



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
December 6, 2004**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, December 6, 2004, at 9:13 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, arrived at 9:54 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Angela C. Schauweker, 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 MATTERS1. **MOMENT OF SILENCE** (9:13 a.m.)

Chairman Connolly said that this is the last meeting of the Board for calendar year 2004, and on behalf of the Board, he wished everyone a safe and happy holiday season.

Supervisor DuBois asked everyone to keep in thoughts the family of Javier Oblese, a US Marine, who died in Iraq last week. His brother, Miguel Oblese, is a County firefighter at the Herndon Fire Station.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to take any and all measures to accommodate the family, including at the time of the memorial or funeral service. Without objection, the request was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor DuBois asked everyone to keep in thoughts the mother of Ms. Helene Teel who has been an active Great Falls resident.

Supervisor Bulova asked everyone to keep in thoughts the family of Raymond Manella, retired Youth Services Program Manager, Department of Health and Human Services. He was also a very active member of the Bonnie Brae Civic Association, and very active in the Neighborhood Watch Program in the Braddock District.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JEANETTE STEWART** (9:15 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Ms. Jeanette Stewart for her selection as EcoSteward of the Year by the EcoStewards Alliance. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FAIRFAX COUNTY FIRE DEPARTMENT** (9:20 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the Fire Department for its accomplishment in this year's "Fill the Boot" campaign. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Stacy Williams, Muscular Dystrophy Association, presented the following individuals with plaques for their support:

- Deborah Alexander, Suntrust Bank
- Chairman Connolly, Board of Supervisors
- Michael Neuhard, Chief, Fire and Rescue Department
- John Niemiec, International Association of Fire Fighters Local 2068

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATES OF RECOGNITION REGARDING IMPLEMENTATION OF PREPARATIONS FOR HURRICANE CHARLEY PRESENTED TO COUNTY STAFF** (9:28 a.m.)

Supervisor Hyland moved approval of the Certificates of Recognition presented to County staff for their implementation of preparations for Hurricane Charley. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. KIM IFEORA AND MR. SUNG PYUN** (9:36 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to Ms. Kim Ifeora and Mr. Sung Pyun for being named the best drivers for 2004 of the FAIRFAX CONNECTOR. Supervisor Hyland and Vice-Chairman Bulova jointly seconded the motion and it carried by a vote of eight, Supervisor Gross being out of the room, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **CERTIFICATES OF RECOGNITION REGARDING TELEWORK AND STRATEGIES OF THE BEST WORKPLACES FOR COMMUTERS PROGRAM PRESENTED TO COUNTY STAFF** (9:42 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to County staff for their work in promoting telework and strategies of the Best Workplaces for Commuters program. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

7. **CERTIFICATES OF RECOGNITION REGARDING THE NEW SOUTH COUNTY BUS SERVICE** (9:47 a.m.)

Supervisor Kauffman moved approval of the Certificates of Recognition for the new South County bus service to the following:

- Northern Virginia Congressional Delegation
- City of Alexandria
- ACS Telephone Information Center
- Connex/Yellow Transportation
- CONNECTOR Store
- Fastran
- Parsons Brinckerhoff Quade and Douglas
- Northern Virginia Transportation Commission
- Fort Belvoir
- Virginia Department of Rail and Public Transportation
- Virginia Department of Transportation
- Washington Metropolitan Area Transit Authority
- Board of Supervisors
- Department of Housing and Community Development
- Department of Planning and Zoning
- Department of Public Works and Environmental Services
- Department of Transportation

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell not yet having arrived.

8. **CERTIFICATES OF RECOGNITION PRESENTED TO GREAT FALLS FREEDOM MEMORIAL COMMITTEE AND COUNTY STAFF**

(9:54 a.m.)

Supervisor DuBois said the Committee thought it had a responsibility to educate the young people of the community regarding the contributions and sacrifices veterans have made throughout the years. As the Freedom Plaza honors all who have served to defend the country, the committee, under the guidance of Milbourne Sanders, produced a book entitled "Great Falls Freedom Honor Roll," which will be on permanent display at the Great Falls Community Library. She circulated a copy around the dais.

Supervisor DuBois moved approval of the Certificate of Recognition presented to the Great Falls Freedom Memorial Committee and County staff for their service to the citizens of Great Falls and the County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. KAILASH GUPTA** (10:05 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. Kailash Gupta for his administration of the National Pollutant Discharge Elimination System resulting in recognition by the Association of Metropolitan Sewerage Agencies for 100 percent compliance. Supervisor Gross seconded the motion and it carried by unanimous vote.

10. **10:15 A.M. – RECOMMENDATIONS OF LAUREL HILL ADAPTIVE REUSE CITIZENS TASK FORCE** (10:14 a.m.)

ADDITIONAL BOARD MATTERS

Jeff McKay, Lee District's Chief Aide, Gets Engaged

Supervisor Kauffman announced that yesterday he attended Jeff McKay's engagement party.

Happy Birthday Wishes to Braddock District Supervisor Bulova

Chairman Connolly announced that Supervisor Bulova's birthday is today, and, on behalf of the Board, he wished her a Happy Birthday.

Tim Sargeant, Chairman of the Laurel Hill Adaptive Reuse Citizens Task Force, presented its recommendations.

Supervisor Hyland moved that the Board accept the recommendations of the Laurel Hill Adaptive Reuse Citizens Task Force (Task Force). Supervisor Bulova seconded the motion.

Discussion ensued with input from Mr. Sargeant, who stated that the Laurel Hill document would be available on the web on Tuesday, December 7, at <http://www.co.fairfax.va.us/dpz/laurelhill/recommendations.htm>.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to note on the home page that the document is available. Without objection, it was so ordered.

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

To help implement the Task Force's recommendations, Supervisor Hyland moved that the Board direct staff to:

- Prepare a Request for Interest based on the Task Force recommendations for a mix of uses at the Reformatory and Penitentiary sites.
- Forward a copy of the Task Force report to each member of the Architectural Review Board (ARB) along with a transmittal letter from the Chairman of the Board requesting that the ARB adopt, as soon as possible, the standards and guidelines for the area that has been determined to be eligible for inclusion on the National Register.
- Review the Memorandum of Agreement to determine what revisions may be appropriate and necessary to include a new Laurel Hill oversight committee as one of the organizations which participate in the review of actions that affect historically contributing structures.
- Invite the members of the Task Force to appear before the Board at i/ts February 7, 2005, meeting to be recognized and thanked for its effort, and that would include members of staff.

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

Supervisor Hyland said that at the Board's February 7, 2005, meeting he intends to ask for the Board's consideration of the following additional actions in support of the Task Force recommendations:

- Establish a position for a project manager who will be responsible for initiating a process to seek a development partner and oversee the implementation of the recommendations for reuse of the former Reformatory and Penitentiary areas.
- Establish a three member citizen's oversight committee to monitor the development of the Reformatory and Penitentiary areas.

- Authorize an Out-of-Turn Plan Amendment to consider the revision of the Comprehensive Plan to reflect the Task Force recommendation for a possible mix of residential office and retail uses at the reformatory site.

PW:pw

11. **10 A.M. – BOARD ADOPTION OF THE 2005 LEGISLATIVE PROGRAM FOR THE VIRGINIA GENERAL ASSEMBLY** (10:43 a.m.)

(NOTE: At its November 15, 2004, meeting the Board held a public hearing regarding this item and kept the record open for written comments.)

Chairman 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 6, 2004.

Following discussion, with input from Michael H. Long, Senior Assistant County Attorney, Supervisor Gross asked unanimous consent that the Board direct staff to refer to the Legislative Committee a review of restrictions for the parking of dumpsters on public streets. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved adoption of the Legislative Program. Vice-Chairman Bulova seconded the motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Kauffman asked to amend the motion to amend "Regional Position, Transportation -- Funding, Actions Required, Number 4," to preserve a placeholder for "Support the Metro Blue Ribbon Panel Recommendation" pending the release and review of the recommendation, and this was accepted.

Supervisor Hudgins asked to amend the motion to initiate a regional proposed State Budget amendment for a one time State General Fund Capital Appropriation of \$2 million to support the expansion of the Birmingham Green Assisted Living Facility, and this was accepted.

Following discussion, Supervisor Frey asked unanimous consent to vote on the following two items from the Legislative Program seriatim:

- County Initiatives, Human Rights Ordinance -- Sexual Orientation
- County Positions, Public Safety -- Dangerous Weapons in Public Facilities

Without objection, it was so ordered.

The question was called on the motion, as amended, to adopt the Legislative Program with the two exceptions, and it carried by unanimous vote.

Following discussion, the question was called on the motion to include "County Initiatives, Human Rights Ordinance -- Sexual Orientation in the Legislative Program" and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor McConnell voting "NAY."

Supervisor McConnell noted for the record her concern about the human rights initiative because of the national trend of not allowing Boy Scouts to meet in public buildings, which is why she cannot support the initiative.

Following discussion, with input from Susan Mittereder, Legislative Liaison, Supervisor Bulova moved to reaffirm the Board's position and include "County Positions, Public Safety -- Dangerous Weapons in Public Facilities" in the Legislative Program. Supervisor Kauffman seconded the motion.

Following further discussion, with input from Mr. Long, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor McConnell voting "NAY."

Supervisor McConnell asked unanimous consent that the Board direct staff to provide clarification regarding whether leaving weapons in a vehicle in the parking lot of a public building would constitute a violation of the proposed legislation. Without objection, it was so ordered.

A brief discussion ensued regarding the concealed handgun permit registration process.

Supervisor Hyland moved approval of the Legislative Program, as amended. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Chairman Connolly noted that the Legislative Breakfast with the Fairfax County Delegation to the General Assembly would be held Tuesday, December 14, 2004, at 7:30 a.m. at the Fairview Park Marriott. He invited all members of the School Board, as well as the School Superintendent, to attend.

Supervisor Hudgins asked unanimous consent that the Board forward to the Legislative Committee a letter she received from the Reston Association regarding participation of the Association in the Dulles Corridor Project Steering Committee. Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to provide, in writing, the General Assembly's proposed limitations on bringing weapons into the General Assembly chambers. Without objection, it was so ordered.

Following further discussion, Chairman Connolly announced that the evening of February 15, 2005, is the proposed date for the Legislative Reception for the General Assembly to be held at the Old City Hall in Richmond.

12. **10:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:10 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

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

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative to the Airports Advisory Committee.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointments of the Braddock and Hunter Mill District Representatives to the Animal Services Advisory Commission.

ATHLETIC COUNCIL

CONFIRMATION:

Supervisor McConnell moved the confirmation of the following appointment to the Athletic Council:

- Mr. Robert Hahne as the Baseball/Softball Advisory Council Principal Representative

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

BOARD OF BUILDING CODE APPEALS

The Board deferred the appointment of the Design Professional Representative #5 to the Board of Building Code Appeals.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor Smyth moved the appointment of Mr. Kevin Powers as the Attorney #1 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the appointment of Mr. Thomas Parr as the Freeholder #1 Fairfax County Representative to the Board of Equalization of Real Estate Assessments. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Appraiser #1, Appraiser #2, Appraiser #3, and Builder Representatives to the Board of Equalization of Real Estate Assessments.

