



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 1, 2006**

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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, May 1, 2006, at 9:14 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 Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors.

AGENDA ITEMS

1. **CERTIFICATE OF RECOGNITION PRESENTED TO THE HERNDON HIGH SCHOOL BOYS' BASKETBALL TEAM** (9:15 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the Herndon High School Boys' Basketball Team for winning the Northern Region championship. Chairman Connolly and Supervisor Hudgins jointly seconded the motion and it carried by unanimous vote.

2. **PROCLAMATION DESIGNATING MAY 2006 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (9:22 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate May 2006 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. Supervisor DuBois seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING MAY 2006 AS "OLDER AMERICANS MONTH" IN FAIRFAX COUNTY** (9:28 a.m.)

Supervisor Kauffman moved approval of the Proclamation to designate May 2006 as "*Older Americans Month*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KATHY MAY** (9:35 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Ms. Kathy May for her years of service as the director of advocacy for The Arc of Northern Virginia. Supervisor Bulova seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING MAY 2006 AS "ASIAN/PACIFIC AMERICAN MONTH" IN FAIRFAX COUNTY** (9:41 a.m.)

Supervisor McConnell moved approval of the Proclamation to designate May 2006 as "*Asian/Pacific American Month*" in Fairfax County. Chairman Connolly seconded the motion and it carried by unanimous vote.

6. **PROCLAMATION DESIGNATING MAY 7-13, 2006, AS "INTERNATIONAL BUILDING SAFETY WEEK" IN FAIRFAX COUNTY** (9:47 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 7-13, 2006, as "*International Building Safety Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

(NOTE: Later in the meeting, this issue was discussed. See Clerk's Summary Item #25.)

7. **PROCLAMATION DESIGNATING MAY 6-12, 2006, AS "NURSES WEEK" IN FAIRFAX COUNTY** (9:55 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 6-12, 2006, as "*Nurses Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING MAY 2006 AS "COMMUNITY ACTION MONTH" IN FAIRFAX COUNTY** (10:02 a.m.)

Supervisor Kauffman moved approval of the Proclamation to designate May 2006 as "*Community Action Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

9. **PROCLAMATION DESIGNATING MAY 15-21, 2006, AS "INTERFAITH MENTAL WELLNESS OBSERVATION WEEK" IN FAIRFAX COUNTY** (10:08 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate May 15-21, 2006, as "*Interfaith Mental Wellness Observation Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING MAY 14-20, 2006, AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (10:23 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 14-20, 2006, as "*Public Works Week*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

11. **PROCLAMATION DESIGNATING MAY 6, 2006, AS "TRAILFEST DAY" IN FAIRFAX COUNTY** (10:33 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 6, 2006, as "*Trailfest Day*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly noted that clearer signage for the Cross County Trail is needed.

NV:nv

BOARD MATTER

12. **TREE CITY USA** (10:48 a.m.)

Supervisor Gross announced that the County has been declared a Tree City USA for the twenty-sixth consecutive year. At the Earth Day/Arbor Day ceremony held on Saturday, April 27, the County was presented with a flag commemorating the Tree City USA designation. She expressed appreciation to volunteers who plant and preserve trees and to the Park Authority for its tree stewardship. She said that the Urban Forest Management Division of the Department of Public Works and Environmental Services' Office of Land Development Services will display the flag.

AGENDA ITEMS

13. **10 A.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), REVISING THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (10:49 a.m.)

(O) (NOTE: On April 3, 2006, the Board held a public hearing on this item and deferred decision until May 1, 2006.)

Supervisor Bulova moved adoption of the proposed amendments to the Code of County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewer Disposal), Article 10, Section 2, Subsection (d), Service Charges, to maintain the sewer service charges on a multi year basis as included in the ordinance amendment. The effect of this approval for Fiscal Year (FY) 2007 is a sewer service charge rate of \$3.50 per 1,000 gallons. This is an increase from the FY 2006 service charge of \$3.28 per 1,000 gallons.

Supervisor Bulova further moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 67.1, (Sanitary Sewers and Sewer Disposal), Article 10, Section 2, Subsection (a), Availability Charges, to maintain the availability charges on a multi year basis as included in the ordinance amendment. As a result of this motion, the availability fee for a single family residence increases to \$6,138 from \$5,874 in FY 2006.

Supervisor Gross seconded the motion and a brief discussion ensued regarding the rate increase because of stricter environmental compliance in accordance with Chesapeake Bay regulations as well as the County's low rates in comparison with the region.

The question was called on the motion, which 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."

14. **10 A.M. – BOARD ADOPTION OF THE CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS (FYs) 2007-2011 (WITH FUTURE FYs TO 2016)**

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

15. **10 A.M. – BOARD ADOPTION OF THE FISCAL YEAR (FY) 2007 BUDGET PLAN** (10:52 a.m.)

(Rs) **Real Property Tax Rate and FY 2007 Tax Rate Resolution**

Having provided public notice and a public hearing in accordance with Virginia Code §58.1-3321 (B), and because it is necessary to set the real property tax rate higher than the lowered tax rate specified in Virginia Code §58.1-3321, Supervisor Bulova moved that the Board set the real property tax rate at \$0.89 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2006 will be reduced by \$0.11 from the present rate of \$1.00 per \$100 of assessed value.

Supervisor Bulova further moved that, having established the real property tax rate at \$0.89 per \$100 of assessed value in accordance with Virginia Code §58.1-3321, the Board adopt the FY 2007 Tax Rate Resolution Adopting Tax Rates for Fairfax County*, as detailed in Attachment II of the Board Agenda Item dated May 1, 2006.

(*Note: The Tax Rate Resolution Adopting Tax Rates for the County includes the decrease in the rate for Small District 5, Reston Community Center, from \$0.052 to \$0.047 per \$100 of assessed value and the decrease in the rate for motor vehicles owned by Auxiliary Deputy Sheriff's from \$4.57 to \$0.01 per \$100 of

assessed value approved by the Board on April 24, 2006.)

Supervisor Gross seconded the motion, and a brief discussion ensued about this being the longest period of tax rate reduction in County history, from \$1.23 to \$0.89 per \$100 of assessed value.

The question was called on the motion, which 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."

FY 2007 Appropriation Resolution For County Agencies/Funds

Supervisor Bulova moved adoption of the FY 2007 Appropriation Resolution for County Agencies/Funds as set forth in Attachment III of the Board Agenda Item dated May 1, 2006. Supervisor Gross seconded the motion, which 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."

FY 2007 Appropriation Resolution For School Board Funds

Supervisor Bulova moved adoption of the FY 2007 Appropriation Resolution for School Board Funds as set forth in Attachment IV of the Board Agenda Item dated May 1, 2006. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Susan Datta, Director, Department of Management and Budget, regarding the fact that 52 percent of the General Fund obligations go to the Schools, some concern regarding possible salary disparity among School employees based on the Schools Board's Initiative for Excellence for teachers, and competitiveness issues.

The question was called on the motion, which 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."

FY 2007 Fiscal Planning Resolution (FPR)

Supervisor Bulova moved adoption of the FY 2007 Fiscal Planning Resolution as set forth in Attachment V of the Board Agenda Item dated May 1, 2006. Supervisor Gross seconded the motion, which 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. **10 A.M. – BOARD ADOPTION OF THE CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS (FYs) 2007-2011 (WITH FUTURE FYs TO 2016)** (10:58 a.m.)

(NOTE: On April 3-5, 2006, the Board held public hearings on this item and deferred decision until May 1, 2006.)

Supervisor Bulova moved adoption of the FY 2007 – FY 2011 Capital Improvement Program (with future FYs to 2016) as amended on April 24, 2006. Supervisor Hyland seconded the motion, which 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.”

Supervisor Bulova expressed appreciation to Board Members for their efforts during this budget process.

Chairman Connolly expressed appreciation to Supervisor Bulova, who served as the Board’s Budget Committee Chair; the entire Board; and staff for their budget and outreach efforts.

PW:pw

17. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:01 p.m.)

(APPTS)
(BACs)

Chairman Connolly called the Board’s attention to a revised page regarding appointments that was distributed and proceeded with appointments to the Land Use Information Accessibility Advisory Group.

LAND USE INFORMATION ACCESSIBILITY ADVISORY GROUP

Supervisor Frey moved the appointment of Mr. David Kochendarfer as a Citizen Representative to the Land Use Information Accessibility Advisory Group. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the appointment of Mr. David Dale as a Citizen Representative to the Land Use Information Accessibility Advisory Group. Chairman Connolly seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Land Use Information Accessibility Advisory Group:

- Ms. Judith Anderson as the League of Women

Voters of the Fairfax Area Representative

- Mr. Jon Lindgren as the Northern Virginia Building Industry Association Representative
- Mr. Jim Katcham as the Federation of Citizens Associations Representative

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

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

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

ADVISORY PLANS EXAMINER BOARD

CONFIRMATIONS:

Supervisor Bulova moved the confirmation of the following appointments to the Advisory Plans Examiner Board:

- Mr. Richard Davis as the Citizen Representative
- Mr. Paul B. Johnson as the Professional Engineer/Surveyor #2 Representative

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

ADVISORY SOCIAL SERVICES BOARD

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

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Connolly moved the reappointment of Mr. James Carey as the Lending Institution Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Mr. Francis Steinbauer as the Non-Profit Housing Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Affordable Dwelling Unit Advisory Board:

- Mr. John Payne as the Department of Housing and Community Development Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointments of the Mount Vernon District Business and Mount Vernon District Representatives to the Airports Advisory Committee.

