



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

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

**MONDAY  
July 31, 2006**

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**16-06**

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**DS:ds**

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, July 31, 2006, at 9:22 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Karen Harwood, Deputy County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; 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** (9:22 a.m.)

Supervisor Kauffman asked everyone to keep in thoughts the family of Toby Felker, a 50-year resident of Central Springfield, who died recently. She served as the treasurer of C-SPARC, the Central Springfield Area Revitalization Council. Ms. Felker was a pioneer – one of only 1,067 members of the Women’s Air Service Pilots (WASP) squadron – the first group of women ever sanctioned to operate US military aircraft.

Supervisor Kauffman announced that his son’s birthday is on Wednesday and he will have reached the double digits.

Supervisor Gross asked everyone to keep in thoughts the family of Daniel McKeever, who died recently. He was the Falls Church City Manager for the past six years.

On behalf of the Board, Chairman Connolly offered condolences to the City of Falls Church, and particularly to the Mayor and City Council.

Supervisor Bulova asked everyone to keep in thoughts the family of Rosemary Caturano, who died recently. Ms. Caturano hosted the annual Octoberfests in the Braddock District.

**AGENDA ITEMS**2. **RESOLUTIONS AND CERTIFICATES OF RECOGNITION PRESENTED TO RESIDENTS OF THE HUNTINGTON COMMUNITY, VOLUNTEERS, COUNTY STAFF, AND LOCAL BUSINESSES** (9:25 a.m.)

Chairman Connolly said that a few weeks ago the County experienced a volume of water which exceeded that of Hurricane Agnes in 1972 and several communities were hard hit because of it, the worst of which was in the Huntington Community on Arlington Terrace. County employees and staff responded in an exemplary fashion to ensure that every County service was available to the residents of the community.

Supervisor Hyland moved approval of the Resolutions and Certificates of Recognition presented to residents of the Huntington community, volunteers, County staff, and local businesses who responded to the recent flood. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Supervisor Hyland publicly thanked the inmates who helped with the recent flood and commended the Sheriff's Office who supervised them during the efforts.

Mack Rhoades, President, Huntington Community Civic Association, presented Supervisor Hyland with a plaque and Hawaiian shirt in recognition and gratitude for his efforts, leadership, and dedication in the aftermath of the Huntington flood.

Supervisor Hyland presented Ms. Becky McKinney with an award for dedication and service to the County and the residents of the Mount Vernon District while serving during the Huntington flood.

Chairman Connolly announced that he had received a letter addressed to him and Supervisor Hyland from Virginia Governor Tim Kaine regarding the recent flood. Governor Kaine stated that Secretary of Transportation Pierce Homer and Delegate David Englin toured the neighborhood shortly after the flooding occurred. Secretary Homer has directed the Virginia Department of Transportation and the Woodrow Wilson Bridge project staff to conduct an internal review of the matter. The review will be submitted to an independent panel which will include representation from the academic community and citizen representation. Governor Kaine stated that the review should be completed and forwarded by the independent panel at the end of September 2006.

Chairman Connolly said that he will keep the community apprised of any information received.

(NOTE: Later in the meeting, the Board took additional action regarding the flooding. See Clerk's Summary Item #50.)

3. **RESOLUTION COMMENDING FAIRFAX COUNTY FIREFIGHTERS**  
(9:55 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution to commend Fairfax County firefighters for the Fill the Boot campaign. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize on Channel 16 the upcoming Fill the Boot campaign for its duration, September 2-4, 2006. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. BREANNE COUGLIN AND MS. ARIEL LU** (10:01 a.m.)

Supervisor Smyth moved approval of the following Certificates of Recognition presented to:

- Ms. Ariel Lu for receiving a 2005–2006 AAA School Safety Patrol Award as well as being a straight-A honor roll student at Fairhill Elementary School.
- \*Ms. Breanne Couglin for receiving a 2005–2006 AAA School Safety Patrol Award and for her rapid response in pulling to safety a toddler who fell off the curb in front of the buses.
- Mid-Atlantic Foundation for Safety and Education for its AAA School Safety Patrol program, which annually honors outstanding school safety patrols for protecting other students from traffic hazards.
- Fairfax County Police Department Youth Services Division for providing dedicated officers to work in the Fairfax County Public Schools, advising and guiding the students on a regular basis, and for continuing support of the school safety patrols in their important mission.

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

(\*Ms. Couglin’s school principal accepted the certificate on her behalf because she was unable to attend.)

5. **PROCLAMATION DESIGNATING AUGUST 1, 2006, AS “NATIONAL NIGHT OUT” IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor DuBois moved approval of the Proclamation to designate August 1, 2006, as “*National Night Out*” in Fairfax County. Supervisor Gross seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board took additional action regarding “National Night Out.” See Clerk’s Summary Item #123.)

6. **PROCLAMATION DESIGNATING SEPTEMBER 2006 AS “FAIRFAX PREPARES MONTH” IN FAIRFAX COUNTY** (10:17 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 2006 as “*Fairfax Prepares Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

7. **RESOLUTION COMMENDING DR. JAMES COOPER** (10:23 a.m.)

Chairman Connolly moved approval of the Resolution to commend Dr. James Cooper for his efforts to ensure adequate healthcare for all residents of the County. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Virginia Delegate James M. Scott, on behalf of the General Assembly, thanked Dr. Cooper for his years of service and congratulated him on his retirement.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MILBURN SANDERS** (10:31 a.m.)

(BACs) Supervisor DuBois moved approval of the Certificate of Recognition presented to Mr. Milburn Sanders for his years of service on the History Commission. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. CHERYL McLEAN AND MEMBERS OF THE STAFF COMMITTEE** (10:35 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Cheryl McLean of the Facilities Management Department and the members of the committee that developed the desktop guide, Emergency Protective Measures, for County employees to use in the case of an emergency. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

Vice-Chairman Connolly returned the gavel to Chairman Connolly.

**DET:det**

10. **ADMINISTRATIVE ITEMS** (10:40 a.m.)

Supervisor Gross moved approval of the Administrative Items, the second to which was inaudible.

Supervisor Kauffman called the Board's attention to Admin 15 – Additional Time to Commence Construction for Special Exception Amendment Application SEA 83-L-048-2, Jensen Place Partnership, LLC (Hunter Mill District) and asked to amend the motion to make the following correction: change Hunter Mill District to Lee District. This was accepted.

Supervisor Smyth called the Board's attention to Admin 23 – Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2007 Revised Budget Plan (“Carryover”), and asked to amend the motion to accept the following correction to handwritten page 16, of the Board Agenda Item dated July 31, 2006:

- Change Travel Demand Management to **Transportation** Demand Management.

This was accepted.

Supervisor Frey called the Board's attention to Admin 6 – Authorization to Advertise Public Hearings to Consider Proposed Amendments to the Public Facilities Manual (PFM) and the Code of the County of Fairfax, Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) and asked to amend the motion to accept a correction. Following discussion, with input from James W. Patteson, Director, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES) and David Anglin, Chief, Bonds and Agreements Branch, Environmental and Facilities Inspection Division, LDS, DPWES, the following correction was made to Attachment A, handwritten page 11, lines 31 and 36, of the Board Agenda Item dated July 31, 2006:

- Change 30 calendar days to **45** calendar days.

This was accepted.

Following discussion concerning a proposed change to Attachment A, handwritten page 12, line 6, of the Board Agenda Item dated July 31, 2006, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide additional information and rationale on the proposed change. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth called the Board's attention to Admin 13 – Authorization to Advertise Public Hearings to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance) Regarding Archaeological Survey Submission Requirements. Discussion ensued, with input from Elizabeth Crowell, Cultural Resources Manager, Fairfax County Park Authority, and Cynthia E. Chambers, Planner III, Zoning Administration Division, Department of Planning and Zoning (DPZ), concerning its applicability to other sites in the County.