CHILD CARE ADVISORY COUNCIL

Supervisor Gross moved the appointment of Ms. Judith Falkenrath as the Mason District Representative to the Child Care Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CIVIL SERVICE COMMISSION

Supervisor Hudgins moved the reappointment of Mr. Ronald Copeland as the At-Large #2 Representative to the Civil Service Commission. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board defer the appointment of the At-Large #5 Representative to the Civil Service Commission so that Countywide geographical diversity representation to the Commission could be considered. Without objection, it was so ordered.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

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

COMMUNITY CRIMINAL JUSTICE BOARD

The Board deferred the appointment of the Fairfax County At-Large #2 Representative to the Community Criminal Justice Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

The Board deferred the appointments of the Mason and Sully District Representatives to the Countywide Non-Motorized Transportation (Trails) Committee.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Business Community #1 and Providence District Representatives to the Fairfax Area Disability Services Board.

GEOTECHNICAL REVIEW BOARD**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments to the Geotechnical Review Board:

- Mr. Edward DeSantis as the Primary #3 Representative
- Mr. Emad Saadeh as the Alternate #1 Representative
- Mr. James Collin as the Alternate #3 Representative

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

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #4 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

Supervisor Hudgins moved the reappointment of Ms. Barbara Naef as the Archaeologist Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Irma Clifton as the At-Large #2 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Sue Patterson as the At-Large #3 Representative to the History Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. Nicholas Ajay, Jr. to fill the unexpired term of the late Mr. Donald Senese as the Citizen #2 Representative to the History Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Elise Murray as the Citizen #3 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Naomi Zeavin as the Historian #1 Representative to the History Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Ms. Mayo Stuntz as the Historian #2 Representative to the History Commission. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative to the Industrial Development Authority.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor DuBois moved the reappointment of Mr. Suresh Shenoy as the Dranesville District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Susan Hoffman as the Mason District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. John Skudlarek as the Mount Vernon District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Michael DiConti as the Dranesville District Representative to the Information Technology Policy Advisory Committee. Supervisor Hyland seconded the motion, which carried by unanimous vote.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock, Lee, and Mason District Representatives to the Oversight Committee on Drinking and Driving.

PARK AUTHORITY

Chairman Connolly moved the appointment of Mr. Harry Glasgow as the At-Large Chairman's Representative to the Park Authority. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Mr. Kevin Fay as the Dranesville District Representative to the Park Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Glenda Morine Blake as the Hunter Mill District Representative to the Park Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Ms. Joanne Malone as the Providence District Representative to the Park Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

PLANNING COMMISSION

Chairman Connolly moved the reappointment of Mr. Walter Alcorn as the At-Large #1 Chairman's Representative to the Planning Commission. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the reappointment of Ms. Nancy Hopkins as the Dranesville District Representative to the Planning Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Kenneth Lawrence as the Providence District Representative to the Planning Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

Supervisor Kauffman moved the reappointment of Mr. Arthur Nalls as the At-Large #3 Representative to the Road Viewers Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Mr. Richard Bochner as the At-Large #5 Representative to the Road Viewers Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1, At-Large #2, and At-Large #4 Representatives to the Road Viewers Board.

TENANT LANDLORD COMMISSION

Chairman Connolly moved the reappointment of Ms. Evelyn McRae as the Tenant Member #2 Representative to the Tenant Landlord Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Landlord Member #3 Representative to the Tenant Landlord Commission.

TREE COMMISSION

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

WETLANDS BOARD

Supervisor Hyland moved the reappointment of Mr. Charles Creighton as the Mount Vernon District #3 Representative to the Wetlands Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES**STORMWATER ADVISORY COMMITTEE**

The Board deferred the appointments of the Small/Medium Commercial/Office Property Representative and Non-Profit Coalition Representative to the Stormwater Advisory Committee.

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE**CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments to the Virginia 2007 Community Citizen Planning Committee:

- Mr. Esther McCullough as the African American Community Representative
- Ms. Esther Ferington as the Federation of Citizens Associations Representative
- Ms. Carole Herrick as the Great Falls/McLean Virginia 2007 Representative
- Mr. Hung Quoc Nguyen as the Vietnamese Community Representative

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

Supervisor Hudgins asked unanimous consent that the Board direct staff to advise if the Native American Community Representative to the Committee was vacant. Without objection, it was so ordered.

ADDITIONAL APPOINTMENTS

SOLID WASTE MANAGEMENT PROGRAM TASK FORCE

Supervisor Gross moved the appointment of Mr. Phil Auld to fill the unexpired term of Mr. Peter Crane as the Solid Waste Company (Large) Representative to the Solid Waste Management Program Task Force. Supervisor Bulova seconded the motion, which carried by unanimous vote.

COMMISSION ON AGING

Supervisor Frey moved the appointment of Mr. Ian Kremer to fill the unexpired term of Ms. Marilyn Cantrell as the Sully District Representative to the Commission on Aging. Chairman Connolly seconded the motion, which carried by unanimous vote.

13. **ADMINISTRATIVE ITEMS** (11:25)

Supervisor Gross moved approval of the Administrative Items with the exception of Admin 18, Admin 19, and Admin 21. Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05055 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

(SAR) Approved SAR AS 05055 in the amount of \$200,000 for the FCPD to accept a Department of Homeland Security Fiscal Year 20043 UASI Part I Sub-Grant Award from the District of Columbia, Office of Deputy Mayor for Public Safety and Justice, to facilitate the collection, analysis, and dissemination of information relating to the threat of terrorism in the National Capital Region. No local cash match is required.

ADMIN 2 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING REMOVAL OF NONCONFORMING ABANDONED SIGNS

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on February 10, 2005, and before the Board on **March 7, 2005, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding removal of nonconforming abandoned signs.

ADMIN 3 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, LEE, AND MOUNT VERNON DISTRICTS)

Approved the extension of review periods for the following Public Facility (2322) Review Applications:

- FS-B04-66 to February 17, 2005
- 2232-D04-15 to February 25, 2005
- FS-V04-67 to February 25, 2005
- FS-L04-63 to March 7, 2005
- 2232-V04-16 to June 20, 2005

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON STRAWBERRY LANE (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 24, 2005, at 3:30 p.m.** to consider a proposal to vacate and abandon Strawberry Lane.

ADMIN 5 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR DEARBORN DRIVE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)

- Endorsed the traffic-calming plan for Dearborn Drive as proposed by DOT and the Virginia Department of Transportation (VDOT), as part of R-TAP, consisting of the following measures:
 - One speed hump adjacent to 6614 and 6615 Dearborn Drive

- One speed table adjacent to 6538, 6551, and 6553 Dearborn Drive
- Directed staff to request VDOT to install the necessary signs at the earliest possible date.

ADMIN 6 – INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS ON FALCON RIDGE ROAD AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)

- (R) Adopted the Resolution endorsing the installation of "\$200 Additional Fine for Speeding" signs on Falcon Ridge Road between Beach Mill Road and Windy Hollow Road as part of R-TAP.

ADMIN 7 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR POINT PLEASANT DRIVE AND MELVILLE LANE AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SULLY DISTRICT)

- Endorsed the traffic-calming plan for Point Pleasant Drive and Melville Lane consisting of the following measures:
 - Point Pleasant Drive: one traffic circle, one raised pedestrian crosswalk, one speed hump, and two speed tables.
 - Melville Lane: one raised median, two speed humps, one speed table, one raised pedestrian crosswalk.
- Directed staff to request the Virginia Department of Transportation to install the necessary signs as soon as possible.

ADMIN 8 – INSTALLATION OF MULTI-WAY STOPS AT WOODLEY DRIVE AND RICHMOND AVENUE (MOUNT VERNON DISTRICT) AND AT WILMINGTON DRIVE AND TIMARRON COVE LANE (SPRINGFIELD DISTRICT)

- Endorsed the installation of multi-way stops as part of the Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Woodley Drive and Richmond Avenue (Mount Vernon District)

- Wilmington Drive and Timarron Cove Lane
(Springfield District)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2005, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Annandale RPPD, District 14. The proposed District expansion includes Heritage Drive (Route 2630) west side from Rectory Lane to Four Year Run.

ADMIN 10 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MASON, MOUNT VERNON, AND PROVIDENCE 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> |
|-------------------------------------|-----------------|---|
| The Pines | Braddock | Pine Crossing Lane Route 8956 Pine Meadows Lane Route 8954 Twinbrook Road Route 652 Additional ROW Only |
| Dranesville United Methodist Church | Dranesville | Liberty Meeting Court Route 8856 Sugarland Road Route 604 Additional ROW Only |
| Hunter Mill Estates, Section 4 | Hunter Mill | Brittenford Drive Route 8810 Brittenford Court Route 10639 Dove Point Court Route 10638 |

| <u>Subdivision</u> | <u>District</u> | <u>Street</u> |
|--|-----------------|--|
| Mount Vernon Townes | Mount Vernon | Osman Drive Route 935 Richmond Highway Route 1 Additional ROW Only |
| Governor's Hill, Section 1 | Lee | Franconia Road Route 644 Additional ROW Only Telegraph Road Route 611 Additional ROW Only |
| Governor's Hill, Section 2 | | Lebanon Road Route 1631 |
| Roundtree Park Estates | Mason | Putnam Street Route 2355 |
| Porter Road Public Improvement Plan | Providence | Porter Road Route 8807 |

ADMIN 11- ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-P-023, INOVA HEALTH CARE SERVICES (PROVIDENCE DISTRICT)

- (AT) Approved 30 months of additional time to commence construction for Special Exception Application SE 99-P-023 to April 25, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 99-H-013, CARRAMERICA REALTY CORPORATION (HUNTER MILL DISTRICT)

- (AT) Approved 24 months of additional time to commence construction for Special Exception Application SE 99-H-013 to October 11, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-S-028, GESHER JEWISH DAY SCHOOL (SPRINGFIELD DISTRICT)

- (AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 01-S-028 to October 29, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 14 – APPROVAL OF A STREET NAME CHANGE FOR SALLIE MAE DRIVE (HUNTER MILL DISTRICT)

Approved a street name change in the *Official Street Names and Property Numbering Atlas* for Sallie Mae Drive (Tax Map Number 017-4) to American Dream Way, effective immediately, in accordance with the Code of the County of Fairfax, Chapter 102 (Streets and Sidewalks), Section 102-1-9.

ADMIN 15 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05056 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) 2004 TECHNOLOGY PROGRAM GRANT

- (SAR) Approved SAR AS 05056 in the amount of \$395,791 for the FCPD to accept a COPS 2004 Technology Program grant to purchase 63 Mobile Computer Terminals and related software that will be designated as spare units. These units will provide additional capability when current equipment needs to be repaired or in the event of an emergency shift activation related to homeland security. No local cash match is required.

ADMIN 16 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 94-D-025, DAVID B. NOURSI, TRUSTEE FOR KJS PARTNERSHIP (DRANESVILLE DISTRICT)

- (AT) Approved 30 months of additional time to commence construction for Special Exception Application SE 94-D-025 to July 23, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 17 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN (DFS/OC) TO APPLY AND ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) SUB-GRANT “INVESTING IN VIRGINIA’S CHILDREN”

Authorized DFS/OC to apply for and accept grant funding from VDSS in the amount of \$750,000 to initiate an innovative collaboration with Fairfax County Public Schools to develop a child care/public schools readiness partnership to extend the Program of Study beyond K-12 to pre-kindergarten children, creating a seamless continuum of learning from birth through grade 12. This total includes grantor funding of \$500,000 and a required 50 percent local cash match of \$250,000, which will be absorbed with the Office for Children’s Fiscal Year 2005 Budget.

ADMIN 18 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN MINIMUM REQUIRED YARDS; WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH; AND INCREASE IN FENCE OR WALL HEIGHT

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#14.)

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05047 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO ACCEPT FUNDING FROM CHILDSAFENET

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#15.)

