



# ***CLERK'S BOARD SUMMARY***

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

**MONDAY  
June 5, 2006**

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**13-06**

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**PW:pw**

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, June 5, 2006, at 9:02 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 Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 9:06 a.m.

Supervisor Elaine McConnell, Springfield District, arrived at 12:57 p.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Angela Schauweker, Management Analyst, Office of the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors;

Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise Scott, Deputy Clerk to the Board of Supervisors.

### **BOARD MATTER**

1. **MOMENT OF SILENCE** (9:02 a.m.)

Supervisor Hyland asked everyone to keep in thoughts the family of Ms. Ruth Nesselrodt who died recently.

Supervisor Frey noted that this was the first Board meeting since Master Police Officer Michael E. Garbarino succumbed to injuries sustained in the May 8, 2006, assault on the Sully District Police Station and asked to keep his family in thoughts.

### **AGENDA ITEMS**

2. **PRESENTATION OF THE COLORS BY THE ARMY CONTINENTAL COLOR GUARD AND AN ELEMENT OF THE OLD GUARD FIFE AND DRUM CORPS** (9:04 a.m.)

The Army Continental Color Guard presented the colors while the Old Guard Fife and Drum Corps performed.

3. **PROCLAMATION TO DESIGNATE JUNE 7-14, 2006, AS "UNITED STATES ARMY WEEK" IN FAIRFAX COUNTY** (9:05 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 7-14, 2006, as "*United States Army Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE 2006 LORD AND LADY FAIRFAX HONOREES** (9:12 a.m.)

Chairman Connolly moved approval of the Certificates of Recognition presented to the 2006 Lord and Lady Fairfax honorees, as follows:

Chairman At-Large

- Ms. Linda Wimpey
- Mr. William Edward "Ed" Pickens, III

Braddock District

- Ms. Sande Pfalzgraf
- Mr. Joseph “Joe” Jozefczyk

Dranesville District

- Ms. Laura Price
- Mr. Michael O’Reilly

Hunter Mill District

- Ms. Liz Knapp
- Mr. James “Jim” Keifer

Lee District

- Ms. Lula Bauer
- Mr. Willard “Will” O. Jasper

Mason District

- Ms. Rachel Rifkind
- Mr. Arthur Andrew Lopez

Mount Vernon District

- Ms. Susan Aheron Magill
- Mr. Mack B. Rhoades, Jr.

Providence District

- Ms. Jeanette Stewart
- Mr. Robert “Bob” Adams

Springfield District

- Ms. Katheryn Zupan
- Mr. Roger Sims, III

Sully District

- Ms. Meg Crossett
- Mr. Marvin Powell

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

Christopher Welker, Chair, Celebrate Fairfax, Incorporated, Board of Directors, made a brief presentation outlining the upcoming events at Celebrate Fairfax, June 9-11, 2006, as well as an introduction of other board members and event sponsors.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO YOUTH WHO PARTICIPATED IN FAIRFAX FAMILIES CARE** (9:42 a.m.)

Chairman Connolly moved approval of the Certificate of Recognition presented to the youth who participated in Fairfax Families Care to ensure assistance for those affected by Hurricane Katrina who were relocating to the County. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **RESOLUTION TO CONGRATULATE CHESTERBROOK ELEMENTARY SCHOOL ON ITS ONE HUNDREDTH ANNIVERSARY** (9:57 a.m.)

Supervisor DuBois moved approval of the Resolution congratulating Chesterbrook Elementary School on its one hundredth anniversary. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor McConnell not yet having arrived.

**ADDITIONAL BOARD MATTER**

7. **ABSENCE OF SUPERVISOR McCONNELL (SPRINGFIELD DISTRICT)** (10:05 a.m.)

Chairman Connolly announced that Supervisor McConnell would be arriving later in the day because of a personal emergency.

**AGENDA ITEMS**

8. **PROCLAMATION DESIGNATING JUNE 24, 2006, AS “GIRL POWER DAY” IN FAIRFAX COUNTY** (10:05 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate June 24, 2006, as “*Girl Power Day*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois being out of the room, Supervisor McConnell not yet having arrived.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE MANTUA CITIZENS ASSOCIATION** (10:10 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to members of the Mantua Citizens Association for organizing a Senior Citizens Issues Forum. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell not yet having arrived.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE EXECUTIVE COMMITTEE OF A HISTORY PROJECT, A LOOK BACK AT BRADDOCK** (10:16 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to the executive committee of a history project, *A Look Back at Braddock*, for its work on this initiative. Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Frey being out of the room, Supervisor McConnell not yet having arrived.

Gilbert Donahue, Author and Chair, Historical Materials Committee, gave a brief presentation of the resulting publication of the project, *Braddock’s True Gold, 20<sup>th</sup> Century Life in the Heart of Fairfax County*. Supervisor Bulova noted that the publication was now for sale in the County’s Maps and Publications Center.

11. **PROCLAMATION DESIGNATING JUNE 10-17, 2006, AS “DIRECT CARE WORKERS WEEK” IN FAIRFAX COUNTY** (10:29 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate June 10–17, 2006, as “*Direct Care Workers Week*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **PROCLAMATION DESIGNATING JUNE 17, 2006, AS “HEPATITIS AWARENESS DAY” IN FAIRFAX COUNTY** (10:39 a.m.)

Supervisor Frey moved approval of the Proclamation to designate June 17, 2006, as “*Hepatitis Awareness Day*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

13. **PROCLAMATION DESIGNATING JUNE 17-23, 2006, AS “RESPONSIBLE FATHERHOOD WEEK” IN FAIRFAX COUNTY** (10:45 a.m.)

Supervisor Kauffman moved approval of the Proclamation to designate June 17-23, 2006, as “*Responsible Fatherhood Week*” in Fairfax County. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

**DS:ds**

14. **ADMINISTRATIVE ITEMS** (10:50 a.m.)

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

Supervisor Kauffman called the Board’s attention to Admin 3 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding Civil Penalties for Zoning Violations and discussion ensued, with input from Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning, regarding the fee for zoning violations.

Supervisor Hudgins called the Board’s attention to Admin 6 – Authorization for the Fairfax-Falls Church Community Services Board (CSB) to Apply for and Accept Child and Family Services System of Care Demonstration Project Grant Funding and discussion ensued regarding the grant.

Supervisor Frey called the Board’s attention to Admin 8 – Authorization to Advertise a Public Hearing on Proposed Transportation Enhancement Program Projects and discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation (DOT), regarding the timing of the public hearing and the deadline for submissions.

Further discussion ensued, with input from Mr. Biesiadny and Jay Guy, Transportation Planner, DOT, regarding workshops sponsored by the Virginia Department of Transportation for individuals interested in proposing enhancement programs.

Supervisor Gross called the Board's attention to Admin 11 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 43.1 (Food And Food Service Establishments) and discussion ensued with input from Thomas Crow, Director, Division of Environmental Health, Health Department, and Cassandra Mitchell-Baker, Supervisor, Food Safety Section, Division of Environmental Health, Health Department, regarding the town hall forums which were recently conducted with invited representatives of the food service industry, all regulated food establishments, consumers, and regulators to discuss any issues of concern on public health and the food industry.

Further discussion ensued, with input from Mr. Crow, regarding:

- Page 20 of the Board Agenda Item, bulleted item number 3, concerning the option for freezing to control parasites and an exemption of aquacultured fish, and whether it addresses the issue that some of the Korean Restaurants were having about the way they serve raw fish.
- The proposed elimination of County health inspections of mini-marts and convenience stores.

Chairman Connolly expressed concern over reducing the annual inspections from three to one. (Currently, the State Department of Agriculture performs one annual inspection and the County performs two.)

Supervisor Bulova asked unanimous consent that the Board direct staff to provide, prior to the public hearing, a comparison of inspection violations for convenience stores versus other types of food establishments. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Mitchell-Baker, and Libby Busenlehner, Program Manager, Division of Environmental Health, Health Department, regarding the food temperature controls.

Discussion ensued, with input from Mr. Crow, regarding whether recommendations have been received from the Health Care Advisory Board.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to, prior to the public hearing, provide the findings and recommendations of the Health Care Advisory Board. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth called the Board's attention to Admin 17 – Authorization to Advertise Proposed Amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Articles 1 and 2, Regarding the Board of Building and Fire Code Appeals, Property Maintenance Provisions, and Certain Permit Fees, Including Those for Amusement Ride Permits and discussion ensued with input from Ray Pylant, Building Official, Department of Public Works and Environmental Services, regarding the demolition fees.

The question was called on the motion to approve the Administrative Items and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell not yet having arrived.

**ADMIN 1 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-MV-017, PROVIDENT BANKSHARES CORPORATION T/A PROVIDENT BANK (MOUNT VERNON DISTRICT)**

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 2003-MV-017, Provident Bankshares Corporation T/A Provident Bank, to October 20, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-110-4, VERESTAR, INCORPORATED (MASON DISTRICT)**

- (AT) Approved six months of additional time to commence construction for Special Exception Amendment Application SEA 85-L-110-4, Verestar, Incorporated, to October 22, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CIVIL PENALTIES FOR ZONING VIOLATIONS**

- (As) (R) (NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

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), to increase the civil penalties for any one zoning violation from \$100 to \$250 for the first violation, and from \$250 to \$500 for subsequent violations arising from the same set of operative facts.