ANIMAL SERVICES ADVISORY COMMISSION

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

ATHLETIC COUNCIL

Supervisor Kauffman moved the reappointment of Mr. Steven Saulnier as the Lee District Alternate Representative to the Athletic Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

CONFIRMATION:

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

- Mr. Todd Johnson as the Park Authority Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

The Board deferred the appointments of the At-Large Diversity Alternate and Hunter Mill District Alternate Representatives to the Athletic Council.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Chairman Connolly moved the appointment of Ms. Noelle Maynard as the Attorney #1 Representative to the Board of Equalization of Real Estate

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

The Board deferred the appointment of the Freeholder #3 Representative to the Board of Equalization of Real Estate Assessments.

COMMISSION ON AGING

Supervisor Hudgins moved the reappointment of Mr. Robert Gehring as the Hunter Mill District Representative to the Commission on Aging. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Fred Hoffman as the Lee District Representative to the Commission on Aging. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Mr. Jacob Fritz as the Mason District Representative to the Commission on Aging. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. George Myers as the Mount Vernon District Representative to the Commission on Aging. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Mr. Ian Kremer as the Sully District Representative to the Commission on Aging. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large Chairman's and Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

Supervisor Gross indicated that she had received a memorandum from the Commission on Organ and Tissue Donation and Transplantation requesting changes to the membership and moved that the Board:

- Replace the representative seat of UNOS of Richmond with the Washington Regional Transplant Consortium (WRTC).
- Add a representative seat for the Old Dominion Eye Foundation (ODEF).
- Change the designator for the Virginia Heart Association to the American Heart Association, Greater Washington Region Office.

Chairman Connolly announced that the Board would take action on this motion later in the meeting.

(NOTE: Later in the meeting, the Board took action on this motion. See Clerk's Summary Item #18.)

COMMUNITY CRIMINAL JUSTICE BOARD

Supervisor Smyth moved the appointment of Mr. Lawrence Vogel as the At-Large #2 Representative to the Community Criminal Justice Board. Supervisor Bulova and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Community Criminal Justice Board:

- Mr. Matthew Cowles as the City of Fairfax Citizen At-Large Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Criminal Justice Advisory Board:

- Mr. William H. Williams, Jr. as the Fairfax-Falls Church Community Services Board Representative

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

The Board deferred the appointments of the Dranesville, Hunter Mill, and Springfield District Representatives to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #2 Representative to the Engineering Standards Review Committee.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Smyth moved the appointment of Ms. Penelope Everline as the Providence District Representative to the Fairfax Area Disability Services Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Fairfax County Convention and Visitors Corporation Board of Directors:

- Mr. Heeren Patel as the Northern Virginia Hospitality Council #2 Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Bulova provided notice of her intent to nominate Mr. Raymond Burmester as the Braddock District Representative for appointment to the Fairfax-Falls Church Community Services Board.

Supervisor DuBois moved the appointment of Ms. Jean P. McNeal as the Dranesville District Representative for appointment to the Fairfax-Falls Church Community Services Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins provided notice of her intent to nominate Mr. Glenn Kamber as the Hunter Mill District Representative for appointment to the Fairfax-Falls Church Community Services Board.

The Board deferred the appointment of the At-Large #1 Representative and the Lee District Representative to the Fairfax-Falls Church Community Services Board.

HISTORY COMMISSION

Supervisor Bulova moved the appointment of Ms. Mary Lipsey as the Citizen #6 Representative to the History Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #1 Representative to the History Commission.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

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

LIBRARY BOARD

Supervisor Kauffman moved the reappointment of Mr. Willard Jasper as the Lee District Representative to the Library Board. Supervisor DuBois seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Chairman Connolly moved the appointment of Mr. H. Patrick Walters to fill the unexpired term of Mr. Chuck Caputo as the Fairfax County #2 Representative to the Northern Virginia Community College Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor Smyth moved the appointment of Ms. Lynne Schlaaff-Crammer to fill the unexpired term of Mr. Larry Pavlinski as the Providence District Representative to the Oversight Committee on Drinking and Driving. Supervisor Bulova seconded the motion, which carried by unanimous vote.

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

REDEVELOPMENT AND HOUSING AUTHORITY

The Board deferred the appointment of the Mason District Representative to the Redevelopment and Housing Authority.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #4 Representative to the Road Viewers Board.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

Supervisor Hudgins moved the appointment of Mr. Ram Singh as the Fairfax County #6 Representative to the Southgate Community Center Advisory Council. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Reston Association #4 Representative to the Southgate Community Center Advisory Council.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Landlord Member #1 Representative to the Tenant Landlord Commission.

TRAILS AND SIDEWALKS COMMITTEE

The Board deferred the appointment of the Sully District Representative to the Trails and Sidewalks Committee.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointments of the Hunter Mill and Providence District Representatives to the Transportation Advisory Commission.

TREE COMMISSION**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Tree Commission:

- Mr. Harry Glasgow as the Northern Virginia Soil and Water Conservation District Representative

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

UNIFORMED RETIREMENT SYSTEM

The Board deferred the appointment of the Citizen #2 Representative to the Uniformed Retirement System.

AD HOC COMMITTEES**TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY
COORDINATING COMMITTEE**

The Board deferred the appointment of the Chairman's Representative and the Sully District Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee.

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

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

- Ms. Britt Weaver as the Fairfax County Public Schools Representative
- Mr. Tim Sargeant as the Celebrate Fairfax, Incorporated Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

BOARD MATTER

18. **AMENDMENTS TO THE MEMBERSHIP OF THE COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**
(11:14 a.m.)

(BACs)

(APPT)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 11.)

Supervisor Gross reiterated her motion to adopt the changes as recommended by the Commission on Organ and Tissue Donation and Transplantation which are:

- Replace the representative seat of UNOS of Richmond with the Washington Regional Transplant Consortium (WRTC).
- Add a representative seat for the Old Dominion Eye Foundation (ODEF).

- Change the designator for the Virginia Heart Association to the American Heart Association, the Greater Washington Region Office.

This motion, the second to which was indistinguishable, carried by unanimous vote.

CONFIRMATION:

Supervisor Gross moved the confirmation of the following appointment to the Commission on Organ and Tissue Donation and Transplantation:

- Mr. William Proctor as the ODEF Representative

This motion, the second to which was indistinguishable, carried by unanimous vote.

DS:ds

19. **ADMINISTRATIVE ITEMS** (11:15 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Supervisor Bulova called the Board's attention to Admin 3 – Approval of Traffic Calming Measures for Southridge Drive, Oak Valley Drive, Backlick Road, and Wolftrap Road as Part of the Residential Traffic Administration Program (Dranesville, Providence, and Mount Vernon Districts) and discussion ensued, with input from Douglas Hansen, Senior Transportation Planner, Traffic Operations Section, Division of Capital Projects and Operations, Department of Transportation, regarding the proposed speed tables for Backlick Road and Oak Valley Drive.

Supervisor DuBois called the Board's attention to Admin 10 – Authorization to Advertise Public Hearings on Proposed Amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding the Reduction of Certain Yard Requirements and Clarification of Accessory Structure Height Measurement and discussion ensued, with input from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), regarding whether staff would be planning a workshop on this issue.

Further discussion ensued, with input from Ms. Pesto and William E. Shoup, Zoning Administrator, DPZ, regarding submission requirements for the new special permit.

Supervisor Smyth called the Board's attention to Admin 7 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Portable Storage Containers and discussion ensued, with input from Jack Reale, Senior Assistant to the Zoning Administrator, DPZ, regarding the portable storage containers.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report, prior to the public hearings, with additional information regarding Admin 7 and Admin 10. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Additional discussion ensued, with input from Mr. Shoup, regarding the portable storage containers and whether real estate taxes will be collected if the containers are in a building.

The question was called on the motion to approve the Administrative Items 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 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE STONE CREEK CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 5, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Stone Creek Crossing CPD in accordance with current CPD restrictions.

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE ORANGE HUNT COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 5, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Orange Hunt CPD in accordance with current CPD restrictions.

ADMIN 3 – APPROVAL OF TRAFFIC CALMING MEASURES FOR SOUTHRIDGE DRIVE, OAK VALLEY DRIVE, BACKLICK ROAD, AND WOLFTRAP ROAD AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE, PROVIDENCE, AND MOUNT VERNON DISTRICTS)

(NOTE: Earlier in the meeting, there was discussion regarding this item. See page 16.)

- Endorsed the traffic calming plans for Southridge Drive, Oak Valley Drive, Backlick Road, and Wolftrap Road as proposed by staff and the Virginia Department of Transportation (VDOT) consisting of the following:
 - Speed table and raised crosswalk (Southridge Drive)
 - Multi-way stop and speed table (Oak Valley Drive)
 - Two speed tables (Backlick Road)
 - Two raised crosswalks and multi-way stop (Wolftrap Road)
- Directed staff to request VDOT to install the approved measure as soon as possible.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06077 FOR THE OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC) EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE FOR THE ENHANCEMENT OF INCIDENT MANAGEMENT INFORMATION PROGRAM

(SAR) Approved SAR AS 06077 in the amount of \$500,000 for the County to accept a Department of Homeland Security FY 2005 UASI Sub-Grant Award from the DC Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice. These funds will be used by OEM and the Department of Information Technology to coordinate the acquisition, installation, and training of Web-Emergency Operation Center resource management software for 11 Northern Virginia jurisdictions of the National Capital Region. All projects will be implemented in accordance with the grant program guidance documents. No local cash match or in-kind match is required.