ADMIN 20 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05057 FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM SUPPLEMENTAL AWARD FROM THE DISTRICT OF COLUMBIA OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

(SAR) Approved SAR AS 05057 in the amount of \$5 million for the FRD to accept a DHS Fiscal Year 2003 Urban Areas Security Initiative Grant Program Supplemental Award from the DC Office of Deputy Mayor for Public Safety and Justice. No local cash match is required.

ADMIN 21 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05058 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT TO ACCEPT FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA REGIONAL GANG TASK FORCE FOR A GANG DATABASE ADMINISTRATOR

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#16.)

14. **ADMIN 18 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN MINIMUM REQUIRED YARDS; WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH; AND INCREASE IN FENCE OR WALL HEIGHT** (11:26 a.m.)

(A) (R) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board adopt the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on January 12, 2005, at

8:15 p.m., and before the Board on January 24, 2005, at 4 p.m. to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as follows:

- To establish a special permit to allow the Board of Zoning Appeals (BZA) to modify certain yard requirements by up to 50 percent.
- To establish a special permit to allow the BZA to increase the height of fences or walls in any front yard up to six feet.
- In conjunction with special permit approval by the BZA, allow the modification of any yard requirement for certain existing structures.
- To allow the Board to waive the residential district minimum lot width requirements with special exception approval.
- To allow the BZA to modify the ten foot yard requirement between off-street parking spaces and the front lot line and/or the ten foot peripheral parking lot screening requirement in conjunction with special permit approval.
- To establish the submission requirements and fees for these special permits and special exceptions.
- To add a second option to the proposed amendment for the BZA, instead of the Board of Supervisors, to be able to amend lot width modifications in residential districts by special permit.

Supervisor Gross seconded the motion.

Discussion ensued, with input from Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Zoning Administration Division, Department of Planning and Zoning (DPZ); Cynthia Bailey, Assistant County Attorney; Barbara A. Byron, Director, Zoning Evaluation Division, DPZ; and David P. Bobzien, County Attorney.

Following further discussion, Chairman Connolly amended the motion to direct staff to provide additional language regarding floodplain delineation.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

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

15. **ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05047 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT FUNDING FROM CHILDSAFENET** (11:36 a.m.)

(SAR) Chairman Connolly moved to:

- Approve SAR AS 05047 for the FCPD to accept \$431,279 from ChildSafeNet to initiate the pilot phase of the Department's Sexual Predator Enforcement and Apprehension Detail. No local cash match is required.
- Direct staff to assume responsibility not only for the implementation of the assessment of the pilot project, but also for securing future grant funding from the Federal Government.

He further opined that the citizens should not be required to go before Congress to secure funds for the FCPD. By assuming responsibility, the County will allow Childsafenet to devote its time and energy to securing private sector donations as was the original intent and commitment. The existence and anticipated success of the pilot project will undoubtedly assist them in their fundraising efforts.

Therefore, Chairman Connolly moved that this item be approved with this amendment. Supervisor McConnell seconded the motion, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting, "AYE."

16. **ADMIN 21 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 05058 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT FEDERAL FUNDING THROUGH THE NORTHERN VIRGINIA REGIONAL GANG TASK FORCE FOR A GANG DATABASE ADMINISTRATOR** (11:37 a.m.)

(SAR) Following discussion with input from Anthony H. Griffin, County Executive, Chairman Connolly moved to:

- Approve SAR AS 05058 in the amount of \$90,000 for the FCPD to accept federal funds through the Northern Virginia Regional Gang Task Force for the establishment of a grant position to maintain and update the regional gang database, which is the central database used to track gang related persons and activities in the Northern Virginia region. No local cash match is required.
- Direct the Board to draft a letter for his signature to both the Governor and Mr. John Marshall expressing the County's concern that the largest jurisdiction in the State, with probably the largest number of gang members needs to participate in the funding

allocation provided by the \$3 million through the offices of Congressman Frank Wolf.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

17. **A-1 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES) TO ACCEPT A GRANT FROM THE DEPARTMENT OF CONSERVATION AND RECREATION (DCR) (PROVIDENCE DISTRICT)** (11:39 a.m.)

On motion of Supervisor Smyth, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized DPWES to accept a grant in the amount of \$40,000 from DCR to implement a low impact development project at Fire Station 30. No local cash match is required.

18. **A-2 – APPROVAL OF A STANDARD AGREEMENT FORM TO ALLOW PRIVATE TEMPORARY USE OF DEDICATED PUBLIC STREET RIGHTS-OF-WAY** (11:40 a.m.)

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

- Approve a standard agreement form to allow private temporary use of dedicated public street rights-of-way.
- Authorize the Director of DPWES or his designee to execute such agreements on the Board's behalf.

Chairman Connolly seconded the motion, which **CARRIED** by a recorded vote of nine, Supervisor Frey voting "NAY."

19. **A-3 – APPOINTMENT OF TOWING ADVISORY BOARD MEMBERS** (11:42 a.m.)

(BACs) Supervisor McConnell moved that the Board concur in the recommendation of staff and appoint the following members to the Towing Advisory Board:

- Mr. Ron Miner as a Citizen Representative
- Mr. Dennis Kirk as a Citizen Representative

- Mr. Ray Hodge as a Towing and Recovery Industry Representative
- Sergeant Pat Wimberly as a Local Law Enforcement Representative
- First Sergeant Brian Gubish as a Local Law Enforcement Representative

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

Following discussion, with input from Sergeant Wimberly and Cathy Muse, Director, Department of Purchasing and Supply Management, Supervisor Bulova asked unanimous consent that the Board direct the Towing Advisory Board to consider provisions allowing for payment of towing charges by credit card in lieu of cash. Without objection, it was so ordered.

20. **A-4 – ENDORSEMENT OF THE CHIEF ADMINISTRATIVE OFFICERS (CAO) TASK FORCE’S COMMENTS REGARDING THE PRELIMINARY FISCAL YEAR (FY) 2006 VIRGINIA RAILWAY EXPRESS (VRE) BUDGET** (11:52 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and endorsed the CAO Task Force’s primary recommendations on the FY 2006 VRE budget, as contained in the Board Agenda Item dated December 6, 2004.

21. **A-5 – APPROVAL OF RESTRICTION ON A PROPERTY WITHIN LINCOLN-LEWIS-VANNOY TO PERMIT OPEN SPACE AND PARK USE ONLY AS PART OF A PROPOSED LAND SUBSTITUTION FOR BRADDOCK PARK AND TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) OBLIGATIONS (SPRINGFIELD DISTRICT)** (11:53 a.m.)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the transfer of CDBG obligations from property identified by County Tax Map Numbers 066-2 ((1)) parcels 4B and 4B to a portion of the property located at 13208 Lee Highway, also identified by County Tax Map Number 055-3 ((1))-26.
- Approved the proposed restriction stating that approximately 18,015 square feet (0.4136 acre) of the parcels 066-2-((1)) 4B and 4D will be used in perpetuity for public outdoor recreation purposes.

22. **A-6 – APPROVAL OF THE SCHOOL BOARD PLAN TO PURCHASE A NEW ADMINISTRATIVE BUILDING AND A PLAN OF FINANCE WHICH AUTHORIZES THE INCURRENCE OF COUNTY DEBT UP TO \$120 MILLION IN TWO PHASES FOR THE ACQUISITION OF THE PROPERTIES, TENANT IMPROVEMENTS, AND CONSTRUCTION AND EQUIPPING OF AN ADDITIONAL BUILDING (PROVIDENCE DISTRICT)** (11:53 a.m.)

Chairman Connolly recognized the presence of Kathy Smith, School Board Chairman; Tessie Williams, Braddock District Representative and School Board Facilities Chairman; Jack Dale, School Division Superintendent; and Dean Tistadt, Assistant School Division Superintendent; and welcomed them to the Board Auditorium.

Supervisor Bulova noted for the record that the Board received correspondence from the Federation of Citizens Associations in favor of the proposal.

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve the financing proposal for the School System administrative offices with the following amendments:

- That the financing proposal be limited to fund only Phase One of the proposal, purchase, and fit out of the existing building and land, and the acquisition of the vacant parcel for a future building and direct staff to return to the Board for financing of Phase Two with a new plan of finance based on conditions existing at that time.
- That the County Executive be directed to work with the Superintendent of Schools to formulate recommendations for consideration by the Board and the School Board which address the following issues:
 - Disposal of the properties to be vacated by the School Administration as part of Phase One.
 - Disposal of the properties to be vacated by the School Administration should Phase Two go forward.
 - Disposal of properties identified by the School Board to be excess to the School's mission.
 - Determination of possible enhancement of School Capital review as a result of the above disposals.

Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Discussion ensued with input from Leonard P. Wales, County Debt Manager, and Mr. Tistadt.

Supervisor Hudgins asked unanimous consent that the Board direct staff to create a task force that will work with the School Board to review all of the County land that is available to address the ongoing priorities with affordable housing, parks, and schools. Following discussion, Supervisor Hudgins withdrew her request for presentation at a later time.

Supervisor Hyland noted for the record that the Education Committee of the Mount Vernon Council of Citizens Association supports this proposal. He also stated that he had a letter dated December 2, 2004, from Glenda Booth, Chairman, Wetlands Board, addressed to Dan Storck, Mount Vernon District Representative to the School Board, regarding recommendations for green building practices for design construction and operations for the record.

Supervisor Smyth asked the School Board to consider traffic demand management regarding this proposal, and it was so noted.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding his support for the proposal.

Supervisor Kauffman asked to amend the motion to defer decision until the Board can meet with the School Board and staff to develop a phase out plan for the 40 staff positions and a disposition for the surplus property, thereby risking the loss of some of the savings but gaining a credible deal for a good faith vote. This motion failed due to the lack of a second.

Additional discussion ensued with input from Mr. Tistadt.

The question was called on the motion, as amended, and it **CARRIED** by a recorded vote of nine, Supervisor Kauffman voting "NAY."

School Board Chairman Smith briefly addressed the Board regarding the consolidation of School Division administrative staff.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive and the Superintendent of Schools to meet as soon as possible as recommended by Ms. Smith to discuss the various issues discussed today, such as the future disposition of potential properties. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Further discussion ensued regarding sites that might be suitable for future private schools not in the public school system.

23. **A-7 – APPROVAL OF AN AGREEMENT WITH THE VIENNA VOLUNTEER FIRE DEPARTMENT (VVFD) CONCERNING THE REMODELING AND OPERATION OF A FIRE STATION AT 400 CENTER STREET, SOUTH, VIENNA VIRGINIA, AND TO PROVIDE COUNTY FUNDS FOR THAT REMODELING (HUNTER MILL DISTRICT)** (12:18 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board defer action on this item until later in the meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#71.)

24. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING THE PERIOD BETWEEN THE DECEMBER BOARD MEETING AND THE FIRST BOARD MEETING IN JANUARY** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, requesting authorization for the County Executive, the appropriate Deputy County Executive, or the Chief Financial Officer to approve street acceptance items and award contracts during the period between the December meeting and the first meeting in January.

The staff was directed administratively to proceed as proposed.

25. **I-2 – PRESENTATION OF FISCAL YEAR (FY) 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, regarding the FY 2004 CAFR.

26. **I-3 – CONTRACT AWARD – ATHLETIC FIELD LIGHTING AT ELLANOR C. LAWRENCE PARK (SULLY DISTRICT)** (12:18 a.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, requesting authorization for staff to award a contract to Lighting Maintenance, Incorporated, in the amount of \$395,000 for the installation of athletic field lighting at Ellanor C. Lawrence Park.

The staff was directed administratively to proceed as proposed.