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (MOUNT VERNON AND SULLY 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-Y06-8                | T-Mobile Northeast LLC<br>Antenna co-location on existing<br>53-foot wood utility pole<br>VDOT right-of-way (adjacent to<br>14710 Braddock Road)<br>Sully District       | August 14, 2006 |
| 2232-Y06-9                | T-Mobile Northeast LLC<br>Antenna co-location on existing<br>53-foot wood utility pole<br>14502 Braddock Road (Sully Station<br>Community Association)<br>Sully District | August 14, 2006 |
| FS-Y06-17                 | Fiber Tower<br>Antenna co-location on existing<br>200-foot tower<br>10112 Furnace Road<br>Mount Vernon District  | August 15, 2006 |
| FS-V06-16                 | Nextel Communications of the Mid-<br>Atlantic, Incorporated<br>Existing 140-foot tower<br>14510 Mount Olive Road<br>Sully District                                       | August 20, 2006 |

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) DISTRICT 14 (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Annandale RPPD, District 14.

The proposed District expansion includes the following street blocks:

- Heritage Drive (Route 2630) from Erie Street (Route 2629) to Barr Place (Route 3620)
- Barr Place south side from Heritage Drive to the end

**ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT CHILD AND FAMILY SERVICES SYSTEM OF CARE DEMONSTRATION PROJECT GRANT FUNDING**

(NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized the CSB to apply to and accept funding of \$475,000 from the Office of Comprehensive Services and the Department of Mental Health, Mental Retardation and Substance Abuse for a grant designed to support incarcerated youth returning to the community.

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE), SECTIONS 41.1-1-1 AND 41.1-2-7, CONCERNING DANGEROUS AND VICIOUS DOGS**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 26, 2006, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), Sections 41.1-1-1 and 41.1-2-7, concerning dangerous and vicious dogs, to reflect amendments to State law. The proposed amendments delete the provisions of the ordinance that will be covered under the new State law and add local criminal penalties for certain violations of the State law as allowed by State law.

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS**

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 6.)

Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2006, at 4:30 p.m.** to solicit comments and input on the proposed Fiscal Year 2008 Transportation Enhancement Program projects.

**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06078 FOR THE FAIRFAX COUNTY DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) 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 NATIONAL CAPITAL REGIONS (NCR) FIRST RESPONDERS CREDENTIALING PROGRAM**

- (SAR) Approved SAR AS 06078 in the amount of \$500,000 for DIT to accept a DHS UASI Sub-Grant Award from the DC Office of the Deputy Mayor for Public Safety and Justice. These funds will be used by DIT to evaluate existing credentialing procedures, systems, and capabilities in the NCR's 18 jurisdictions and the supporting functions in the states of Maryland and Virginia. These funds will also be used to make recommendations as to how to make the jurisdictions' existing processes, future plans, and systems compliant with the Federal Standard FIPS 201 and interoperable process for authentication of responders through a common credentialing program in the NCR. The project shall be implemented in accordance with the grant program guidance documents. No local cash match or in-kind match is required.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPROVEMENTS TO ROUTE 123 (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 31, 2006, at 4 p.m.** to consider the conveyance of County-owned property to VDOT for improvements to Route 123.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 43.1 (FOOD AND FOOD SERVICE ESTABLISHMENTS)**

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 7.)

Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 43.1 (Food and Food Service Establishments). These amendments reflect agreed upon changes as a result of a dialogue with the industry, consumer groups, and regulators.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO RESTRICT CUT-THROUGH TRAFFIC ON LENORE LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **July 10, 2006, at 4 p.m.** to consider a proposal to restrict cut-through traffic on Lenore Lane as part of the R-TAP. The proposed restriction consists of the closure of Lenore Lane just east of Telegraph Road.

**ADMIN 13 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON FRANKLIN STREET, KINCROSS CIRCLE, AND COBRA DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE AND SULLY DISTRICTS)**

- (R)
- Adopted the Resolution endorsing the installation of “Watch for Children” signs at the following locations as part of the R-TAP:
    - Franklin Street (Lee District)
    - Kincross Circle (Sully District)
    - Cobra Drive (Sully District)
  - Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

**ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), SECTION 82-5-32, STOPPING, STANDING, AND PARKING**

(BACs)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 26, 2006, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-32, Stopping, Standing, and Parking, to establish a Trespass Towing Advisory Board.

**ADMIN 15 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-V-005, WILLIAM A. KINDER (MOUNT VERNON DISTRICT)**

- (AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 01-V-005, William A. Kinder, to January 26, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 16 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS TO ASSIST THE LORTON ARTS FOUNDATION, INCORPORATED**

(R)

(BONDS)

Adopted the Resolution requesting the EDA to issue up to \$27.5 million revenue bonds to assist the Lorton Arts Foundation, Incorporated.

**ADMIN 17 – AUTHORIZATION TO ADVERTISE PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLES 1 AND 2, REGARDING THE BOARD OF BUILDING AND FIRE CODE APPEALS, PROPERTY MAINTENANCE PROVISIONS, AND CERTAIN PERMIT FEES, INCLUDING THOSE FOR AMUSEMENT RIDE PERMITS**

(A)

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

Authorized the advertisement of a public hearing to be held 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 61 (Building Provisions), Articles 1 and 2, to revise existing language to reflect recent Board action related to property maintenance provisions and update existing language and amusement ride fees to conform to the Virginia Uniform Statewide Building Code.

15.

**A-1 – APPROVAL TO ALLOCATE STATE AID FOR THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION PARKING FACILITY (BRADDOCK DISTRICT)** (11:14 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Kauffman, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and approved allocating up to \$5,570,974 in State aid funds available at the Northern Virginia Transportation Commission for the Burke Centre VRE station parking facility for purposes of bidding the project.

16.

**A-2 – ENDORSEMENT OF RECOMMENDATIONS ON THE CAPITAL BELTWAY FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) (DRANESVILLE, BRADDOCK, MASON, AND PROVIDENCE DISTRICTS)** (11:15 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and approve a draft letter, signed by the Chairman on behalf of the Board, to Secretary Homer transmitting the comments outlined in the Board Agenda Item dated June 5, 2006, to the Virginia Department of Transportation on the FEIS for the widening of the Capital Beltway. Supervisor DuBois seconded the motion.

Supervisor DuBois asked to amend the motion to add the following text to Bullet 3 of the staff recommendation:

- “Without a continuation of the hot lanes into Maryland, the Board supports a phased construction of the northern terminus constructed to minimize the impact on local roads and residential communities in the vicinity of the current terminus at Georgetown Pike.”

Following discussion, with input from Katharine D. Ichter, Director, Department of Transportation, the amendment was accepted.

Discussion ensued, with input from Ms. Ichter, regarding the Route 123 interchange.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board reaffirm the previous position of the Board regarding the importance of High Occupancy Toll (HOT) lanes. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Douglas MacTavish, staff, Capital Projects Section, DOT, regarding HOT lanes.

Supervisor Hudgins asked unanimous consent that the Board direct staff to ensure the integration of the Dulles Toll Road in coordinating this proposal. Without objection, it was so ordered.

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

17. **A-3 – FAIRFAX COUNTY’S COMMENTS REGARDING THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S (WMATA) PROPOSED FISCAL YEAR 2007 OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM** (11:22 a.m.)

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

- Endorse the comments as outlined in the Board Agenda item.
- Direct staff to transmit the comments to WMATA.

Supervisor Hudgins seconded the motion.

Discussion ensued regarding the importance of cost containment, with input from Todd Wigglesworth, Senior Transportation Planner, Coordination and Funding Division, Department of Transportation.

Supervisor Hyland asked to amend the motion to defer action on this item and direct staff to prepare a letter, for the Chairman's signature, through the County's two representatives, to be sent to WMATA, to raise questions about the:

- Increase that the County is being asked to support.
- Expansion of service.

Following a brief discussion, Supervisor Hyland amended his motion that staff be directed to enter into dialogue with WMATA officials, with Supervisor Hudgins and Supervisor Kauffman representing the Board, and report within six months with a detailed plan of cost containment.

Supervisor Kauffman announced that the Planning and Development Committee will be meeting in the early part of July to discuss the Rail to Dulles project. He expressed that having a letter in hand in time for that discussion would be helpful.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to draft the letter, for his signature on behalf of the Board, at the earliest possible date. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

18. **A-4 – AUTHORIZATION TO REALLOCATE AND DISBURSE FUNDS FROM FUND 144, HOUSING TRUST FUND, AND FUND 319, THE PENNY FOR AFFORDABLE HOUSING FUND, FOR THE ACQUISITION AND PRESERVATION OF 13 UNITS AT LEGATO CORNER CONDOMINIUMS (SPRINGFIELD DISTRICT)** (11:33 a.m.)

On motion of Supervisor Hudgins, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor McConnell not yet having arrived, the Board concurred in the recommendation of staff and approved the reallocation of \$195,000 from Fund 144, Housing Trust Fund and \$961,525 from Fund 319, The Penny for Affordable Housing Fund, to be used as interim financing to purchase the 13 units in Legato Corner Condominiums until permanent financing can be arranged. As part of the permanent financing, \$265,766 from Fund 319, and \$93,889 from Fund 144, will remain in the project as subsidy.