ADMIN 5 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Parkwood Baptist Church	Braddock	Braddock Road Route 620 Additional ROW Only
Squires Crest	Dranesville	Browns Mill Road Route 675 Additional ROW Only Squires Crest Lane
Middleton Farm Section 3	Hunter Mill	Cherry Branch Lane Route 10601 Middleton Farm Lane Route 8686
Holland Court	Mount Vernon	Dunbar Street Route 3091 Additional ROW only Holland Court Holland Road Route 3500 Additional ROW Only
Country Club of Fairfax	Springfield	Ox Road Route 123 Additional ROW Only
Faircrest Landbay 7	Sully	Arrowhead Park Drive Additional ROW Only

ADMIN 6 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)

Approved an extension of review period for the following 2232 Public Facilities Review Applications:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-MD06-10	Washington Metropolitan Area Transit Authority Extension of Metrorail service to Washington Dulles International Airport (application includes rail line, ancillary power, and stormwater management facilities, but does not include proposed Metrorail stations along the route) From West Falls Church Metrorail station through northern Fairfax County (Dranesville, Hunter Mill, and Providence Districts)	November 20, 2006

ADMIN 7 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PORTABLE STORAGE CONTAINERS

(R) (As) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 17.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on May 25, 2006, at 8:15 p.m. and before the Board on **June 26, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding portable storage containers.

ADMIN 8 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING EDITORIAL AND OTHER MINOR REVISIONS

(R) (As) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on May 25, 2006, at 8:15 p.m. and before the Board on **June 26, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding editorial and other minor revisions.

ADMIN 9 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MILITARY INSTALLATION AND PUBLIC USE AIRPORT NOTIFICATION

- (R) (As) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on July 19, 2006, at 8:15 p.m. and before the Board on **September 11, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding military installation and public use airport notification.

ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE REDUCTION OF CERTAIN YARD REQUIREMENTS AND CLARIFICATION OF ACCESSORY STRUCTURE HEIGHT MEASUREMENT

- (R) (As) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 16.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 1, 2006, at 8:15 p.m. and before the Board on **July 10, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the reduction of certain yard requirements and clarification of accessory structure height measurement.

ADMIN 11 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-HM-014, PRENTISS PROPERTIES ACQUISITION PARTNERS, LP (HUNTER MILL DISTRICT)

- (AT) Approved 30 months of additional time to commence construction for Special Exception Application SE 2003-HM-014, Prentiss Properties Acquisition Partners, LP, to October 20, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-M-086, RADLEY AUTOMOBILES, INCORPORATED D/B/A RADLEY ACURA (MASON DISTRICT)

- (AT) Approved six months of additional time to commence construction for Special Exception Amendment Application SEA 85-M-086, Radley Automobile,

Incorporated, d/b/a Radley Acura, to September 7, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

20. **A-1 – APPROVAL OF PROPOSED ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2007** (11:29 a.m.)

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

- Adopted the Proposed One-Year Action Plan for FY 2007 as issued by the Consolidated Community Funding Advisory Committee with funding allocations, as outlined in the Board Agenda Item dated May 1, 2006.
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the US Department of Housing and Urban Development

21. **A-2 – BOARD ACTION ON CONSOLIDATED COMMUNITY FUNDING POOL (CCFP) REQUIREMENTS FOR FISCAL YEARS 2007 AND 2008** (11:30 a.m.)

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

- Approve the contract list and associated award of CCFP funds as recommended by the Selection Advisory Committee and outlined in Table A of the Board Agenda Item dated May 1, 2006.
- In accordance with the CCFP multi-year contract award process, accept the committee's recommendations for FY 2008 funding, contingent upon the Board's decisions regarding CCFP appropriation to be determined during the FY 2008 budget process and by the availability of Community Development Block Grant funds for affordable housing capital and targeted public services projects. FY 2008 recommendations are contingent upon the Board's continued funding of the current reduction of \$106,951 in CDBG funds.
- Approve the recommendation of the Selection Advisory Committee for the reallocation of new federal, state, or local funds, or lapsing project funds, that may be necessary during the course of this and future funding cycles.

Supervisor Bulova seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to provide special outreach efforts to the Korean-American community. He noted that with this effort there would be no interference in the CCFP contract awards. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Audrey Spencer-Horsley, Associate Director, Real Estates Finance and Grants Management Division, Department of Housing and Community Development, regarding workshops for grant applicants.

Additional discussion ensued, with input from Ms. Spencer-Horsley; Cathy A. Muse, Director, Department of Purchasing and Supply Management; and David P. Bobzien, County Attorney, regarding the submission deadline for proposals.

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

22. **A-3 – ENDORSEMENT OF RECOMMENDATIONS REGARDING THE FAIRFAX COUNTY CITIZEN CORPS** (11:39 a.m.)

(BACs) Supervisor Bulova moved that the Board concur in the recommendation of staff and endorse the recommendations to clarify the Fairfax County Citizens Corps Council, as presented to the Board at its work session held on March 31, 2006. Supervisor DuBois seconded the motion.

Chairman Connolly noted that this endorsement:

- Removes County staff from the Citizen Corps Board and Executive Committee.
- Adds ten new citizen positions which the Board will appoint.
- Provides dedicated staff support through the Office of Emergency Management, including the position of a full-time volunteer and community outreach coordinator.
- Notes in the adoption of the budget, earlier in the meeting, two new merit positions were approved to support the Medical Reserve Corps.
- Requires a review and rewrite, if necessary, of the Council Bylaws to incorporate these recommendations.
- Requires the Council to provide an annual report to the Board.

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

Chairman Connolly encouraged Board Members to present their appointments in a timely fashion.

23. **A-4 – ENDORSEMENT OF A PREFERRED TRANSIT ALTERNATIVE FOR THE COLUMBIA PIKE CORRIDOR (MASON DISTRICT)**
(11:40 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the “Modified Streetcar Alternative” recommended in the Columbia Pike Transit Alternative Analysis as the preferred transit alternative for the Columbia Pike corridor to allow the project to advance to the next phase of project development in which the project team will develop a financial strategy and conduct an environmental review. With this endorsement, the County is not committing funds to this project, with the possible exception of project development funds set aside annually for member jurisdictions at the Washington Metropolitan Area Transit Authority for planning purposes. Supervisor Bulova seconded the motion.

Discussion ensued regarding the outreach efforts and report concerning this issue.

Chairman Connolly noted that this endorsement is moving the project to the next phase in which the project team will develop a financial strategy that comes back to the Board for review and approval.

Supervisor Gross noted that approximately 80 percent of the project is in Arlington County.

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

24. **I-1 – CONTRACT AWARD – MEDICAL CARE SERVICES FOR INMATES OF THE ADULT DETENTION CENTER** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated May 1, 2006, requesting authorization for staff to award a contract to Medland Health Care Services, PC, for medical care services for inmates of the Adult Detention Center.

The Board was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, the Board took additional action regarding this item. See Clerk’s Summary Item #26.)

25. **I-2 – INTERNATIONAL BUILDING SAFETY WEEK** (11:49 a.m.)

(NOTE: Earlier in the meeting, the Board took additional action regarding this issue. See Clerk's Summary Item #6.)

The Board next considered an item contained in the Board Agenda dated May 1, 2006, announcing that the Department of Public Works and Environmental Services, in observance of International Building Safety Week, May 7–13, 2006, is conducting a campaign to promote public awareness of building safety in the County.

26. **ADDITIONAL ACTION ON I-1 – CONTRACT AWARD – MEDICAL CARE SERVICES FOR INMATES OF THE ADULT DETENTION CENTER** (11:49 a.m.)

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See Clerk's Summary Item #24.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding the number of inmates being served. Without objection, it was so ordered.

27. **I-3 – CONTRACT AWARD – DIFFICULT RUN PUMP STATION FLOW DIVERSION STRUCTURE (DRANESVILLE DISTRICT)** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated May 1, 2006, requesting authorization for staff to award a contract to American Contracting and Environmental Services, Incorporated, in the amount of \$712,990 for the construction of Project I00351, Pump Station Renovations, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

28. **I-4 – CONTRACT AWARD – BURGOYNE FOREST WEST STATION –2 POND RETROFIT (MOUNT VERNON DISTRICT)** (11:50 a.m.)

The Board next considered an item contained in the Board Agenda dated May 1, 2006, requesting authorization for staff to award a contract to Sagres Construction Corporation in the amount of \$247,550 for the construction of Burgoyne Forest West Section –2 Pond Retrofit, Project Number PC8000, Pohick Creek Watershed Projects, Subproject PC001, Burgoyne Forest in Fund 318, Stormwater Management Program.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

29. **VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SIX-YEAR PLAN TESTIMONY** (11:50 a.m.)

Chairman Connolly provided the Board with copies of the draft testimony on the VDOT Six-Year Plan that he will be presenting at the Commonwealth Transportation Board's May 3 public hearing. He relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct him to present this testimony on its behalf. Without objection, it was so ordered.