27. **I-4 – FOLLOW-UP EVALUATION FOR THE TRAFFIC-CALMING MEASURES INSTALLED AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP)** (12:19 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, regarding the follow-up studies for several traffic-calming projects installed as part of R-TAP.

28. **I-5 – PROPOSED COUNTYWIDE BUFFER RESTORATION PROJECT BY FAIRFAX COUNTY IN PARTNERSHIP WITH THE VIRGINIA DEPARTMENT OF FORESTRY AND EARTH SANGHA** (12:19 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, regarding the proposed Countywide Buffer Restoration Project by the County in partnership with the Virginia Department of Forestry and Earth Sangha.

29. **I-6 – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARDED TO THE COUNTY OF FAIRFAX WASTEWATER MANAGEMENT PROGRAM BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE US AND CANADA (GFOA)** (12:19 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, announcing that a Certificate of Achievement for Excellence in Financial Reporting has been awarded to the County's Wastewater Management Program by the GFOA for the Integrated Sewer System for the fiscal year which ended June 30, 2003.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite the appropriate people to appear before the Board to be recognized for this national award. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

30. **I-7 – CONTRACT AWARD – RESTON SECTION 59, BLOCK 1 AND 4 POND REPAIR (HUNTER MILL DISTRICT)** (12:19 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, requesting authorization for staff to award a contract to Apex Environmental, Incorporated in the amount of \$329,554.50 for the construction associated with Project N00096-DM15, Reston Section 59 Block 1 and 4 Pond Repairs, in Fund 308, Public Works Construction.

The staff was directed administratively to proceed as proposed.

31. **I-8 – AUTHORIZATION TO EXECUTE AN AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR FLOODPLAIN MAPPING FOR THE BELLE HAVEN WATERSHED (MOUNT VERNON DISTRICT)** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated December 6, 2004, requesting authorization for the County Executive, on behalf of the County, to sign an agreement with the US Army Corps of Engineers for floodplain mapping for the Belle Haven Watershed.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

32. **CORRECTION TO WASHINGTON POST ARTICLE REGARDING PAYMENTS TO METRO BOARD MEMBERS** (12:21 pm.)

Chairman Connolly stated that in the Sunday, December 5 edition of *The Washington Post*, it was erroneously reported that some Virginia members of the Metro Board were paid \$22,000 per year, and that other Virginia members received nothing. He noted that this information was false, that no one was paid \$22,000, and he called for a prominent correction. Supervisor Hudgins and Supervisor Kauffman, members of the Metro Board, receive a stipend of \$50 per meeting attended. The \$50 payment is made to the members of the Northern Virginia Transportation Commission (NVTC) as representatives to the Metro Board. The Virginia representatives serve as representatives of NVTC, not as representatives of their individual localities. A brief discussion ensued.

33. **FAREWELL TO DAVID HARRISON OF THE CONNECTION NEWSPAPERS** (12:27 p.m.)

Chairman Connolly announced that this is the last Board meeting for David Harrison, a reporter for the *Connection* newspapers. He has accepted a position with the *Roanoke Times*. On behalf of the Board, Chairman Connolly wished him well.

34. **STUDENT PRESIDENTIAL ELECTION VOLUNTEERS** (12:28 p.m.)

Chairman Connolly said that on November 2, over 300 students from 23 high schools worked at County polling places for the presidential election. Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite each of the student presidential election volunteers, collectively, to appear before the Board to be recognized with a certificate for their contributions to the operation of the November 2 election at the January 24, 2005, Board meeting. Without objection, it was so ordered.

Chairman Connolly noted that if the presentations need to be staggered in two sessions that would be at the discretion of the director of the Office of Public Affairs.

35. **NATIONAL MENTORING MONTH** (12:28 p.m.)

Chairman Connolly asked unanimous consent that the Board proclaim January 2005 as “*National Mentoring Month*” in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax County Partnership for Youth to receive the proclamation at the January 10, 2005, meeting. Without objection, it was so ordered.

36. **FIREFIGHTER COMBAT CHALLENGE** (12:29 p.m.)

Chairman Connolly said that on November 13, 11 firefighters from the County’s Fire and Rescue Department faced the “best of the best” in the World Firefighter Combat Challenge held in Las Vegas, Nevada. He announced that ESPN will broadcast the event later this month and again in January. Two teams of four firefighters each and three individual competitors traveled at their own expense to Nevada to compete as representatives of Fairfax Fire and Rescue where they went head to head with over 80 qualifying teams from the United States and Canada. Team Fairfax finished eighth in the world and the remainder of County competitors did extremely well.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite the Fire Department athletes, along with those involved in their training and fundraising efforts, to appear before the Board at a future date to be recognized for their achievement and to be encouraged in their future efforts. Without objection, it was so ordered.

37. **SANTA'S RIDE** (12:29 p.m.)

Chairman Connolly said in December of 1988, the Police Department’s Motor Squad started “Santa’s Ride for Children,” as a campaign to benefit sick and needy children at INOVA Fairfax Hospital.

Over the years the response from County employees, community organizations, and citizens has been so overwhelming that the program has expanded to benefit underprivileged children throughout Fairfax. The Motor Squad, in conjunction with the Office of the Sheriff, the police departments of the Town of Vienna and the City of Fairfax along with the Virginia State Police, will conduct the sixteenth Annual Santa’s Ride on December 15 and 16. On those days, County Police Department motorcycles will be ridden by Santa and his elves as they travel around the County gathering up donation boxes filled with toys.

Chairman Connolly encouraged all County employees to consider dropping a new, unwrapped toy into one of the collection boxes scattered throughout government buildings. Citizens and groups wanting to join the efforts may bring unwrapped, new toys to any police district station or to the Government Center.

Chairman Connolly asked unanimous consent that the Board direct staff to publicize this effort. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

38. **WIEHLE AVENUE STEERING COMMITTEE PRINCIPLES AND RECOMMENDATIONS REGARDING DULLES RAIL** (12:30 p.m.)

Supervisor Hudgins asserted that extending rail to Dulles is a high priority and critical to the County, the region, and the Dulles Corridor. She said that planning associated with the stations is critical to the success of rail and the surrounding station areas. With the environmental impact statement complete, and preliminary engineering in progress, she said that it is important to include planning associated with the Wiehle Avenue Station (interim terminus of the Dulles rail extension) prior to the finalization of the preliminary engineering.

As a result of the charrette in 2002, Supervisor Hudgins said that the community produced conceptual plans for the Wiehle Avenue and Reston Parkway Stations. Since that time, Wiehle Avenue Station has been determined an interim terminus for Phase I of the Dulles Corridor Project. While the public plan calls for a 2300-space parking garage, bus bays, and kiss and ride area at the County-owned park and ride lot, mixed use, Transit Oriented Development (TOD) is more desirable.

Supervisor Hudgins said that to make the Transit Station Area (TSA) truly efficient, it was determined that a joint development project through a Request for Proposal (RFP) could accomplish the TOD and utilize the County-owned lot more efficiently. She established the Wiehle Avenue Steering Committee to review the Wiehle Avenue conceptual plan from the Charrette and develop principles that would be incorporated in an RFP for a Joint Development Project at the Wiehle Avenue Station. The steering committee completed the development of the principles and held a public meeting for community review and feedback. She distributed a letter from the committee dated November 11, 2004, that includes the Wiehle Avenue Joint Development Principles.

Supervisor Hudgins commended the members of the committee for their diligent and thorough work. She thanked County staff for its work and guidance, particularly Patti Stevens who served as facilitator. The objective of this work is to encourage joint development of the Wiehle Avenue site in lieu of the public plan of a 2300-parking space parking garage.

Accordingly, Supervisor Hudgins moved that the Board forward to staff the Wiehle Avenue Joint Development Principles and recommendations as found on the letter from the committee and direct staff to use the document as guidance in developing the RFP for redevelopment of the Wiehle Avenue County-owned park-and-ride area. Chairman Connolly seconded the motion.

Supervisor Hudgins amended the motion to direct staff to invite the committee members to appear before the Board for recognition, and this was accepted.

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

39. **DR. MARTIN LUTHER KING BIRTHDAY OBSERVANCE (HUNTER MILL DISTRICT)** (12:34 p.m.)

Supervisor Hudgins announced that on January 16 and 17, 2005, Reston will hold its annual communitywide Dr. Martin Luther King, Jr. Birthday Observance. Sponsored by a diverse group of religious communities, civic associations, businesses, schools, and the Reston Community Center, the event will feature a wide variety of programs, including a keynote address by Robert E. Simon, the founder of Reston. This year's keynote theme is "Twenty Years of Keeping the Promise/Uniting Cultures a Global Perspective."

To recognize this significant celebration, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Reston Dr. Martin Luther King, Jr. Birthday Celebration Planning Committee to appear before the Board at the January 10, 2005, meeting to receive a proclamation in observance of Dr. King's birthday. Without objection, it was so ordered.

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

40. **APPOINTMENT TO THE RESTON COMMUNITY CENTER (RCC) BOARD OF DIRECTORS (HUNTER MILL DISTRICT)** (12:35 p.m.)

(APPT) Supervisor Hudgins announced that on October 31 a vacancy occurred on the RCC Board of Directors. With the unanimous recommendation from the Board of Directors, she moved the appointment of Ms. Mary Buff to fill the unexpired term on the RCC Board of Directors. Supervisor Hyland seconded the motion and it carried by unanimous vote.

41. **TRAIL FOR EAST SIDE OF FORT HUNT ROAD BETWEEN WAKE FOREST DRIVE AND BELLE VIEW BOULEVARD (MOUNT VERNON DISTRICT)** (12:36 p.m.)

Supervisor Hyland said that on October 27 the Mount Vernon Council of Citizens Associations unanimously passed a resolution that requests his support to install a trail on the east side of Fort Hunt Road between Wake Forest Drive and Belle View Boulevard. Therefore, he moved that the Board direct staff to coordinate with the Park Authority to study the feasibility and cost of this suggested project and report its findings as soon as possible. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

42. **RECOGNITION OF POLICE OFFICERS (MOUNT VERNON DISTRICT)**
(12:36 p.m.)

With reference to an email attached to his written Board Matters, Supervisor Hyland stated that a constituent recently contacted him with praise for the actions of the police in their apprehension of a suspect in the area of Mount Vernon.

Therefore, Supervisor Hyland moved that the Board recognize the members of the Police Department responsible for this arrest and direct staff to place letters of commendation in their personnel files. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hudgins being out of the room.

43. **RIGHT-OF-WAY AND FUNDING NEEDS IN THE RICHMOND HIGHWAY CORRIDOR (LEE AND MOUNT VERNON DISTRICTS)**
(12:37 p.m.)

Jointly with Supervisor Kauffman, Supervisor Hyland presented a Board Matter regarding the Richmond Highway Corridor. As referenced in his written Board Matter, copies of which were distributed to the Board, he noted that staff has prepared cross-sections for various transit alternatives and a group of citizens and staff reached consensus on the typical section to use for planning purposes until the transit study can be completed and a decision made on the type of future public transit in the corridor.

Accordingly, Supervisor Hyland moved that the Board direct staff to:

- Prepare a letter to Virginia Department of Transportation requesting that final decision on the preferred build option in the remaining study segment, Segment C, be deferred until a transit study is completed in the Route One Corridor and reiterating the Board's request that the State fund such a study at the earliest opportunity. The request for this transit study has already been made by the Board as part of its testimony at the Pre-allocation Public Hearing for the State's Six-Year Program for Highway and Transit Funds for Fiscal Year (FY) 2006 through FY 2011. This study should include demand forecasting and alternative analysis to identify the most appropriate form of public transit to be included within the Richmond Highway Corridor in the future.
- Use the typical section for planning purposes, as attached to his written Board Matter, including, for identification, the right-of-way dedication requirements in conjunction with development activity in the corridor.

