, and Michael A. Long, Senior Assistant County Attorney.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked to amend the motion to withdraw Admin 8 so that staff could provide maps and address issues regarding the effects on the supervisor districts, and this was accepted.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly asked to amend the motion that the Board direct staff to meet with District Supervisors to converse on these issues, and this was accepted.

Following further discussion with input from Judy Flagg, staff, Electoral Board, Mr. Long, and Ms. Luca, Supervisor Gross asked unanimous consent that the Board direct staff to provide maps of ALL of the precincts in the Mason District. Without objection, it was so ordered.

Chairman Hanley clarified that her amendment to the motion was requesting maps for every precinct to be changed.

Supervisor Connolly called the Board's attention to Admin 10 – Supplemental Appropriation Resolution AS 03067 to Accept Juvenile Accountability Incentive Block Grant Funds, and asked unanimous consent that the Board direct staff, in the future, to provide additional details on these types of matters.

Supervisor Hudgins called the Board's attention to Admin 4 – Installation of "No Parking" Signs on Stevenage Road between Reston Parkway and Bennington Woods Road and thanked staff for their work on this project.



Supervisor Kauffman called the Board's attention to Admin 3 – Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of County Road Bond Project - Telegraph Road/Florence Lane. He asked to amend the motion to change the authorized date of the public hearing to be held before the Board to **February 24, 2003, at 4 p.m.**, instead of January 6, 2003, at 3:30 p.m., and this was accepted.

The question was called on the motion, as amended, with the exception of Admin 8, 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 not yet having arrived.

**ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, MOUNT VERNON, AND SULLY DISTRICTS)**

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

- Application 2232-Y02-26 to February 14, 2003
- Application 2232-D02-29 to February 15, 2003
- Application FS-V02-23 to February 16, 2003
- Application 2232-Y02-18 to February 24, 2003
- Application FS-H02-25 to March 2, 2003
- Application 2232-Y02-15 to May 19, 2003
- Application 2232-Y02-17 to May 19, 2003
- Application 2232-Y02-30 to May 19, 2003
- Application 2232-Y02-31 to May 19, 2003

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING 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)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 6, 2003, at 4:30 p.m.** regarding the leasing of a portion of County-owned property at the McLean Government Center (Tax Map 30-1-01-0033) to McLean Youth Soccer, and McLean Youth Incorporated for the purpose of games, practices, clinics, and other activities consistent with youth sports, or community-related activities.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY ROAD BOND PROJECT – TELEGRAPH ROAD/FLORENCE LANE (LEE DISTRICT)**

- (A) (NOTE: Earlier in the meeting action was taken regarding this item. See page 9.)

Authorized the advertisement of a public hearing to be held before the Board on **February 24, 2003, at 4 p.m.** on the acquisition of certain land rights necessary for the construction of Project 006615 – Telegraph Road/Florence Lane, in Fund 300, Countywide Roadway Improvement.

**ADMIN 4 – INSTALLATION OF “NO PARKING” SIGNS ON STEVENAGE ROAD BETWEEN RESTON PARKWAY AND BENNINGTON WOODS ROAD (HUNTER MILL DISTRICT)**

- (R) (NOTE: Earlier in the meeting there was discussion regarding this item. See page 8.)

- Adopted the Resolution approving installation of “No Parking” and “No Parking 9 p.m. to 7 a.m.” signs along Stevenage Road, between Reston Parkway and Bennington Woods Road.
- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

**ADMIN 5 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON AND SULLY DISTRICTS)**

- Endorsed the following streets to be considered for traffic-calming measures as part of the R-TAP:
  - LaGrange Street (Mount Vernon District)
  - Kamputa Drive (Sully District)
  - Point Pleasant Drive (Sully District)
  - Melville Lane (Sully District)
- Directed staff to work with the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

**ADMIN 6 – INSTALLATION OF A MULTI-WAY STOP AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL-TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)**

- Endorsed the installation of a multi-way stop at Shaffer Drive and Florence Lane as part of DOT's R-TAP.
- Directed staff to request the Virginia Department of Transportation install this sign at the earliest possible date.

**ADMIN 7 – PROPOSAL TO ABANDON A SEGMENT OF FOX MILL ROAD (ROUTE 665) (HUNTER MILL DISTRICT)**

- (O) Approved the Order of Abandonment abandoning a portion of Fox Mill Road (Route 665).

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (CENTRAL ABSENTEE VOTER ELECTION DISTRICT), REGARDING ELECTION PRECINCTS**

(NOTE: Earlier in the meeting the Board withdrew this item. See page 8.)

**ADMIN 9 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK AND SULLY DISTRICTS)**

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bailey Property	Braddock	Lynchburg Court Hunt Road Route 804 Additional ROW Only Little River Turnpike Route 236 Additional ROW Only
Country Lane	Braddock	Chapelwood Court Route 5448 Country Lane Route 823 Additional ROW Only
Olley Lane	Braddock	Colbert Court Olley Lane Route 787 Additional ROW Only
Franklin Trust, Section 4	Sully	Autumn Crest Drive Route 8968 Winter Sun Terrace
White Property	Sully	Richland Lane Route 5359 Bennett Road Route 669 Additional ROW Only

**ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03067 TO ACCEPT JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) FUNDS**

(SAR) (NOTE: Earlier in the meeting there was additional action regarding this item. See page 8.)

Approved SAR AS 03067 in the amount of \$171,351 to accept JAIBG funding from the Virginia Department of Criminal Justice Services (DCJS). Of this total,

\$154,216 is from DCJS, and the remaining \$17,135 is the required ten percent local cash match.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03066 FOR THE FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT FUNDS, ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM THE VIRGINIA EMPLOYMENT COMMISSION (VEC) TO CONTINUE THE METRO TECH PROGRAM FOR THE TRAINING AND EMPLOYMENT OF DISLOCATED WORKERS IN HIGH TECHNOLOGY FIELDS**

- (SAR) Approved SAR AS 03066 in the amount of \$338,000. This amount is the second of two semiannual Notices of Award for Fiscal Year 2003. This funding from VEC is being accepted by DFS on behalf of the NVWIB to continue the Metro Tech program. No local cash match is required.

**ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03064 FOR THE CONTINUATION OF THE ONGOING FEDERAL HEAD START PROGRAM GRANT WITHIN THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN**

- (SAR) Approved SAR AS 03064 in the amount of \$2,755,325 for the continuation of the ongoing Federal Head Start programs. This includes \$2,539,913 from the US Department of Health and Human Services, and a local cash match of \$215,412. The remaining program costs of \$419,566 are met through the use of existing services and other non-cash contributions identified as an in-kind match.

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03065 FOR THE FAIRFAX COUNTY DEPARTMENT OF FAMILY SERVICES TO ACCEPT FUNDING, ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM THE DEPARTMENT OF LABOR (DOL) TO ADDRESS THE DISPROPORTIONATE UNEMPLOYMENT AND UNDEREMPLOYMENT OF YOUTH WITH DISABILITIES**

- (SAR) Approved SAR AS 03065 in the amount of \$500,000 from DOL. This funding is being accepted on behalf of the NVWIB to fund the effort to support labor market participation of youth with disabilities. No local cash match is required.

**ADMIN 14 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03068 FOR THE HEALTH DEPARTMENT'S MINORITY AIDS PROJECT GRANT**

- (SAR) Approved SAR AS 03068 in the amount of \$129,845 from the Virginia Department of Health. This grant will allow the Health Department to continue

prevention efforts targeted to minority communities. No local cash match is required.

**ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 03069 FOR THE HEALTH DEPARTMENT’S TUBERCULOSIS CONTROL PROGRAM GRANT**

(SAR) Approved SAR AS 03069 in the amount of \$120,000 from the Virginia Department of Health. This grant will allow the Health Department to continue to support one grant Public Health Nurse III position to coordinate tuberculosis case investigation, case management, and reporting activity for the County. No local cash match is required.

**ADMIN 16 – COMMUTER PARKING AT SPRINGFIELD MALL (LEE DISTRICT)**

- Approved in substantial form the amendment Agreements with the Springfield Mall and the Virginia Department of Transportation for additional commuter parking.
- Authorized the Director of the Department of Transportation to execute these agreements.

**ADMIN 17 – AUTHORIZATION FOR FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO ACCEPT US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) NEIGHBORHOOD NETWORKS PROGRAM GRANT AWARD**

Authorized FCRHA to accept the ROSS Neighborhood Networks Program grant. Funding provided by this grant will assist with the development of a computer learning center at the Ragan Oaks public housing development and will augment the services at the Barros Circle and Robinson Square public housing developments.

13. **A-1 – APPROVAL OF A LICENSING AGREEMENT WITH THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS (ASCAP) FOR THE RIGHT TO PLAY CERTAIN MUSIC AT COUNTY FACILITIES** (Tape 4)

On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Mendelsohn not yet having arrived, the Board concurred in the recommendation of staff and:

- Approved a master licensing agreement with ASCAP, effective beginning on January 1, 2003.