Supervisor Smyth asked unanimous consent that the Board direct staff to explore expanding this proposal to cover other situations. Without objection, it was so ordered.



Chairman Connolly read excerpts of a letter he received from the Governor of Virginia, Tim Kaine, concerning the State's efforts to address these issues.

Following additional discussion concerning notification, Supervisor Gross asked unanimous consent that the Board direct staff to provide information on the impact on childcare providers and centers. Without objection, it was so ordered.

Discussion continued with input from Verdiana L. Haywood, Deputy County Executive, concerning non-profit providers.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide advance notice to those affected if the County cannot find alternative funding for the affected programs. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

**ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE COLONY PARK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Colony CPD, in accordance with current CPD restrictions.

**ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AND MULTI-WAY STOPS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, DRANESVILLE, AND MOUNT VERNON DISTRICTS)**

- Endorsed the traffic calming measure, as part of the R-TAP, for Dorset Drive, Nutwood Way/Baccarat Drive, and Falkstone Lane, consisting of the following:
  - Two speed humps and a raised crosswalk on Dorset Drive (Lee District)

- A raised median island on Baccarat Drive (Braddock District)
- A speed hump and painted crosswalk on Nutwood Way (Braddock District)
- Two speed humps on Falkstone Lane (Mount Vernon District)
- Endorsed multi-way stops at the following locations:
  - Capitol View Drive and Raymond Avenue (Dranesville District)
  - Elizabeth Drive and Raymond Avenue (Dranesville District)
- Directed staff to request the Virginia Department of Transportation to install the necessary signs as soon as possible.

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE FAIR OAKS CHASE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Fair Oaks Chase CPD in accordance with current CPD restrictions.

**ADMIN 4 – INSTALLATION OF “YIELD TO PEDESTRIANS IN CROSSWALK \$100–\$500 VIOLATION FINE” SIGNS**

Endorsed the installation of “Yield to Pedestrian in Crosswalk \$100–\$500 Violation Fine” signs at the 62 subject locations shown in Attachment 1 of the Board Agenda Item dated July 31, 2006.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF CHICHESTER LANE (ROUTE 2862) (PROVIDENCE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2006, at 4:30 p.m.** to consider the vacation and abandonment of a segment of Chichester Lane (Route 2862).

**ADMIN 6 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTERS 101 (SUBDIVISION ORDINANCE), AND 112 (ZONING ORDINANCE)**

(As) (R) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 6.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 21, 2006, and before the Board on **October 23, 2006**, to consider proposed amendments to the PFM and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance). The proposed amendments improve and enhance the bonding and inspection requirements for land development projects. In addition, several editorial changes are being proposed including adjusting an inspection fee for consistency between the Zoning, Subdivision, and Erosion and Sediment Control Ordinances.

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, MOUNT VERNON, MASON, PROVIDENCE, SULLY, AND SPRINGFIELD DISTRICTS)**

(R) Approved the request that the following streets be accepted into the State System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Timber Point	Dranesville	Carol Street
The Reserve at Holmes Run	Mason	Putnam Street Route 2355
Pohick Woods	Mount Vernon	Ridgepark Court Route 10651
Shady Brook Section B Lot 14–18	Providence	North Park Street Route 6318
Lincoln at Fairfax Corner	Springfield	Random Hills Road Route 7230 Additional ROW Only
Redwood Square Center	Sully	Old Centreville Road Route 858 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Preserve at Wynmar Section 1	Sully	Autumn Glory Way Autumn Glory Way Route 8932 Bennet Pond Court Cross Meadow Place Henry Pond Court Walney Park Drive Route 7704
The Preserve at Wynmar Section 2	Sully	Autumn Glory Way Route 8932 Henry Pond Court Route 10048
The Preserve at Wynmar Section 3	Sully	Cross Meadow Place Route 10047
The Preserve at Wynmar Section 4	Sully	Benjamin Cross Court

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING  
ON A PROPOSAL TO DISCONTINUE SEGMENTS OF COLD SPRING  
LANE AND BRADDOCK ROAD FROM THE STATE SYSTEM OF  
SECONDARY HIGHWAYS (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2006, at 4 p.m.** to consider adopting a Resolution requesting the discontinuance of segments of Cold Spring Lane and Braddock Road from the Secondary System of State Highways.

**ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION  
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION  
SEA 86-P-104-3, SPACENET REAL ESTATE HOLDINGS, LLC  
(PROVIDENCE DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 86-P-104-3 to July 7, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-PR-005, RIGGS BANK NA (PROVIDENCE DISTRICT)**

- (AT) Approved the request for two months of additional time to commence construction for Special Exception Application SE 2003-PR-005 to August 13, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 11 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-Y-024, STARWOOD CERUZZI II, LLC (SULLY DISTRICT)**

- (AT) Approved the request for four months of additional time to commence construction for Special Exception Amendment Application SEA 95-Y-024 to November 7, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 12 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR AND ACCEPT VIRGINIA SEXUAL AND DOMESTIC VIOLENCE VICTIM (VSDVV) FUNDS FOR EXPANSION OF VICTIM ASSISTANCE NETWORK SERVICES**

Authorized the CSB to apply for and accept VSDVV funds of \$100,000, if received. Upon receipt of the actual award, the CSB will request an expenditure appropriation and commensurate revenue increase of the actual award amount as part of its *Fiscal Year 2007 Third Quarter Review* submission.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING ARCHAEOLOGICAL SURVEY SUBMISSION REQUIREMENTS**

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 6.)

- (As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 27, 2006, at 8:15 p.m. and before the Board on **October 23, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to add a Phase I archaeological survey submission requirement for certain zoning, development plan, special permit, special exception, and variance applications located in or near a Historic Overlay District.

**ADMIN 14 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FENCE AND/OR WALL HEIGHT**

- (As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 27, 2006, at 8:15 p.m. and before the Board on **October 23, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), to establish a new special permit that would allow the Board of Zoning Appeals to increase the height of a fence and/or wall in a front yard, subject to conditions that minimize the impact of such increases on nearby properties. The amendment also allows for certain decorative or support features to exceed the maximum fence height and provides for an administrative increase in fence and/or wall height for existing structures in certain limited circumstances.

**ADMIN 15 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-L-048-2, JENSEN PLACE PARTNERSHIP, LLC (LEE DISTRICT)**

(NOTE: Earlier in the meeting, the Board corrected the Supervisor district for this application. See page 5.)

- (AT) Approved the request for three months of additional time to commence construction for Special Exception Amendment Application SEA 83-L-048-2 to August 15, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PROJECT HOV/I-95-029-114-R20 (MOUNT VERNON DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 25, 2006, at 4:30 p.m.** to consider the conveyance of County-owned property to VDOT for Project HOV/I-95-029-114-R20.

**ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY KNOWN AS CLERMONT PARK TO THE FAIRFAX COUNTY PARK AUTHORITY (LEE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 25, 2006, at 4:30 p.m.** to consider the conveyance of County-owned property known as Clermont Park to the Fairfax County Park Authority.

**ADMIN 18 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (MASON, PROVIDENCE, 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-P06-12	Washington Metropolitan Area Transit Authority Parking structure 2900 Nutley Street (Vienna MetroRail Station) (Providence District)	December 4, 2006
FS-Y06-26	T-Mobile Northeast LLC Rooftop antennas 4050 Westfax Drive (Sully District)	October 21, 2006
FS-Y06-27	T-Mobile Northeast LLC Antenna co-location on extension to existing transmission pole 6002 Pleasant Valley Drive (Sully District)	October 22, 2006
FS-Y06-28	T-Mobile Northeast LLC Antenna co-location on existing transmission tower 15180T Wetherburn Drive (Sully District)	November 2, 2006
FS-M06-29	T-Mobile Northeast LLC Rooftop antennas 6565 Arlington Boulevard (Mason District)	November 2, 2006

**ADMIN 19 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CONDOMINIUM APPLICANTS**

(As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 27, 2006, at 8:15 p.m., and before the Board on **October 23, 2006, at 4 p.m.** to consider proposed

amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance). The proposed amendment is in response to House Bill 128 and Senate Bill 430, which were adopted by the 2006 Virginia General Assembly, and clarifies who may file a special permit, special exception, rezoning, development plan, variance, sign permit, building permit, and non-residential use permit application; submit a site plan; or sign proffered conditions in condominium developments.