19. **A-5 – REPORT AND RECOMMENDATIONS FROM THE INTERAGENCY COMMITTEE REGARDING BARRIERS IN PUBLIC TRANSPORTATION SERVICES FOR PEOPLE WITH DISABILITIES**  
(11:34 a.m.)

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

- Identify seniors and people with disabilities to participate in on-going sensitivity training classes for FAIRFAX CONNECTOR and FASTRAN operators and staff.
- Implement a “mystery rider” program in which a staff member rides the service anonymously to monitor FAIRFAX CONNECTOR, FASTRAN, Seniors-on-the-Go, and taxicab street operations, with particular focus on the travel needs of seniors and people with disabilities.
- Formally transmit a copy of the public forum comments to all service providers that offer transportation services to senior and people with disabilities that receive funding from the County. In addition, this correspondence should emphasize the need for on-going sensitivity training for all operators and staff involved with providing services to seniors and people with disabilities. Require sensitivity training where the County operates the service directly.
- Research the potential use of “smart card” technology for the Seniors-on-the-Go program.
- Implement a subsidized taxicab program for people with disabilities similar to the existing Seniors-on-the-Go subsidy program. Specifically, registered clients of MetroAccess who also reside in the County would be able to purchase eight books of subsidized (\$30 value at a cost of \$10) taxicab tickets per year.
- Explore the development of a One-Stop-Shop pilot program for providing customer information about all transportation services.
- Develop a comprehensive ten-year action plan that prioritizes and defines the multi-modal, multi-jurisdictional transportation recommendations.

Supervisor Kauffman seconded the motion.

Following discussion of bulleted item number six, Supervisor Bulova asked unanimous consent that the Board direct staff to ensure that they explore Maryland’s program. Without objection, it was so ordered.

Following additional discussion regarding transportation services, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

20. **A-6 – ADOPTION OF AN EMERGENCY UNCODIFIED ORDINANCE TO PROVIDE FOR A ONE DOLLAR TAXICAB FUEL SURCHARGE AND AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN UNCODIFIED ORDINANCE THAT WILL PROVIDE FOR UP TO A ONE DOLLAR AND FIFTY-CENT TAXICAB FUEL SURCHARGE UNTIL JANUARY 31, 2007** (11:40 a.m.)

- (O) (A) Chairman Connolly submitted, for the record, a letter from John Fee, Chairman, Consumer Protection Commission, endorsing the proposal.

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

- Adopt the emergency uncodified ordinance providing for a \$1 fuel surcharge.
- Authorize the advertisement of a public hearing to be held before the Board on July 31, 2006, to consider a proposed uncodified ordinance to provide for up to a \$1.50 per trip fuel surcharge, as requested by Murphy Brothers, Incorporated, from August 1, 2006, until January 31, 2007.

Supervisor Gross seconded the motion.

Discussion ensued, with input from Gail Condrick, Director, Department of Cable Communications and Consumer Protection (DCCCP), and Steve Sinclair, Utility Analyst, Consumer Protection Division, DCCCP, regarding the proposed ordinance.

The question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell not yet having arrived.

21. **A-7 – APPROVAL OF THE FINANCING PLAN FOR THE PRESERVATION OF JANNA LEE VILLAGE (LEE DISTRICT)** (11:45 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve the financing plan for Janna Lee Village for the purpose of acquiring, rehabilitating, and preserving Janna Lee Village, a 319-unit affordable

rental complex located in the Hybla Valley area of the Lee District. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Paula Sampson, Director, Department of Housing and Community Development (HCD) and Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD, regarding the preservation of affordable housing.

Chairman Connolly disclosed that he received a campaign contribution from Dr. Cyrus Katzen, General Partner of Buckman Road Associates, and seller of the property.

Supervisor Hyland also disclosed that he received a campaign contribution from Dr. Katzen.

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

22. **A-8 – APPROVAL OF FALL BOND REFERENDUMS AUTHORIZING COUNTY GENERAL OBLIGATION BONDS** (11:49 a.m.)

(Rs)

(BONDS)

Supervisor DuBois moved that the Board concur in the recommendation of staff and adopt the Resolutions authorizing a Public Safety Bond Referendum in the amount of \$125 million and a Parks and Park Facilities Bond Referendum in the amount of \$25 million. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Michael Kane, Director, Fairfax County Park Authority, regarding the field locations where the existing grass turf will be replaced with synthetic turf.

The question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell not yet having arrived.

23. **I-1 – CONTRACT AWARD – 2006 ARCHITECTURAL/ENGINEERING TASK ORDER CONTRACTS** (11:51 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, requesting authorization for staff to award contracts to Samaha Associates, PC, and PSA-Dewberry, Incorporated, each in the amount of \$300,000 per year, with two additional renewable one-year terms, for consultant architectural/engineering services to support various County capital facility projects.

The staff was directed administratively to proceed as proposed.

24. **I-2 – RETIREMENT SYSTEMS COST-OF-LIVING INCREASES FOR 2006** (11:51 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, regarding the Retirement Systems cost-of-living increases to become effective July 1, 2006.

The staff was directed administratively to proceed as proposed.

25. **I-3 – AMERICAN PUBLIC WORKS ASSOCIATION (APWA) PROJECT OF THE YEAR AWARDS FOR THE NOMAN M. COLE PLANT EXPANSION, THE POHICK TRUNK LINE UPGRADE, AND THE CUB RUN RECenter PROJECT** (11:51 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, announcing that the Department of Public Works and Environmental Services received the following APWA project awards:

- Project of the Year Award, \$10 – \$100 Million Environmental Category: The Expansion of the Noman M. Cole Pollution Control Plan beyond 54 MGD to 67 MGD was successfully completed in 2005.
- Project of the Year Award, \$2 – \$10 Million Environmental Category: The Pohick Trunk Line Upgrade Project consisting of 5,280 linear feet of new 60-inch diameter sanitary sewer pipeline in the County now provides capacity for a peak flow of 125 million gallons per day of sewage flows through the upgraded Pohick Trunk Sewer System.
- Project of the Year Award, \$10 – \$100 Million Structures Category: The design and construction of the Cub Run RECenter was achieved through a unique partnership of several County entities and resulted in one of the County's most successful public service facility projects completed in 2005.

26. **I-4 – CONTRACT AWARD – OPEN END CONTRACTS FOR CULTURAL LANDSCAPE REPORT CONSULTANT SERVICES** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, requesting authorization for staff to award open-end contracts for cultural landscape report consultant services in a not-to-exceed amount of \$250,000 per firm to the following:

- Rhodeside and Harwell, Incorporated of Arlington, Virginia
- John Milner Associates of Charlottesville, Virginia

- Versar, Incorporated of Springfield, Virginia

The staff was directed administratively to proceed as proposed.

27. **I-5 – CONTRACT AWARD – OPEN END CONTRACTS FOR ARCHAEOLOGICAL SERVICES** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, requesting authorization for staff to award open end contracts for archaeological services in a not-to-exceed amount of \$250,000 per firm to the following:

- Louis Berger Group of Washington, DC
- URS of Gaithersburg, Maryland
- Wetlands Studies and Solutions of Gainesville, Virginia

The staff was directed administratively to proceed as proposed.

28. **I-6 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-V06-2, T-MOBILE NORTHEAST LLC (MOUNT VERNON DISTRICT)** (11:52 a.m.)

The Board next considered an item contained in the Board Agenda dated June 5, 2006, announcing the Planning Commissions approval of Public Facilities Review Application 2232-V06-2, T-Mobile Northeast, LLC. The application sought approval for a proposed facility to consist of three antennas inside a cylindrical cap mounted above the existing 35-foot tall Dominion Virginia Power utility pole with three equipment cabinets mounted on the utility pole (Tax Map 93-4 pt.).

**ADDITIONAL BOARD MATTERS**

**NV:nv**

29. **EMPLOYEE DESKTOP EMERGENCY GUIDE** (11:52 a.m.)

Chairman Connolly said that since September 11, 2001, emergency planning and response has taken on an importance and an urgency that continues to this day. To be effective, emergency planning must be ongoing. Recently he participated in a training session for employees working in the Government Center as they were introduced to the newest guide for no notice, life threatening events.

Citing the recent tragic events at the Sully District Police Station, Chairman Connolly asserted that everyone must be vigilant and prepared to act should danger arise at work, in local neighborhoods, or when traveling through the area. He noted with pleasure that the new desktop guide provides employees with

knowledge that will guide and enable them to protect their lives and those of others around them no matter where they might be.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Cheryl McLean of the Facilities Management Department, chair of the committee that developed the Employee Guide, and the rest of the committee to appear before the Board to present their vision and to receive recognition for their accomplishment. Without objection, it was so ordered.

30. **CHANGES TO THE SOLID WASTE SECTION OF THE COUNTY'S ENVIRONMENTAL VISION** (11:53 a.m.)