- Authorized the County Executive to enter into the agreement on behalf of the County.

14. **A-2 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2004 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET (BRADDOCK, LEE, MASON, MOUNT VERNON, AND SPRINGFIELD DISTRICTS)** (Tape 4)

On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by a vote of nine, Supervisor Mendelsohn not yet having arrived, the Board concurred in the recommendation of staff and endorsed the CAO Task Force’s six primary recommendations on the FY 2004 VRE budget.

15. **A-3 – APPROVAL OF REVISIONS TO THE COMMUNITY USE OF PUBLIC ATHLETIC FIELDS POLICY** (Tape 4)

- (P) Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the Policy on community use of public athletic fields. Supervisor Kauffman seconded the motion.

Discussion ensued with input from Anthony H. Griffin, County Executive, and Patricia D. Franckewitz, Director, Department of Community and Recreation Services.

Supervisor Frey moved to amend the motion to:

- Allow County resident adult groups to set the participation at 75 percent league-wide, but reduced to 67 percent on any individual team basis.
- Change the Policy to the new age requirement to allow a three year phase in, instead of one year.

Supervisor McConnell seconded the motion.

The question was called on the amendment to the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

The question was called on the main motion, as amended, and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Further discussion ensued with input from Ms. Franckewitz.

16. **C-1 – ELECTION YEAR POLICIES** (Tape 4)

(P) The Board next considered an item contained in the Board Agenda dated December 9, 2002, regarding adoption of Election Year Policies from January through December 2003.

Supervisor Hyland moved to adopt the Election Year Policies from January through December 2003, as presented. Supervisor Bulova seconded the motion.

Supervisor Connolly asked to amend the motion to standardize all the dates in the Election Year Policies as June 30, instead of January, and this was accepted.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell voting "AYE," Supervisor Frey and Chairman Hanley voting "NAY," Supervisor Mendelsohn not yet having arrived.

17. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES APPLICATION 2232-P01-29, VERIZON VIRGINIA, INCORPORATED (PROVIDENCE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, announcing the Planning Commission's approval of Public Facilities Application 2232-P01-29.

18. **I-2 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS' RECESS** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, requesting authorization for the County Executive, or the appropriate Deputy County Executive or the Chief Financial Officer, to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

19. **I-3 – PRESENTATION OF FISCAL YEAR (FY) 2002 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, regarding the FY 2002 Comprehensive Annual Financial Report.

The staff was directed administratively to proceed as proposed.



20. **I-4 – CONTRACT AWARD – LITTLE HUNTING CREEK WATERSHED MANAGEMENT PLAN – PHASE I (MOUNT VERNON AND LEE DISTRICTS)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, requesting authorization for staff to award a contract to Woolpert, LLP, in the amount of \$320,134 for consulting engineering services for Phase I of the Little Hunting Creek Watershed Management Plan.

The staff was directed administratively to proceed as proposed.

21. **I-5 – CONTRACT AWARD – MASON NECK TRAIL, SEGMENT III (MOUNT VERNON DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, requesting authorization for staff to award a contract to R. L. Rider Company in the amount of \$248,700 for the construction of the Project W00600 (W607), Mason Neck Trail, Segment III, in Fund 307, Sidewalk Construction. This contract award will provide for the construction of an eight-foot wide asphalt trail between the entrance to the Mason Neck State Park and a service road within the southern portion of the Pohick Regional Park, a distance of approximately 5,000 feet.

The staff was directed administratively to proceed as proposed.

22. **I-6 – CONTRACT AWARD – TITLE SEARCHES AND SETTLEMENT SERVICES** (Tape 4)

The Board next considered an item contained in the Board Agenda dated December 9, 2002, requesting authorization for staff to award a contract to:

- Primary Contractor – Escrow One, Limited
- Secondary Contractor – Lawyers Advantage Title Group

The total amount of this contract will depend on the County's usage of this contract.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

23. **RECOGNITION OF MEMBERS OF THE CHAMPIONSHIP WAKE FOREST UNIVERSITY FIELD HOCKEY TEAM** (Tape 5)

Chairman Hanley announced that Wake Forest University won the 2002 NCAA Division I National Championship. Two team members are from the County, Claire Laubach of Centreville and Katie Ridd of Fairfax, whose father is a County employee.

In recognition of their athletic successes, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to prepare and send certificates of recognition to Ms. Laubach and Ms. Ridd for their membership and outstanding performance on the 2002 Championship Field Hockey team of Wake Forest University. Supervisor Connolly seconded the motion, which carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

24. **RECOGNITION OF CELEBRATE FAIRFAX!** (Tape 5)

Chairman Hanley announced that Celebrate Fairfax! is the recipient of the Silver Pinnacle Award for "Best Community Outreach Program." Awarded by the International Festivals and Events Association, the Silver Pinnacle Award is in recognition of the Fairfax County Expo display at the fair.

Accordingly, Chairman Hanley moved that the Board direct staff to invite the Board of Celebrate Fairfax, Incorporated, to appear before the Board to share the recognition award with the various agencies who participated in the County Expo. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

25. **WAIVER OF SHOWMOBILE FEES FOR THE YOUTH SUPER BOWL CHAMPIONSHIP** (Tape 5)

Chairman Hanley stated that she received a request from Mark Meana, representing the Metropolitan Area Youth Super Bowl Championship, for a waiver of fees for the use of the County Showmobile. He used it for the December 7, 2002, Metropolitan Area Youth Super Bowl Championship awards ceremony.

Accordingly, Chairman Hanley moved that the Board waive the County Showmobile fees for the Metropolitan Area Youth Super Bowl Championship. Supervisor Bulova seconded the motion, which carried by a vote of eight,

Supervisor Kauffman being out of the room, Supervisor Mendelsohn not yet having arrived.

26. **REIMBURSEMENT REQUEST FOR EXPENDITURES RELATED TO SNIPER INVESTIGATION AND PROSECUTION** (Tape 5)

Chairman Hanley said that several County agencies incurred significant expenditures during the recent sniper investigation. Additionally, the County will be responsible for the costs of prosecuting sniper suspect John Lee Malvo. Therefore, she moved that the Board direct staff to prepare a letter to the appropriate federal and state agencies requesting reimbursement for the expended funds. Supervisor Connolly and Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

27. **NEW YORK CITY'S FEDERAL REVENUE SHARING PROPOSAL** (Tape 5)

Chairman Hanley shared copies of a letter from Gifford Miller, Speaker, the Council of the City of New York, regarding a federal revenue sharing proposal.

Supervisor Connolly asked unanimous consent that the Board direct staff to provide on an ongoing basis, data on actions of other states and localities in regard to the economic downturn. Without objection, it was so ordered.

28. **MEMORANDUM FROM GOVERNOR WARNER REGARDING VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REFORM LEGISLATION** (Tape 5)

Chairman Hanley distributed copies of a memorandum from Governor Warner in which he announced VDOT reform legislation. With reference to an innovative congestion relief program as listed on page three of the memorandum, she moved that the Board direct staff to prepare a list of projects costing less than \$2 million that can be submitted to the Northern Virginia Transportation Authority. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

29. **BUILDING CODE** (Tape 5)

Chairman Hanley reminded the Board that each Member previously received a memorandum regarding the proposed amendments to the Virginia Uniform Statewide Building Code. The memorandum notes outstanding issues with some of the proposals and points out that public comment concludes on January 31, 2003.

Accordingly, Chairman Hanley moved that the Board refer this issue to staff for a recommendation as to whether the Board should comment and, if so, to prepare

and provide those comments to the Board on January 6, 2003. Following a brief discussion, Supervisor Frey seconded the motion.

Following further brief discussion, the question was called on the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

30. **REPORT ON THE STATE OF RENTAL HOUSING** (Tape 5)

Chairman Hanley referred to the Washington Area Housing Partnership Report, copies of which each Board Member previously received. It reports on the state of rental housing in the Washington Metropolitan region from the Washington Metropolitan Council of Governments and the Washington Area Housing Partnership. She questioned the accuracy of some of the data and asked unanimous consent that the Board direct staff of the Department of Planning and Zoning to confirm the data and provide corrections as necessary. Without objection, it was so ordered.

31. **VIRGINIA ISSUES AND ANSWERS ARTICLE ON TAX RESTRUCTURING** (Tape 5)

Chairman Hanley made reference to an article in the magazine *Virginia Issues and Answers* regarding tax restructuring. She noted that on pages 30 and 31 of the article is a list of county taxing powers that are expressly conferred.