**ADMIN 20 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:

- Edward A. Addicott (7)
- Mohammad A. Aman (117)
- Han Chey (164)
- Anne Geiger (57)
- Gary Harding (186)
- Karen Lanham (213)
- Gary Pape (239)
- Stephen W. Reynolds (49)
- Michael Sanchez (215)

**ADMIN 21 – AUTHORIZATION OF THE DISTRIBUTION OF INFORMATION STATEMENTS ON THE NOVEMBER REFERENDUMS ON THE ISSUANCE OF COUNTY BONDS FOR THE IMPROVEMENT OF PUBLIC SAFETY FACILITIES AND FOR THE IMPROVEMENT OF PARKS AND PARK FACILITIES**

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

Authorized staff to print and distribute the explanatory statements concerning the forthcoming referendums on whether the County can issue bonds in the maximum aggregate principal amount of:

- \$125 million for the improvement of public safety facilities.

- \$25 million for the improvement of parks and park facilities.

Staff plans to make these explanatory statements available at County polling places for absentee voters prior to the referendum and for all other voters on Election Day and to citizens and citizen groups as requested.

**ADMIN 22 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PARKING RATES FOR CERTAIN RESIDENTIAL USES**

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

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 14, 2006, at 8:15 p.m., and before the Board on **October 23, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance). The proposed amendment would allow an increase in the minimum parking requirement for the following:

- Single family detached dwelling units from the current rate of 2.0 spaces per dwelling unit up to 4.0 spaces per dwelling unit, with an opportunity for different rates for lots located on public streets and lots located on private streets.
- Single family attached dwelling units from the current rate of 2.3 spaces per dwelling unit up to 3.2 parking spaces per dwelling unit.
- Multiple family dwelling units from the current rate of 1.6 spaces per unit up to 1.8 spaces per dwelling unit.

**ADMIN 23 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR (FY) 2007 REVISED BUDGET PLAN (“CARRYOVER”)**

(A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See pages 6 and 7.)

Authorized the advertisement of a public hearing to be held before the Board on **September 11, 2006, at 10 a.m.** to consider amending the current appropriation level in the FY 2007 Revised Budget Plan.

**ADDITIONAL BOARD MATTER**11. **PROPOSED FISCAL YEAR (FY) 2008 BUDGET DEVELOPMENT GUIDELINES** (11:22 a.m.)

Supervisor Bulova said that information provided by the County Executive on the FY 2008 revenue and economic outlook was the framework for the County-School discussion on the budget that was held earlier this month. She said that it appears that growth in County revenues would be moderate and significantly less than that experienced in the last several years, increases in County and School spending would be limited in FY 2008.

Therefore, Supervisor Bulova moved:

- That the Board direct that increases in County spending, excluding School Operating, County and School Debt Service, and Metro and New Facilities, be held to no more than 3 percent over the FY 2007 Adopted Budget Plan.
- That the School Board and the Superintendent of Schools be provided with a target for limiting an increase to the FY 2008 County's transfer to the School Operating Fund of no more than 3.5 percent over the FY 2007 Adopted Budget Plan plus an additional \$8 million to fund the second phase of the School's Initiatives for Excellence (bringing the total increase to 4.03 percent). The motion assumes that the School Board and the Board of Supervisors continue to work together to identify and implement strategies to achieve and maintain excellent quality for County and School services. The School Board has also indicated, and the Board of Supervisors would support, that the Schools would potentially reprioritize existing resources to meet the phase-in of all-day kindergarten.
- That the Board direct that balances at the *FY 2006 Carryover Review* and during FY 2007 be held in reserve to fund expenses in FY 2008 ensuring that non-recurring funding is dedicated to non-recurring expenditures.

Supervisor Hyland seconded the motion.

Discussion ensued concerning the second bulleted item. Supervisor Kauffman asked to amend the motion to change target to cap. Following further discussion, the input from Anthony H. Griffin, County Executive, Supervisor Bulova moved to amend her motion as follows:

- Change target to **targeted cap.**

This was accepted.

Following further discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

**PW:pw**

12. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:39 p.m.)

(APPTS)

(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

Supervisor Smyth moved the appointment of Mr. Melvin Murphy to fill the unexpired term of Ms. Marcia Hoexter as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mount Vernon District Representative.

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointments of the Mount Vernon District Business and Mount Vernon District Representatives.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

Chairman Connolly moved the reappointment of Mr. Jeremy Schottler as the At-Large #4 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

**CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment:

- Ms. Laura Dawson as the Mothers Against Drunk Driving (MADD) Representative

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

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Hunter Mill District Representative.

**ATHLETIC COUNCIL**

The Board deferred the appointments of the At-Large Diversity Alternate Representative, At-Large Women's Principal Representative, and Hunter Mill District Alternate Representative.

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointments of the Braddock and Lee District Representatives.

Supervisor Bulova asked unanimous consent that the Board direct staff to determine if there is a residency requirement for members of this committee. Without objection, it was so ordered.

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS**

The Board deferred the appointment of the Freeholder #3 Representative.

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

Supervisor Hudgins moved the appointment of Mr. Adeel Mufti as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville, Mason, Mount Vernon, Providence, Springfield, and Sully District Representatives.

**COMMISSION FOR WOMEN**

Supervisor Hudgins moved the appointment of Ms. Debra Spears as the Hunter Mill District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

Chairman Connolly moved the appointment of Mr. Mark Yeager to fill the unexpired term of Mr. Averett Tombes as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative.

**COMMUNITY CRIMINAL JUSTICE BOARD****CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment:

- The Honorable Teena Grodner as the Juvenile and Domestic Relations District Court Judge Representative

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

**CONSUMER PROTECTION COMMISSION**

Supervisor Smyth moved the reappointment of Mr. Melvin Murphy as the Fairfax County Resident #3 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Mr. Terry Adams as the Fairfax County Resident #7 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Mr. Hung Quoc Nguyen as the Fairfax County Resident #9 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. John Fee as the Fairfax County Resident #10 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Mr. Bill Douskalis as the Fairfax County Resident #13 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Fairfax County Resident #6, #8, and #12 Representatives.

**CRIMINAL JUSTICE ADVISORY BOARD**

Chairman Connolly moved the reappointment of Mr. Stewart Bentley, Sr., as the At-Large Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of the Reverend Rose Miles Robinson as the Hunter Mill District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Joy Bryan as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Robert Freeman as the Providence District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Springfield District Representatives.

#### **ECONOMIC DEVELOPMENT AUTHORITY**

Chairman Connolly moved the reappointment of Mr. Ronald Johnson as the At-Large #4 Citizen Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

#### **ENGINEERING STANDARDS REVIEW COMMITTEE**

The Board deferred the appointment of the Citizen #2 Representative.

#### **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

The Board deferred the appointment of the Springfield District Representative.

#### **FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the Lee District Representative.

#### **FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**

##### **CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment:

- Ms. Barbara Pope as the Business/Corporation #12 Representative

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

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES**

Supervisor Hudgins moved the reappointment of Mr. Frank Alston as the At-Large #4 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

The Board deferred the appointments of the Lee and Mason District Representatives.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Consumer #1 Representative.