Chairman Connolly announced that if Board Members have suggested changes to let him know.

30. **EMERGENCY MEDICAL SERVICES WEEK** (11:50 a.m.)

Chairman Connolly asked unanimous consent that the Board:

- Proclaim May 14-20, 2006, as "*Emergency Medical Services Week*," in Fairfax County.
- Direct staff to invite the appropriate representatives from the Department of Fire and Rescue to receive the proclamation at the May 15, 2006, Board meeting.
- Recognize personnel who have served as Emergency Medical Technicians (EMTs) for 20 years or more at the May 15 meeting.

Without objection, it was so ordered.

31. **ALL FAIRFAX READS** (11:51 a.m.)

Chairman Connolly noted that in 1998 a Seattle librarian launched a national initiative called "One Book, One City," which invited citizens from across the nation to read the same book, in an effort to encourage community engagement. The initiative was a huge success; hundreds of jurisdictions participated and greatly strengthened community unity. In a similar effort, the County Library, along with George Mason University and the Friends of the Reston Regional Library, will launch a similar effort this summer entitled "All Fairfax Reads." This is the third consecutive year of participating. The library selected Dai Sijie's *Balzac and the Little Chinese Seamstress* for the event.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize this initiative, and invite the appropriate representatives from the County Library and others to appear before the Board to receive a resolution recognizing this effort at the June 26 Board meeting. Without objection, it was so ordered.

32. **POLICE WEEK** (11:52 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim May 14-20, 2006, as “*Police Week*,” in Fairfax County and direct staff to invite the appropriate representatives from the Police Department to receive the proclamation at the May 15 Board meeting. Without objection, it was so ordered.

33. **THIRTY-FIFTH ANNIVERSARY FOR OPPORTUNITIES, ALTERNATIVES, AND RESOURCES (OAR)** (11:52 a.m.)

Noting that it is the thirty-fifth anniversary for OAR, Chairman Connolly asked unanimous consent that the Board direct staff to prepare a resolution to celebrate this anniversary and invite the appropriate representatives from OAR to be recognized with the resolution at the May 15 Board meeting. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for the May 15 meeting.

34. **RECOGNITION OF THE NORTHERN VIRGINIA TECHNOLOGY COUNCIL (NVTC) FOR ITS “ADOPT A CLUBHOUSE” CAMPAIGN** (11:53 a.m.)

Chairman Connolly announced that the NVTC’s Equal Footing Foundation began its “Adopt a Clubhouse” campaign in an effort to encourage area businesses to partner and fund computer clubhouses in the community, a cost effective way to have computer learning centers. NVTC received a special grant earmarked for the Reston Clubhouse through its relationship with Sprint Nextel. NVTC expects five other public companies to follow suit over the next six months. NVTC would like to present a check to the Board for \$31,000 for the clubhouse.

Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives from NVTC to appear before the Board to present the check and be recognized for their outstanding efforts at the May 15 Board meeting. Without objection, it was so ordered.

A brief discussion ensued regarding whether the check was designated for the Reston Clubhouse only.

35. **HEPATITIS AWARENESS DAY** (11:54 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim June 17 as “*Hepatitis Awareness Day*” in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board Alcohol and Drug Services Division, the Health Department, the Department of Fire and Rescue, and the Robinson Secondary School DECA Chapter to be presented with the proclamation at the June 5 Board meeting. Without objection, it was so ordered.

36. **DIRECT CARE WORKERS WEEK** (11:54 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim June 10–17 as “*Direct Care Workers Week*” in Fairfax County and direct staff to invite the appropriate representatives from the Long Term Care Coordinating Council to be recognized with the proclamation at the June 5, Board meeting. Without objection, it was so ordered.

37. **RESPONSIBLE FATHERHOOD WEEK** (11:54 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim June 17–23 as “*Responsible Fatherhood Week*” in Fairfax County and direct staff to invite representatives from the Fairfax Fatherhood Collaborative; Opportunities, Alternatives, and Resources (OAR); and the Office of the Sheriff to receive the proclamation at the June 5 Board meeting. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the number of presentations scheduled for the June 5 meeting.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

38. **SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2006-SU-003 (SULLY DISTRICT)** (11:55 a.m.)

Supervisor Frey stated that PNC Bank, NA filed Special Exception Application SE 2006-SU-003 to permit a drive-through bank located on the north side of Lee Highway, east of Route 28. The Planning Commission public hearing is scheduled for May, but may be deferred to address concerns raised by staff.

Supervisor Frey moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2006-SU-003 as soon as practicable after the Planning Commission recommendation and prior to the Board’s August recess. He noted that the applicant understands that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. This motion, the second to which was inaudible, carried by unanimous vote.

39. **SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2006-SU-006 (SULLY DISTRICT)** (11:56 a.m.)

Supervisor Frey said that the Colonial Pipeline Company filed Special Exception Application SE 2006-SU-006 to allow a petroleum product distribution station and an associated transmission pipeline on properties north of McLearen Road, west of Centreville Road. The use is permitted by right in the I-5 District; however, the distribution station and a portion of the pipeline are located on property that is zoned PDH. The facilities are needed to provide fuel to Dulles Airport, and the airport need is such that the application is very time sensitive. With the Planning Commission hearing scheduled for July 27, Supervisor Frey said that the applicant has requested a public hearing to be held before the Board on July 31.

Accordingly, Supervisor Frey moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2006-SU-006 to be held before the Board on July 31, 2006. He noted that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion, which carried by unanimous vote.

40. **SCHEDULING OF THE PUBLIC HEARING FOR SPECIAL EXCEPTION APPLICATION SE 2005-SU-031 (SULLY DISTRICT)** (11:57 a.m.)

Supervisor Frey stated that Special Exception Application SE 2005-SU-031 proposes to consolidate approximately 3.67 acres of C-8 land for the development of a drive-in bank, a drive-through pharmacy, and a small retail building for property located near the intersection of Lee Highway (Route 29) and Route 28. The four existing buildings will be removed for this development.

Supervisor Frey moved that the Board direct staff to schedule the public hearing for Special Exception Application SE 2005-SU-031 as soon as practicable prior to the Board's August recess. He noted that the applicant understands that this motion does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of the application in any way. Supervisor McConnell seconded the motion, which carried by unanimous vote.

41. **PROVIDENCE DISTRICT LAND USE SEMINARS** (11:59 a.m.)

Supervisor Smyth said that last week she started her second round of land use seminars. Staff from the Department of Information Technology and GIS spoke on the land use information that is currently available on the County's website and some of the pilot projects they are developing. She recommended their presentation for interested groups.

Supervisor Smyth announced two upcoming Providence District Land Use Seminars at Fairhill Elementary School, 3001 Chichester Lane, Fairfax, as follows:

- Affordable Housing Issues – Monday, May 8, 7:30 to 9:30 p.m.
- “The Private Sector’s Perspective of the Land Development Process” – Monday, May 22, 7:30 to 9:30 p.m.

Supervisor Smyth invited the Board, staff, and residents to these seminars and she asked unanimous consent that the Board direct the Office of Public Affairs to help publicize them. More information on the Land Use Seminar is available at www.fairfaxcounty.gov/providence/Land_Seminar.htm or by calling the Providence District Office at 703-560-6946. Without objection, it was so ordered.

42. **CULMORE CLEAN UP RECOGNITION (MASON DISTRICT)**
(11:59 a.m.)

Supervisor Gross announced that on Saturday, April 29, a large multi-ethnic coalition of non-profits, businesses, schools, community volunteers, and County agencies came together for the third annual clean up of Culmore. She said that the multi-ethnic effort included members and organizations within the Arab and Muslim, Hispanic/Latino, Korean, and the Vietnamese American Community. The organizations include Alternative House, Bailey’s Beautification Alliance, the Fairfax-Falls Church Community Services Board, Culmore Family Resource Center, Dar Al-Hijrah Islamic Center, the Woodrow Wilson Library, and her office. The sponsors and more than 135 volunteers worked together and expressed pride in their community by cleaning the public road sides from J.E.B. Stuart High School to Columbia Pike.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to invite the organizers, sponsors, supporters, and volunteers to appear before the Board to be recognized at an unspecified date for their community service. Without objection, it was so ordered.

43. **EARLY INTERVENTION AWARENESS MONTH** (12:01 p.m.)

With reference to her written Board Matter on the subject, Supervisor Gross asked unanimous consent that the Board proclaim the month of May as “*Early Intervention Awareness Month*” in Fairfax County and direct staff to invite the appropriate individuals to appear before the Board on May 15 to receive the proclamation. Without objection, it was so ordered.

44. **9 A.M. START FOR MAY 15 BOARD MEETING** (12:02 a.m.)

Following a query to Catherine A. Chianese, Assistant to the County Executive, regarding the scheduling on May 15, Chairman Connolly announced that the Board meeting on that day would begin at 9 a.m. and that the joint meeting with the Fairfax Area Disability Services Board would be rescheduled to begin at 8 a.m.

45. **REBUILDING TOGETHER** (12:02 p.m.)

Supervisor Gross announced that Rebuilding Together, formerly known as "Christmas in April," was held on Saturday, April 29. She noted that there were a number of projects held in the Mason District as well as around the County. She asked unanimous consent that the Board direct staff to invite the appropriate representatives of Rebuilding Together to appear before the Board to be recognized for their efforts at an unspecified meeting. Without objection, it was so ordered.