Chairman Hanley asked unanimous consent that the Board direct staff to report on the history of the issue of an admissions tax. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

32. **AUTHORIZATION TO FILE A REZONING APPLICATION FOR RUST ROAD ASSEMBLAGE (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova reminded the Board that in September 2002, as a part of the South County APR process, it approved an amendment to the Comprehensive Plan for five parcels located on Rust Road between the City of Fairfax and the Expo/Food Lion Shopping Center north of Lee Highway in the Braddock District. Christopher Management, Incorporated, the contract purchaser, has filed a rezoning application on these five parcels. There is existing Rust Road right-of-way, mostly unimproved, included in this assemblage that is owned by the Board. For the rezoning application to be accepted and processed, the Board must authorize its inclusion in the rezoning application.

Therefore, Supervisor Bulova moved that the Board authorize the filing of a rezoning application on the portion of Rust Road that is located within the above-mentioned assemblage that is the subject of a rezoning application filed by Christopher Management, Incorporated. This action is taken solely for the

purpose of processing and evaluating the Rust Road assemblage rezoning application. She noted that this motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, nor does it prejudice the consideration of this application in any way. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

33. **INTERSECTIONS OF BRADDOCK ROAD WITH WAKEFIELD CHAPEL ROAD AND DANBURY FOREST ROAD (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova stated that for some time traffic congestion and traffic accidents have been a problem at and near the intersections of Wakefield Chapel Road/Braddock Road/Danbury Forest Drive. Over the years she worked with various groups of residents from the area as well as groups using the facilities at Howery Field on Glen Park Road to try to improve traffic flow and safety in this area.

Supervisor Bulova reminded the Board that one of the Virginia Department of Transportation's (VDOT) (never adopted) recommendations to facilitate traffic flow in the "vicinity" of the Springfield Mixing Bowl was to close the median break at Braddock Road and Danbury Forest Drive to create a longer stacking lane for traffic turning left onto Wakefield Chapel Road. Currently, left-turning morning traffic backs up into the eastbound lanes of Braddock Road. This recommendation was never chosen because it would have created a hardship for residents of the Danbury Forest community.

Supervisor Bulova said that recently, in response to a high rate of traffic accidents, VDOT recommended closing the median break on Braddock Road at Glen Park Drive (just east of the intersection of Braddock and Wakefield Chapel Roads). Supervisor Bulova held a meeting of residents in the Glen Park Drive area regarding this proposal. As part of the discussions with residents and representatives from VDOT, the County's Department of Transportation, and the Police Department, it was agreed that the area is problematic along the whole stretch of Braddock Road from Danbury Forest Drive to Glen Park Drive. The most ideal solution to this problem stretch would be to reconstruct the intersection at Braddock Road so that Wakefield Chapel Road and Danbury Forest Drive are aligned and traffic could be controlled by one light, instead of two. Longer stacking lanes could be created and two median breaks could be closed, thereby improving both traffic flow and safety.

Supervisor Bulova said that while this sounds like a simple solution, such a realignment would appear to involve a stream crossing and would nick a corner of County parkland. Noting that she believed that the realignment should be examined, Supervisor Bulova moved that the Board direct staff to review this suggestion to determine the feasibility of such a project and, if judged feasible, return to the Board for the purpose of adding it to the transportation element of

the Comprehensive Plan. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

34. **OUT OF TURN PLAN AMENDMENT FOR MONUMENT PLACE (SPRINGFIELD DISTRICT)** (Tape 5)

Supervisor McConnell said that Monument Place is a 7.4 acre property located in the northeast quadrant of the intersection of Monument Drive and Fair Lakes Parkway. Located in the Fairfax Center area, the property is planned for office mixed-use up to 1.0 floor area ratio. The site has been planned for office use for a number of years; however, development of the office has not occurred.

Supervisor McConnell said that this site provides an opportunity for development of high-quality multi-family units within close proximity to employment, retail, and restaurants, all of which contributes to the active 24-hour mixed-use community desirable in this area of the County. In addition, a conversion from office to residential use will result in fewer peak hour vehicle trips.

Therefore, Supervisor McConnell moved that the Board:

- Authorize an Out-of-Turn Plan Amendment for Tax Map Parcel 46-3 ((1)) 36E to provide an option for multi-family residential use.
- Direct the Director of the Department of Planning and Zoning to concurrently process the Plan Amendment and any associated zoning applications filed by Camden USA, Incorporated.

Supervisor McConnell noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Hyland seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

35. **INCLUSION OF MEADOWBROOK DRIVE IN REZONING APPLICATION TO BE FILED BY IVY DEVELOPMENT (SPRINGFIELD DISTRICT)** (Tape 5)

Supervisor McConnell stated that Ivy Development, LC, will be submitting a rezoning application on property identified as Tax Map Parcels 78-4 ((22)) 1, 2, and 3. These properties are adjacent to Meadowbrook Drive, a roadway that is dedicated but not improved or accepted for State maintenance. Meadowbrook Drive, if improved, would only serve the properties that are the subject of the proposed rezoning. Therefore, Ivy Development, LC, has asked for the authorization of the Board to include Meadowbrook Drive in the rezoning

application. Concurrent with the processing of the rezoning application, a request for the abandonment and vacation of Meadowbrook Drive will be submitted to the Department of Transportation.

Therefore, Supervisor McConnell moved that the Board authorize the inclusion of Meadowbrook Drive in a rezoning application to be filed by Ivy Development, LC, on properties identified as Tax Map Parcels 78-4 ((2)) 1, 2, and 3. She noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of the rezoning applications in any way.

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

36. **RETIREMENT OF MAJOR AUDREY SLYMAN** (Tape 5)

Supervisor McConnell announced that on January 3, 2003, Major Audrey Slyman will be retiring after serving more than 28 years with the Police Department. During her extensive career, Major Slyman has had a number of noteworthy accomplishments, including the fact that she is one of the highest-ranking female members of the Department. She is the longest serving female officer in the Department's history and she was one of the first eight women hired as a full service police officer.

Supervisor McConnell noted that Major Slyman's breakthrough into the ranks of a previously all male profession was not without rough spots. However, Major Slyman met all those challenges while continuing to earn the respect of management and her co-workers.

Accordingly, Supervisor McConnell moved that the Board direct staff to invite Major Slyman to appear before the Board on January 6, 2003, so that she may be appropriately recognized for her 28 years of outstanding service to the citizens of the County. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

37. **PROPOSAL FOR FAIRFAX COUNTY TO INCORPORATE AS A CITY**  
(Tape 5)

Supervisor McConnell noted that the Commonwealth of Virginia is reviewing the tax structure. She said that she requested information as to the effect of the incorporation of the County into a city. The preliminary information she received indicated that such an action is possible, but would entail an involved process and the consent of the General Assembly.

Supervisor McConnell asked unanimous consent that the Board direct staff to review this issue thoroughly and report to the Board. Without objection, the request was so ordered.

Following discussion, with input from David P. Bobzien, County Attorney, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to recirculate the previous report of the Goals Commission, chaired by former Governor Holton, which reviewed this issue. Without objection, the request was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Further discussion ensued.

DS:ds

38. **REQUEST FOR CONCURRENT PROCESSING FOR REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2002-HM-009 (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that Bradford White currently has an application to rezone Tax Map 35-2 ((1)) Lots 6 and 7 from the R-1 District to the PDH-2 District. The applicant was successful in obtaining Lot 7, which was incorporated in the rezoning application. This application was previously deferred in order to incorporate the additional lot and now has a Planning Commission date of December 11, 2002. The applicant is requesting concurrent processing for Rezoning/Final Development Plan Application RZ/FDP 2002-HM-009.

Therefore, Supervisor Hudgins moved that the Board direct staff of the Department of Public Works and Environmental Services to concurrently process the site plan with Rezoning/Final Development Application RZ/FDP 2002-HM-009. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Bulova being out of the room, Supervisor Mendelsohn not yet having arrived.

39. **DULLES CENTER, LLC (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that Dulles Center, LLC, will be submitting a rezoning application on property identified as Tax Map 16-3 ((1)) 6 and 36. A portion of Centreville Road right-of-way that was dedicated, which is no longer necessary for public street purposes, bisects these properties. Centreville Road has been realigned and widened so that this right-of-way is no longer necessary. Dulles Center, LLC, has asked for the authorization of the Board to include a portion of Centreville Road in the rezoning application. Concurrent with the processing of the rezoning application, the applicant will submit a request for the abandonment and vacation of a portion of Centreville Road to the Department of



Transportation. The applicant understands that this motion will not prejudice the consideration of the application in any way.