**HUMAN SERVICES COUNCIL**

Supervisor Hudgins moved the reappointment of Ms. Baba Freeman as the Hunter Mill District #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Mr. Robert Faherty as the Lee District #2 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Stephanie Mensh as the Mason District #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Colonel Marion Barnwell as the Mount Vernon District #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Henry Wulf as the Providence District #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Braddock District #2 Representative.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING****CONFIRMATIONS:**

Supervisor Gross moved the confirmation of the following appointments:

- Ms. Kathryn Swart as the Commonwealth's Attorney Representative
- Ms. Laura Dawson as the Mothers Against Drunk Driving (MADD) Representative

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

The Board deferred the appointments of the Braddock and Mason District Representatives.

**REDEVELOPMENT AND HOUSING AUTHORITY**

Supervisor Gross moved the appointment of Mr. Robert Schwaninger as the Mason District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

**SMALL BUSINESS COMMISSION**

The Board deferred the appointment of the Dranesville District Representative.

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Supervisor Hudgins moved the appointment of Mr. Robert Haley as the Reston Association #4 Representative. Supervisor McConnell seconded the motion, which carried by unanimous vote.

**TENANT LANDLORD COMMISSION**

The Board deferred the appointment of the Citizen #3 Representative.

**TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointment of the Sully District Representative.

**TRANSPORTATION ADVISORY COMMISSION**

The Board deferred the appointments of the Hunter Mill and Providence District Representatives.

**TREE COMMISSION****CONFIRMATION:**

Supervisor Gross moved the confirmation of the following appointment:

- Mr. Lyle McLaren as the Environmental Quality Advisory Council (EQAC) Representative

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

The Board deferred the appointments of the Lee and Springfield District Representatives.

**TRESPASS TOWING ADVISORY BOARD**

Supervisor Bulova moved the appointment of Mr. Fred Scheler as the Towing #1 Representative. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor DuBois and Supervisor Smyth jointly moved the appointment of Mr. Al Leach as the Towing #2 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

**CONFIRMATIONS:**

The Board moved the confirmation of the following appointments:

- Sergeant Edgar J. Wimberly, III as the Law Enforcement #1 Representative
- Sergeant Jeffrey B. Thompson as the Law Enforcement #2 Representative

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

**UNIFORMED RETIREMENT SYSTEM**

The Board deferred the appointments of the Citizen #1 and #2 Representatives.

**AD HOC COMMITTEES****2006 FALL BOND REFERENDUM CITIZEN COMMITTEE**

Chairman Connolly moved the appointment of Mr. Michael McClanahan as the At-Large Chairman's Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the appointment of Ms. Janyce Hedetniemi as the Braddock District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the appointment of Mr. Christopher Cole as the Dranesville District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Mr. William Bouie as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the appointment of Mr. Bob Vernola as the Lee District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the appointment of Mr. Alfred Thieme as the Mason District Representative. Supervisor Smyth seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. Stephen Wright as the Providence District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. Scott Martin as the Springfield District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

**CONFIRMATIONS:**

Supervisor Gross moved the confirmation of the following appointments:

- Ms. Fran Fisher as the Fairfax County Chamber of Commerce Representative

- Mr. Arthur Wells as the Federation of Citizens Associations Representative
- Ms. Carol Hawn as the League of Women Voters of the Fairfax Area Representative

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

The Board deferred the appointments of the Mount Vernon and Sully District Representatives.

#### **TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE**

Chairman Connolly moved the appointment of Mr. Clark Tyler as the Chairman's Representative effective September 5, 2006.

The Board deferred the appointments of the Providence District #2 and Sully District Representatives.

#### **ADDITIONAL APPOINTMENT**

#### **BOARD OF THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

##### **CONFIRMATIONS:**

Supervisor Gross moved the confirmation of the following appointments:

- County Executive Anthony H. Griffin as the Fairfax County Principal Representative
- Deputy County Executive Robert Stalzer as the Fairfax County Alternate Representative

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

DET:det

**AGENDA ITEMS**

13. **A-1 – APPROVAL OF (1) FORMATION OF A LIMITED LIABILITY COMPANY BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), (2) ISSUANCE AND SALE OF BONDS BY THE FCRHA, (3) SUBMISSION OF A LETTER OF SUPPORT TO VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) PURSUANT TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM FOR THE ACQUISITION AND REHABILITATION OF CEDAR RIDGE APARTMENTS (HUNTER MILL DISTRICT)** (11:52 a.m.)

Supervisor Hudgins asked unanimous consent to defer consideration of this matter until after closed session so that the Board could be briefed on this item. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #92.)

**ADDITIONAL BOARD MATTER**

14. **ORDERS OF THE DAY** (11:53 a.m.)

Chairman Connolly announced that the Board would have a very long closed session today.

**AGENDA ITEMS**

15. **A-2 – APPOINTMENT OF A SUPERVISED VISITATION AND EXCHANGE TASK FORCE** (11:53 a.m.)

(BACs)

(APPTS)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and created the Supervised Visitation and Exchange Task Force and confirmed the appointments of individuals to serve on it, as outlined in the Board Agenda Item dated July 31, 2006. The task force members include court staff, a judge, attorneys, child welfare staff, law enforcement staff, and community and parent advocates who are knowledgeable in the following areas, as recommended by national programs for supervised visitation and exchange: Child Development and Welfare, Mental Health, Family Law, Cultural Diversity, Parenting, Safety and Security, and Research and Evaluation.

The task force will recommend a model for a supervised visitation and exchange program. Special attention will be paid to community needs, the type of program services to be provided, and possible site locations. A plan for funding will also

be identified. The task force will submit this work to the Board by the first week of December 2006.

16. **A-3 – FAIRFAX COUNTY EMPLOYEES TRANSPORTATION BENEFIT PROGRAM** (11:53 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and increase the County Employees Transportation Benefit of \$60 per month from the County to the maximum federal monthly amount of \$105. Supervisor Smyth seconded the motion.

Chairman Connolly noted that this is funded in the proposed Carryover Budget which will be considered by the Board in September.

Supervisor Smyth noted that employees in other jurisdictions receive a transportation benefit if they walk to work. Following discussion, with input from Rollo C. Axton, Chief, Transit Services Division, Department of Transportation, Supervisor Smyth asked unanimous consent that the Board direct staff to review this issue. Without objection, it was so ordered.

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

17. **A-4 – PROPOSED FEDERAL CAPITAL IMPROVEMENT PROGRAM – NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2007 – 2012** (11:54 a.m.)

Supervisor Hyland asked unanimous consent that the Board defer consideration of this item until the afternoon session so that staff could strengthen and redraft the letter. Without objection, it was so ordered.

Discussion ensued, with input from David P. Marshall, Chief, Facilities Planning Branch, Planning Division, Department of Planning and Zoning, concerning linking the expansion of Fort Belvoir with transportation improvements.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Items #93 and #95.)

18. **A-5 – APPROVAL OF REVISIONS TO CHAPTERS 2 AND 10 OF THE PERSONNEL REGULATIONS REGARDING OVERTIME ELIGIBILITY DEFINITIONS, TRANSFERRED LEAVE LIMIT, AND USE OF SICK LEAVE FOR CHILDBIRTH AND ADOPTION** (12:01 p.m.)

Supervisor Gross stated that there was a Civil Service Commission recommendation for a change and asked unanimous consent to defer consideration of this item until after closed session. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item #94.)

19. **A-6 – RETROACTIVE AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT IN APPLICATION OF COLUMBIA GAS OF VIRGINIA, INCORPORATED, FOR APPROVAL OF A PERFORMANCE BASED RATE REGULATION METHODOLOGY PURSUANT TO VIRGINIA CODE SECTION 56.235.6, STATE CORPORATE COMMISSION (SCC) CASE NUMBER PUE-2005-00098 AND INVESTIGATION OF THE CURRENT RATES, CHARGES, AND TERMS AND CONDITIONS OF SERVICE, SCC CASE NUMBER PUE-2005-00100** (12:01 p.m.)