- Prepare an out-of-turn plan amendment and other documents, as needed, to:
 - Incorporate this typical section into the Comprehensive Plan for the portion of Richmond Highway designated as an “Enhanced Public Transportation Corridor” with the understanding that this cross-section will be modified in the future after a public transit study is completed and a preferred option is selected by the Board.
 - Explore the establishment of a transportation fund for the corridor that would provide a mechanism for site development contributions for transportation improvements to be deposited and used for critical corridor-wide transportation needs.

Supervisor Kauffman seconded the motion.

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

44. **CHIEF AIDE FOR MOUNT VERNON DISTRICT SUPERVISOR**
(12:40 p.m.)

Supervisor Hyland announced that his Chief Aide, Charles Unger, will be resigning effective December 10. Supervisor Hyland expressed his appreciation to Mr. Unger and shared anecdotes.

Supervisor Hyland announced that he has selected Mr. Brett Kenney as his new chief aide and introduced him to the Board.

Supervisor Kauffman expressed his appreciation to Mr. Unger for his work on shared projects.

45. **PEDALS FOR PROGRESS** (12:44 p.m.)

Supervisor Gross stated the Pedals for Progress is a non-profit group that collects used bicycles for shipment overseas for reuse. It has partnered with the County’s recycling program by collecting bicycles at the annual Recycling Road Show for the past three years.

The December 4 edition of *The Washington Post* highlighted the plight of the local Pedals for Progress organization. The group is losing its bicycle storage site and has been unable to locate an alternate site. Supervisor Gross said that it came to her attention that the Department of Public Works and Environmental Services (DPWES) may be able to assist this organization by providing storage space at one of the County’s solid waste complexes.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct DPWES to work with Pedals for Progress and make the required space available for its use if it can be accommodated at one of the solid waste complexes. Without objection, it was so ordered.

46. **RECOGNITION OF MR. JEFF KARATZ** (12:45 p.m.)

Supervisor Gross said that Jeff Karatz has been the outstanding director of the Jewish Community Center of Northern Virginia (JCCNV) for 19 years. She noted some of his considerable accomplishments. Regrettably, Mr. Karatz announced his decision to leave the area and return to the Midwest with his family.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Mr. Karatz and members of the JCCNV to appear before the Board in the March/April timeframe to be recognized prior to his departure. Without objection, it was so ordered.

Chairman Connolly noted that March may be preferable for scheduling because of the budget cycle in April.

47. **CULMORE CLEANUP DAY** (12:46 p.m.)

Supervisor Gross said that on Saturday, November 6, community organizations, local businesses, and County agencies came together in a partnership to do the second Culmore Cleanup Day. Again, this year it was a great success as more than 70 youth and adults showed up for the event.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite all the organizations, business representatives, and individuals that participated in the Culmore Cleanup Day to appear before the Board to be recognized for the shining example that they have provided. Without objection, it was so ordered.

48. **GLENCARLYN ROAD BAPTIST CHURCH (MASON DISTRICT)**
(12:47 p.m.)

Supervisor Gross said that for the past 15 years the Glencarlyn Road Baptist Church has hosted the monthly Bailey's Crossroads Human Services Roundtable and has consistently participated in its activities. However, effective January 2005, the Church will no longer be able to host the roundtable due to its other space needs.

As referenced in her written Board Matter, Supervisor Gross said that under the leadership of Reverend Greg Loewer, the Church has participated in many community initiatives, such as serving as a drop-in center for the homeless during the winter, actively supporting community events such as Bailey's Day, Community Awards, Business/Nonprofit Outreach Breakfasts, and cleanup

campaigns and providing a kitchen ministry (small household items and appliances) for low income families establishing a home in the community.

Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to invite Reverend Loewer and representatives from his church to appear before the Board at an appropriate time to be recognized and to thank them for their years of service and partnership through opening their doors and lending their support in addressing community needs. Without objection, it was so ordered.

49. **CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2004-MA-025, HECHINGER ENTERPRISES (MASON DISTRICT)** (12:48 p.m.)

Supervisor Gross said that Hechinger Enterprises has filed Rezoning Application RZ 2004-MA-025 on the property identified as Tax Map Parcel 80-2-((1))-23. The application seeks to rezone a portion of the property to permit the reuse of a vacant former Hechinger store, which has been vacant since November of 1999.

Therefore, Supervisor Gross moved that the Board direct the Department of Public Works and Environmental Services to permit processing of the site plan associated with this pending application concurrently. This motion should not be construed as a favorable recommendation of the application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

50. **FF REALTY LLC APPLICATION (MASON DISTRICT)** (12:49 p.m.)

Supervisor Gross said that that FF Realty LLC will soon be submitting a rezoning/final development plan for property in the Baileys Crossroads area between George Mason Drive and South Fourteenth Street. This area was the subject of Out-of-Turn Plan Amendment OTPA SO4-I-B2, adopted on September 27, 2004. The applicant also will be filing a vacation/abandonment request for portions of Condit Court and South Greenbrier Street, two small cul-de-sacs in the subject property comprising about 20,218 square feet. The underlying fee ownership of the streets is held by the Board.

Therefore, Supervisor Gross moved that the Board allow the "to-be-vacated" areas as described above to be included in the RZ/FDP application to be filed with the Department of Planning and Zoning. This motion should not be construed as a favorable recommendation of this application or related applications by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor McConnell seconded the motion and it carried by unanimous vote.

51. **TRANSPORTATION DEMAND MANAGEMENT** (12:50 p.m.)

Supervisor Smyth said that the Transportation System Management (TSM) and Transportation Demand Management (TDM) have been topics of discussion in

Providence District for the last few years. She asserted that it is time for the County to take look at ways to make TDM part of the overall “package” in land use and development in the County.

Supervisor Smyth said that pedestrian improvements initiative was discussed in July 2002. At that time, the Board initiated a comprehensive Pedestrian Program for the County and provided dedicated resources to meet specific goals. Consideration of TDM is also in concert with the Chairman’s Transportation Plan and recent resolutions approved by the Planning Commission.

Therefore, Supervisor Smyth moved that the Board direct the Department of Public Works and Environmental Services, Department of Transportation, Department of Planning and Zoning, Office of the County Attorney, and other agencies, as appropriate, to form a staff working group to examine:

- Best practices in TDM.
- What the County is currently doing with regard to this subject.
- Recommendations for what needs to be done.
- Budget requirements, obstacles, and considerations.
- Opportunities for inclusion of this subject in the upcoming Transportation Plan Update.

She further moved that the Board direct this working group to report with recommendations on this subject at the conclusion of this analysis and, at that time, the Board can further act on this matter. Supervisor Bulova seconded the motion.

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

52. **RECOGNITION OF STUDENTS FROM FREEDOM HILL ELEMENTARY SCHOOL (PROVIDENCE DISTRICT)** (12:53 p.m.)

Supervisor Smyth said that Delegate Steve Shannon brought to her attention that the fourth grade students at Freedom Hill Elementary School, in Providence District, have made a discovery - kyanite. It is a shiny translucent gemstone named after the Greek word *kynos* which means “blue.” Kyanite is mainly used for jewelry but is also used in the manufacturing of spark plugs and heat resistant ceramics and is known for its color zones and variation in hardness.

During their journey of discovery, in their social studies class, the students found that Virginia does not have a designated mineral or fruit. They decided to pursue their research on kyanite which took them to the Kyanite Mining Corporation where they learned the functionalities and characteristics of Kyanite.

Fueled by their research, the students contacted Delegate Shannon and asked for guidance in legislating kyanite as the Commonwealth's mineral. Supervisor Smyth said that due to this student interest, Delegate Shannon contacted her office to express how impressed he was with both the students and the teaching staff at Freedom Hill Elementary School. He will be examining the interest in other parts of the state for pursuing this matter.

In the meantime, Supervisor Smyth commended the fourth graders of Freedom Hill Elementary for exemplifying the outstanding achievement of the students in Fairfax County's Public School System. She added that she is especially proud to commend their performance because they chose to make decisions based on research and go as far as they could to bring attention to their discovery of kyanite.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to invite the fourth graders of Freedom Hill Elementary, their teacher Mr. Miller and representatives to appear before the Board at its January 24, 2005, meeting, in acknowledgement and appreciation of the achievements of the students of Freedom Hill Elementary School. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs, regarding scheduling for January 24, 2005.

A brief discussion ensued regarding the kyanite discovery.

53. **LOW IMPACT DEVELOPMENT AT THE PROVIDENCE DISTRICT SUPERVISOR'S OFFICE SITE** (12:56 p.m.)

(NOTE: Earlier in the meeting, the Board took action to accept a grant for this item. See Clerk's Summary Item CL#17.)

Supervisor Smyth expressed appreciation to the Board for its action on the low impact development project grant at her office site. She distributed a written Board Matter with more information on the subject, including an article she wrote for *The Fairfax Chronicle* in November. More information is posted on the County's website at www.fairfaxcounty.gov/gov/bos/pd/dcr_grant.htm.

54. **CERTIFICATE OF RECOGNITION FOR REVEREND JAMES E. BROWNE, SR. (PROVIDENCE DISTRICT)** (12:56 p.m.)

Supervisor Smyth said that Reverend James E. Browne, Sr., was elected Pastor of Second Baptist Church on July 19, 1972 (located on Costner Drive in Falls Church, Virginia). His chief ambition has been to fulfill, as much as possible, the dreams of his predecessor the Reverend W.E. Costner.

Reverend Browne was born in Texarkana, Arkansas and reared in Texarkana, Texas. He earned his B.S. and M.S. degrees in Electrical Engineering and attended numerous schools to earn the M.A. in Theology and the Doctorate in

Divinity. The degrees in religious education and in theology were earned at the Hamilton State University of Tucson, Arizona.

Supervisor Smyth noted the many civic and religious organizations in which Reverend Browne is active. He is also a life member of the Fairfax County Branch of the NAACP and was with the Oregon Branch of the NAACP for many years. In fact, he was even present during the *Brown versus Board of Education* decision.

Supervisor Smyth stated that Reverend Browne had a great impact on the Northern Virginia region and the Commonwealth of Virginia. Therefore, she asked unanimous consent that the Board recognize Reverend Browne for his 32 years of service to the community and the County at the January 24, 2005, meeting. Without objection, it was so ordered.

A brief discussion ensued.

PMH:pmh

55. **SULLY DISTRICT FOOTBALL TEAMS LOSE** (12:58 p.m.)

Supervisor Frey announced that Sully District football teams had lost games over the weekend. He wished Robinson Secondary School well when it plays for the State championship.

56. **AUDITOR'S QUARTERLY REPORT** (12:58 p.m.)

(BACs) Supervisor Bulova reported that the Audit Committee had met on November 29, 2004, and discussed issues relating to underutilized vehicles, value engineering, and projects under the \$3 million limit.

Therefore, Supervisor Bulova moved that the Board accept the Auditor's Quarterly report. This motion, the second to which was inaudible, carried by unanimous vote.

57. **AFFORDABLE HOUSING** (1:01 p.m.)

(BACs) Supervisor DuBois said that she recently came across an article from *American City and County* that discusses the successful efforts of San Jose, California to expand its affordable housing stock.

Supervisor DuBois said that she was particularly struck by San Jose's construction of a 100 unit apartment complex targeted to teachers and its use of a deferred interest down payment loan program targeted to teachers who own homes in the City and work for its public schools. This program has helped 400 teachers buy houses since 1999 alone.