Therefore, Supervisor Hudgins moved that the Board authorize the inclusion of a portion of Centreville Road in a rezoning application to be filed by Dulles Center, LLC, on property identified as Tax Map 16-3 ((1)) 6 and 36. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Bulova and Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

40. **RETIREMENT OF MR. JOHN ROBINSON** (Tape 6)

Supervisor Hudgins said that John Robinson, Director, Fairfax County Civil Service Commission (CSC), has decided to retire after 22 years of service. Mr. Robinson has served in this position since 1980 and is the first person to serve in this capacity. Prior to this assignment, Mr. Robinson was a Commissioner on the Redevelopment and Housing Authority. He was honored in 1979 by having the housing development 'Robinson Square' named for him. He was the architect of the current procedure for having advisory appeals heard by a hearing officer as opposed to being heard by the full commission. This reduced the backlog of cases significantly. In 2002, Mr. Robinson heard 68 appeals during a three-week period, which resulted from the Administrative Classification Study. The County was a recipient of a National Association of Counties Award as a result of that study which covered approximately 2200 administrative positions. Supervisor Hudgins said that Mr. Robinson brought exceptional skills and professionalism to the CSC, and the County and its employees are the better for his service.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite Mr. Robinson to appear before the Board to be recognized for his many years of distinguished service to the County. Supervisor Frey and Supervisor McConnell jointly seconded the motion and it carried by a vote of seven, Supervisor Bulova and Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

41. **RECOGNITION OF THE FRIENDS OF THE RESTON REGIONAL LIBRARY (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that the Friends of the Reston Regional Library work many hours providing an invaluable service to the staff of the library and to the community. More than 47,000 citizens use the services of the Reston Regional Library monthly. In October 2002 the library's cumulative use was number one in the County with a book circulation of 109,037. The County has 23 libraries. The Friends of the Reston Regional Library handle more than 100,000 books annually and add over 25,000 books to the library collection each year. They select and stock the library's ongoing book sale and categorize about 50,000 volumes a year for the library's annual fundraiser.

Supervisor Hudgins said it is impossible to place a monetary value on the level of commitment the Friends of the Reston Library bring to the library system and to the Reston Regional Library. Recently, the Friends designed and coordinated the permitting and approvals to build a storage shed to store the book collection for the annual fundraiser. Previously the books were stored during the year and transferred to Reston for the sale. The new shed will save the library system approximately \$2500 per year.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the Friends of the Reston Regional Library to appear before the Board to be recognized for their many years of service to the Reston Regional Library System and to the County. Supervisor McConnell seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, and Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

42. **RECOGNITION OF SOUTH LAKES HIGH SCHOOL (SLHS) FOOTBALL TEAM (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that the SLHS football team, having placed its 1-9 record in the 2001 season firmly behind, eked out a 7 to 2 victory over W.T. Woodson to claim the Virginia AAA Division Five Northern Region Championship on the day after Thanksgiving. Buoyed by a late touchdown by running back Charles Mayah, SLHS hung on to defeat Woodson and claimed its first regional title since 1991. She said this first season for Coach Joe Trabucco has been quite a turnaround and all of Reston is very proud of the team's accomplishments.

Supervisor Hudgins said that unfortunately the dream season came to an end this past Saturday as SLHS lost 55-0 to defending State champion Phoebus High School of Hampton. This concluded the team's 9-4 season, which included only the season's second regional title.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the SLHS football team to appear before the Board for recognition of its wonderful accomplishments. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, and Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

43. **RECOGNITION OF HUNTERS WOODS ELEMENTARY SCHOOL (HWES) LEGO LEAGUE TEAMS (HUNTER MILL DISTRICT)** (Tape 6)

Supervisor Hudgins said that three teams from HWES competed in the First Virginia Lego League Tournament yesterday on the campus of Virginia Tech in Blacksburg. The theme of this year's competition was "City Sights," and the teams were charged with researching an urban planning dilemma and finding and presenting the best robotic remedy. They were also asked to build a Lego robot that could solve several different missions.

Supervisor Hudgins said that 25 fifth and sixth graders, on three separate teams, competed against primarily middle school students and performed wonderfully. The Eraticators team placed first for research presentation, the L.A. Landslide team placed fifth for the robotic completion, and the Capital Girls team also performed well in this statewide competition. These three teams qualified for the statewide competition by placing in the top ten in the Northern Virginia regional competition – the Capital Girls taking first place in that contest and the City Slickers team winning the team spirit award.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the five teams from HWES to appear before the Board to receive recognition for their exciting accomplishments. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey and Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

44. **RECOGNITION OF COX COMMUNICATIONS AND THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TRAFFIC DIVISION** (Tape 6)

Supervisor Connolly said that Cox Communications and the FCPD Traffic Division, under the command of Captain Jesse Bowman, have joined forces to bring safety messages to the citizens of the area. He said from a flashy poster with the Cox Communications NASCAR race car parked next to a police cruiser and motorcycle, to the 30 second video Public Service Announcements stressing the theme "Life is Good, Drive to Live," this partnership is making a difference.

Therefore, Supervisor Connolly asked unanimous consent that the Board direct staff to:

- Invite representatives from Cox Communications and the FCPD to appear before the Board on January 6, 2003, to be recognized for this partnership.
- Assist the Police Department in encouraging local media outlets to carry these Public Service Announcements.

Without objection, it was so ordered.

Supervisor Connolly distributed copies of the poster to the Board.

45. **PDC DISTRICT REGULATIONS** (Tape 6)

Supervisor Connolly said that it was recently brought to his attention that an oversight occurred when the PDC District Regulations were adopted. Specifically, the car rental services use was inadvertently omitted from the list of uses permitted by special exception. The Zoning Ordinance, under Section 9-518, already permits these uses in the C-3, C-4, and PRM Districts by special

exception. He said it appears that the car rental services use was simply not carried forward to the PDC District special exception use list.

Therefore, Supervisor Connolly moved that the Board direct the Department of Planning and Zoning to:

- Prepare a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to the PDC district regulations to allow for vehicle rental establishments as a Special Exception use subject to the limitations contained in Section 9-518, Paragraph 7 of the Zoning Ordinance.
- Present the proposed ordinance amendment to the Development Process Committee for consideration as a 2003 Priority One Work Program item.

Supervisor Bulova seconded the motion.

Following discussion, Supervisor Connolly moved to amend the motion that the Board direct the Department of Planning and Zoning to:

- Present the proposed ordinance amendment to the Development Process Committee for consideration as a 2003 Priority One Work Program item.
- Prepare a proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to the PDC district regulations to allow for vehicle rental establishments as a Special Exception use subject to the limitations contained in Section 9-518, Paragraph 7 of the Zoning Ordinance.

Supervisor Bulova seconded the motion.

The question was called on the motion, as amended, and it carried by a vote of eight, Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

46. **RECOGNITION OF OAKTON HIGH SCHOOL (OHS) COUGARS FOOTBALL TEAM (PROVIDENCE DISTRICT)** (Tape 6)

Supervisor Connolly said that on November 30, 2002, the OHS football team upset the Virginia reigning State Champion, Robinson High's Rams, as it won the AAA Division's Sixth Northern Virginia Championship. He said not only did the Cougars end a 17-game winning streak for the Rams, but this championship game was also the Brothers' Bowl as Ram's Coach Mark Bendorf faced brother Peter Bendorf, longtime coach of the Cougars. This past Saturday the Cougars faced Western Branch for the AAA Division Six Semifinal. In a hard fought game that

went into double overtime, the Cougars defeated the Chesapeake Bruins. The final test for the 2002 Cougars will be this Saturday when the team travels to Richmond to play for the State Championship.

Therefore, Supervisor Connolly moved that the Board direct staff to invite the OHS Cougars football team and Coach Bendorf to appear before the Board to be recognized for its significant accomplishment. Supervisor Frey seconded the motion and it carried by a vote of eight, Chairman Hanley being out of the room, Supervisor Mendelsohn not yet having arrived.

47. **NO BOARD MATTERS TO PRESENT FOR MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (No Tape)

Supervisor Hyland did not present any Board Matters.

**PMH:pmh**

48. **INTENT TO DEFER PUBLIC HEARINGS (LEE DISTRICT)** (Tape 7)

Supervisor Kaufmann announced his intent to defer the public hearing on the following applications until January 27, 2003, at 3 p.m.:

- Rezoning Application RZ 1998-LE-064
- Special Exception Application SE 91[sic]-L-020
- Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3

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

49. **FORT BELVOIR CURRENT AND FUTURE GROWTH (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman referred to his written Board Matter regarding the growth of Fort Belvoir and moved that the Board:

- Direct staff to schedule a meeting of the Board's Fort Belvoir Committee at the earliest possible date and invite members of the congressional delegation to participate.
- Direct staff to provide a briefing on recent development projects at Fort Belvoir and the status of transportation projects needed to serve the Fort Belvoir area.

- Outline specific actions that are needed to ensure that projects at Fort Belvoir are fully coordinated with the County.
- Discuss how best to ensure that the County's concerns are heard by the Army.

Supervisor Hyland seconded the motion.

Supervisor McConnell asked to amend the motion to direct staff to review the issue of acquiring the necessary land to complete the parkway, and this was accepted.