On motion of Supervisor DuBois, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and retroactively authorized the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation as a Respondent in the Columbia Gas of Virginia, SCC Case Numbers PUE-2005-00098 and PUE-2005-00100.

20. **A-7 – FISCAL YEAR (FY) 2006 YEAR-END PROCESSING** (12:01 p.m.)

(SAR) On motion of Supervisor Bulova, seconded by Supervisor, Smyth, and 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," the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2006 for the interim period from July 1 until the Board approves the FY 2006 Carryover Review, which is scheduled for action on September 11, 2006.
- Approved Supplemental Appropriation Resolution SAR 06104 for the one other County fund requiring additional appropriations for FY 2006.

21. **A-8 – AUTHORIZATION FOR CONDEMNATION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE COLUMBIA PIKE, PHASE II, TRAIL PROJECT (MASON DISTRICT)** (12:03 p.m.)

(R) On motion of Supervisor Gross, seconded by Supervisor Smyth, and 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," the Board concurred in the recommendation of staff and adopted the

Resolution authorizing condemnation of certain land rights necessary for the construction of Project W00500 (W00501), Columbia Pike, Phase II Trail Improvement.

22. **A-9 – APPROVAL OF THE EASEMENT DOCUMENTS AND AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE THE DOCUMENTS AS THE PRIMARY HOLDER OF THE CONSERVATION EASEMENT LOCATED ON THE TIMBLIN PROPERTY** (12:03 p.m.)

On motion of Supervisor DuBois, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized execution of:

- All necessary Coastal and Estuarine Land Conservation Program documents.
- Both the Stewardship Agreement and the Deed of Open Space and Conservation Easement, and should the final Agreement and Deed undergo slight revision(s); however, remain substantially similar in nature, procedure and substance, authorize execution of those final documents.

23. **A-10 – ADJUSTMENT TO FAIRFAX CENTER ROAD FUND CONTRIBUTION RATE AND CORRESPONDING RATE ADJUSTMENTS IN THE CENTREVILLE AND TYSONS CORNER FUND AREAS** (12:03 p.m.)

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

- Approve the revised Procedural Guidelines for the Annual Review Process including a 3.4 percent adjustment of the existing contribution rate in the Fairfax Center Area from \$4.75 to \$4.91 per gross square foot on non-residential building structures and from \$1,053 to \$1,089 per residential unit, with the new rate to become effective July 31, 2006.
- Authorize rate adjustments used in the County for similar purposes (e.g. Centreville and Tysons) by 3.4 percent, also to become effective July 31, 2006.
- Direct staff to refer to the Legislative Committee consideration of the introduction of legislation during the 2007 General Assembly session that would add the Construction Cost Index published by the *Engineering News Record* to the standardized indices that may be utilized to determine inflationary adjustments to cash proffers.

Supervisor Bulova seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to include in its press release the additional requirements for developers in this Board Agenda Item. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Discussion ensued, with input from Michael A. Davis, Transportation Planner III, Site Analysis Section, Department of Transportation, concerning the Tyson's Corner Fund, and Anthony H. Griffin, County Executive, concerning contribution rate adjustments.

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

24. **A-11 – APPROVAL OF DOCUMENTS ASSOCIATED WITH ISSUANCE OF FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TAX EXEMPT BONDS FOR BRADDOCK GLEN ADULT DAY HEALTH CARE CENTER AND SOUTHGATE NEIGHBORHOOD COMMUNITY CENTER SERIES 2006 (BRADDOCK AND HUNTER MILL DISTRICTS)** (12:08 p.m.)

(R)

(BONDS)

On motion of Supervisor Bulova, seconded by Supervisor Hudgins, and 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," the Board concurred in the recommendation of staff and adopted the Resolution authorizing the following actions:

- Requesting the issuance by FCRHA of Revenue Bonds for Braddock Glen Adult Day Health Care Center and Southgate Neighborhood Community Center.
- Approving and authorizing the execution and delivery of a payment agreement with the FCRHA.
- Approving the trust agreement and supplemental trust agreement between FCRHA and a trustee.
- Approving the Preliminary Official Statement and the Official Statement relating to the revenue bond financing by the FCRHA with respect to the Braddock Glen Adult Health Care Center and Southgate Neighborhood Community Center.
- Granting the authority to execute and deliver any necessary documents and delegating signature authority to the Board's

Chairman and Vice-Chairman, County Executive, Chief Financial Officer, and County Debt Manager.

25. **A-12 – AGREEMENT BETWEEN THE FAIRFAX COUNTY BOARD OF SUPERVISORS AND SECOND FOX HERITAGE HOMEOWNERS’ ASSOCIATION-II FOR DREDGING AND RESTORATION OF LAKE MARTIN (SULLY DISTRICT)** (12:08 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to execute a construction contract with the representatives of the Second Fox Heritage Homeowners’ Association-II to perform all work necessary for dredging of Lake Martin according to the plans and specifications prepared for Lake Martin Dredging, Project U00006 – U931.

26. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS’ RECESS** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for the County Executive or the appropriate Deputy County Executive to continue to approve street acceptance items and award contracts while the Board is in recess.

The staff was directed administratively to proceed as proposed.

27. **I-2 – CONTRACT AWARDS FOR HEALTH AND VISION BENEFITS** (12:09 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for staff to award contracts to the following:

- Carefirst Blue Cross and Blue Shield Point of Service (POS) and Preferred Provider Option (PPO) plans. (These are the same plans that are currently offered.)
- CIGNA Health Care for an Open Access Plan. The Open Access Plan is a hybrid between a PPO and POS plan and will replace the current CIGNA HMO plan.
- Davis Vision, for administration of an enhanced vision benefit effective January 1, 2007. Under the County’s health programs, vision benefits are limited to coverage for routine eye examinations. Staff is recommending the addition of an enhanced vision benefit for both employees and retirees to help defray

out-of-pocket costs associated with frames, lenses, or contact lenses.

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

- Circulate an email to all County employees under his name and that of the Board, notifying them of this new benefit.
- Informing the employees that this was done at the behest of the Personnel Committee of the Board.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct the County Executive to include in that email personnel changes made concerning leave. Without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

(NOTE: Later in the meeting, the Board took action regarding employee leave. See Clerk Summary Item CL#94.)

28. **I-3 – CONSUMER PROTECTION DIVISION WINS ACHIEVEMENT IN CONSUMER EDUCATION (ACE) AWARD** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, announcing that the Consumer Protection Division of the Department of Cable Communications and Consumer Protection was presented the ACE award by the National Association of Consumer Agency Administrators.

29. **I-4 – FAIRFAX COUNTY CHANNEL 16 NAMED BEST GOVERNMENT CABLE TV STATION FOR FOURTH TIME** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, announcing that the County's Channel 16 was recently honored by the Alliance for Community Media as the best government access cable television station in the country in 2006. This is the second year in a row and the fourth time that the County has won the award, with previous awards given in 1996, 1999, and 2005. The award covers the entire spectrum of Channel 16 programming including government meetings, public service announcements, and informational programs about government services.

The County was also an award winner for *Fairfax Prepares* in the informational talk show category and *Road DAWG* in the educational activities category.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

30. **I-5 – CONTRACT AWARD – MAGNOLIA LANE STORM DRAINAGE IMPROVEMENTS (MASON DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for staff to award a contract to Tavares Concrete Company, Incorporated, in the amount of \$231,414 for the construction of Magnolia Lane Storm Drainage Improvements, Project Number Z00018/Z014, in Fund 318, Stormwater Management Program Fund. This contract will provide for the construction of a storm drainage system to reduce the flooding of property owners in the Dowden Terrace Park area. The project is included in the Fiscal Year (FY) 2007 – FY 2011 Adopted Capital Improvements Program.