There was a brief discussion about this volunteer effort that preserves affordable housing and the need for more publicity.

46. **RESCISSION OF AUTHORIZATION FOR OUT-OF-TURN PLAN AMENDMENT (OTPA) S01-I-A1 (MASON DISTRICT)** (12:04 p.m.)

Supervisor Gross stated that OTPA S01-I-A1 was authorized by the Board on June 25, 2001, for Land Unit B of the Beltway South Industrial Area, which includes the Virginia Railway Express (VRE) station on Backlick Road. The plan amendment was indefinitely deferred due to land use compatibility issues. In 2005 Area Plan Review (APR) nomination 05-I-8A was submitted, and it entails redevelopment of the same area as the OTPA amendment. She said that if the OTPA is not rescinded, then the APR nomination cannot proceed without facing administrative barriers.

Accordingly, Supervisor Gross moved that the Board rescind authorization for OTPA S01-I-A1. Supervisor Bulova seconded the motion, which carried by unanimous vote.

47. **BIKE TO WORK DAY MAY 19** (12:05 p.m.)

Jointly with Supervisor Bulova and Supervisor Smyth, Supervisor Hudgins announced that on Friday, May 19, bicycle commuters in the Metropolitan Washington Area will celebrate Bike to Work Day. The County is participating in the event with rallies in Reston and Vienna and at the Government Center and the University Mall across from George Mason University. Each of the rally sites will have free breakfast and prizes.

Supervisor Hudgins said that the events are being organized by the Washington Area Bicyclist Association (WABA), the Metropolitan Washington Council of Governments (MWCOG), County Government, LINK of Reston, and others.

Accordingly, jointly with Supervisor Bulova and Supervisor Smyth, Supervisor Hudgins moved that the Board direct staff to prepare a proclamation designating Friday, May 19 as “*Bike to Work Day*” in Fairfax County and invite representatives of the Bike to Work Day Committee to appear before the Board to accept the proclamation on May 15. Supervisor Bulova seconded the motion.

Following a brief discussion regarding the need to expedite these presentations by limiting the introductions and the bad weather for the event last year, the question was called on the motion, which carried by unanimous vote.

48. **RECOGNITION OF POLICE OFFICER KATY FERNBACHER (DRANESVILLE AND HUNTER MILL DISTRICTS)** (12:07 p.m.)

Jointly with Supervisor DuBois, Supervisor Hudgins announced that on May 12, one of the Twenty-Sixth Annual Law Enforcement Awards presented by the United States (US) Attorney for the District of Columbia will be given to Crime Prevention Officer Katy Fernbacher. In July 2004 Officer Fernbacher, stationed at the Reston District Station, worked on a routine graffiti case in the Reston/Great Falls area. Having followed a number of leads, she identified a suspect using the tag “BORF.” The graffiti tagger worked throughout the US as well as internationally. The evidence obtained by Officer Fernbacher was used in the subsequent federal conviction of the tagger.

Accordingly, jointly with Supervisor DuBois, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Officer Fernbacher to appear before the Board to receive a certificate of recognition for her efforts in the conviction of the BORF graffiti artist. Without objection, it was so ordered.

49. **TRANSIT ORIENTED DEVELOPMENT (TOD) SEMINAR (HUNTER MILL DISTRICT)** (12:08 p.m.)

Supervisor Hudgins said that on Wednesday, May 3, the Hunter Mill District, Reston Association, Greater Reston Chamber of Commerce, Dulles Area Transportation Association, and the Dulles Corridor Rail Association will host a seminar entitled “Reston Present and Future: A Development and Transportation Update.” The seminar will profile the Reston community by examining the population and employment, future growth, and opportunities. Discussion will also focus on what TOD is and how it is implemented, as well as provide an update on the Wiehle Avenue and Reston Station Access Management Plan. The seminar will be held at the Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, from 6:30-9:30 p.m.

Accordingly, Supervisor Hudgins asked unanimous consent that the Board direct staff to assist in notifying the public and the appropriate media regarding this seminar. She distributed copies of the schedule for the event. Without objection, it was so ordered.

PMH:pmh

50. **BURKE LAKE PARK TRAIN (SPRINGFIELD DISTRICT)** (12:09 p.m.)

Supervisor McConnell announced that the Burke Lake Park train has a new engine.

51. **PINEY RUN DEVELOPMENT, LLC AND HILLTOP SAND AND GRAVEL COMPANY (LEE DISTRICT)** (12:10 p.m.)

Supervisor Kauffman said that Piney Run Development, LLC and Hilltop Sand and Gravel Company have been diligently pursuing Rezoning Applications RZ 2006-LE-002, RZ 2006-LE-003, and the accompanying Special Exception Applications SE 2005-LE-027 and SE-2005-LE-028. These cases have been reviewed and approved by the neighborhoods and are currently under review by the Lee District Land Use and Transportation Advisory Committee.

Supervisor Kauffman noted that these applications will allow for construction of high quality age-restricted residential units and will help address the increasing demand for senior housing in the County.

Therefore, Supervisor Kauffman moved that the Board direct staff to schedule a public hearing to be held before the Board on a date no later than July 31, 2006. This motion should not be construed as a favorable recommendation by the Board of these applications and does not relieve the applicant from compliance with any applicable standards or ordinance requirements in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

52. **CHESTERBROOK ELEMENTARY SCHOOL CELEBRATES ITS ONE HUNDREDTH ANNIVERSARY (DRANESVILLE DISTRICT)** (12:11 p.m.)

Supervisor DuBois said that in 1906 a one room schoolhouse began holding classes for elementary school students at the corner of Kirby Road and Linway Terrace in McLean. Now 100 years later, Chesterbrook Elementary School, is celebrating its centennial anniversary and 100 years of educating the youth of McLean.

To commemorate the occasion, the children, teachers, staff, and parents have made their history come alive by reaching out to former students and staff to share the memories of their time at Chesterbrook. The students have captured these memories in a videotape project entitled "Centennial Moments." In addition, staff and faculty have given the students a taste of what life was like in each of the past decades of the school's history. The programs began in January and will culminate with a community celebration on Saturday, June 17.

Therefore, Supervisor DuBois moved that the Board direct staff to invite Chesterbrook Elementary School Principal Bob Fuqua and the PTA president Jan McGoldrick to appear before the Board at its June 5 meeting to commemorate this milestone. Supervisor Bulova seconded the motion and it carried by unanimous vote.

53. **MR. BILL BERSIE'S RETIREMENT (DRANESVILLE DISTRICT)**
(12:12 p.m.)

(BACs) Supervisor DuBois said that on May 23, the McLean Community Center Governing Board will bid farewell to its director, Bill Bersie. For the last six years, the McLean Community Center has grown and flourished under his direction.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to prepare a certificate of recognition from the Board to be signed by the Chairman and Supervisor DuBois to be presented to Mr. Bersie at the celebration. Without objection, it was so ordered.

54. **GOVERNING BOARD OF THE McLEAN COMMUNITY CENTER (DRANESVILLE DISTRICT)** (12:13 p.m.)

(BACs) Supervisor DuBois announced that the following residents of Small District #1 of Dranesville have been successfully petitioned to become candidates and to have their names placed on the ballot for election to the Governing Board of the McLean Community Center at the election to be held on Saturday, May 20, 2006, from 9 a.m. until 5 p.m., at the Lewinsville Park, 1659 Chain Bridge Road.

Supervisor DuBois read into the record the names of the following candidates for the Governing Board of the McLean Community Center:

Adult Candidates:

- Katherine Armstrong
- Jan Auerbach
- Jennifer Bainbridge
- Sam Chappell
- Drew Clark
- Eddie Eitches
- Bari Levinstron
- David Sanders

- Edward Shahin

Youth Candidates:

- Hilary Sanders, Langley High School area
- Jessie Richardson, McLean High School area

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

55. **RECISSION OF OUT-OF-TURN PLAN AMENDMENT (OTPA) S04-I-A1 (BRADDOCK DISTRICT)** (12:14 p.m.)

Supervisor Bulova said that OTPA S04-I-A1 was authorized on October 18, 2004, for the commercial area west of the Annandale Community Business Center. The amendment was associated with the expansion of the Annandale Commercial Revitalization District (CRD). The proposed CRD expansion caused the indefinite deferral due to an affidavit issue. Rather than reactivate the deferred plan amendment and to give full consideration of two pending nominations for the same area (Area Plans Review items 05-I-12A and 15A), the Board should rescind authorization of the 2004 OTPA.

Therefore, Supervisor Bulova moved that the Board rescind authorization for the OTPA. Supervisor Gross seconded the motion and it carried by unanimous vote.

56. **BRADDOCK NIGHTS – FREE SUMMER CONCERTS** (12:15 p.m.)

Supervisor Bulova circulated the schedule for Braddock Nights, the free summer concert series beginning on Thursday evenings, 7:30 p.m. at Ossian Hall Park and Friday evenings, 7:30 p.m. at Royal Lake and Accotink Park.

57. **OUT-OF-TURN PLAN AMENDMENT (OTPA) FOR LORTON CENTER (MOUNT VERNON DISTRICT)** (12:16 p.m.)