Following discussion, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

50. **CONCURRENT PROCESSING OF THE PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT (PCA/FDPA) APPLICATIONS FOR KINGSTOWNE SHOPPING CENTER (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that Kingstowne Shopping Center I, LP has submitted PCA/FDPA applications for building D located in the Kingstowne Shopping Center on Kingstowne Boulevard.

Supervisor Kauffman moved that the Board direct staff to accept and process concurrently the PCA/FDPA application and associated permits for the Kingstowne Shopping Center I, LP. This motion does not relieve Kingstowne Shopping Center I, LP of its obligation to comply with the requirements of the Zoning Ordinance and other regulations not expressly waived by the Board or staff. Moreover, this motion in no way prejudices staff, Planning Commission or Board review of the applications. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

51. **AWARDS FOR SOUTH COUNTY CENTER ((LEE DISTRICT) AND ROBERTS PARKWAY OVERPASS BRIDGE (BRADDOCK DISTRICT)** (Tape 7)

On behalf of Supervisor Hyland and himself, Supervisor Kauffman announced that the recently built South County Center on Richmond Highway was awarded the best "Built to Suit" over 150,000 square foot building for 2002 by the National Association of Industrial and Office Properties.

In addition to this honor, the building has also been selected to receive a 2002 Community Appearance Award from the Community Appearance Alliance of Northern Virginia. This award will be presented at an awards ceremony on December 12, 2002, at 2 p.m., at the Northern Virginia Regional Commission.

Supervisor Kauffman expressed appreciation to the many County employees involved in the construction process for ensuring the building was both completed within the budget and on time. He also expressed appreciation to his colleagues.

Supervisor Bulova announced that on December 12, 2002, the Northern Virginia Regional Commission will also present awards to individuals involved in the building of the Roberts Parkway Overpass Bridge.

52. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. CHRISTINE LAMB (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that Christine Lamb, the principal at Groveton Elementary has been named Administrator of the Year by the Greater Washington Reading Council.

To recognize this achievement, Supervisor Kauffman moved that the Board direct staff to invite Ms. Lamb to appear before the Board to receive formal recognition. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Connolly being out of the room, Supervisor Mendelsohn not yet having arrived.

53. **FORTY-SEVENTH ANNUAL LEE DISTRICT BANQUET** (Tape 7)

Supervisor Kauffman announced that the Forty-Seventh Annual Lee District Banquet will be held on December 10, 2002. He added that various awards will be presented.

54. **LAUREL GROVE SCHOOL (LEE DISTRICT)** (Tape 7)

Supervisor Kauffman said that beginning today, the Laurel Grove School Association will have a Virginia Foundation for the Humanities exhibit on loan for the month of December. The photo exhibit "*Don't Grieve After Me*" chronicles the Black experience in Virginia from 1619-2001. The exhibit was redesigned and updated in 2001 by Hampton University and the Virginia Foundation for the Humanities with funding from the Exxon Mobil Foundation.

Supervisor Kauffman reviewed the history of the school and announced that the Laurel Grove School Association invites the public to view the exhibit and tour the school, located at 6840 Beulah Street, on weekends in December from noon until 4 p.m.

Supervisor Kauffman moved that the Board direct staff to send out a press release on the arrival of this exhibit in Fairfax County. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

55. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-019 (MASON DISTRICT)**  
(Tape 7)

Supervisor Gross announced her intent to indefinitely defer the public hearing, at the appropriate time, on Special Exception Application SE 2002-MA-019 as the applicant has requested additional time to develop revisions to the application.

(NOTE: Later in the meeting this public hearing was formally deferred. See Clerk's Summary Item CL#75.)

56. **APPRECIATION TO STATION 10 RESCUE SQUAD PERSONNEL (MASON DISTRICT)** (Tape 7)

Supervisor Gross said that she recently received a constituent letter of thanks to Station 10 Rescue Squad personnel, Lieutenant Gary Dize and Technician David Gilmore. Alan R. Bird, who lives in Mason District, called for help for his son and the response of Fairfax County Fire and Rescue was prompt and efficient.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to place a copy of Mr. Bird's complimentary letter in each man's file and that the appropriate fire department administrators be advised of the thanks of the Bird family. Without objection, it was so ordered.

57. **WAIVER OF FEES FOR THE SHOWMOBILE (MASON DISTRICT)**  
(Tape 7)

Supervisor Gross said that on Saturday, May 17, 2003, the George Mason Regional Library will be hosting an afternoon program in celebration of five years of renewed commitment to the Annandale community.

Supervisor Gross said that the organizers have reserved the County's showmobile for the multicultural festival on that day. Therefore, she moved that the board waive the fees for the showmobile for this event. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

58. **REZONING APPLICATION RZ 2002-SU-028 AND SPECIAL EXCEPTION APPLICATION SE 2002-SU-033 (SULLY DISTRICT)**  
(Tape 7)

Supervisor Frey said that PQ LLC is the applicant for rezoning and special exception applications to permit a car wash and light vehicle service establishment on Lee Highway, adjacent to Pickwick Shopping Center. The applicant requested a deferral of the Planning Commission hearing to allow additional time to revise the generalized development plan in an effort to obtain a recommendation of approval from staff.



Supervisor Frey moved that the Board direct staff to:

- Schedule a public hearing to be held before the Board on January 27, 2003, for Rezoning Application RZ 2002-SU-028 and Special Exception Application SE 2002-SU-033.
- Accept the associated site plans for concurrent processing.

The applicant understands that this motion will not prejudice the review of these requests in any way. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

59. **REQUEST FOR CERTIFICATE OF RECOGNITION (SULLY DISTRICT)**  
(Tape 7)

Supervisor Frey said that at the end of this year George Chernesky, president of the Southwest Youth Association, is stepping down.

Supervisor Frey moved that the Board direct staff to invite Mr. Chernesky to appear before the Board to be recognized for his efforts. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

60. **CITY OF FALLS CHURCH CONSIDERS PURCHASE OF PRIVATELY-OWNED LAND IN FAIRFAX COUNTY** (Tape 7)

On behalf of Supervisor Mendelsohn, Supervisor Frey referred to Supervisor Mendelsohn's written Board Matter regarding consideration by the City of Falls Church to purchase privately-owned property in Fairfax County for use as a third elementary school to relieve overcrowding within its school system.

Supervisor Frey said that one of the sites originally under consideration is Mount Daniel Elementary School which is located in Dranesville District on Fairfax County land in the middle of a residential community. He noted that there were concerns of potential growth at that site exacerbating the existing problems with the neighborhoods.

Supervisor Frey noted that the County Attorney was contacted and it was determined that cities can condemn properties in counties. He added that the *Code of Virginia* requires permission for the "location" of the educational facility by the governing body where the land is situated. He said that Supervisor Mendelsohn would like that information conveyed to the Mayor of the City of Falls Church and to inform him that the County would expect the City to seek approval and to place this issue on the agenda for the next interjurisdictional meeting of these two governing bodies and that such a meeting be held at the earliest possible date.

Therefore, Supervisor Frey moved that the Board:

- Direct the County Executive to immediately convey to the City Manager of the City of Falls Church the information provided by David P. Bobzien, County Attorney.
- Direct the County Executive to emphasize that any attempt to operate an educational facility in Fairfax County would require the consent of the Fairfax County Board of Supervisors.
- Direct staff to immediately place this issue on the agenda for the next interjurisdictional meeting of these two governing bodies and that such a meeting be held at the earliest possible date.

Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

Supervisor Connolly asked unanimous consent that the Board refer this issue to the Board's Legislative Committee. Without objection, it was so ordered.

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

At 12:55 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. Authorization to Petition the General District Court for a Subpoena on Behalf of the Human Rights Commission in Gautrois v.