The staff was directed administratively to proceed as proposed.

31. **I-6 – CONTRACT AWARD – ROLLING ROAD LEFT TURN LANES AT FORRESTER BOULEVARD/HILLSIDE ROAD (SPRINGFIELD DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for staff to award a contract to Omni Excavators, Incorporated, in the amount of \$190,672.50 for the construction of Rolling Road left turn lanes at Forrester Boulevard/Hillside Road, Project 064261, in Fund 304, Primary and Secondary Road Construction. The project consists of extending both the northbound and southbound left turn lanes on Rolling Road, 12-inch waterline relocation, storm drainage structures and pipe, and other related items. This project is included in the Fiscal Year (FY) 2007 – FY 2011 Adopted Capital Improvement Program and is part of the Transportation Advisory Committee Spot Improvement Program.

The staff was directed administratively to proceed as proposed.

32. **I-7 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2007 FEE SCHEDULE** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for the CSB to proceed with the implementation of the FY 2007 Fee Schedule on October 1, 2006.

The staff was directed administratively to proceed as proposed.

33. **I-8 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-Y06-8, T-MOBILE NORTHEAST LLC (SULLY DISTRICT)** (12:10 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, announcing the Planning Commission's approval of Public Facility Application 2232-Y06-8, T-Mobile Northeast LLC. The application sought approval to install three telecommunication antennas on top of an existing 53-foot utility distribution pole with three equipment cabinets mounted onto the pole. The property is located at the VDOT Right-of-Way near 14710 Braddock Road, at its intersection with Carlbern Drive, Tax Map 54-1 (pt.).

34. **I-9 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-Y06-9, T-MOBILE NORTHEAST LLC (SULLY DISTRICT)** (12:11 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, announcing the Planning Commission's approval of Public Facility Application 2232-Y-6-9, T-Mobile Northeast LLC. The application sought approval to install three telecommunication antennas on top of an existing 53-foot utility pole with three equipment cabinets mounted onto the pole. The property is located at 14502 Braddock Road, near its intersection with Village Center Drive, Tax Map 543-1 ((17)) (6) I.

36. **I-10 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-V05-22, OMNIPOINT COMMUNICATIONS CAP OPERATIONS LLC (MOUNT VERNON DISTRICT)** (12:11 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, announcing the Planning Commission's approval of Public Facility Application 2232-V05-22, Omnipoint Communications CAP Operations LLC. The application sought approval to replace an existing 55-foot tall left field light pole at the existing baseball field at Mount Vernon High School with a 69-foot tall monopole at the same location, with three panel antennas flush-mounted to the top of the monopole. The equipment compound, with three cabinets, concrete pad and related equipment, will be located 10 feet from the left field fence to the existing baseball field. The property is located at 8515 Old Mount Vernon Road, Tax Map 101-4 ((10)) (1) 16.

Supervisor Hyland moved that the Board direct staff to schedule a public hearing on this item to be held before the Board on October 23, 2006. Supervisor Bulova seconded the motion.

Discussion ensued regarding the precedential nature of this action and that the School Board is scheduled to take action on the issue in September.

Supervisor McConnell moved a substitute motion to defer consideration of this matter until after the School Board has reached a decision. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

37. **I-11 – CONTRACT AWARDS – OPEN END CONTRACTS FOR PROFESSIONAL SERVICES AT LAUREL HIL (MOUNT VERNON DISTRICT)** (12: 16 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for staff to award open-ended contracts to EDAW, Incorporated, in an annual amount not to exceed \$600,000 and to Lardner/Klein Landscape Architects, PC, in an amount not to exceed \$400,000 for professional architectural, engineering, and planning services for a variety of activities at Laurel Hill in Lorton, Virginia. Services may be provided to the Park Authority and the Department of Planning and Zoning.

The staff was directed administratively to proceed as proposed.

38. **I-12 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ADMINISTRATION BUILDING (SPRINGFIELD DISTRICT)** (12:17 p.m.)

The Board next considered an item contained in the Board Agenda dated July 31, 2006, requesting authorization for staff to award this Phase I contract to Wisnewski Blair and Associates in the amount of \$101,000 for architectural and engineering design services.

The staff was directed administratively to proceed as proposed.

**ADDITIONAL BOARD MATTERS**

NV:nv

39. **INTRODUCTION OF INTERNS** (12:17 p.m.)

Chairman Connolly introduced Kanal Kumar, a summer intern in his office, and warmly welcomed him. He also welcomed Caroline Coscia, another summer intern in his office, who was not present in the Board Auditorium.

40. **DONATIONS TO PUBLIC SAFETY** (12:18 p.m.)

Chairman Connolly stated that September 11, 2001, marked the beginning of an increased understanding of the complexity of firefighting as well as the dangers faced by the brave men and women of public safety.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite businesses and citizens who have made properties for training available to County public safety agencies to appear before the Board at the September 11 meeting to be recognized for their contributions as well as their partnership with public safety. Without objection, it was so ordered.

41. **DISABILITY EMPLOYMENT AWARENESS MONTH** (12:18 p.m.)

Chairman Connolly reminded the Board that October is celebrated as Disability Employment Awareness Month to recognize the contributions and achievements of persons with disabilities. Accordingly, he asked unanimous consent that the Board proclaim October 2006 as "*Disability Employment Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs to be presented with the proclamation at the September 25 Board meeting. Without objection, it was so ordered.

42. **NATIONAL FOOD SAFETY EDUCATION MONTH** (12:19 p.m.)

Chairman Connolly noted that September is time for National Food Safety Education Month as an initiative to promote food safety education to restaurants and the food service industry and attempt to reduce the number of food borne illnesses. Accordingly, he asked unanimous consent that the Board of proclaim September 2006 as "*National Food Safety Education Month*" in Fairfax County and direct staff to invite the appropriate representatives to appear before the Board at its September 11 meeting. Without objection, it was so ordered.

43. **MENTAL ILLNESS AWARENESS WEEK** (12:19 p.m.)

Chairman Connolly stated that each year the first week of October is designated as "Mental Illness Awareness Week" in an effort to educate the public and raise awareness of the importance of good mental health. Accordingly, he asked unanimous consent that the Board proclaim October 1-7 as "*Mental Illness Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board to be presented with the proclamation at the September 25 Board meeting. Without objection, it was so ordered.

44. **SUBSTANCE ABUSE AWARENESS WEEK** (12:19 p.m.)

Chairman Connolly noted that Substance Abuse Awareness Week is approaching. Accordingly, he asked unanimous consent that the Board proclaim November 14-18 as "*Substance Abuse Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board to receive the proclamation at the October 23 Board meeting. Without objection, it was so ordered.

45. **HISPANIC HERITAGE MONTH** (12:20 p.m.)

Chairman Connolly noted that September 15 through October 15 is celebrated as Hispanic Heritage Month. Accordingly, he asked unanimous consent that the Board proclaim September 15 through October 15 as "*Hispanic Heritage Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office of Equity Programs to be presented with the certificate at the September 11 Board meeting. Without objection, it was so ordered.

46. **CLIFTON CAR SHOW (SPRINGFIELD DISTRICT)** (12:20 p.m.)

Chairman Connolly stated that the Clifton Lions Club and Custom Cruisers of Northern Virginia are holding their Seventh Annual Clifton Labor Day Car Show this year with all net proceeds benefiting the Detective Vicky Armel and MPO Michael Garbarino Family Trust Funds. The car show will be Monday, September 4 in Historic Clifton from 10 a.m. until 3 p.m.