Supervisor Hyland said that there is a three-acre parcel at the intersection of Lorton Road and Richmond Highway that has remained undeveloped for some time, even though its is zoned for commercial uses. Many different commercial uses have been proposed for the site. To date, none of these proposals have materialized into actual construction. Lorton Corner Associates, LLC, the current owner of the property, is now proposing to develop the site with a drive-in bank and a drive-through pharmacy. The current zoning and plan language would permit retail uses at a much greater floor area ratio than this new proposal. However, because drive-through uses are proposed, an OTPA would be required prior to obtaining special exceptions for these two uses.

Therefore, Supervisor Hyland moved that the Board authorize an OTPA to revise the plan text for sub-unit E4 of the LP2 Lorton-South Route 1 Community

Planning Sector. Supervisor McConnell seconded the motion and it carried by unanimous vote.

58. **ANNUAL MOUNT VERNON DISTRICT AWARDS COUNCIL DINNER**
(12:17 p.m.)

Chairman Connolly noted that he attended the annual Mount Vernon District Council Awards dinner.

59. **CORRESPONDENCE RECEIVED REGARDING THE BUDGET**
(12:18 p.m.)

(NOTE: Earlier in the meeting the Board adopted the Fiscal Year 2007 Budget. See Clerk's Summary Item #15.)

Chairman Connolly and Supervisor Gross reported on the correspondence that they received regarding the budget.

60. **INTENT TO DEFER THE PUBLIC HEARING ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MV-028 (SCOTT A. AND PHYLLIS P. CRABTREE) (MOUNT VERNON DISTRICT)** (12:19 p.m.)

Chairman Connolly announced the intent to defer the following public hearing:

- Special Exception Amendment Application SEA 2003-MV-028

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

61. **RECESS/CLOSED SESSION** (12:19 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. *Delbert J. Allen v. Fairfax County*, Civil Action No. 04-cv1540 (U.S. Dist. Ct. E.D. Va.)
2. *Board of Supervisors of Fairfax County and Kevin C. Greenlief (ex. rel) v. Named Owners of Certain Tax Map Nos.* (Hunter Mill District)
3. *National Amusements, Inc. v. Board of Supervisors of Fairfax County, Virginia*, At Law No. CL-2005-0007773 (Fx. Co. Cir. Ct.)(Lee District)
4. *Fairfax County Women Firefighters' Assoc., et al., v. Fairfax County, Virginia*, Civil Action No. 1:05cv784 (U.S. Dist. Ct. E.D. Va.)
5. In Re: Teligent, Inc., Chapter 11, Case No. 01-12974 (SMB) Savage and Associates, P.C., Unsecured Claims Estate Representative v. County of Fairfax, Virginia, Adversary Proceeding No. 03-03360 (U.S. Bankruptcy Court, Southern District of New York)
6. In Re: Verestar, Inc., Chapter 11, Case No. 03-18077 (ALG), Official Committee of Unsecured Creditors of Verestar, Inc., et al. v. Fairfax County, Virginia, Adversary Proceeding No. 05-03473 (U.S. Bankruptcy Court, Southern District of New York)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Vincent A. Tramonte, II, Robert C. Tramonte, Louise Ann Caruthers, Silvio Diana, and North Olde Towne Development Partners, LLC*, In Chancery No. CH-2005-0003362 (Fx. Co. Cir. Ct.) (Lee District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Silvio Diana and North Olde Towne Development Partners, LLC*, In Chancery No. CH-2005-0003463 (Fx. Co. Cir. Ct.) (Lee District)

9. *Concerned Citizens of Hollin Hall Village, et al. v. Fairfax County Board of Zoning Appeals*, Case No. CL-2006-0002456 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Bristow Shopping Center Limited Partnership LLP and Twochez and Company, Inc.*, In Chancery No. CH-2005-0003363 (Fx. Co. Cir. Ct.), and *Bristow Shopping Center v. Board of Zoning Appeals*, At Law No. CL-2005-0000109 (Fx. Co. Cir. Ct.) (Braddock District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Thuy T. Trinh and Think V. Luong*, In Chancery No. CH-2005-0003530 (Fx. Co. Cir. Ct.) (Mason District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Danny Bryant and Shannon Bryant*, Case No. CL-2006-0000217 (Fx. Co. Cir. Ct.) (Springfield District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. The 5408 Oakwood Road, LLC*, In Chancery No. CH-2005-0001230 (Fx. Co. Cir. Ct.) (Lee District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Dat Tien Nguyen*, In Chancery No. CH-2005-0005631 (Fx. Co. Cir. Ct.) (Providence District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Lake Braddock Community Association*, In Chancery No. CH-2004-0190724 (Fx. Co. Cir. Ct.) and *Lake Braddock Community Association v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, At Law No. CL-2004-0221687 (Fx. Co. Cir. Ct.) (Braddock District)
16. *William E. Shoup, Fairfax County Zoning Administrator v. Michael J. Reid and Karen L. Reid*, In Chancery No. CH-2004-0189961 (Fx. Co. Cir. Ct.) (Dranesville District)

17. *William E. Shoup, Fairfax County Zoning Administrator v. Barbara A. Rojas*, In Chancery No. CH-2005-0004102 (Fx. Co. Cir. Ct.) (Lee District)
18. *William E. Shoup, Fairfax County Zoning Administrator v. Veena Railan*, In Chancery No. CH-2005-0005083 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. Hector D. Toyos and Maria E. Toyos*, Case No. CL-2006-0003619 (Fx. Co. Cir. Ct.) (Lee District)
20. *William E. Shoup, Fairfax County Zoning Administrator v. Michael J. Koren*, Case No. CL-2006-0003693 (Fx. Co. Cir. Ct.) (Providence District)
21. *William E. Shoup, Fairfax County Zoning Administrator v. West Springfield Plaza Associates, LLC, SY West Spring Plaza, LLC, MY West Spring Plaza, LLC, Shahram Yavari, and Mehrdad Yavari*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
22. *William E. Shoup, Fairfax County Zoning Administrator v. Rodolfo F. Arca and Nicorita Arca*, Case No. CL-2006-0004781 (Fx. Co. Cir. Ct.) (Mason District)
23. *Board of Supervisors v. Jade Dunn Loring Metro, L.L.C., et al.*, Case No. CL-2005-0007838 (Fx. Co. Cir. Ct.) (Providence District)
24. *Board of Supervisors v. TRC Westfields II L.L.C., et al.*, At Law No. CL-2005-0005903 (Fx. Co. Cir. Ct.) (Sully District)
25. *Board of Supervisors v. NTW, Incorporated D/B/A NTB, and Safeco Insurance Company of America*, At Law No. CL-2005-0005948 (Fx. Co. Cir. Ct.) (Lee District)

26. *Board of Supervisors v. Star Enterprise, et al.*, At Law No. CL-2004-0222239 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Board of Supervisors v. Britt Construction, Inc., et al.*, Case No. CL-2006-0003854 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Virginia Code Section 2.2-4301

This motion, the second to which was inaudible, carried by unanimous vote.

PW:pw

At 3:28 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

62. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:28 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 Hyland and Supervisor Smyth 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."

63. **AUTHORIZATION TO SETTLE DELBERT J. ALLEN VERSUS FAIRFAX COUNTY, CIVIL ACTION NUMBER 04-CV-1540 (U.S. DIST. CT. E.D. VA.)** (3:29 p.m.)

Supervisor Gross moved that the Board authorize settlement in *Delbert J. Allen versus Fairfax County*, Civil Action No. 04-cv1540 (U.S. Dist. Ct. E.D. Va.), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland and Supervisor Gross jointly seconded the motion and it carried by unanimous vote.

64. **AUTHORIZATION TO SETTLE NATIONAL AMUSEMENTS, INCORPORATED VERSUS BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AT LAW NUMBER CL-2005-0007773** (3:29 p.m.)

Supervisor Kauffman moved that the Board authorize settlement in *National Amusements, Inc. v. Board of Supervisors of Fairfax County, Virginia*, At Law No. CL-2005-0007773, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote.

65. **AUTHORIZATION FOR COST OF DEFENSE IN FAIRFAX COUNTY WOMEN FIREFIGHTERS' ASSOCIATION, ET AL., VERSUS FAIRFAX COUNTY, VIRGINIA, ET AL.** (3:30 p.m.)

Supervisor Hyland moved that the Board authorize the Fire and Rescue Department to pay \$23,015, to be divided equally, to the Annandale Volunteer Fire Department, Incorporated, Bailey's Crossroads Volunteer Fire Department, Incorporated, Dunn Loring Volunteer Fire Department, Incorporated, Great Falls Volunteer Fire Department, Incorporated, and Lorton Volunteer Fire Department, Incorporated for the cost of their defense in *Fairfax County Women Firefighters' Association, et al. v. Fairfax County, Virginia, et al.*, according to the terms and conditions outlined by the County Attorney in closed session.

66. **AUTHORIZATION TO FILE LAWSUITS TO OBTAIN COURT PERMISSION TO ISSUE TAX REFUNDS IN CONNECTION WITH SMALL DISTRICT 5** (3:30 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to file 38 lawsuits to obtain court permission to issue tax refunds for tax years 1986 through 2005 to owners of 38 residential lots mistakenly included in and made subject to surcharge tax levies in connection with "Small District 5," as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion which carried by unanimous vote.