Chairman Connolly stated that it had been brought to his attention that the Solid Waste section of the County's Environmental Vision needs to be updated. He distributed copies of a revised version of the text, prepared by the Department of Public Works and Environmental Services' Division of Solid Waste staff, showing the proposed changes. These changes reflect the current status of the program including, but not limited to:

- Adoption of the updated Solid Waste Management Plan.
- The current recycling program and recycling rate.
- Deletion of references to Covanta's bankruptcy, which are now obsolete.

Chairman Connolly noted for the record that the County's continued use of this document, with the bankruptcy reference, unnecessarily negatively impacts Covanta, which successfully emerged from bankruptcy two years ago.

Accordingly, Chairman Connolly moved adoption of the proposed changes to the County's Environmental Vision as it pertains to solid waste and recycling operations. Supervisor Gross seconded the motion.

Following discussion noting that these are factual and grammatical changes, not Policy changes, the question was called on the motion, which carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor McConnell not yet having arrived.

31. **VIRGINIA TECHNICAL EDUCATION AWARD** (11:55 a.m.)

Chairman Connolly said that since 2004, the Fairfax County Fire and Rescue Department, the Fairfax County Public Schools, the International Association of Fire Fighters, and Local 2068, Fairfax County Professional Fire Fighters and Paramedics, have offered an Emergency Medical Services (EMS) and Fire Science curriculum for high school students. He announced with pleasure that

this program was recently selected to receive the Excellence in Career and Technical Education Award by the Commonwealth of Virginia, Department of Education.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives of the various County entities and organizations responsible for this outstanding effort to appear before the Board to receive recognition for their award. Without objection, it was so ordered.

32. **FILL THE BOOT CAMPAIGN** (11:56 a.m.)

Chairman Connolly said that for more than half a century over a quarter million firefighters across the United States and Canada have supported the Muscular Dystrophy Association (MDA) in its fight against neuromuscular diseases by raising more than \$200 million in annual "Fill the Boot" campaigns. Last year alone, County firefighters raised over \$454,000 for the MDA making the County the number one jurisdiction in the nation. On Labor Day weekend firefighters across the nation will join for the annual event, marking the fifty-second anniversary of the International Association of Fire Fighters support of MDA and Jerry's Kids.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to issue a resolution commending the annual "Fill the Boot" campaign scheduled for Labor Day weekend in September and invite appropriate representatives from the Department of Fire and Rescue Services to receive the resolution at the July 31, 2006, Board meeting. Without objection, it was so ordered.

33. **MOSQUITO AWARENESS WEEK** (11:57 a.m.)

Chairman Connolly stated that the Health Department works diligently each year to inform citizens of methods to prevent mosquito bites. This campaign is recognized across the Commonwealth as a model preventative measure localities can take to help protect their citizens. This year the County was also asked by the Virginia Department of Health to pilot a tick prevention awareness campaign.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim June 25-30, 2006, as "*Mosquito Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Health Department to be recognized with the proclamation at the June 26, 2006, Board meeting. He further asked that Health Department staff be directed to bring their costumes and props.

Following input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule of presentations, without objection, the request was so ordered.

34. **HIV TESTING DAY** (11:57 a.m.)

Chairman Connolly said that HIV is one of the most crippling illnesses plaguing society today, yet this virus is completely preventable. This year marks the twenty-fifth anniversary of the first case of AIDS. National "HIV Testing Day" will take place on June 27 in an effort to raise awareness and encourage individuals to get tested regularly if they feel they may be at risk. Additionally, the Health Department offers free HIV testing year-round at all five of its district clinics.

Therefore, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize on Channel 16 "National HIV Testing Day" as well as the free HIV testing services available through the Health Department. Without objection, it was so ordered.

35. **HERITAGE TREE PRESERVATION** (11:59 a.m.)

Chairman Connolly noted that each year the County supports bills in the Virginia General Assembly that would grant the County increased authority to preserve trees during the development process, and each year it is rebuffed. A resident called to his attention that the County might not be taking full advantage of the authority currently granted by the Commonwealth. Chairman Connolly distributed copies of a memorandum from the Urban Forester that confirms that the County has not employed the authority granted by *Virginia Code* §10-1-1127.1. Under such an ordinance, the Board could designate certain trees as "heritage," "memorial," "specimen," and/or "street" trees for preservation during land development.

Chairman Connolly said that this issue was last considered in 2001, and at that time staff recommended the County not take advantage of this enabling authority, due to the fact that doing so would likely involve compensating private owners through takings claims. However, while admitting that this would still be a hurdle, staff has changed its position and states that the benefits outweigh the difficulties of administering the program. Given this Board's commitment to the environment, demonstrated by the 20-Year Environmental Vision, its annual efforts to extract more tree preservation authority from the General Assembly, and its "2006 Trees in 2006" Program, he asserted that it is important that the County take full advantage of enabling tree save legislation.

Accordingly, Chairman Connolly moved that the Board direct the County Attorney, with input from the Urban Forester, to draft a heritage tree preservation ordinance such as that granted by *Virginia Code* §10-1-1127.1, and present it to the Board's Environmental Committee for its consideration and recommendation. Supervisor Gross seconded the motion and noted that this would be scheduled before the Environmental Committee in the fall.

Supervisor Gross asked unanimous consent that the Board direct the County Attorney to look at tree save in the context of individual trees within a neighborhood, not just during the land development process. Without objection, it was so ordered.

Supervisor Smyth asked unanimous consent that the Board direct staff to determine the County's current authority to protect trees in a "by-right" development and also provide definitions of the different categories of tree designations. Without objection, it was so ordered.

Vice-Chairman Bulova relinquished the Chair to Acting Chairman Kauffman and asked unanimous consent that the Board direct staff to provide a report on the trees currently identified in the special categories. Without objection, it was so ordered.

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

36. **TYTRAN INTELLIGENT TRANSPORTATION SYSTEM (ITS) GRANT**  
(12:03 p.m.)

Chairman Connolly said that using technology to improve the operation of the transportation network is cost effective and an integral part of the Board's Four Year Transportation Plan. TYTRAN, the Tysons Transportation Association, has applied for and received a 50 percent federal ITS deployment grant in the amount of \$215,396. This project will create a database of traffic information and expand the existing traffic camera network in and around Tysons Corner. Information from the expanded network will be made available to Tysons Corner commuters via the website of the Virginia Department of Transportation. TYTRAN has been able to obtain or provide a portion of the required 50 percent match for the federal grant, but not the entire amount. TYTRAN has approached the County to request that the remaining funds be provided from the Tysons Transportation Fund. As a condition of receiving Tysons Transportation Fund money, TYTRAN has agreed to provide quarterly reports to the Department of Transportation substantiating progress on the project and itemizing the use of the cash match for the project.

Chairman Connolly noted that TYTRAN has reorganized and this type of request is new. It previously operated from a proffer. He said that he was heartened that the organization is becoming more action oriented.

Noting that he consulted with staff and it supported the application, Chairman Connolly moved that the Board:

- Approve the use of up to \$75,000 from the Tysons Transportation Fund to serve as a portion of the local cash match.
- Direct staff from the Department of Transportation to monitor the use of these Tysons Transportation Fund monies.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Katharine Ichter, Director, Department of Transportation, regarding administration of the project, TYTRAN'S reorganization, the lack of communication by TYTRAN with the affected district Supervisors, the possibility of a lapse in the grant funding without the matching funds, and reporting requirements.

Chairman Connolly asked unanimous consent that the Board direct staff to communicate with TYTRAN to request it to work with all relevant Board Members who represent the area. Without objection, it was so ordered.

Following input from Ms. Ichter regarding reporting requirements, Supervisor Smyth asked unanimous consent that the Board direct staff to request from TYTRAN documentation regarding the reorganization, financial program, commitments, et cetera. Without objection, it was so ordered.

Vice-Chairman Bulova clarified for the record that this action is conditional of receiving TYTRAN'S agreement to provide quarterly reports and substantiating its progress on the project, and itemizing the use of the cash match for the project.

The question was called on the motion, as clarified, which carried by a vote of nine, Supervisor McConnell not yet having arrived.

37. **TYSONS CORNER LAND USE TASK FORCE** (12:13 p.m.)

(BACs) Chairman Connolly reminded the Board that the Tysons Land Use Task Force was created just over one year ago and charged with updating Tysons Corner's existing Comprehensive Plan, in a manner as public and inclusive as possible. Earlier this year, the task force reached out to surrounding communities and constituencies to collect visions of what these stakeholders wanted Tysons to be specifically.

Chairman Connolly distributed copies of a letter, previously sent to all Members of the Board, from the members of the task force. In it they requested professional assistance in developing Comprehensive Plan recommendations that incorporate both the community's requests for what Tysons Corner should become with sound yet innovative planning principles. The task force requests that it be allowed to retain the services of a preeminent urban planning firm, as it helps the task force develop these Comprehensive Plan recommendations, to synthesize the input gathered and work completed to date and to create visual representations of any proposed Plan changes to provide community members and decision-makers as much information as possible.

Chairman Connolly said that an attachment to the task force's letter details a draft scope of work intended for the proposed new consultant to complete, tasking the consultant with:

- Utilizing the existing background information.
- Developing an Urban Center Model.
- Analyzing the various alternatives' potential effects on public infrastructure.
- Assisting/presenting their findings during subsequent community outreach efforts.
- Developing Plan text recommendations.