Supervisor DuBois noted that many of Fairfax County teachers and staff are currently priced out of the County housing market. In the not so distant future

there will be difficulty in attracting high quality employees because the salaries cannot keep pace with the cost of living.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to review this program and report whether it could be replicated in the County and also report on whether there is any land currently owned by the County or the School Board that might be made available for a rental apartment complex to house the hundreds of new young teachers who come to work in the County every year. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board:

- Direct the County Executive to review this issue.
- Refer this issue to the Preservation Task Force, the Housing Committee, and Paula Sampson, Director, Department of Housing and Community Services.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

58. **INTENT TO DEFER A PUBLIC HEARING (DRANESVILLE DISTRICT)**
(1:03 p.m.)

Supervisor DuBois announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049-02.

(Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#79.)

59. **CITIZEN CORPS** (1:03 p.m.)

Supervisor DuBois announced that Ms. Merrily Pierce and Mr. Bob Mizer, members of the Citizen Corps were recently recognized with distinguished awards for their work with the County Citizen Corps program.

60. **REQUEST FOR WAIVER OF APPLICATION FEES FOR PERMITS ASSOCIATED WITH FLEA MARKETS (LEE DISTRICT)** (1:04 p.m.)

Supervisor Kauffman said that he is requesting a waiver of the application fees for permits associated with the flea markets held by the Springfield-Franconia Host Lions Club Charities, Incorporated. The Board has approved this waiver request annually since 1994.

Therefore, Supervisor Kauffman moved that the Board waive the application fees for 21 day permits associated with the Springfield Host Lions Club Charities 2005

flea markets. Supervisor Hyland seconded the motion and it carried by unanimous vote.

61. **INTENT TO DEFER PUBLIC HEARINGS** (1:04 p.m.)

Supervisor Kauffman announced his intent, later in the meeting at the appropriate time, to defer the following public hearings until January 10, 2005, at 3:30 p.m.:

- Rezoning Application RZ 2003-LE-011
- Proffered Condition Amendment Application PCA 96-L-005-3
- Special Exception Amendment Application SEA 96-L-034-3

Supervisor Frey announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2004-SU-015 until January 10, 2005.

Supervisor Smyth announced her intent, later in the meeting at the appropriate time, to defer the public hearing on Proffered Condition Amendment Application PCA C-597-03.

(Later in the meeting, the public hearings were formally deferred. See Clerk's Summary Items CL#88, CL#91, and CL#97.)

62. **ROTARY INTERNATIONAL (SPRINGFIELD DISTRICT)** (1:06 p.m.)

Supervisor McConnell said that 2005 will mark the centennial anniversary of Rotary International. In recognition of the one hundredth anniversary of Rotary International, the West Springfield Rotary Club recently contacted her with the offer of a gift to the County and the community, to be made in the spirit of its worldwide celebration of "Service Above Self."

Supervisor McConnell said that the theme that the Rotary Club has suggested, "Service Above Self," conveys the ideas and ideals of the Board and the County government as a whole.

Therefore, Supervisor McConnell moved that the Board:

- Accept, in concept, the West Springfield Rotary Club's offer to give the County a sculpture embodying the ideal of "Service Above Self." The Rotary Club assured her that it will pay all costs of commissioning and producing the sculpture.
- Approve, in concept, the placement of the sculpture in the lobby of the West Springfield Governmental Center.

- Direct staff to provide support, as requested, to help select a suitable location for the monument in the lobby of the West Springfield Governmental Center.
- Direct the County Executive to appoint three members of staff to work with the Rotary Club to develop a sculpture design to be recommended to the Board.
- Direct the County Attorney to work with the Rotary Club and the sculptor to ensure that the County will receive all ownership rights and any other appropriate and necessary rights over the sculpture.
- Direct the County Executive to present to the Board the final design, plans, and location of the sculpture, as well as the terms of any necessary agreements, at the appropriate time for the Board's final acceptance and approval.

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

63. **FAIRFAX CENTER (SPRINGFIELD DISTRICT)** (1:10 p.m.)

Supervisor McConnell said that there have been numerous proposals as to how to develop a piece of property in the Fairfax Center area that is located north of Route 29, east of Ridge Top Road. This area is characterized by industrial zoning and attempts to develop office use under the current Plan have so far been unsuccessful. There now appears to be an opportunity to develop this area with a high quality mixed use project that would include high density residential along with office and retail uses. The project proposes to create a pedestrian-friendly community offering convenient work, living, shopping, dining, and gathering places.

Therefore, Supervisor McConnell moved that the Board:

- Authorize an out-of-turn plan amendment for Sub-Unit Q9 and the portion of the Sub-Unit Q5 located east of Ridge Top Road in the Fairfax Center area. Staff should consider amending the Comprehensive Plan to allow for mixed use development including high density residential, office, and retail use up to 1.4 floor area ratio.
- Direct staff to concurrently process this out-of-turn plan amendment along with any associated rezoning applications that should be filed for property in this area.

This motion should not be construed as a favorable recommendation by the Board on the proposed plan amendment or any subsequent development applications. Supervisor Hyland seconded the motion and it carried by unanimous vote.

64. **HAPPY HOLIDAYS** (1:11 p.m.)

Supervisor McConnell wished everyone Happy Holidays.

65. **RECESS/CLOSED SESSION** (1:12 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 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. Declaratory Judgment Suit to Establish Prescriptive Easement, Daniel S. McDermott and Mary S. McDermott, 8701 Eaglebrook Court (Mount Vernon District)
 2. *Forrest J. Hatcher, Sr. (a/k/a Forrest Jeffries Hatcher), and Marva K. Hatcher v. Edgar D. Turner, Bruce Baird, Malcolm S. McGehee, Mary Hook McGehee, William E. Hardy, Mary Jane Hardy, John C. Renard, Beunice M. Renard, Ruth Shockey Nicholson, The Fairfax County Park Authority, and Unknown Heirs, Devisees, Assigns, and Successors in Interest to All the Above Individuals, Designated Herein as "Parties Unknown,"* In Chancery No. 192838 (Fx. Co. Cir. Ct.) (Providence District)
 3. *Charles and Susan Fisenne v. Fairfax County Board of Zoning Appeals,* At Law No. 225648 (Fx. Co. Cir. Ct.) (Mason District)

4. *Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Record No. 032390 (Sup. Ct. Va.) (Providence District)
5. *William E. Shoup, Zoning Administrator of Fairfax County v. Imran A. Mufti and Abidi I. Mufti*, In Chancery No. 191102 (Fx. Co. Cir. Ct.) (Hunter Mill District)
6. *William E. Shoup, Zoning Administrator of Fairfax County v. Ronald E. Jerro*, In Chancery No. 192143 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *William E. Shoup, Zoning Administrator of Fairfax County v. Tavares Concrete Co., Inc.*, In Chancery No. 193172 (Fx. Co. Cir. Ct.) (Lee District)
8. *Board of Supervisors v. Kenney Builders, Inc., et al.*, At Law No. 213596 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Board of Supervisors versus H.C. Land Company, L.C., At Law Number 212946.
- Zoning Enforcement Issues Related to Places of Worship and the Application of the Religious Land Use and Institutionalized Persons Act of 2000.
- Action Item Regarding the Vienna Volunteer Fire Department Fire Station.
- Adam Afzall by His Parents and Next Friends Sophia Afzall and Stephen Afzall, et al., versus Burke Centre Conservancy, At Law Number 218968.
- Condemnation issues.

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

DS:pw

At 4:19 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION**66. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (4:19 p.m.)**

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

67. GAIL C. ESKEW APPOINTED AS DIRECTOR OF CABLE COMMUNICATIONS AND CONSUMER PROTECTION (4:19 p.m.)

Supervisor Gross moved the appointment of Ms. Gail C. Eskew to the position of Director of Cable Communications and Consumer Protection, at Grade E-9, salary of \$115,500, effective today, December 6, 2004. Supervisor Hyland seconded the motion and it carried by unanimous vote.

68. BOARD OF SUPERVISORS VERSUS H.C. LAND COMPANY L.C., AT LAW NUMBER 212946 REGARDING CROSSPOINTE FIRE STATION PROPERTY (4:20 p.m.)

Supervisor McConnell moved that the Board authorize the County Attorney, in the matter of *Board of Supervisors versus H.C. Land Company L.C.*, At Law Number 212946, to reject the offer made by H.C. Land Company, L.C., and to make a counteroffer on the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

69. EASEMENT AT 8701 EAGLEBROOK COURT (4:21 p.m.)

Supervisor Hyland moved that the Board authorize the Department of Public Works and Environmental Services and the Office of the County Attorney to take the necessary steps to establish that an easement currently exists for a County sewer line on property at 8701 Eaglebrook Court, according to the terms and conditions outlined by the County Attorney in closed session, including, if necessary, filing suit on behalf of the Board of Supervisors to establish the existence of a prescriptive easement on that property. Supervisor McConnell seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

70. **ADDITIONAL ACTION ON ADMIN 18 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN MINIMUM REQUIRED YARDS; WAIVER OF RESIDENTIAL MINIMUM LOT WIDTH; AND INCREASE IN FENCE OR WALL HEIGHT** (4:22 p.m.)

(NOTE: Earlier in the meeting, the Board took action on Admin 18. See Clerk's Summary Item CL#14.)

Supervisor Smyth said that Admin 18 requests authorization to advertise certain amendments to the Zoning Ordinance to enable the Board of Zoning Appeals (BZA) to approve special permits under specified circumstances and standards for what are often non-controversial homeowner improvements. The proposed amendments would, in certain limited circumstances, allow the BZA to approve special permits for reductions in the minimum required yard and for increases in front yard fences. The proposed submission requirements in Admin 18 for such special permits do not include any provisions relating to flood plain delineation.

Therefore, Supervisor Smyth moved that the Board amend its approval of Admin 18 so as to add to the proposed submission requirements for special permits for both minimum required yard and increases in front yard fences with the following language:

“Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.”

Supervisor Gross seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to draft a letter, for his signature, to the Chairman of the BZA notifying him of the amended Admin 18 with the amendment attached. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, regarding flood plain delineation.

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

71. **A-7 – APPROVAL OF AN AGREEMENT WITH THE VIENNA VOLUNTEER FIRE DEPARTMENT (VVFD) CONCERNING THE REMODELING AND OPERATION OF A FIRE STATION AT 400 CENTER STREET, SOUTH, VIENNA VIRGINIA, AND TO PROVIDE COUNTY FUNDS FOR THAT REMODELING (HUNTER MILL DISTRICT)** (4:25 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#23.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize the County Executive to:

- Execute an agreement with the VVFD on behalf of the Board.
- Take such steps as necessary in order to implement the agreement.

Supervisor Hyland seconded the motion.

Discussion ensued with input from Michael P. Neuhard, Chief, Fire and Rescue Department, regarding the pending assessment of all volunteer stations including ownership of property and equipment.

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

DS:ds

72. **3 P.M. – DECISION ONLY ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V2 FOR LAND UNIT C OF THE VIENNA TRANSIT STATION AREA, LOCATED SOUTH OF I-66 AND THE VIENNA METRO STATION (PROVIDENCE DISTRICT)** (4:30 p.m.)

(NOTE: At its October 18, 2004, meeting the Board held a public hearing on this item and deferred decision until November 15, 2004. At its November 15, 2004, meeting the Board deferred decision until December 6, 2004.)