ADDITIONAL BOARD MATTER

67. **TRANSFERABLE DEVELOPMENT RIGHTS LEGISLATION IMPLEMENTATION** (3:31 p.m.)

Chairman Connolly noted that the Transferable Development Rights legislation passed in the General Assembly and will become effective July 1, 2006. He therefore relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide options for implementation within the next month or so. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

AGENDA ITEMS**68. 3 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-029 (NVP, INCORPORATED) (SULLY DISTRICT) (3:32 p.m.)**

The application property is located on the east side of Wharton Lane approximately 50 feet south of its intersection with Pickwick Road. Tax Map 54-4 ((1)) 23 and 54-4 ((4)) 3A.

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

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

Discussion ensued with input from Mr. Lawrence and Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), regarding:

- Excavation requirements.
- Completion of the recommendations from the Centreville Historic Task Force.
- Protection of the site from vandalism.
- Built in penalties.

ADDITIONAL BOARD MATTER**Welcome to Boy Scout Troop 20 from Rachel Carson Middle School (4:13 p.m.)**

Supervisor McConnell recognized the presence of Boy Scout Troop 20, from Rachel Carson Middle School, and the Board warmly welcomed them to the Board Auditorium.

Additional discussion ensued, with input from Ms. Strunk and Barbara A. Byron, Director, ZED, DPZ, regarding the proffers as they pertain to the protection and/or preservation of significant artifacts.

DET:det

Following the public hearing, which included testimony by seven speakers, discussion ensued, with input from Ms. Strunk, concerning readvertising the public hearing.

Supervisor Frey moved to defer this matter pending readvertisement of a new public hearing for Rezoning Application RZ 2004-SU-029 for **June 5, 2006, at 3 p.m.** Supervisor McConnell seconded the motion.

Discussion ensued with input from David P. Bobzien, County Attorney, concerning Board action on deferrals under Virginia law.

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

69. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-SU-032-02 (INOVA HEALTH CARE SERVICES) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-C-076-08 (INOVA HEALTH CARE SERVICES) (SULLY DISTRICT) (5:01 p.m.)

The application property is located south of Ox Trail, east of Rugby Road, north and south of Alder Woods Drive at 3500, 3600, 3650, 3676, 3700, and 3760 Joseph Siewick Drive and 3801 and 3807 Rugby Road. Tax Map 45-2 ((1)) 41B and 41L; 45-2 ((2)) 38, 39A, 39B, and 46A.

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

Chairman Connolly noted a disclosure made on the applicant's affidavit concerning a donation made by a political campaign committee to a political action committee (PAC). Discussion ensued with input from David P. Bobzien, County Attorney, who stated that the disclosure was not necessary.

Supervisor Hyland disclosed that he:

- Is a trustee on the Inova Health Care Services Board
- Received a campaign contribution in excess of \$100 from Inova Health Care Services

Supervisor McConnell disclosed that she:

- Is a trustee on the Inova Health System Foundation Board
- Received a campaign contribution in excess of \$100 from Stephen M. Cumbie, Inova Health System Foundation Board

Chairman Connolly disclosed:

- A campaign contribution from Citizens for Jim Scott to the Potomac PAC in excess of \$100

Supervisor Smyth disclosed:

- Receipt of complimentary tickets, the value of which was in excess of \$100, from Inova to its gala, a charitable event

Supervisor Gross disclosed:

- That she represents the County on the Inova Health Care Services Board

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

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

Supervisor Frey moved approval of Proffered Condition Amendment PCA 2000-SU-032-02, subject to the proffers dated January 31, 2006. Supervisor Smyth seconded the motion and it carried by unanimous vote.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 84-C-076-08, subject to the development conditions dated April 28, 2006.
- Reaffirmation of the modification of the transitional screening requirements and waiver of the barrier requirement to that shown on the Generalized Development Plan/Special Exception Amendment plat, as proffered.

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

70. **3 P.M. – PH ON SPECIAL EXCEPTION SE 2005-MA-034 (DANIEL E. NANNUCCI) (MASON DISTRICT) (5:11 p.m.)**

The application property is located at 6511 Braddock Road, Tax Map 72-1 ((1)) 14A.

Mr. Daniel E. Nannucci reaffirmed the validity of the affidavit for the record.

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

Supervisor Gross noted that this was identified as a public hearing to permit a car wash (auto detailing). Discussion ensued with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), regarding the Zoning Ordinance definition which does not provide a definition for an auto detailing shop. Ms. Abrahamson noted that the conditions are specific, however, to the auto detailing use, and there will not be a car wash *per se* on the site.

Following the public hearing, Jonathan Papp, Staff Coordinator, ZED, DPZ, presented the staff and Planning Commission recommendations.

Supervisor McConnell asked unanimous consent that the Board direct staff to review the ordinance to allow for a category such as detailing. Without objection, it was so ordered.

Supervisor Gross moved:

- Approval of Special Exception SE 2005-MA-034, subject to the development conditions dated April 28, 2006.
- Modification of the transitional screening and barrier requirements in favor of the existing conditions.

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

71. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-014 (ROBERT A. YOUNG OF BANNERWOOD INVESTMENTS, LLC) (MASON DISTRICT)** (5:18 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2005-MA-014 until **May 15, 2006, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by unanimous vote.

72. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-DR-009 (WINCHESTER HOMES, INCORPORATED) (DRANESVILLE DISTRICT)** (5:19 p.m.)

Supervisor DuBois moved to defer the public hearing on Rezoning Application RZ 2005-DR-009 until **May 15, 2006, at 3:30 p.m.** Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

73. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SU-002 (NAVY FEDERAL CREDIT UNION) (SULLY DISTRICT)**
(5:19 p.m.)

The application property is located at 5900 Centreville Road, Tax Map 54-4 ((1)) 72.

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

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

- In excess of \$100 from Burgess and Niple, Incorporated
- In excess of \$100 from Carson Lee Fifer, Jr. (McGuire Woods LLP)

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

Following the public hearing, John David Moss, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of SE 2006-SU-002, subject to development conditions dated April 6, 2006. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

74. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-022 (YUMA COURT LLC C/O LAWRENCE E. IRELAND) (MASON DISTRICT)**
(5:23 p.m.)

The application property is located at 5213 Yuma Court, Tax Map 72-3 ((11)) 81. Also under consideration will be the applicant's request for an exception number 1166-WRPA-001-1 under Section 118-6-9 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax for construction of a single-family detached dwelling within the Resource Protection Area.

Mr. Robert W. Nelson reaffirmed the validity of the affidavit for the record.

Mr. Nelson 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.

Discussion ensued with input from Carrie Lee, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, concerning allowing construction on a flood plain.

Following the public hearing, Ms. Lee presented the staff and Planning Commission recommendations.

Supervisor Gross moved **denial** of:

- Special Exception Application SE 2005-MA-022.
- Resource Protection Area Encroachment number 1166-WRPA-001-1.

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

Supervisor Gross submitted items for the record.

75. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-MV-028 (SCOTT A. AND PHYLLIS P. CRABTREE) (MOUNT VERNON DISTRICT)** (5:35 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 2002-MV-028 until **June 5, 2006, at 3 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

76. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-030 (CONCORDIA MASON, LLC) (MASON DISTRICT)** (5:35 p.m.)

- (O) The application property is located in the northeast and southeast quadrants of the intersection of Opah Street and Lacy Boulevard. Tax Map 61-4 ((1)) 93 and 93A; 61-4 ((18)) 11, 12, and 13 and portions of Opah Street public rights-of-way to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Opah Street to proceed under Section 15.2 –2272 (2) of the *Code of Virginia*.]

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

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

- In excess of \$100 from William J. Collins, manager/member of the applicant, Concordia Mason, LLC

- In excess of \$100 from Paul C. Norman, Jr., member of the applicant, Concordia Mason, LLC

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

- In excess of \$100 from William J. Collins, manager/member of the applicant, Concordia Mason, LLC
- In excess of \$100 from Paul C. Norman, Jr., member of the applicant, Concordia Mason, LLC

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

- In excess of \$100 from William J. Collins, manager/member of the applicant, Concordia Mason, LLC
- In excess of \$100 from Paul C. Norman, Jr., member of the applicant, Concordia Mason, LLC

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

- In excess of \$100 from William J. Collins, manager/member of the applicant, Concordia Mason, LLC
- In excess of \$100 from Steven B. Alloy through the Shelter Pac, before it was the Shelter PAC

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

- In excess of \$100 from The Concordia Group, LLC (which members are William J. Collins and Paul C. Norman, Jr.)

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.

Discussion ensued concerning the availability of guest parking with input from John David Moss, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ).

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova, and asked unanimous consent that the Board direct staff to address the growing concern by

the Board that County regulations do not adequately address the issue. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion continued with input from Barbara A. Byron, Division Director, ZED, DPZ, concerning parking allowances for this application.

Following the public hearing, Mr. Moss presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MA-030, from the R-3 District to PDH-8 District, subject to the proffers dated April 20, 2006.
- Modification of the trail requirement along Lacy Boulevard in favor of the five-foot wide concrete sidewalk.
- To direct the Director of the Department of Public Works and Environmental Services to approve a modification of a Category 1 public street design, as set forth in the Public Facilities Manual, in favor of that shown on the Conceptual/Final Development Plan.