Therefore, at the request of the task force, Chairman Connolly moved that the Board direct staff to:

- Review the draft scope of work.
- Determine how much such a consultant team would cost to hire.
- Develop a Request for Proposal (RFP) process in accordance with County practices and policies that provides the public with an avenue for input.
- Report at the conclusion of this process and at the earliest possible date so that the Board can allocate funds for this purpose.

Supervisor DuBois seconded the motion.

Discussion ensued regarding a timeline; funding; other planning studies currently requested, including those for revitalization area; and public input throughout the RFP process; with input from Anthony H. Griffin, County Executive.

The question was called on the motion, which carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

38. **CHAIRMAN CONNOLLY NAMED 2006 MAN OF THE YEAR BY THE BOYS AND GIRLS CLUB** (12:23 p.m.)

Supervisor Bulova announced that on May 19, at the first annual Boys and Girls Club Gala, Chairman Connolly was honored as the 2006 Man of the Year for

initiating efforts to prevent gang activity in the County. On behalf of the Board, she congratulated the Chairman for leading the Board in focusing on this effort and receiving this honor. She displayed the award that was presented.

Chairman Connolly noted that he accepted the award on behalf of the entire Board, and he expressed appreciation to all Members.

39. **AUTHORIZATION OF DATE CERTAIN PUBLIC HEARING FOR THE ABANDONMENT OF RIGHT-OF-WAY ON OAKTON ROAD (PROVIDENCE DISTRICT)** (12.24 p.m.)

- (A) Supervisor Smyth said that with the approval of the Flint Hill School Special Exception Amendment Application SEA 1999-PR-046 in November 2005, the school was required to abandon unused right of way on Oakton Road. The school worked with the Department of Transportation (DOT) staff and submitted all the required paperwork to proceed with the required street abandonment public hearing process. DOT staff has confirmed that the Flint Hill School now owns all of the fronting parcels and intends to use the land for parking and emergency access. Furthermore, the right-of-way is being abandoned, rather than vacated, because the underlying land is a combination of prescriptive right-of-way for the old roadway and takings by the Commonwealth for the realignment of Oakton Road. The abandonment will have no long-term impact on vehicle circulation and access. Flint Hill School is the only affected property owner. Representatives of the school have asked that the Board help them expedite this process by setting the soonest possible date for the abandonment public hearing.

Accordingly, Supervisor Smyth moved that the Board authorize a public hearing to be held on July 10, 2006, to abandon the right of way associated with the approved Flint Hill Special Exception Amendment Application SEA 1999-PR-046. She noted that this action does not prejudice the consideration of the pending abandonment process in any way. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell not yet having arrived.

40. **CANCELLATION OF JULY 24 BOARD MEETING** (12:25 p.m.)

Chairman Connolly stated that the Board had reserved July 24 as a tentative Board meeting date if needed. He expected that the Board could complete its work on July 10 and July 31 so he announced that he would cancel the July 24 meeting. There will be no meeting in August because the regularly scheduled date (first Monday) conflicts this year with the meeting of the National Association of Counties.

41. **TALBERT ROAD (MOUNT VERNON DISTRICT)** (12:27 p.m.)

Supervisor Hyland said that at the Board's public hearing on May 15, the Board heard testimony and received petitions from many of the residents of the Lorfax

Heights neighborhood in Lorton concerning the future of the unimproved right-of-way known as Talbert Road. He reminded the Board that this public hearing was indefinitely deferred in 1999 due to community opposition and deferred again for decision only following the public hearing. He said that during the public hearing, the Board had many questions regarding this application and those questions have not yet been adequately answered. He said that staff did not provide a recommendation, but had previously not opposed the request and had told this to the applicant and his office. Recently, the applicant has withdrawn the vacation request for the entire right-of-way.

Because of staff's actions, concerns of the Board, and most importantly the community of Lorfax Heights, Supervisor Hyland moved that the Board:

- Direct the Department of Transportation (DOT) to evaluate and return with its assessment and recommendation on the possibility of Talbert Road's ever being built and added to the Virginia Department of Transportation's system of secondary roads. This assessment should include the right of way necessary for construction, the cost of construction, the steps necessary for inclusion of this unimproved right-of-way into the Virginia Transportation Improvement Program's Six Year Plan, and the priority this has in regard to other transportation projects in the County.
- Direct DOT and the Department of Public Works and Environmental Services (DPWES) to evaluate the feasibility of vacating 20 feet of the entire western portion of the unimproved right-of-way to all adjacent or contiguous property owners.
- Direct DPWES to examine the feasibility of constructing a trail along the remaining 10 foot right-of-way, the cost thereof, and the right-of-way needed for its construction.
- Defer Board's decision, scheduled for June 26, 2006, until September 11, 2006, so County staff can return with recommendations.

Supervisor Frey seconded the motion.

Discussion ensued regarding the Board's general practice regarding vacations when there is opposition and the original builder's driveway location on the right-of-way.

Noting that the original application has been withdrawn, Supervisor Gross asked unanimous consent that the Board direct the County Attorney to determine whether an entirely new public hearing is required. Without objection, it was so ordered.

The question was called on the motion, which carried by a vote of eight, Supervisor DuBois being out of the room, Supervisor McConnell not yet having arrived.

42. **LORTON MARKETPLACE (MOUNT VERNON DISTRICT)** (12:31 p.m.)

Supervisor Hyland announced that KSI recently opened a new shopping center to serve the Lorton community. It is complete with a Shoppers Food Warehouse and Bank of America. However, the bank cannot open its drive through window. Staff has determined that even though the approved special exception plat shows a pad site with drive in aisles where the bank now stands, and the special exception conditions allow for conversion of this site from a “pharmacy with drive through windows” to a “financial institution” as well as among the allowable proposed uses is a “drive-in bank,” the applicant will need a special exception amendment.

Therefore, Supervisor Hyland moved that the Board direct staff to expedite the processing of this special exception amendment. He noted that as is always the case, this motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for this application. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor DuBois being out of the room, Supervisor McConnell not yet having arrived.

43. **BUILDING PLAN REVIEW TIMES** (12:33 p.m.)

Supervisor Hyland said that one of his constituents, whose business specializes in building architecture, planning and design, sent a letter in which he suggests that building plan review times are too long. A cursory look at the Department of Public Works and Environmental Services’ website shows that the backlog time alone is up to a month and a half long and the review time can be almost as long, just to receive comments from staff.

Supervisor Hyland asked unanimous consent that the Board direct the County Executive to review the current backlog and review time and return with results and recommendations. Without objection, it was so ordered.

44. **SENIOR OPPORTUNITIES FORUM (MOUNT VERNON DISTRICT)**  
(12:33 p.m.)

Supervisor Hyland announced that on Saturday, June 24, he will host Mount Vernon District’s first Senior Opportunities Forum at West Potomac High School. The event will begin at 8:45 a.m. when people will have an opportunity to obtain information and interact with County staff and other agencies whose facilities and programs are tailored specifically for the senior population. Afterwards, he will take everyone on the virtual Senior Tour of Mount Vernon District, highlighting places of opportunity for seniors in the district.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event on Channel 16. Without objection, it was so ordered.

45. **HOLLIN HALL VILLAGE (MOUNT VERNON DISTRICT)** (12:34 p.m.)

As Supervisor Hyland noted in Board Matters presented at previous meetings, Hollin Hall Village is threatened with infill development that could double the density of homes in that community. According to the Zoning Administrator, many of these homes were built overlapping two legal, developable lots. Supervisor Hyland said that the County Attorney said that property owners may prevent their lots from being developed in this manner if they submit to the Director of the Department of Public Works and Environmental Services a plat for a minor adjustment of lot lines. By consolidating two contiguous lots in Hollin Hall into one lot, only one house could then be built. To give an incentive for property owners to retain their stable residential neighborhood, Supervisor Hyland asked that the Board waive the \$457 submission fee and direct staff to expedite the processing of these plats.

Therefore, Supervisor Hyland moved that the Board waive the fees and expedite the processing for plats submitted in the Hollin Hall Village subdivision of the Mount Vernon District for a minor modification of lots lines that would, in effect, consolidate two lots into one.

David P. Bobzien, County Attorney, stated that this type of action is not permissible, and Supervisor Hyland withdrew his motion.

Supervisor Hyland asked unanimous consent that the Board refer this matter to the County Attorney for further review and guidance.

Following discussion regarding the effect of such action on neighborhoods and this issue of McMansions, Mr. Bobzien opined that the requested action could be permissible in certain defined areas where an exemption could be permitted.

Citing some transformations he had seen recently in some Lee District neighborhoods, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Attorney to review the Board's current powers in regard to addressing this issue. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion regarding the transformation of homes with the same 40-year-old utility hookups, Supervisor Smyth asked unanimous consent that the Board direct staff to provide an update from the permit task force. Without objection, it was so ordered.

DET:det

46. **SPOTLIGHT BY STARLIGHT (MASON DISTRICT)** (12:39 p.m.)

Supervisor Gross called the Board's attention to a brochure she had circulated concerning the "Spotlight by Starlight" concert series. The second concert was held last night with a total of 39 evening concerts scheduled for the summer, as well as ten Saturday morning children's concerts. She extended an invitation to the Board to attend one of the concerts.