Mothers Work, Inc., t/a Mimi Maternity,  
HRC No. 2002123E, EEOC No. 10DA200130

2. *KMart Corporation v. Board of Supervisors of Fairfax County*, At Law No. 200933 (Fx. Co. Cir. Ct.) (Mason District)
3. *Cooper-Page, Inc., and T. William Dowdy and Shirley Hunter, Trustees for the Benefit of Edith Hunter Hornberger v. Board of Zoning Appeals of Fairfax County, Virginia*, In Chancery No. 175800 (Fx. Co. Cir. Ct.) (Mount Vernon District); *T. William Dowdy and Shirley Hunter, Trustees v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors for the County of Fairfax, Virginia, the County of Fairfax, Virginia, and the Zoning Administrator of Fairfax*, At Law No. 207094 (Fx. Co. Cir. Ct.) (Mount Vernon District); *Jane W. Gwinn, Fairfax County Zoning Administrator v. Shirley M. Hunter, Trustee, and T. William Dowdy, Trustee, and Cooper-Page, Inc.*, In Chancery No. 180255 (Fx. Co. Cir. Ct.) (Mount Vernon District)
4. *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* (E.D. Va.) (Mason District)
5. *Zofia A. Zager, Director, Office of Building Code Services, Department of Public Works and Environmental Services, and the Building Official of Fairfax County, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid and Rashid Khalid*, In Chancery No. 179443 (Fx. Co. Cir. Ct.) (Braddock District)
6. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, and Wallace T. Sansone v. Michael R. Bratti*, At Law No. 207043 (Fx. Co. Cir. Ct.) (Dranesville District)

7. *Jane 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)
8. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Warren G. Basye*, In Chancery No. 176708 (Fx. Co. Cir. Ct.) (Mason District)
9. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Virgilio Ascencio, Rene Mendoza-Ascencio, and Edward J. Gomez*, In Chancery No. 181528 (Fx. Co. Cir. Ct.)
10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. John Y.C. Wang, Individually and As Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang; Wan-Shi Wang, Individually and As Trustee for the Living Trust of John Y.C. Wang and Wan-Shi Wang; and the Living Trust of John Y.C. Wang and Wan-Shi Wang*, In Chancery No. 181444 (Fx. Co. Cir. Ct.) (Lee District)
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Jorge Berrios*, In Chancery No. 181408 (Fx. Co. Cir. Ct.) (Lee District)
12. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Theia D. Trusselle*, Case No. 02-34030 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
13. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Isabel H. Zamora*, Case No. 02-34031 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
14. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Danna M. Reese*, Case No. 02-34029 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

15. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Svetlana Cueto*, Case No. 02-34027 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- Board of Zoning Appeals' decision in Variance Application VC 2002-PR-075; James L. Hickerson, applicant
- Board of Supervisors of Fairfax County, Virginia versus Jasey B. Briley, et al.; At Law No. 204373
- Rezoning Application RZ 2002-PR-016 and Proffered Condition Amendment Application PCA 88-D-005-2; West Group Properties
- Police Officers' Retirement System Ordinance
- In re: Jane Doe; Court Case Number JJ344981

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn not yet having arrived.

**DMB:dmb**

At 3:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

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

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

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

63. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO PETITION THE GENERAL DISTRICT COURT FOR A SUBPOENA ON BEHALF OF THE HUMAN RIGHTS COMMISSION IN GAUTROIS VERSUS MOTHERS WORK, INCORPORATED, T/A MIMI MATERNITY, HRC NO. 2002123E** (Tape 8)

Supervisor Gross moved that the Board authorize the County Attorney to petition the General District Court for a subpoena on behalf of the Human Rights Commission in *Gautrois versus Mothers Work, Incorporated, t/a Mimi Maternity*, HRC NO. 2002123E, Equal Employment Opportunity Commission No. 10DA200130. Supervisor Hyland seconded the motion and it carried by unanimous vote.

64. **AUTHORIZATION FOR THE COUNTY ATTORNEY TO SETTLE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA VERSUS BRILEY** (Tape 8)

Supervisor Gross moved that the Board authorize the County Attorney to settle *Board of Supervisors of Fairfax County, Virginia versus Briley*, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

65. **APPOINTMENT OF C. DOUGLAS BASS AS THE NEW EMERGENCY COORDINATOR FOR FAIRFAX COUNTY** (Tape 8)

Supervisor Gross moved that the Board grant authorization to the County Attorney to officially appoint C. Douglas Bass as the new Emergency Coordinator for Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

66. **BOARD APPEAL TO THE CIRCUIT COURT OF FAIRFAX COUNTY THE BOARD OF ZONING APPEAL'S DECISION TO GRANT VARIANCE APPLICATION VC 2002-PR-075 (PROVIDENCE DISTRICT)** (Tape 8)

Supervisor Connolly moved that the Board appeal to the Circuit Court of Fairfax County the Board of Zoning Appeal's decision to grant Variance Application VC 2002-PR-075, for the reasons stated by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

**AGENDA ITEMS**

DMB:dmb

67. **APPOINTMENTS TO THE FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL** (Tape 8)

(APPTS) (NOTE: Earlier in the meeting the Board deferred these appointments. See page 6.)

**CONFIRMATIONS:**

Supervisor Connolly moved the confirmation of the following appointments to the Fairfax Community Long Term Care Coordinating Council:

- Mr. Gerry Hopkins as a Business Representative
- The Honorable James M. Scott as the INOVA Health Systems Representative
- The Honorable Joseph V. Gartlan as a Senior Leader Representative
- The Honorable Herbert E. Harris, II as a Senior Leader Representative

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

68. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-III-BR1 FOR CHANTILLY CROSSING (SULLY DISTRICT)** (Tape 8)

Supervisor Frey moved to defer the public hearing on proposed Out-of-Turn Plan Amendment S02-III-BR1 until **January 27, 2003, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

69. **3 P.M. – PH ON REZONING APPLICATION RZ 1998-LE-064, SPECIAL EXCEPTION APPLICATION SE 01-L-020, AND SPECIAL EXCEPTION AMENDMENT APPLICATIONS SEA 91-L-053-4 AND SEA 91-L-054-3 (SPRINGFIELD EAST, LC) (LEE DISTRICT)** (Tape 8)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 1998-LE-064, Special Exception Application SE 01-L-020, and Special Exception Amendment Applications SEA 91-L-053-4 and SEA 91-L-054-3, until **January 27, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by unanimous vote.

70. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-667 AND SPECIAL EXCEPTION APPLICATION SE 2002-DR-007 (BANK OF AMERICA) (DRANESVILLE DISTRICT)**  
(Tape 8)

(NOTE: At its October 28, 2002, meeting the Board deferred the public hearing on these items until November 18, 2002. At its November 18, 2002, meeting the Board deferred the public hearing on these items until December 9, 2002.)

The Proffered Condition Amendment Application PCA C-667 property is located in the southeast quadrant of the intersection of Chain Bridge Road and Brawner Street.

The Special Exception Application SE 2002-DR-007 property is located at 1369 Chain Bridge Road, Tax Map 30-2 ((1)) 50B.

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

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

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

Supervisor Mendelsohn submitted an item for the record.

Supervisor Mendelsohn moved:

- Approval of Proffered Condition Amendment Application PCA C-667, subject to the proffers dated October 17, 2002.
- Approval of Special Exception Application SE 2002-DR-007, subject to the proposed developed conditions dated November 14, 2002.
- Waiver of the barrier requirement along Brawner Street and waiver of the trail requirement along Chain Bridge Road.

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



71. **3 P.M. – PH ON REZONING APPLICATION RZ 2002-LE-005  
(SUSAN WISE CLAY, FORMERLY SUSAN C. BECK) (LEE DISTRICT)**  
(Tape 8)

(O) (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.)

The application property is located on the north side of Richmond Highway, approximately 500 feet north of its intersection with Martha Street, Tax Map 101-4 ((1)) 11A and 12.

Ms. Susan Wise Clay reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-LE-005 from the R-2, C-8, HC, and CRD Districts to the C-8, HC, and CRD Districts, subject to the proffers dated December 6, 2002.
- Waiver of the lot width requirement for Section 9-622 of the Zoning Ordinance.
- Modification of the transitional screening requirements, along the northern, western, and a portion of the southern property line to permit landscaping as shown on the GDP with the commitment set forth in the proffers dated December 6, 2002.
- Modification of the barrier requirements along the northern, western, and a portion of the southern property lines as shown on the GDP and reflected in the revised proffers dated December 6, 2002.
- Modification of the streetscape requirement along Richmond Highway to that shown on the GDP and as further modified by the revised proffers dated December 6, 2002.

- Waiver of the interior parking lot landscaping requirement.
- Waiver of the service drive requirement.
- Waiver of the front yard setback requirement for Phase II development for Section 9-622 of the Zoning Ordinance.
- Waiver of the frontage improvements along Richmond Highway to permit existing conditions to remain which include a significant investment in a sidewalk for the community.

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

72.

**3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-PR-029 (THE FOUNTAINS AT MCLEAN, LLC) (PROVIDENCE DISTRICT)** (Tape 8)

The application property is located at 1503 Lincoln Center Court, Tax Map 29-3 ((22)) 1A.

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

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

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

Supervisor Connolly moved:

- Approval of Special Exception Application SE 2002-PR-029, subject to the proposed development conditions dated December 6, 2002.
- Waiver of the 600-foot maximum length requirement for private streets.

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

73. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MV-028 (SCOTT A. AND PHYLLIS P. CRABTREE) (MOUNT VERNON DISTRICT)** (Tape 8)

The application property is located at 8021-A East Boulevard Drive, Tax Map 102-2 ((1)) 35A.

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

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

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

Supervisor Hyland submitted an item for the record.

Supervisor Hyland moved approval of Special Exception Application SE 2002-MV-028 subject to the development conditions dated December 9, 2002, with one condition which states that "In the event the applicant is unable to obtain the necessary easements to extend sanitary sewer to the property, this special exception shall become null and void." Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

74. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-SU-032 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-C-076-7 (INOVA HEALTH CARE SERVICES) (SULLY DISTRICT)** (Tape 8)

The applications property is located south of Ox Trail, east of Rugby Road, and north and south of Alder Woods Drive, Tax Map 45-2 ((1)) 25L, 41A; 45-2 ((2)) 38, 39A, 39B, 40A, 40B, 41–50, 51B1.