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

On March 15, 2006, the Planning Commission approved Final Development Plan FDP 2005-MA-030.

77.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 83-P-107-4 (LINCOLN PROPERTY COMPANY SOUTHWEST, INCORPORATED) (SPRINGFIELD DISTRICT)
(5:51 p.m.)

The application property is located in the northwest quadrant of the intersection of West Ox Road and Monument Drive, Tax Map 46-3 ((1)) 24A.

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

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

Discussion ensued concerning permit parking on a private street, with input from Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), concerning proffer numbers 52 and 53 addressing parking restrictions within Fairmount Condominiums. There was additional discussion regarding a key access gate or an automatic arm.

Following the public hearing, which included testimony by four speakers, Mr. Shriber presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 83-P-107-4, subject to the proffers dated March 16, 2006.
- Approval of Waiver of WPFM Section 060303-8 to permit the use of an underground water quantity and quality control facility in a residential area, subject to the development conditions dated December 8, 2005.
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the loading space requirement.
- Waiver of the transitional screening and barrier requirements between uses in a PDC District.
- Modification of the transitional screening and barrier requirements along the eastern property boundary.
- Modification of the use limitations for PDC Districts to permit the gross floor area of residential uses to exceed 50 percent of the gross floor area of principals.
- Waiver of the trail requirement along portions of Lee Jackson Memorial Highway and West Ox Road, as depicted on the Conceptual Development Plan/Final Development Plan.

Supervisor Frey seconded the motion.

Chairman Connolly restated that there was an explicit commitment to provide the signage to the community in terms of no parking/private property. Discussion continued with input from Barbara A. Byron, Division Director, ZED, DPZ,

concerning imposing a Conceptual Development Plan (CDP) condition for the gate.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to:

- Add a conceptual development condition requiring the applicant to work with the community to re-extend the offer to provide, at its expense, a gate for, or an arm for, the community.
- Require that the applicant continue to work with the community on the two issues that the community expressed most concern about: traffic impact and to ensure a smooth working relationship so that outsiders were not taking parking spaces in the community. There must be an ongoing mechanism for working out those issues between the applicant, the community, and the signage that would entail.

This was accepted.

Following a question concerning the maintenance of a gate or arm, Chairman Connolly noted that there would be negotiations between the applicant and the community on those other outstanding issues.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

On March 16, 2006, the Planning Commission approved Final Development Plan Amendment FDPA 83-P-107-03, subject to the development conditions contained in Appendix 2 of the staff report.

78.

4 P.M. – PH ON PROPOSED PLAN AMENDMENT S05-IV-LP2, LOCATED IN SOUTHEASTERN FAIRFAX COUNTY WEST OF SHIRLEY HIGHWAY AND NORTH OF THE OCCOQUAN RIVER (MOUNT VERNON DISTRICT) (6:31 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 April 13 and April 20, 2006.

Charlene Fuhrman-Schulz, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Hyland moved that the Board adopt the Planning Commission alternative for proposed Plan Amendment S05-IV-LP2 as

recommended on April 20, 2006, with the modification shown in his handout dated May 1, 2006. The modification adds text concerning the reservation of right-of-way for Hooes Road that was inadvertently deleted. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

79. **4 P.M. – PH ON PROPOSED PLAN AMENDMENT S03-III-DS1, LOCATED EAST OF ROUTE 28, NORTH AND SOUTH OF THE AIR AND SPACE MUSEUM PARKWAY (SULLY DISTRICT)** (6:38 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 April 13 and April 20, 2006.

Charlene Fuhrman-Schulz, Planner III, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved approval of proposed Plan Amendment S03-III-DS1, as recommended by staff and modified by the Planning Commission at its April 20, 2006, meeting. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

ADDITIONAL BOARD MATTER

80. **INCLUSION OF A PORTION OF BARNSFIELD ROAD WITHIN THE LAND AREA OF THE REZONING APPLICATION RZ 2003-SU-035 (SULLY DISTRICT)** (6:48 p.m.)

(NOTE: Earlier in the meeting, the Board approved Proposed Plan Amendment S03-III-DS1. See Clerk's Summary Item #79.)

Supervisor Frey stated that since the Board had approved Plan Amendment S03-III-DS1, there was a follow-on Rezoning Application RZ 2003-SU-035, that has been filed and actively worked on by staff. He said that there was a need to vacate or abandon Barnsfield Road (Route 763) across from Franklin Farm Road.

Supervisor Frey moved that the Board authorize:

- The inclusion of approximately 1.54667 acres of right-of-way for a portion of Barnsfield Road within the land area of Rezoning Application RZ 2003-SU-035. The right-of-way areas to be included are adjacent to Tax Map parcels 34-2 ((1)) 2, 3A, 8, 10A, and 27.

- The County Executive to act as the agent for the Board in connection with this matter and with Rezoning Application RZ 2003-SU-035.

Supervisor Frey stated that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not predetermine or prejudice the consideration of the rezoning applications or future abandonment/vacation requests in any way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

AGENDA ITEMS

81. **4 P.M. – PH ON THE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MODIFICATION OF CERTAIN FENCE AND YARD REQUIREMENTS IN CONJUNCTION WITH OTHER DEVELOPMENT APPLICATIONS AND ACCESSORY STRUCTURE HEIGHT MEASUREMENT** (6:50 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 April 13 and April 20, 2006.

During the public hearing, Chairman Connolly raised questions concerning:

- The Board's consideration of these amendments.
- The Supreme Court of Virginia's ruling in the *Cochran, et al. versus Fairfax County Board of Zoning Appeals, et al.*, At Law Number 207043.

Discussion ensued with input from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, and Jan L. Brodie, Assistant County Attorney.

Ms. Pesto presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) regarding modification of certain fence and yard requirements in conjunction with other development applications and accessory structure height measurement. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Kauffman being out of the room.

82. **4:30 P.M. – PH FOR THE CREATION/ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR VACUUM LEAF COLLECTION SERVICE (DRANESVILLE, MASON, PROVIDENCE, AND MOUNT VERNON DISTRICTS)** (7:12 p.m.)

(Rs) 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 April 13 and April 20, 2006.

Terry Czarney, Petition Coordinator, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

During the public hearing, discussion ensued, with input from Jeff Smithburger, Director, Solid Waste Collection and Recycling, DPWES, regarding the County's fees.

Following the public hearing, which included testimony by two speakers, Supervisor DuBois moved adoption of the Resolutions for the Dranesville, Mason, Providence, and Mount Vernon Districts in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts, **with the exception of Small District 7 within Dranesville District (Hilltop Place)***. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Kauffman being out of the room.

Supervisor DuBois moved to deny the Small District 7 within Dranesville District (Hilltop Place) Resolution. Supervisor Smyth seconded the motion.

Following a discussion regarding the motion, Supervisor DuBois amended her motion to defer the decision until June 5, 2006, and this was accepted.

Discussion ensued with input from Mr. Smithburger concerning leaf collection.

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

The staff recommendation was as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Staff Recommendation</u>
Local District 1A21 Within Small District 1 Within Dranesville District (Elizabeth Drive)	Enlarge 21 Units	Refuse, Recycling, and Leaf	Approve
Small District 7 Within Dranesville District (Hilltop Place)	Enlarge 20 Units	Refuse, Recycling, and Leaf	*Approve
Local District 1A11 Within Small District 1 Within Dranesville District (Oak Lane)	Enlarge 24 Units	Refuse, Recycling, and Leaf	Approve
Small District 4 Within Mason District (6475 Overlook Drive)	Enlarge 1 Unit	Refuse, Recycling, and Leaf	Approve
Small District 1 Within Mason District (Seven Oaks)	De-Create/ Re-Create 47 Units	Refuse, Recycling, and Leaf	Approve
Small District 11 Within Mason District (Seven Oaks)	Create 47 Units	Refuse and Recycling	Approve
Small District 11 Within Providence District (8028 Idylwood Road)	Enlarge 1 Unit	Refuse and Recycling	Approve
Local District 1B Within Small District 1 Within Mount Vernon District (Custis Street)	Enlarge 23 Units	Refuse, Recycling, and Leaf	Approve

83. **4:30 P.M. – PH ON THE FALLS CHURCH/JAMES LEE/SOUTHGATE NEIGHBORHOOD IMPROVEMENT PROGRAM AND CONSERVATION PLAN AS REVISED AND UPDATED (PROVIDENCE DISTRICT)** (7:28 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 April 13 and April 20, 2006.

Audrey Spencer-Horsley, Associate Director, Grants Management, Real Estate Finance and Grant Management Division, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Smyth moved approval of the Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan dated March 1, 2006.

Supervisor Smyth noted that due to advertising issues, it will be necessary to readvertise this item to include additional details.

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

84. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE STONE ROAD IMPROVEMENT PROJECT (SULLY DISTRICT)** (7:36 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 April 13 and April 20, 2006.

Lisa Glass, Right-of-Way Agent, Land Acquisition Division, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Frey moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 008801, Stone Road, in Fund 301, Contributed Roadway Improvement Fund. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Kauffman being out of the room.

85. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:41 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 April 13 and April 20, 2006.

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.

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

- Ms. Priscilla Delean regarding homelessness in the County.
- Mr. Jim McDonald regarding Guest Worker Programs (H1B Visas).

86. **BOARD ADJOURNMENT** (7:49 p.m.)

The Board adjourned.

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