Discussion ensued concerning the Concert/Performance series with references to performances at Nottoway Park as well as "Braddock Nights," with performances in three locations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct Merni Fitzgerald, Director, Office of Public Affairs, to publicize the performances through Channel 16. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

47. **CHILD TRAUMA SERVICES** (12:39 p.m.)

Supervisor Hudgins stated that the Psychological Service Center at Virginia Tech needed assistance in reaching families with children who are burn victims. The program, conducted in Blacksburg, Virginia, is known as REACT, "Recovery Efforts After Child Trauma." No fees are charged to participants. After consulting with the Department of Fire and Rescue Services, Supervisor Hudgins said she had been assured that the program would benefit families in the County.

Supervisor Hudgins asked unanimous consent that the Board direct staff to use the information in the "Spot the Fire Dog" pamphlet to widely disseminate the availability of the REACT program for childhood burn victims. Without objection, it was so ordered.

48. **MENTAL HEALTH SERVICES PROVIDED BY THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)** (12:40 p.m.)

(BACs) Supervisor Hudgins stated that every day individuals and families face unbelievable challenges with mental illness, including the ability to identify and secure the appropriate treatment. She said that the entire community had been reminded of what these individuals and families face by the horrific experience of May 8, 2006, at the Sully District Police Station. She said that now is an appropriate time to review the delivery of mental health services in the County.

Supervisor Hudgins noted that on March 13, 2006, the Board received the 2005 Annual Report from the CSB, and that the report noted the many delays in service

to youth and adult mental health clients, and that the Board was awaiting an analysis of the staffing problems associated with this mental health assessment waiting period.

Supervisor Hudgins moved that the Board conduct an objective review and analysis of the CSB mental health organization, operation, and effectiveness to improve and assure that CSB mental health services meet community needs in the future by utilizing the following:

- Establish a Blue Ribbon Panel consisting of locally and nationally recognized mental health service administrators/providers, and community stakeholders, including at least two mental health service consumers to:
  - Assess the current mental health services, structure, and staffing in the context of community-wide resources and immediate needs for prevention, early intervention, treatment, and recovery.
  - Review the current system in relation to longer-term needs.
  - Document immediate and longer-range system strengths and vulnerabilities.
  - Identify opportunities for system improvement and “evidenced based” options for consideration by the Board.
  - Estimate resources needed for system improvement and potential strategies for securing support from public and private sources.
- Direct the Blue Ribbon Panel to report its initial finding to the Board no more than six months after convening for its first meeting.

Supervisor Smyth seconded the motion and discussion ensued concerning the first part of the motion, separate from the establishment of a Blue Ribbon Panel, which would be to conduct an objective review and analysis of CSB mental health organization operation and effectiveness, which would be a part of the mission of the Blue Ribbon Panel.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova asked to amend the last bullet and insert the inclusion of a review of current allocation of existing resources provided the CSB. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Chairman Connolly restated the amendment that the last bullet concerning directing the Blue Ribbon Panel to report its initial finding to the Board, was modified not only to estimate resources needed for, but to also review the current allocation of resources by CSB and then estimate resources needed, and so forth.

Discussion continued concerning the funding of the Blue Ribbon Panel and whether there would be funding implications for the review.

Further discussion ensued regarding the Board discussion in March concerning staffing problems associated with the adult mental health assessment waiting period and concerns about providing the CSB with additional time to report on the issue.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proceed without prejudice to the pending request. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion continued with input from Anthony H. Griffin, County Executive, concerning the report due from CSB.

After further discussion, Mr. Griffin stated that he would take the Board Matter under review to determine:

- Implications related to Carry-over and resource allocation.
- A proposed framework of what the work program needed to be to respond to the Board Matter and clarify that with the Chairman of the Human Services Committee and the Chairman of the Board before returning the matter to the Board for further consideration.

Supervisor Kauffman noted that last Thursday several Board Members had discussions with County judges which included issues currently being discussed by the Board.

Supervisor Kauffman asked to amend the motion so that community stakeholders of the Blue Ribbon Panel include representatives from the bar.

Supervisor Bulova stated that almost a year ago, the Board discussed the issue of outpatient treatment of mentally ill individuals, including the need for legislation

to address required treatment and medication of patients. She also noted that there were cost implications that raised concerns for both the CSB and the Board. Supervisor Bulova asked unanimous consent that these issues be addressed as part of the overall review of this matter. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to include the role of the State, particularly as it relates to funding and legislation, as a major part of this review. Without objection, it was so ordered.

The question was called on the motion, as amended, which included all the concerns raised, to be reviewed by the County Executive who would then report with his recommendations for how to proceed with a Blue Ribbon Panel to review these matters, and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

(NOTE: Later in the meeting, the issue of mental health services was revisited. See Clerk's Summary Item #58.)

49. **CARTERSVILLE BAPTIST CHURCH (HUNTER MILL DISTRICT)**  
(12:56 p.m.)

Supervisor Hudgins said that Cartersville Baptist Church on Hunter Mill Road can trace its roots back as early as 1863 when free African-Americans from hamlets of the area began worshipping together in homes located on the church's original site. Since that time, the church has served as a school, as well as a place of worship and community fellowship. In recognition of its long history, the Fairfax County History Commission recently declared the church a historic site and placed a marker at the church's entrance on Hunter Mill Road. On Sunday, June 11, the church will celebrate its 143<sup>rd</sup> Anniversary and dedicate the new historical marker.

Supervisor Hudgins moved that the Board declare Sunday, June 11, as "*Cartersville Baptist Church Day*" in Fairfax County and that the Board direct staff to prepare a proclamation to be presented to Reverend Robert Pearson and the congregation on this historic day. Chairman Connolly seconded the motion and it carried by unanimous vote.

50. **RECOGNITION OF JAMES MADISON HIGH SCHOOL BAND AND SOUTH LAKES HIGH SCHOOL MUSIC DEPARTMENT (HUNTER MILL DISTRICT)** (12:57 p.m.)

Supervisor Hudgins announced that two Hunter Mill District High Schools had received State-wide recognition:

- James Madison High School Band and Band Director Michael Hackbrath had been selected as one of the Virginia Honor Bands by the Virginia Honor Bands and Orchestra Directors Association.

- South Lakes High School Music Department received first place and superior ratings at the Myrtle Beach Fiesta-Val Music Competition. The Wind Ensemble received first place Division IV; the Jazz Band, first place Division IV and recognition for Outstanding Jazz Brass Section. Evan Peterson, a freshman playing alto sax, received an award for Outstanding Soloist Award and Grayson Fore, Director of Bands at South Lakes, received an Award of Distinction for Excellence in Music Education.
- The South Lakes Orchestra, under direction of Miranda Holsten-Kirby, received first place in Division VI High School Orchestra and first place Division IV High School Orchestra.
- The South Lakes Choir received first place in Concert Choir Division VI, Women's Choir Division VI, and Men's Choir Division VI. All three ensembles combined to receive the Grand Champion Trophy for Choral Ensembles. Rita Young, Choral Director at South Lakes, received an Award of Distinction for Excellence in Music Education.

Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare and send resolutions of congratulations to the James Madison High School Band and its band director as well as South Lakes High School's Music Department. Without objection, it was so ordered.

51. **2006 MIDDLE SCHOOL PROGRAM COMPARISON** (12:59 p.m.)

Supervisor Hudgins stated that in a May 25, 2006, memorandum to the Board, Anthony H. Griffin, County Executive, gave an update on the status of expansion of after-school programming at middle schools and recommended that the Club 78 program be terminated.

Supervisor Hudgins asked unanimous consent that the Board direct staff to complete such an analysis of the expanded after-school programming to that of the Club 78 programming in terms of the number of children participating and a cost comparison by site, where relevant, and report its finding. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide, in the Fiscal Year 2008 Budget, a comparison of those numbers: the cost of providing the necessary transportation to accommodate later school opening versus the growing costs of providing all of the after-school programs in order to provide a single school environment that rolls into after-school. Without objection, it was so ordered.

PMH:pmh

52. McLEAN COMMUNITY CENTER (MCC) GOVERNING BOARD (DRANESVILLE DISTRICT) (1:01 p.m.)

(APPTS) Supervisor DuBois said that the MCC Governing Board requested that the Board of Supervisors approve the results of its 2006 preference poll to select members of the Governing Board for the Dranesville Small Tax District #1 in McLean.

Supervisor DuBois noted that this election and five previous elections going back to 2001 allowed residents of this tax district the option to vote for the governing board by absentee ballot. Concern has been expressed that absentee balloting is not provided for under the terms of the 1984 Memorandum of Understanding (MOU) between the Board and the MCC Governing Board. She said that in discussion with the County Attorney, it has been confirmed that the use of absentee balloting should have required approval by the Board of Supervisors.

Supervisor DuBois said that she asked MCC staff to take the results of its election and provide a breakout showing both the previously certified results and the results excluding the use of absentee ballots. The results demonstrate that the same individuals are elected to identical terms of office, whichever set of vote counts are used.