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

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

Supervisor Gross disclosed that she represents the County on the Inova Health Care Board.

Supervisor Frey disclosed that he also represents the County on the Inova Health Care Board.

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

- In excess of \$200 from Mr. William D. Euille

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

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2000-SU-032, subject to the proffers dated December 2, 2002. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 84-C-076-7, subject to the development conditions dated December 4, 2002. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Frey moved:

- Modification of the transitional screening requirements and waiver of the barrier requirement to that shown on the GDP/SE Plat and as proffered.
- Modification of Additional Standard 7 of Section 9-308 of the Zoning Ordinance to allow a third freestanding sign, as shown on the SE Plat.

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

75.

**3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-019 (CAMPBELL AND FERRARA NURSERIES, INCORPORATED) (MASON DISTRICT)** (Tape 8)

Supervisor Gross moved to defer **indefinitely** Special Exception Application SE 2002-MA-019. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

76. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FUNERAL CHAPELS AND FUNERAL HOMES IN INDUSTRIAL DISTRICTS** (Tapes 8-9)

- (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 November 21 and November 28, 2002.

Following the public hearing, which included testimony by two speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to allow funeral chapels by right in the I-1 through I-6 Districts and to allow funeral homes by right in the I-4, I-5, and I-6 Districts. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Hudgins, Supervisor Hyland, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

Following discussion, Supervisor Frey moved that the Board direct staff to include this item on the list of priority one considerations for additional discussion. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

77. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING COMMERCIAL REVITALIZATION DISTRICT/AREA IDENTIFICATION SIGNS** (Tape 9)

- (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 November 21 and November 28, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Commercial Revitalization District/Area Identification Signs. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Gross, Supervisor Kauffman, Supervisor Hyland, Supervisor McConnell, and Chairman Hanley voting "AYE," Supervisor Connolly, Supervisor Frey, Supervisor Hudgins, Supervisor Mendelsohn being out of the room.

78. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT ITEM S01-CW-8CP, ADDRESSING INFORMATION AND RECOMMENDATIONS ON LIBRARIES** (Tape 9)

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 November 21 and November 28, 2002.

Following the public hearing, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved approval of the Planning Commission recommendation for Out-of-Turn Plan Amendment Item S01-CW-8CP as shown in the staff report dated October 30, 2002. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hudgins, and Supervisor Mendelsohn being out of the room.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

79. **4 P.M. – PH REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT THE FORMER WALT WHITMAN INTERMEDIATE/MOUNT VERNON HIGH SCHOOL AT 4100 MOHAWK LANE TO PROGRESO HISPANO, INCORPORATED (MOUNT VERNON DISTRICT)** (Tape 9)

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 November 21 and November 28, 2002.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved authorization for staff to execute a lease, substantially in accordance with the proposed Lease, with Progreso Hispano, Incorporated, for the leasing of a portion of County-owned property located at the Home Economics Building of the former Walt Whitman Intermediate/Mount Vernon High School at 4100 Mohawk Lane for the purpose of establishing a voluntary community development center to provide needed human services to members of the Hispanic community living in the Mount Vernon area. Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

80. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-012 (BETTY M. MEADOWS) (DRANESVILLE DISTRICT)** (Tape 9)

Supervisor Mendelsohn moved to defer the public hearing on Special Exception Application SE 2002-DR-012 until **January 6, 2003, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

PW:pw

81. **4:30 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)**  
(Tape 10)

The Rezoning Application RZ 2002-PR-016 property is located in the northwest quadrant of the intersection of Westpark Drive and Park Run Drive, Tax Map 29-4 ((7)) A3.

The Proffered Condition Amendment Application PCA 88-D-005-5 property is located south of the Dulles Airport Access Road, west of Interstate 495, east of International Drive, and north of Tysons Boulevard, 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.

Supervisor Hyland moved that the Board waive its Policy of refusing to accept affidavits not received at least seven business days in advance of the scheduled public hearing and proceed with the public hearings on Rezoning Application RZ 2002-PR-016 and Proffered Condition Amendment Application PCA 88-D-005-5. Supervisor McConnell seconded the motion.

Extensive discussion ensued with input from David P. Bobzien, County Attorney, and staff.

Supervisor Connolly moved a substitute motion to defer the public hearing on Rezoning Application RZ 2002-PR-016 and Proffered Condition Amendment Application PCA 88-D-005-5 until **January 6, 2003, at 3 p.m.** Supervisor Frey seconded the motion, which **CARRIED** by a recorded vote of nine, Supervisor Hyland voting "NAY."

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

At 5:25 p.m. the Board recessed briefly, and at 5:40 p.m. reconvened with all Members being present, with the exception of Supervisor Hudgins, Supervisor McConnell, and Chairman Hanley, and with Vice-Chairman Hyland presiding.

83. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-L-027 (TAVARES FAMILY LIMITED PARTNERSHIP) (LEE DISTRICT)** (Tape 10)

The application property is located on the east side of Cinder Bed Road, approximately 1,400 feet north of its intersection with Hill Park Drive, Tax Map 99-2 ((1)) 21.

Mr. Robert F. Flinn reaffirmed the validity of the affidavit for the record.

Mr. Flinn 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, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA 86-L-027, subject to the proffers dated November 7, 2002.
- Modification of the transitional screening and barrier requirements along the southern property line to permit a 20-foot wide strip of transitional screening and to permit retention of the existing eight-foot high wooden fence along the southern property line.
- Waiver of the trail requirement along Cinder Bed Road in favor of the proposed four-foot wide concrete sidewalk, as shown on the Generalized Development Plan (GDP).

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

84. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), EXPANDING THE GRAHAM RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 34 (PROVIDENCE DISTRICT)** (Tape 10)

- (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 November 21 and November 28, 2002.



Following the public hearing, which included testimony by one speaker, Supervisor Connolly moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic) to expand the Graham RPPD, District 34. The proposed District expansion includes the following street blocks:

- Elmwood Drive (Route 1780) from Lawrence Drive (Route 1781) to Rogers Drive (Route 1774)

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

85. **4:30 P.M. – PH ON ACQUISITION OF ADDITIONAL LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF COUNTY COMMERCIAL REVITALIZATION BOND PROJECT – BAILEYS CROSSROADS STREETScape (MASON DISTRICT)** (Tape 10)

- (R) 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 November 21 and November 28, 2002.

Following the public hearing, which included testimony by two speakers, discussion ensued with input from Larry L. Ichter, Chief, Transportation Design Branch, Department of Public Works and Environmental Services.

Supervisor Gross moved adoption of the Resolution authorizing the acquisition of additional land rights necessary for the construction of Project 008911 – Baileys Crossroads Streetscape, in Fund 315, Commercial Revitalization Program. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Mendelsohn, and Vice-Chairman Hyland voting "AYE," Supervisor Hudgins, Supervisor McConnell, and Chairman Hanley being out of the room.

86. **5 P.M. – PH REGARDING THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY LOCATED AT 5690 SULLY ROAD TO THE CENTREVILLE PRESBYTERIAN CHURCH (SULLY DISTRICT)** (Tape 10)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 21 and November 28, 2002.

Following the public hearing, Supervisor Frey moved authorization to staff to execute a lease addendum to the Lease Agreements, substantially in accordance with the proposed First Addendum to the Lease Agreement for the continued leasing of County-owned property located at 5690 Sully Road to Centreville Presbyterian Church. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor McConnell, and Chairman Hanley being out of the room.

87.

**5 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (Tapes 10-11)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 21 and November 28, 2002.

Following discussion with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation, and Larry L. Ichter, Chief, Transportation Design Branch, Department of Public Works and Environmental Services, the public hearing was held which included testimony by one speaker.

Vice-Chairman Hyland relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to include on the list of projects that will be provided to the Board for approval on January 6, 2003, a request for funding of \$200,000 for an additional phase for construction of a multi-use trail on Mason Neck in Lorton. Without objection, it was so ordered.

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

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to include on the list of projects a request for funding the additional \$1.2 million needed for construction of the Georgetown Pike Trail and the additional \$700,000 needed for construction of the Walker Road Trail. Without objection, it was so ordered.

Discussion ensued briefly, with input from Mr. Biesiadny.

With reference to the handout entitled "Fairfax County Enhancement Grants, Funding Received and Additional Funding Requested," dated December 9, 2002, Supervisor Bulova asked unanimous consent that the Board direct staff to include on the list that will be provided to the Board for approval on January 6, 2003, all projects that require funds for additional phases because they are unfinished. Without objection, it was so ordered.