Supervisor Smyth moved approval of Out-of-Turn Plan Amendment S02-II-V2 as recommended by the Planning Commission, and as further modified by her (Supervisor Smyth's) handout dated December 6, 2004, entitled "Proposed Modifications to the Planning Commission Recommendation." Supervisor DuBois seconded the motion.

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

Supervisor Smyth moved that the Board formally initiate discussions with the Washington Metropolitan Area Transit Authority to develop a comprehensive design plan for the Vienna Metro Transit Station area. Supervisor DuBois seconded the motion.

Supervisor Smyth clarified that her motion would require a letter from the Board, signed by the Chairman.

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

73. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-9CP REGARDING UPDATES TO THE POLICE SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN**
(4:51 p.m.)

(NOTE: At its October 18, 2004, meeting the Board deferred the public hearing on this item until November 15, 2004. At its November 15, 2004, meeting the Board deferred the public hearing on this item until December 6, 2004.)

Discussion ensued with input from Andrea Dorlester, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), and David Marshall, Chief, Public Facilities Planning Branch, PD, DPZ, regarding whether staff reviewed the proposed amendment with the South County Federation of Citizens Associations.

Ms. Dorlester presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Lieutenant Wayne Inabinet, Technical Services Bureau, Police Department, regarding whether:

- This matter had been reviewed by the Police Chief and senior officials of the department and whether it has their support.
- An alternate location for the police helicopter fleet has been identified in the southeastern part of the County.
- A possible location of a centralized police vehicle storage center has been identified.
- A possible location for a police mounted unit has been identified.

The public hearing was held and included testimony by one speaker.

Discussion ensued, with input from Lieutenant Inabinet regarding whether the Police Department currently has a mounted unit, or has any plans of acquiring one.

Further discussion ensued, with input from Fred Selden, Director, PD, DPZ, regarding the necessity for another fire station in Lorton.

Supervisor Hyland moved approval of the staff recommended modifications to Out-of-Turn Plan Amendment S01-CW-9CP, as well as the recommended plan modifications with two changes as follows:

- Objective 18, Policy C – Add the following language to the end of the sentence: "...and Springfield interchange **and recommend that the Davidson Airfield be considered as a location for the site for a helicopter heliport.**"
- Objective 18, Policy D – Add the following language to the end of the sentence: "...have adequate security, **and that the Fullerton Road be considered as a location for a police vehicle storage facility.**"

Supervisor Bulova seconded the motion.

Supervisor McConnell moved to defer decision on Out-of-Turn Plan Amendment S01-CW-9CP until **January 10, 2005, at 3:30 p.m.** The second to this motion was inaudible.

Supervisor Hyland withdrew his motion.

Following discussion, with input from Mr. Selden regarding the timing sensitivity, the question was called on Supervisor McConnell's motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Smyth being out of the room.

74. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-059 (ANASTASIOS AND ANNA GRYPEOS) (MOUNT VERNON DISTRICT)**
(5:14 p.m.)

The application property is located east of Richmond Highway, south of East Lee Avenue and north of Preston Avenue, Tax Map 93-1 ((18)) (D) 117, 126, 130 pt. and 138.

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

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

- Anastasios and Anna Grypeos

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

Following the public hearing, which included testimony by two speakers, Supervisor Hyland submitted items for the record.

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-059, from the C-8, R-3, CRD, and HC Districts to the PRM, CRD, and HC Districts, subject to the proffers dated November 8, 2004, and the conceptual development plan conditions dated December 6, 2004.
- Waiver of the minimum district size of two acres for the PRM District.
- Waiver of the service drive requirement along Richmond Highway.
- Modification of the transitional screening along the southeastern property line to that shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Waiver of the peripheral parking lot landscaping and transitional screening requirements along the southwestern property line.
- Waiver of the limitation on fence height, per Paragraph 8 of Section 16-401, in order to permit the proposed wall on Preston Avenue to be seven feet in height.
- Waiver of Section 6-0303.8 of the Public Facilities Manual requirements to permit underground detention facilities in a multifamily residential development, subject to development conditions recommended by the Department of Public Works and Environmental Services.
- Modification of the Richmond Highway CRD streetscape requirements on Richmond Highway, East Lee Avenue, and Preston Avenue to that shown on the CDP/FDP.

- Modification of the front setbacks along Richmond Highway and Preston Avenue to that shown on the CDP/FDP, per Section 9-622 of the Zoning Ordinance.

Supervisor Kauffman seconded the motion and it **CARRIED** by a recorded vote of five, Supervisor DuBois, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Chairman Connolly voting "AYE," Supervisor Bulova, Supervisor Gross, and Supervisor Smyth voting "NAY," Supervisor Hudgins and Supervisor McConnell being out of the room.

On July 21, 2004, the Planning Commission approved Final Development Plan Application FDP 2003-MV-059, subject to the development conditions dated July 15, 2004.

75. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-10CP REGARDING UPDATES TO THE ANIMAL CONTROL SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (5:53 p.m.)

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 18 and November 26, 2004.

Andrea Dorlester, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from David Marshall, Chief, Public Facilities Planning Branch, PD, DPZ, and Lieutenant Wayne Inabinet, Technical Services Bureau, Police Department, regarding the location of an animal control facility.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding any complaints of odor and noise at existing animal control facilities. Without objection, it was so ordered.

Supervisor Gross moved approval of Out-of-Turn Plan Amendment S01-CW-10CP, regarding updates the Animal Control Section of the Public Safety Component. The second to this motion was inaudible.

Supervisor Hyland moved to amend the motion as follows:

- Handwritten Page 3, Objective 27, Policy A – Add the following at the end of the sentence "...eastern part of the County, **but that such Animal Control Shelter shall not be located on the property known as the Laurel Hill property.**"

This amendment was not accepted, and the motion died for lack of a second.

The question was called on the main motion and it **CARRIED** by a recorded vote of six, Supervisor Hyland voting "NAY," Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

A brief discussion ensued with input from Mr. Marshall regarding the review of such plan amendment applications.

76. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-CW-3CP REGARDING UPDATES TO THE PUBLIC FACILITIES PLANNING DISTRICT TABLES AND RECOMMENDATIONS** (6:05 p.m.)

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 18 and November 26, 2004.

Andrea Dorlester, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Following the public hearing, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S04-CW-3CP, as shown in the staff report. Supervisor Bulova seconded the motion.

Following discussion, with input from David Marshall, Chief, Public Facilities Planning Branch, PD, DPZ, regarding the Planning Commission recommendation, Supervisor Hyland amended his motion to include the Planning Commission recommendation.

The question was called on the motion, as amended, and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

77. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-13CP REGARDING UPDATES TO THE FIRE AND RESCUE SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (6:07 p.m.)

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 18 and November 26, 2004.

Andrea Dorlester, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved approval of Out-of-Turn Plan Amendment S01-CW-13CP, as shown on pages 2–8 of the staff report dated September 23,

2004, and on page one of the staff report addendum dated November 10, 2004. Supervisor Gross seconded the motion.

Following discussion, with input from Ms. Dorlester regarding Planning Commission modifications, Supervisor Hyland amended his motion to approve the staff recommendation, as modified by the Planning Commission.

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

78. **3 P.M. – DECISION ONLY ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE RIVERVIEW COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (6:11 p.m.)

(O) (NOTE: At its November 15, 2004, meeting the Board held a public hearing regarding this item and deferred decision until December 6, 2004.)

Supervisor Hyland moved adoption of proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Riverview CPD, in accordance with the with the existing CPD restrictions, to encompass Barrister Place from the intersection of Barrister Place and Belle Haven Road to the intersection of Barrister Place and Olde Towne Road. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, and Chairman Connolly voting “AYE,” Supervisor Hudgins, Supervisor McConnell, and Supervisor Smyth being out of the room.

79. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049-02 (HAMPSTEAD VILLAGE LLC) (DRANESVILLE DISTRICT)** (6:13 p.m.)

Supervisor DuBois moved to defer the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049-02 until **January 10, 2005, at 3 p.m.** Supervisor Bulova seconded the motion.

Chairman Connolly reminded the Board that effective January 1, 2005, new regulations will be required for disclosures. He noted that there have been situations where there is an over-disclosure in the affidavit because of time lapses.

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

80. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MA-022 (AMERADA HESS CORPORATION) (MASON DISTRICT)** (6:14 p.m.)

The application property is located at 7100 Little River Turnpike, Tax Map 71-1 ((1)) 109.

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

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

- Burgess and Niple, Incorporated

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

- John T. DeBell, Burgess and Niple, Incorporated

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

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

Supervisor Gross submitted an item for the record.

Supervisor Gross moved approval of:

- Special Exception Application SE 2004-MA-022, subject to the development conditions dated December 1, 2004.
- A waiver of the comprehensive plan trail requirement.
- A waiver of the service drive requirement.

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

81. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-020 (GUNSTON CENTER LLC) (MOUNT VERNON DISTRICT)** (6:18 p.m.)

Following discussion, with a query to Catherine A. Chianese, Assistant to the County Executive, regarding an available date and time, Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2004-MV-020 until **January 10, 2005, at 3:30 p.m.** Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

82. **3:30 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-IV-MV2, BOUNDED BY RICHMOND HIGHWAY, MEMORIAL STREET, DONORA DRIVE, AND GROVETON STREET (LEE DISTRICT)** (6:19 p.m.)

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 18 and November 26, 2004.

Jayjeev Hada, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by four speakers, Supervisor Kauffman moved approval of Out-of-Turn Plan Amendment S04-IV-MV2, as recommended by the Planning Commission, as indicated in Attachment Two of the Board Agenda Item to add an option for high density residential use with office and support retail at an overall 1.8 floor area ratio. The non-residential component would include 70,000 to 90,000 square feet of retail and office use with a minimum 50,000 square feet office, and 20,000 square feet retail use. Office use up to 70,000 square feet is desirable. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor McConnell being out of the room.

83. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL** (6:34 p.m.)

Supervisor Smyth moved to defer the public hearing on proposed amendments to the Public Facilities Manual **indefinitely**. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor McConnell being out of the room.

84. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-LE-015 (PCC-VAN DORN LLC)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA-C-448-31 (PCC-VAN DORN LLC) (LEE DISTRICT) (6:35 p.m.)

(NOTE: At its November 15, 2004, meeting the Board deferred the public hearing on this item until December 6, 2004.)

The Special Exception Application SE 2004-LE-015 property is located at 6601 and 6625 South Van Dorn Street, Tax Map 91-2 ((1)) 35A pt.

The Proffered Condition Amendment Application PCA-C-448-31 property is located in the northeast quadrant of South Van Dorn Street and its intersection with Kingstowne Village Parkway, Tax Map 91-2 ((1)) 35A pt. and 35 B.

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

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

- Mr. Steven E. Woodell
- Mid-Atlantic Golf Properties, Incorporated

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

- Carson Lee Fifer, Jr., McGuire Wood LLP

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

Following the public hearing, Lindsay Shulenberger, 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 C-448-31, subject to the proffers dated October 14, 2004.
- Approval of Special Exception Application SE 2004-LE-015, subject to the development conditions dated October 15, 2004.
- Reaffirmation of the waiver of the barrier requirement to the northeast and southeast in favor of that depicted on the CDPA/FDPA/SE Plat.
- Waiver of the Additional Standards for Golf Driving Ranges, as set forth in Section 9-529 of the Zoning Ordinance, to permit netting and the associated poles to be located closer than 100 feet from the lot line.

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

On October 14, 2004, the Planning Commission approved Final Development Plan Amendment Application FDPA C-448-02-01.

85. **4 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2006 THROUGH 2011 AND CONSTRUCTION BUDGET FOR FY 2006**
(6:42 p.m.)