Therefore, Supervisor DuBois moved approval of the original results of the May 20, 2006, preference poll as submitted:

Adult Candidates

- Jan Auerbach – 3 year term
- Edward Shahin – 3 year term
- David Sanders – 3 year term
- Katherine Armstrong – 1 year term
- Jennifer Bainbridge – 1 year term

Youth Candidates

- Hilary Sanders – Langley High School Area Representative
- Jessica Richardson – McLean High School Representative

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

Supervisor DuBois announced that she has received assurances that the newly elected Governing Board will take all appropriate steps to work with her office and the Office of the County Attorney to develop language concerning election standards and procedures before the 2007 Preference Poll is conducted and the MOU will be changed as appropriate.

53. **SCHOOL AGE CHILD CARE (SACC) (SULLY DISTRICT)** (1:04 p.m.)

Supervisor Frey said that in the Fiscal Year 2007 Budget, the Board allocated funding to establish two SACC classrooms at Oak Hill Elementary School. Based upon the school's program and space requirements, adequate space exists to establish one, but not both, of the funded classrooms. The School Board has asked that the funding for what would have been the second classroom at Oak Hill be used to establish one SACC classroom at Cub Run Elementary School, which currently does not have a SACC program. The Department of Management and Budget has advised that the Board can reallocate this funding administratively.

Therefore, Supervisor Frey moved that the Board reallocate this funding administratively so that the program can be available concurrent with the start of the 2006-2007 school year. Supervisor Bulova seconded the motion and it carried by unanimous vote.

54. **ROUTE ONE LOCATION (ROAD WIDENING) (LEE AND MOUNT VERNON DISTRICTS)** (1:05 p.m.)

Jointly with Supervisor Hyland, Supervisor Kauffman announced that notice has been received from Dennis Morrison, District Administrator for the Virginia Department of Transportation (VDOT) that the VDOT has approved the transfer of funds previously allocated to the Route One Location (road widening) study to fund a transit study of the Richmond Highway Corridor.

Supervisor Kauffman said that they look forward to working with Fort Belvoir and members of the Congressional delegation to ensure that transit service improvements this study recommends are included as a part of Belvoir's expansion plans.

55. **URBAN LAND INSTITUTE VIEW OF THE SPRINGFIELD AREA (LEE DISTRICT)** (1:06 p.m.)

Supervisor Kauffman commended Anthony H. Griffin, County Executive and Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning for leadership with the recently completed concluded urban land institute view of the Springfield area.

Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to report with a proposal for a funding mechanism to address the long term infrastructure needs that the new development in Springfield will bring. Without objection, it was so ordered.

56. **REAL ESTATE TAX RELIEF PROGRAM FOR THE ELDERLY AND DISABLED** (1:08 p.m.)

Supervisor McConnell noted that on April 5, 2006, the Virginia General Assembly passed HB 121, which changes certain provisions in the real estate tax relief for the elderly and disabled in Northern Virginia, as of July 1, 2006. The asset level increased from \$340,000 to the maximum financial cap of \$540,000.

Supervisor McConnell asked unanimous consent that the Board direct staff to:

- Review the financial impact to the County if the Board were to raise the asset level to the maximum permitted by the new law.
- Include the number of people this would impact if such an increase were to occur.

Without objection, it was so ordered.

57. **CONCURRENT PROCESSING FOR MIDLAND ROAD LLC – REZONING APPLICATION RZ 2005-SP-019 (SPRINGFIELD DISTRICT)** (1:09 p.m.)

Supervisor McConnell said that Midland Road LLC has filed Rezoning Application RZ 2005-SP-019 to rezone approximately 18 acres from the I-5 zoning district to the Planned Residential/Mixed Use District to permit development of a mixed use community.

Supervisor McConnell moved that the Board direct staff to concurrently process the site plan and other engineering approvals associated with this application. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

58. **MENTAL HEALTH** (1:10 p.m.)

(NOTE: Earlier in the meeting this issue was addressed. See Clerk's Summary Item #48.)

Supervisor McConnell referred to the issue of the mentally ill and not being able to detain them because their civil rights would be violated and she asked unanimous consent that the Board direct staff to review this issue and the State

regulations to determine if anything can be done to alleviate this situation. Without objection, it was so ordered.

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

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  1. Application of Nextel Communications of the Mid-Atlantic, Inc., for Review and Correction of Assessments of the Value of Property Subject to Local Taxation, Case No. PST-2005-00028 (Virginia State Corporation Commission) (Dranesville and Hunter Mill Districts)
  2. *Bertha Good v. Thomas W. Harrington*, Civil Action No. CL-2005-0001297 (Fx. Co. Cir. Ct.); *Mark Good v. Thomas W. Harrington*, Civil Action No. CL-2005-0001298 (Fx. Co. Cir. Ct.) (Dranesville District)
  3. *Horace Cooper v. Fairfax County Board of Zoning Appeals*, At Law No. CL-2005-0007636 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  4. William E. Shoup, Fairfax County Zoning Administrator v. Veena Railan, et al., Case No. CH-2005-0005083 (Fx. Co. Cir. Ct.) (Dranesville District)

5. *William E. Shoup, Fairfax County Zoning Administrator v. Ali Izadpanah*, In Chancery No. CH-2005-0005536 (Fx. Co. Cir. Ct.) (Providence District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Josef N. Henderson and Maria Luz Henderson*, In Chancery No. CH-2005-0005670 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy L. Hockenberry, et al.*, In Chancery No. CH-2005-0001301 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Danny Bryant and Shannon Bryant*, Case No. CL-2006-0000217 (Fx. Co. Cir. Ct.) (Springfield District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Dawn Rowland*, Case No. CL-2006-0006240 (Fx. Co. Cir. Ct.) (Sully District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Hermann J. Budek*, Case No. CL-2006-0005798 (Fx. Co. Cir. Ct.) (Hunter Mill District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Douglas Knoth*, Case No. CL-2006-0006163 (Fx. Co. Cir. Ct.) (Lee District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. James H. Ellett, Jr., and Martha J. Ellett*, Case No. CL-2006-0005835 (Fx. Co. Cir. Ct.) (Lee District)
13. *Board of Supervisors of Fairfax County, Virginia v. Nils and Gladys Antezana, et al.*, Case No. CL-2006-0006030 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Board of Supervisors of Fairfax County, Virginia v. William J. McAteer and Carrie A. McAteer, et al.*,

Case No. 06-13201 (Fx. Co. Gen. Dist. Ct.)  
(Springfield District)

And in addition:

- Arkansas Chronicle, et at. V.R. Mark Easley, et at., C.A. No. 04-1822-A.
- Comstock Asset Management, LC, Interim Agreement.
- Affordable Dwelling Unit Covenant Provisions.
- Fairfax County Zoning Ordinance Section 20-300.
- Board of Supervisors v. Holly Hills Development Company, At Law No. CL-2005-0003910.

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

**DET:det**

At 3:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

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

60. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:35 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 Gross seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

61. **MOTION TO AUTHORIZE INTERIM AGREEMENT FOR DESIGN OF WIEHLE AVENUE METRO STATION SITE (HUNTER MILL DISTRICT)** (3:35 p.m.)

Supervisor Hudgins moved that the Board authorize the County Executive to execute, on behalf of the Board, the Interim Agreement with Comstock Asset Management LC ("Comstock") for design and engineering services regarding the Wiehle Avenue Metro Station site in accordance with a proposal submitted by

Comstock pursuant to the Virginia Public-Private Education Facilities and Infrastructure Act of 2002, as amended. Supervisor Bulova seconded the motion and it carried by unanimous vote.

62. **BOARD OF SUPERVISORS VERSUS HOLLY HILLS DEVELOPMENT COMPANY, AT LAW NUMBER CL-2005-0003910** (3:36 p.m.)

Supervisor Hudgins moved that the Board reject the settlement offer dated June 2, 2006, in the case of *Board of Supervisors versus Holly Hills Development Company*, At Law Number CL-2005-0003910, and make a counter-offer according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Frey seconded the motion and it carried by unanimous vote.

63. **MOTION TO AUTHORIZE LITIGATION – 4612 FLATLICK BRANCH DRIVE, CHANTILLY, VIRGINIA (SULLY DISTRICT)** (3:36 p.m.)

Supervisor Frey moved that the Board authorize the County Attorney to take all appropriate legal actions with regard to an affordable dwelling unit located at 4612 Flatlick Branch Drive, Chantilly, Virginia, Tax Map Number 0442-22-0015, on the terms as discussed by the County Attorney in closed session. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

**AGENDA ITEMS**

**DDC:ddc/PMH:pmh**

64. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-MV-001 (BROOKFIELD RIDGE ROAD, LLC) (MOUNT VERNON DISTRICT)** (3:37 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2005-MV-001 until **June 26, 2006, at 5 p.m.** Supervisor McConnell seconded the motion and it carried by vote of seven, Supervisor Kauffman, Supervisor Gross, and Supervisor Smyth being out of the room.

65. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-DR-009 (WINCHESTER HOMES, INCORPORATED) (DRANESVILLE DISTRICT)** (3:38 p.m.)

(O) (NOTE: On May 15, 2006, the Board deferred the public hearing on this item until June 5, 2006.)