Jointly with Supervisor McConnell, Chairman Connolly moved that the Board direct staff to invite former Mayor James Chesley of the Clifton Lions and members of the Custom Cruisers of Northern Virginia to appear before the Board to be recognized at a future Board meeting. Supervisor McConnell seconded the motion, which carried by unanimous vote.

47. **JOINT BOARD STATUS REPORT ON GANG INITIATIVE** (12:21 p.m.)

Chairman Connolly stated that at the direction of the Board, on June 20, 2005, Bob Bermingham, County Gang Prevention Coordinator, appeared before the Board to review the outcomes of the Fairfax County Gang Prevention Summit and make recommendations for a plan to involve all aspects of the community in stemming the spread of gangs. At that meeting, the Board adopted a set of goals and strategies.

Chairman Connolly said that during the past year, efforts have focused on the implementation of a three-pronged approach that includes suppression, prevention, and intervention. He commended the Police Department and Sheriff's Office on their leadership for their commitment to the goals. Other County agencies and the Schools have expanded and developed gang prevention-related programs and activities.

Following the Gang Coordinator's presentation last year and the adoption of the plan, Chairman Connolly said that the Board stressed the importance of periodic reports on the status of anti-gang efforts.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite:

- Mr. Bermingham and P.D. O'Keefe, the School Division's Anti-Gang Coordinator, to make a presentation at the Board's September 25 meeting on the status of gang prevention efforts in the County.
- Members of the School Board and Schools Superintendent Jack Dale to attend the presentation for a simultaneous update for both boards on the progress of the gang prevention, intervention, and suppression.

Without objection, it was so ordered.

48. **CHILD CARE FUNDING** (12:23 p.m.)

Chairman Connolly shared with the Board copies of a letter he received from Governor Kaine with respect to federal child care funding.

49. **TYSONS CORNER TUNNEL** (12:23 p.m.)

Chairman Connolly expressed appreciation to Governor Kaine for appointing the special study committee on the benefits of a tunnel over a surface alternative for rail to Tysons, taking the Board's concerns under serious consideration, and having the study group complete its work expeditiously. He noted that he was briefed on July 28 on the results of the study, with the official release date today.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

50. **HUNTINGTON FLOODING (MOUNT VERNON DISTRICT)** (12:24 p.m.)

(NOTE: Earlier in the meeting, the Board recognized staff and volunteers who provided flood assistance. See Clerk's Summary Item #2.)

Supervisor Hyland reported that on Wednesday, July 5, he walked along Cameron Run next to the flooded Huntington community with staff from the Department of Public Works and Environmental Services (DPWES) and saw where eight feet of water came crashing over the banks, inundating the homes of 158 residents in Arlington Terrace and Fenwick Drive. He inquired of staff why there was no wall running along Cameron Run to keep out the water, and they concurred that it might be a good idea.

Supervisor Hyland said that two days later, ten minutes before conducting the fifth Town Hall meeting in Huntington regarding the flooding, he was briefed by staff as to the scope of the study to be requested of the Corps of Engineers. He was advised that staff had found a storm drainage study completed in 1982, at the Board's request, by Camp, Dresser and McKee, Incorporated which provided a comprehensive report recommending a solution to flooding in the Huntington community which he asserted could have prevented this disaster. He distributed to the Board a number of previous related studies.

Supervisor Hyland said that in addition to the conclusions reached in these earlier studies that dredging, levees, floodwalls, or a combination thereof, could protect this community against a 100 year storm, the tremendous change and development in the Cameron Run Watershed since 1970 must be acknowledged. This watershed, stretching from the Potomac River at the George Washington Memorial Parkway, reaches almost to Tysons Corner, draining almost 42 square miles and takes in the massive development in the Eisenhower Valley of the City of Alexandria.

Supervisor Hyland asserted that Capital Beltway development, interchanges at the mixing bowl, Telegraph Road, Richmond Highway, the replacement of the Woodrow Wilson Bridge, development on either side of the Beltway, development of the Eisenhower Valley, and storm drainage improvements to Cameron Run to prevent flooding in the City of Alexandria have cumulatively and dramatically changed the amount and intensity of water flooding through Cameron Run next to the Huntington Community and nothing has been done to protect these residents. He added that in the 1960s, Cameron Run was a deep water body, where one could swim and fish, but today it is flat and shallow because of silting.

Supervisor Hyland noted that the citizens in Huntington are not wealthy people. Most are low income families who have no insurance because many of the properties are outside of the Federal Emergency Management Agency ("FEMA") designated flood zone. He asserted that it is an area of affordable housing which the County cannot afford to lose and must preserve. He further asserted that this flooding could have been prevented and that future flooding must be prevented.

Accordingly, Supervisor Hyland moved that the Board direct:

- DPWES to review and update the Camp, Dresser and McKee report of 1982 to current conditions to determine if the recommended flood control improvements contained therein will protect the Huntington Community.
- The Risk Management Division and the County Attorney's Office to review the responsibility and liability of the County, the

Commonwealth of Virginia, and the Federal government for Huntington's flood damage.

- County staff to return by the Board's first meeting in September with a plan to construct a flood wall or other alternative structures and facilities to prevent future flooding in the Huntington Community.
- Staff to add a Budget Consideration Item in an amount considered necessary for staff to update the 1982 report through a contract with the Corps of Engineers and to begin planning for a project to remedy this problem of flooding in the Huntington community.

Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information on any projects that must be set aside because of this new request. Without objection, it was so ordered.

51. **OUTDOOR INTERACTIVE FOUNTAINS** (12:29 p.m.)

With reference to his written Board Matter as distributed around the dais, Supervisor Hyland, jointly with Supervisor Kauffman, raised the issue of public safety concerns and requirements regarding outdoor interactive fountains. Jointly with Supervisor Kauffman, he asked unanimous consent that the Board direct staff to review this item and examine applicable rules and regulations.

Anthony H. Griffin, County Executive, noted that the issue with Fairfax Corner has been resolved and that it related to the cleanliness of the water.

Without objection, the request was so ordered.

Discussion ensued regarding fountains and public safety and the need for clear direction.

52. **LOT CONSOLIDATION SUBMISSION FEE EXEMPTION** (12:32 p.m.)

As he had noted in Board Matters at previous meetings, Supervisor Hyland said that Hollin Hall Village is threatened with infill development that could double the density of homes in that community. With reference to his written Board Matter, Supervisor Hyland asked unanimous consent that the Board direct staff to initiate the process to amend the Subdivision Ordinance to create a fee exemption for minor lot line adjustments for consolidating two lots into one when a residence has been constructed previously on two lots and report with its findings. Without objection, it was so ordered.

53. **RESOLUTION FOR MRS. ANNE TROTT'S ONE HUNDREDTH BIRTHDAY (MOUNT VERNON DISTRICT)** (12:33 p.m.)

Supervisor Hyland announced that on August 9, Mrs. Anne Troth will celebrate her one hundredth birthday. Accordingly, he asked unanimous consent that the Board direct the Office of Public Affairs to prepare a resolution in commemoration of this momentous occasion. Without objection, it was so ordered.

54. **SCHEDULING OF PUBLIC HEARINGS** (12:33 p.m.)

With reference to his written Board Matter and corresponding email, Supervisor Hyland noted that at the last Board meeting, a Mount Vernon District resident had to wait almost four hours past the scheduled public hearing start time to speak on the Transportation Plan. Accordingly, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to review the email and provide recommendations. Without objection, it was so ordered.

55. **LAW LIBRARY** (12:34 p.m.)

With reference to his written Board Matter on the subject, Supervisor Hyland asked unanimous consent that the Board direct staff to add improvements to the County's Law Library in the amount of \$193,000 to the Consideration Item list for Carryover. Without objection, it was so ordered.

56. **WILDWOOD REZONING VACATION (MOUNT VERNON DISTRICT)** (12:34 p.m.)