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 18 and November 26, 2004.

Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation (DOT), introduced Leonard Siegel, Fairfax Preliminary Engineering Manager, Virginia Department of Transportation, who presented the staff report.

Supervisor Kauffman called the Board's attention to handwritten page six and asked unanimous consent that the Board direct staff to report with information regarding the location of the bridge over Pike Run. Without objection, it was so ordered.

Following the public hearing, discussion ensued with input from Young Ho Chang, Director, DOT, regarding the secondary six year program.

Supervisor Bulova moved approval of the:

- Secondary System Construction Program for FY 2006 through 2011.
- Secondary System Construction Budget for FY 2006.

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

86. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-III-UP1, FOR PRISON FELLOWSHIP MINISTRIES PROPERTY (HUNTER MILL DISTRICT)** (6:53 p.m.)

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 18 and November 26, 2004.

Lindsay Mason, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved approval of Out-of-Turn Plan Amendment S04-III-UP1, as recommended by the Planning Commission in its action of November 17, 2004. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

87. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-IV-RH1, LOCATED NORTHEAST OF OLD TELEGRAPH ROAD/TELEGRAPH ROAD INTERSECTION (LEE DISTRICT)**
(6:57 p.m.)

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 18 and November 26, 2004.

Denise M. James, Planner III, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved approval of Out-of-Turn Plan Amendment S04-IV-RH1 as shown in the staff report dated November 3, 2004. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

88. **4 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-015 (NATIONAL CAPITAL LAND AND DEVELOPMENT, INCORPORATED) (SULLY DISTRICT)** (7 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2004-SU-015 until **January 10, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

89. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-MV-029 (LINDA K. REMICK AND BOARD OF SUPERVISORS) (MOUNT VERNON DISTRICT)** (7:01 p.m.)

The application property is located at 6418 13th Street.

Ms. Linda K. Remick reaffirmed the validity of the affidavit for the record.

Regina Murray, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented a description of the application and site location.

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

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

Supervisor Hyland moved approval of Special Exception Application SE 2004-MV-029, subject to the development conditions contained in Appendix One of the staff report. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

90. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-SU-028 (SULLY NORTH INVESTMENTS LC) (SULLY DISTRICT)** (7:06 p.m.)

The application property is located approximately 800 feet south of Wall Road and approximately 1,200 feet west of its intersection with Centreville Road, Tax Map 34-2 ((1)) 3 pt.

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

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

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

Supervisor Frey moved approval of Special Exception Application SE 2004-SU-028, subject to the development conditions dated December 6, 2004. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

91. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-597-03 AND SPECIAL EXCEPTION APPLICATION SE 2004-PR-019 (MERCANTILE POTOMAC BANK) (PROVIDENCE DISTRICT)** (7:09 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA C-597-03 and Special Exception Application SE 2004-PR-019 until **January 10, 2005, at 3 p.m.** Supervisor Gross seconded the motion.

Following a query to Catherine A. Chianese, Executive Assistant to the County Executive, regarding the number of 3 p.m. public hearings for the January 10, 2005, Board meeting, the question was called on the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

92. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2004-PR-006 (WHITESTONE INVESTMENTS, INCORPORATED) (PROVIDENCE DISTRICT)** (7:10 p.m.)

The application property is located on the south side of Leesburg Pike approximately 400 feet east of George C. Marshall Drive, Tax Map 39-2 ((1)) 56.

Mr. H. Kendrick Sanders reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-PR-006, from the R-1 and HC Districts to the PDH-12 and HC Districts, subject to the proffers dated December 3, 2004, and the conceptual development conditions dated December 6, 2004. The permitted hours for construction activity per proffer number 22 shall be posted on the subject property in both English and Spanish. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

Supervisor Smyth moved:

- Waiver of the minimum district size requirement.
- Waiver of the service drive requirement.

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

On October 21, 2004, the Planning Commission approved Final Development Plan Application FDP 2004-PR-006.

93. **4:30 P.M. – PH ON OUT-OF-TURN PLAN AMENDMENT S04-CW-T1 TO CONSIDER AMENDING THE COMPREHENSIVE PLAN TO PROVIDE NEW TRANSPORTATION RECOMMENDATIONS FOR THE KINGS CROSSING AREA, LOCATED IN THE RICHMOND HIGHWAY CORRIDOR REVITALIZATION DISTRICT, AT THE INTERSECTION OF RICHMOND HIGHWAY WITH NORTH AND SOUTH KINGS HIGHWAY (LEE AND MOUNT VERNON DISTRICTS)** (7:24 p.m.)

Supervisor Kauffman moved to defer the public hearing on Out-of-Turn Plan Amendment S04-CW-T1 **indefinitely**. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor McConnell, and Supervisor Smyth being out of the room.

94. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HOLLY KNOLL DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)** (7:24 p.m.)

- (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 18 and November 26, 2004.

Douglas Hansen, Senior Transportation Planner, Traffic Operations Section, Division of Capital Projects and Operations, Department of Transportation (DOT), presented the staff report.

Following the public hearing, Supervisor DuBois moved adoption of the Resolution endorsing Holly Knoll Drive to be included in the R-TAP for a through truck traffic restriction. Supervisor Gross seconded the motion.

Discussion ensued with input from Carol Lew, Senior Transportation Planner, Loudoun County Office of Transportation Services, regarding the length of time it took for this item to come before the Board.

The question was called on the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, and Chairman Connolly voting “AYE,” Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell and Supervisor Smyth being out of the room.

95. **5 P.M. – PH ON REZONING APPLICATION RZ 2004-PR-010 (YUOH AND ALICE KU) (PROVIDENCE DISTRICT)** (7:27 p.m.)

- (O) The application property is located on the south side of Idylwood Road and the north side of Hill Top Avenue approximately 200 feet west of Cedar Lane, Tax Map 39-3 ((10)) 18.

Mr. Timothy Morahan reaffirmed the validity of the affidavit for the record.

Mr. Morahan 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 Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-PR-010, from the R-1 District to the R-4 District, subject to the proffers dated November 9, 2004. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

96. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-C-066-05 (LB DULLES ACQUISITION LLC)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 86-C-029-10 (LB DULLES ACQUISITION LLC)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-HM-044-03 (DULLES ACQUISITION LLC) (HUNTER MILL DISTRICT) (7:31 p.m.)

The Proffered Condition Amendment Application PCA 88-C-066-05 property is located in the southwest quadrant of Sunrise Valley Drive and Dulles View Drive, Tax Map 15-4 ((1)) 13C, 23A pt. and 23A1.

The Proffered Condition Amendment Application PCA 86-C-029-10 property is located on the west side of Sunrise Valley Drive across from its intersection with Coppermine Road, Tax Map 15-4 ((1)) 13 and 13B.

The Proffered Condition Amendment Application PCA 1996-HM-044-03 property is located in the southwest quadrant of Sunrise Valley Drive and Dulles View Drive, Tax Map 15-4 ((1)) 23A pt.

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

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

- William H. Gordon of William H. Gordon Associates, Incorporated (which corporation is shown as an agent of the applicant) on behalf of 4501 Daly L.P.

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

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Applications PCA 86-C-029-10, PCA 88-C-066-05, and PCA 1996-HM-044-03, subject to the proffers dated December 6, 2004, and contingent upon the applicant's payment of the funds according to the Board of Supervisors' formula for the rezoning of commercial and industrially zoned land to the residential use within the Route 28 Tax District with such payment to be received prior to the effective date of a rezoning as set by the Board.
- *That the Board set the effective date of the rezoning to be January 4, 2005.
- Modification of the transitional screening and waiver of the barrier requirements for the southeast boundary and between the uses on-site in favor of the existing and proposed landscaping depicted on the Conceptual Development Plan/Final Development Plan for Proffered Condition Amendment Applications PCA 86-C-029-10, PCA 88-C-066-05, and PCA 1996-HM-044-03.
- Waiver of the requirement of a 600-foot maximum length for private streets and a modification of the loading space requirement for the multifamily uses to permit two spaces for Proffered Condition Amendment Application PCA 86-C-029-10.

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

On October 21, 2004, the Planning Commission approved Final Development Plan Applications FDPA-86-C-029-06, FDPA 88-C-066, and FDP 1996-HM-044, subject to the development conditions dated October 6, 2004, contained in

Appendix Two of the staff report, with the deletion of development condition number two.

(*NOTE: Later in the meeting, the Board took additional action regarding this item. See Clerk's Summary Item CL#99.)

97. **5 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-011, PROFFERED CONDITION AMENDMENT APPLICATION PCA 96-L-005-3, AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 96-L-034-3 (FOUNDATION FOR APPLIED TECHNICAL EDUCATION) (LEE DISTRICT) (7:45 p.m.)**

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 2003-LE-011, Proffered Condition Amendment Application PCA 96-L-005-3, and Special Exception Amendment Application SEA 96-L-034-3 until **January 10, 2005, at 3:30 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

98. **5 P.M. – PH TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST OF VIRGINIA, INCORPORATED, UNTIL NO LATER THAN APRIL 30, 2005 (RESTON FRANCHISE AREA) (7:45 p.m.)**

- (O) (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 18 and November 26, 2004.

Skip Munster, Director, Communications Policy and Regulations Division, Department of Cable Communications and Consumer Protection, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of an ordinance to extend the Comcast cable franchise agreement until no later than April 30, 2005. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

Following discussion, with input from Mr. Munster regarding the Resolution, Supervisor Hudgins moved that the Board adopt a Resolution authorizing the County Executive to enter into an agreement that would extend the County's review period of Comcast's formal franchise renewal proposal until April 11, 2005. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

99. **ADDITIONAL ACTION ON PROFFERED CONDITION AMENDMENT APPLICATIONS PCA 88-C-066-05, PCA 86-C-029-10, AND PCA 1996-HM-044-03 (DULLES ACQUISITION LLC) (HUNTER MILL DISTRICT)** (7:48 p.m.)

(NOTE: Earlier in the meeting, the Board took action on this item. See Clerk's Summary Item CL#96.)

Supervisor Hudgins said that because the proffers are dated December 6, 2004, the effective date of the rezoning must be 60 days.

Therefore, Supervisor Hudgins moved that the Board set the effective date of the rezoning to be **February 6, 2005**, instead of January 4, 2005. Supervisor DuBois seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

100. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) REGARDING CHANGING THE POLLING PLACE FOR COLVIN PRECINCT (DRANESVILLE DISTRICT)** (7:49 p.m.)

- (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 18 and November 26, 2004.

Judy Flaig, Election Manager, Electoral Board, presented the staff report.

Following the public hearing, Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections) regarding changing the polling place for Colvin Precinct. Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

101. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:51 p.m.)

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 18 and November 26, 2004.

Citizens and Businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a

maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

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

- Mr. Stan Severance regarding magistrate's pay

ADDITIONAL BOARD MATTERS

102. **UPCOMING PERSONNEL AND HUMAN SERVICES COMMITTEE MEETINGS** (7:58 p.m.)

Supervisor Gross reminded the Board that the Personnel Committee meeting is scheduled for Monday, December 13, 2004, at 9 a.m., with the Human Services Committee meeting to follow.

103. **ANNUAL LEGISLATIVE BREAKFAST** (7:58 p.m.)

Chairman Connolly reminded the Board that the annual Legislative Breakfast will be on Tuesday, December 14, 2004, at 7:30 a.m., at the Fairview Park Marriott.

104. **BOARD ADJOURNMENT** (7:58 p.m.)

Supervisor Gross moved to adjourn. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Hyland, and Supervisor McConnell being out of the room.

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