Following input from Mr. Biesiadny, Chairman Hanley announced that the record would remain open until December 13, 2002. The final list of projects will be provided for consideration at the January 6, 2003, Board meeting.

Supervisor Mendelsohn clarified for the record that all projects on the list were eligible for consideration.

88. **5 P.M. – PH ON REZONING APPLICATION RZ 2000-MA-055 (JOHN H. THILLMANN) (MASON DISTRICT)** (Tape 11)

(O) 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.

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

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

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

- In excess of \$200 from Mr. John H. Thillmann
- In excess of \$200 from Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. Scott M. Herrick

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

- In excess of \$200 from Mr. John H. Thillmann and Landmark Property Development, LLC

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 Gross stated that she had a letter from the Madison Place Homeowners Association for the record.

Supervisor Gross moved to defer decision on Rezoning Application RZ 2000-MA-055 until **January 6, 2003, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

89. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-LE-010 (VERIZON VIRGINIA, INCORPORATED) (LEE DISTRICT)** (Tape 11)

- (O) The application property is located on the west side of Grovedale Road, approximately 500 feet south of its intersection with Franconia Road, Tax Map 81-3 ((5)) 9.

Ms. Sheri L. Hoy reaffirmed the validity of the affidavit for the record.

Ms. Hoy 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, Mavis Stanfield, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-LE-010 from the R-1, C-5, and HC Districts to the C-3 and HC Districts, subject to the proffers dated October 9, 2002.
- Modification of the transitional screening requirement to the west in favor of retaining and supplementing the existing vegetation, as shown on the Generalized Development Plan (GDP).
- Modification of the transitional screening requirement to the south in favor of the shrubs shown on the GDP.
- Waiver of the barrier requirement to the east along the property frontage with Grovedale Road.

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

90. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-LE-014 (LITTLE RIVER DEVELOPMENT CORPORATION) (LEE DISTRICT)** (Tape 11)

- (O) The application property is located on the north side of Holly Hill Road, approximately 500 feet west of its intersection with Richmond Highway, Tax Map 92-4 ((1)) 28 – 32, 35, 36, and 39.

Mr. Lee Fifer reaffirmed the validity of the affidavit for the record.

Mr. Fifer 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, Mavis Stanfield, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-LE-014 from the R-2 and HC Districts to the R-12 and HC Districts, subject to the proffers dated November 7, 2002.
- Waiver of the requirement for a 600-foot maximum private street length.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

91. **5:30 P.M. – PH ON THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 11 (HUMAN RIGHTS ORDINANCE), REGARDING RESTATEMENT** (Tape 11)

- (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 November 21 and November 28, 2002.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to and restatement of the Code of the County of Fairfax, Chapter 11 (Human Rights Ordinance). Supervisor Connolly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Kauffman being out of the room.

92. **5:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-078-12 (INOVA HEALTH CARE SERVICES) (PROVIDENCE DISTRICT)** (Tape 11)

Supervisor Connolly moved to defer the public hearing on Special Exception Amendment Application SEA 80-P-078-12 until **January 27, 2003, at 3 p.m.** Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Kauffman being out of the room.

93. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-007 (RANDOLPH J. BENDER (MOUNT VERNON DISTRICT))** (Tape 11)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2002-MV-007 until **January 6, 2003, at 3 p.m.** Supervisor Connolly seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

94. **5:30 P.M. – PH ON REZONING APPLICATION RZ 2001-BR-022 (ROCKY GORGE HOMES, LLC) (BRADDOCK DISTRICT)** (Tape 11)

- (O) The application property is located on the east side of Ox Road, immediately south of the City of Fairfax boundary, Tax Map 57-4 ((1)) 1A, 1, 3, and 7.

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

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

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

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2001-BR-022 from the R-1 and WS Districts to the PDH-12 and WS Districts, subject to the proffers dated November 22, 2002.
- Approval of the Conceptual Development Plan (CDP).
- Modification of the transitional screening yard and barrier requirements along the western boundary in favor of that shown on the CDP/FDP.

- Waiver of the 600-foot limitation on the length of private streets.
- Waiver of the service drive requirement along Route 123.
- Modification of the trail requirement along Route 123 in favor of the existing seven-foot wide walkway.
- Approval of a variance, pursuant to the provisions of Paragraph 8 of Section 16-401 of the Zoning Ordinance, to allow the decorative fence along Route 123 to exceed four feet in height.

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

#### **ADDITIONAL BOARD MATTER**

95. **INTRODUCTION OF BRADDOCK DISTRICT INTERN MIRANDA HUTTEN** (Tape 11)

Supervisor Bulova introduced Ms. Miranda Hutten who is a senior at Woodson High School and interning for the Braddock District office.

#### **AGENDA ITEMS**

96. **6 P.M. – PH ON REZONING APPLICATION RZ 2001-HM-052 (KEYSTONE LLC) (HUNTER MILL DISTRICT)** (Tape 11)

- (O) The application property is located on the west side of Reston Avenue, approximately 100 feet north of Wiehle Avenue, Tax Map 11-2 ((1)) 47A.

Mr. Peter F. Tamburello reaffirmed the validity of the affidavit for the record.

Mr. Tamburello 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, Kris Abrahamson, Branch Chief, Rezoning and Special Exceptions Applications, 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 2001-HM-052 from

the R-1 District to the R-2 District, subject to the proffers dated December 5, 2002. Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Connolly, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE," Supervisor Frey and Supervisor Gross being out of the room.

97. **6 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-11LP, LOCATED SOUTHEAST OF COLCHESTER ROAD AND SOUTHWEST OF GUNSTON ROAD (MOUNT VERNON DISTRICT)** (Tape 11)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 21 and November 28, 2002.

Following the public hearing, Supervisor Hyland moved approval of the Planning Commission recommendation for APR Item 02-IV-11LP. Supervisor Connolly and Supervisor Kauffman jointly seconded the motion and it carried by unanimous vote.

98. **6 P.M. – BOARD DECISION ON PROPOSED AREA PLANS REVIEW (APR) ITEM 02-IV-9LP, LOCATED NORTH OF THE OCCOQUAN RIVER WITH 1-95 BISECTING THE SUBJECT PROPERTY (MOUNT VERNON DISTRICT)** (Tape 11)

Supervisor Hyland moved to defer decision on APR Item 02-IV-9LP until **January 27, 2003, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a unanimous vote.

#### **ADDITIONAL BOARD MATTERS**

99. **DISTRIBUTION OF FINAL TEXT OF AREA PLANS REVIEW (APR) ITEMS 02-1V-7MV AND 02-IV-8MV (MOUNT VERNON DISTRICT)** (Tape 11)

Supervisor Hyland distributed to the Board the final text of APR Items 02-1V-7MV and 02-IV-8MV. Both items were approved by the Board on November 18, 2002.

100. **RECONSIDERATION AND DEFERRAL OF AREA PLANS REVIEW (APR) ITEM 02-IV-8LP (MOUNT VERNON DISTRICT)** (Tape 11)

Supervisor Hyland moved to reconsider the Board's action on APR Item 02-IV-8LP, which was approved by the Board on November 18, 2002. Supervisor Connolly seconded the motion, which carried by unanimous vote.



Supervisor Hyland moved to defer decision on APR Item 02-IV-8LP until **January 27, 2003, at 4 p.m.** Supervisor Connolly seconded the motion, which carried by unanimous vote.

### **AGENDA ITEMS**

101. **6 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) CONCERNING THE USE OF HIGH DENSITY POLYETHYLENE PIPE FOR SPECIFIC STORM DRAINAGE APPLICATIONS** (Tape 11)

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

Supervisor McConnell moved to defer the public hearing on proposed amendments to the PFM concerning the use of high density polyethylene pipe for specific storm drainage applications until **January 6, 2003, at 5 p.m.** Supervisor Connolly seconded the motion and it carried by a unanimous vote.

102. **6:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (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 November 21 and November 28, 2002.

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

- Mr. Michael Stelling regarding the fire lanes at Armistead Park.
- Mr. Ed Dyer regarding County denial of a site plan.
- Ms. Jean Phillipson regarding County denial of a site plan.
- Mr. Joel Lutkenhouse regarding site plan approval.
- Ms. Joanne Dyer regarding County denial of a site plan.
- Mr. Neal McBride, representative, South County Sports Alliance, regarding public/private partnerships for sports facilities.
- Mr. Edrahim A. Babazadeh regarding land use.
- Ms. Jody Bennett regarding transit needs.

Following the testimony of Mr. Stelling, Supervisor Bulova asked unanimous consent that the Board refer this matter to staff for further action. Without objection, it was so ordered.

Following the testimony of Mr. Dyer, Supervisor McConnell asked unanimous consent that the Board refer the matter regarding the property owned by Mr. Dyer and Ms. Phillipson to staff for further action and possible resolution. Without objection, it was so ordered.

103. **BOARD ADJOURNMENT** (Tape 12)

At 7:45 p.m., the Board adjourned.

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