The application property is located on the south side of Lewinsville Road approximately 200 feet west of its intersection with Spring Hill Road. Tax Map 29-1 ((1)) 33, 33A, 34, 34A, 35, 35A, 36, 37, 38, 39, 40B, 41, and portion of Gordon Lane and Odricks Lane public rights-of-way to be vacated an/or abandoned. (Approval of this application may enable the vacation and/or

abandonment of portions of the public rights-of-way for Gordon Lane and Odricks Lane to proceed under Section 33.1-151 of the *Code of Virginia*.)

Mr. Greg Riegler reaffirmed the validity of the affidavit for the record.

Mr. Riegler 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 Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Carson Lee Fifer, Jr., McGuire Woods, LLP

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

Supervisor DuBois moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-DR-009, from the R-1 District to the PDH-3 District, and approval of the Conceptual Development Plan, subject to the proffers dated May 11, 2006.
- Approval of a variance of the maximum height limit for walls in side and rear yards to permit an eight-foot tall wall in the side and rear yards of lots 1 and 19 as shown on the Conceptual Development Plan/Final Development Plan.

Supervisor Smyth 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.

On May 11, 2006, the Planning Commission approved Final Development Plan Application FDP 2005-DR-009, subject to the development conditions dated May 10, 2006.

66. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-029 (NVP, INCORPORATED) (SULLY DISTRICT)** (3:50 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2004-SU-029 until **June 26, 2006, at 5 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

67. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-SP-033 (WEST VILLAGE, INCORPORATED/NEW CINGULAR WIRELESS PCS, LLC) (SPRINGFIELD DISTRICT)** (3:51 p.m.)

The application property is located at 7008 Elkton Drive, Tax Map 89-4 ((5)) A.

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

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

Following the public hearing, which included testimony by two speakers, David J. Moss, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Special Exception Application SE 2005-SP-033, subject to the development conditions dated April 19, 2006.
- Modification of the transitional screening requirements along all site boundaries in favor of the existing vegetation.

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

Following a brief discussion regarding neighborhood pools, Supervisor McConnell asked unanimous consent that the Board direct staff to provide the Board with a previous report on neighborhood pools. Without objection, it was so ordered.

On May 3, 2006, the Planning Commission approved Public Facilities Application 2232-S05-12, noting that the application satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*.

68. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT SEA 2002-MV-028 (SCOTT A. AND PHYLLIS P. CRABTREE) (MOUNT VERNON DISTRICT)** (4:08 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 2002-MV-028 until **June 26, 2006, at 3 p.m.** Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

69. **3 P.M. – PH ON PROPOSED AREA PLAN REVIEW (APR) ITEM 04-III-1FC FOR VIRGINIA POWER SITE LOCATED ON FAIR RIDGE DRIVE AND ROUTE 50 IN THE FAIRFAX CENTER AREA, SUB-UNIT A5 (SULLY DISTRICT)** (4:09 p.m.)

(NOTE: On May 15, 2006, the Board deferred the public hearing on this item until June 5, 2006.)

Supervisor Frey moved to defer the public hearing on proposed APR Item 04-III-1FC until **June 26, 2006, at 3 p.m.** Supervisor McConnell seconded the motion and it carried by unanimous vote.

70. **3 P.M. – BOARD DECISION FOR THE ENLARGEMENT OF A SMALL SANITARY DISTRICT FOR REFUSE, RECYCLING, AND VACUUM LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)** (4:10 p.m.)

(NOTE: On May 1, 2006, the Board held a public hearing regarding this item and deferred decision until June 5, 2006.)

Supervisor DuBois moved DENIAL of the Resolution for the Dranesville District in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts. Supervisor Bulova seconded the motion and it carried by unanimous vote.

71. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MV-029 (INOVA HEALTH CARE SERVICES) (MOUNT VERNON DISTRICT)** (4:11 p.m.)

- (O) (NOTE: On May 15, 2006, the Board deferred the public hearing on this item until June 5, 2006.)

The application property is located in the southeast quadrant of the intersection of Lorton Road and Sanger Street, Tax Map 107-4 ((1)) 75A, 77–82.

Ms. Sarah E. Hall reaffirmed the validity of the affidavit for the record.

Ms. Hall 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.

Supervisor Hyland disclosed that he serves on the Inova Health Services Board.

Supervisor Gross disclosed that she serves on the Inova Health Services Board.

Supervisor Smyth disclosed that she received tickets to the Inova gala.

Supervisor Hyland also disclosed that he received tickets to the Inova gala.

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

Supervisor Hyland read into the record a letter that he received from Rodney Huebbers, Executive Vice President, Inova Health System regarding the Inova Health System Lorton HealthPlex.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MV-029, from the R-1 and C-8 Districts to the C-3 District, subject to the proffers dated May 8, 2005 (sic).
- Modification of the transitional screening requirements along the southern and western property lines in favor of the existing vegetation and proposed landscaping, as depicted on the generalized development plan and verbally proffered by the applicant on May 4, 2006.
- Waiver of the barrier requirements along the southern and western property lines.
- Deferral of the decision on the waiver request to reduce the loading space requirement from five to three spaces until site plan approval.
- Waiver of the 75-foot setback requirement from an interstate highway to permit the structure to be located 40 feet from the I-95 right-of-way.

Supervisor Hudgins seconded the motion.

Following a brief discussion regarding the proposed healthplex, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor

Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Connolly voting “AYE,” Supervisor Smyth abstaining, Supervisor McConnell being out of the room.

72. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-HM-020 (CEDAR CHASE AT GREAT FALLS OWNERS ASSOCIATION, INCORPORATED) (HUNTER MILL DISTRICT)** (4:43 p.m.)

The application property is located approximately 300 feet southwest of the intersection of Leesburg Pike and Reston Avenue, Tax Map 011-2 ((18)) B.

Mr. Thomas W. Greeson reaffirmed the validity of the affidavit for the record.

Mr. Greeson 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, Carrie Lee, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Proffered Condition Amendment Application PCA 1998-HM-020, subject to the proffers dated May 16, 2006. Supervisor Gross seconded the motion and it carried by unanimous vote.

73. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-035 (ROCK CREEK 4810 BEAUREGARD, LLC) (MASON DISTRICT)** (4:52 p.m.)

The application property is located at 4810 Beauregard Street, Tax Map 72-4 ((1)) 7.

Mr. Jason B. Heinberg reaffirmed the validity of the affidavit for the record.

Mr. Heinberg 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 Gross moved approval of Special Exception Application SE 2005-MA-035, subject to the development conditions dated April 13, 2006. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor DuBois being out of the room.

74. **3:30 P.M. – PH REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY LOCATED AT LAUREL HILL TO THE LORTON ARTS FOUNDATION, INCORPORATED (MOUNT VERNON DISTRICT)** (4:59 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 May 18 and May 25, 2006.

Leonard P. Wales, County Debt Manager, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved that the Board:

- Authorize staff to execute a lease agreement, contingent on receipt of bank financing, substantially in accordance with the proposed lease with the Lorton Arts Foundation, Incorporated, for a portion of County-owned property at Laurel Hill [Tax Map 1064-((1))-0058].
- Approve the form of a Contingency Master Lease, subject to annual appropriation and the conditions precedent to execution described therein, which will become effective only in the event the Lorton Arts Foundation, Incorporated, experiences major financial difficulties.

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

75. **4 P.M. – PH ON PROPOSED POLICY PLAN AMENDMENT S01-CW-17CP, TRANSPORTATION POLICY PLAN** (5:04 p.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to defer the public hearing on Policy Plan Amendment S01-CW-17CP until **July 10, 2006, at 4:30 p.m.** Vice-Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

76. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE ORANGE HUNT COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:05 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 May 18 and May 25, 2006.

Paul Mounier, Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by five speakers, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Orange Hunt CPD, in accordance with existing CPD restrictions. Supervisor Gross seconded the motion.

Following a brief discussion regarding the proposed establishment of the orange Hunt CPD, the question was called on 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."

77. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE STONE CREEK CROSSING COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT) (5:37 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 May 18 and May 25, 2006.

Paul Mounier, Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued with input from Ellen Gallagher, staff, Department of Transportation, regarding the process for petitioning for a CPD.

Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Stone Creek Crossing CPD, in accordance with existing CPD restrictions. Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

78. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF ALPS DRIVE SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (DRANESVILLE DISTRICT) (No Time)**

This public hearing agenda item was withdrawn by staff.

79. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7, REGARDING ESTABLISHMENT OF BENEFIT RESTORATION PLANS RELATED TO THE EMPLOYEES’, POLICE OFFICERS, AND UNIFORMED RETIREMENT SYSTEMS** (6:06 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 May 18 and May 25, 2006.

Lauranz A. Swartz, Executive Director to the Retirement Boards, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, regarding establishment of benefit restoration plans related to the Employees’, Police Officers, and Uniformed Retirement Systems for the purpose of establishing Benefit Restoration Plans. Supervisor Smyth 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.”

#### **ADDITIONAL BOARD MATTER**

80. **INTRODUCTION OF NEW STAFF MEMBER (MOUNT VERNON DISTRICT)** (6:12 p.m.)

Supervisor Hyland introduced to Board Members, Tom Howard, a new staff member in his office.

81. **BOARD ADJOURNMENT** (6:15 p.m.)

The Board adjourned.

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