Supervisor Hyland stated that Calvert Homes, Incorporated has filed a rezoning application for properties located in the Mount Vernon District of the County, which includes Tax Map numbers 107-2 ((2)) 15-22 and 24a, along with a small portion of Midway Place, a public right-of-way, located east of Wildwood Street in the Wildwood Subdivision and shown on Tax Map number 107-2 ((2)). Since the affected portion of Midway Place is a public right-of-way, its inclusion in the rezoning application requires the authorization of the Board. This portion of Midway Place is a dead-end that the applicant proposes to vacate to allow a continuous frontage of residential property along Wildwood Street.

Therefore, Supervisor Hyland moved that the Board authorize the filing of a rezoning application on the section of Midway Place located east of Wildwood Street in the Wildwood Subdivision, as generally identified in the rezoning application filed in the name of Calvert Homes, Incorporated, and as also shown on Tax Map 107-2 ((2)). Supervisor Bulova seconded the motion, which carried by unanimous vote.

57. **CONGRATULATIONS (MOUNT VERNON DISTRICT)** (12:35 p.m.)

(NOTE: Earlier in the meeting, the community presented an award to Supervisor Hyland. See Clerk's Summary Item #2.)

Chairman Connolly congratulated Supervisor Hyland on his award from the Huntington community.

58. **LAKE BRADDOCK COMMUNITY ASSOCIATION (LBCA) ASHBOURN POOLHOUSE ADDITION FOR COMMUNITY OFFICE SPACE: REQUEST FOR EXPEDITIOUS AND CONCURRENT PROCESSING FOR MINOR SITE PLAN AND ASSOCIATED APPLICATIONS (BRADDOCK DISTRICT)** (12:36 p.m.)

Supervisor Bulova stated that the LBCA, a non-profit homeowners association of 1,300 detached and townhouse residences, is working diligently to correct a 30 plus year zoning violation. The LBCA had been operating out of a two-story, walkout residential unit that was not zoned for office or lawn equipment storage and repair. Also, the office was not accessible under the Americans with Disabilities Act. To correct the deficiencies and remove the non-compatible uses from the stick row of residential units, LBCA is pursuing approval to build an addition to its pool house at Ashbourn Drive. Due to the use of the existing building as a pool facility during the summer months, the construction of the addition needs to begin in early September to be completed by May 2007.

Therefore, Supervisor Bulova moved that the Board direct the Director of the Department of Public Works and Environmental Services to expedite processing for, and review concurrently, the minor site plan and remaining plats, waivers, permits, and related documents and applications to allow construction to begin as soon as possible. She noted that this motion does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

59. **THE GIBSON-PARKER FAMILY CELEBRATION OF THE ILDA COMMUNITY (BRADDOCK DISTRICT)** (12:38 p.m.)

Supervisor Bulova noted that in the Braddock Oral History Book, *Braddock's True Gold*, there are several mentions of a community called Ilda. Founded in the 1860s by ex-slaves Horace Gibson and Moses Parker, the little community grew as residents purchased small five-acre lots, which were part of the Ravensworth Plantation, near the corner of Guinea Road and Little River Turnpike. Mr. Gibson and Mr. Parker were both blacksmiths, and they opened up a blacksmith shop at the corner of Little River Turnpike and what is today Prosperity Avenue.

Supervisor Bulova said that recently old graves were discovered at the southwest intersection of Guinea Road and Little River Turnpike. Already described as

“The Old Cemetery” on nineteenth century maps, local tenant farmers, African-American slaves, and freedmen are believed to have been interred at the cemetery. The Virginia Department of Transportation (VDOT) is conducting testing on the skeletal remains found at the site and plans to re-inter the remains at Pleasant Valley Memorial Park Cemetery in Annandale. Additionally, the History Commission is planning to have a historic marker installed at the re-internment site.

Supervisor Bulova said that she was contacted by Dennis Howard, who participated in the *A Look Back at Braddock* Oral History project and is a descendent of the Gibson-Parker family. Mr. Howard believes that some of the remains discovered at Guinea Road and Little River Turnpike may be his ancestors.

Supervisor Bulova explained that Mr. Howard and his family are planning a family reunion and celebration of the Ilda Community on September 30. She added that she will be attending part of the celebration during a ceremony at Pleasant Valley Memorial Park Cemetery from 2 p.m. until 4 p.m. and has offered to present a Proclamation honoring the Gibson-Parker family.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct the Office of Public Affairs to prepare a Proclamation, and that it be signed by all Members of the Board. Without objection, it was so ordered.

60. **VIRGINIA’S CLEAN AIR INTERSTATE RULE (CAIR)** (12:40 p.m.)

Supervisor Gross said that the Washington, DC Metropolitan area, including the County and the rest of Northern Virginia, is currently working to develop air quality measures and practices that would help the region meet new federal standards for both ground-level ozone (smog) and particulate pollution (haze). A key regulation under development by the Commonwealth of Virginia’s State Air Pollution Control Board (SAPCB), the CAIR, has important implications for meeting these standards. She asserted that it is critical that the County file comments during the 60-day public comment period on the VA CAIR rule, July 10 to September 8, 2006. In addition, she said that testimony at the public hearing on August 24 will be very valuable. She provided additional background information to the Board.

Therefore, Supervisor Gross moved that the Board:

- Approve the letter which urges the SAPCB to consider modifying the proposed rule (revision E05) to conform to the requirements of HB 1055 (SB 651) that was adopted by the 2006 General Assembly and endorsed by the Board.

- Direct the County Executive to arrange for the County to give testimony at the public hearing on August 24 in Richmond regarding this proposed rule (revision E05).

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

A brief discussion ensued regarding the public hearing, with input from Kambiz Agazi, County Environmental Coordinator.

61. **REQUEST FOR EXPEDITED PROCESSING OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 2001-MA-049 (MASON DISTRICT)** (12:43 p.m.)

Supervisor Gross said that on June 3, 2003, the Board approved Rezoning Application RZ 2001-MA-049 filed by Seville Homes LLC. That rezoning permitted the development of 12 homes in the PDH-5 District along Evergreen Lane in Annandale. Since one of the benefits of that rezoning was the redevelopment of several unsightly properties, one of the proffers phased the new development to the removal of the existing homes. One of the existing homes is occupied by a physician who, unfortunately, is taking longer to close his practice than originally anticipated. A proffered condition amendment has been filed to amend the phasing proffer to permit the doctor time to close his practice while still permitting the development to proceed.

Noting that she discussed the situation with staff, Supervisor Gross moved that the Board direct staff to expedite the processing of Proffered Condition Amendment Application PCA 2001-MA-049. This motion shall not be construed to prejudge the outcome of the application in any way. Vice-Chairman Bulova seconded the motion, and it carried by a vote of nine, Chairman Connolly being out of the room.

62. **STATUS OF HOUSING AND COMMUNITY DEVELOPMENT WAITING LIST FOR HOUSING** (12:44 p.m.)

Supervisor Hudgins reported that every month her office assists Hunter Mill District constituents and individuals from across the County with their housing needs, often including an individual's status on the County's housing waiting list. In a particular case, a status check revealed that a shelter resident in question had a place holder on three of the programs.

Supervisor Hudgins said that, moreover, a July 20 article in the *Washington Examiner* reported that the County's waiting list had jumped by approximately 1,000 names in one month's time to 13,173. While the County attempts to eradicate homelessness in the County, she expressed her hope that it is not moving drastically in the other direction.

Accordingly, Supervisor Hudgins moved that the Board direct staff to provide:

- A detailed response as to what was the cause in the sudden increase in the County's wait list.
- A detailed assessment of the County's housing waiting lists, how clients on the waiting list are tracked as they move from place to place waiting for housing, and how the County prioritizes the list by need and income bracket.

Supervisor Frey seconded the motion and asked to amend it to direct staff to provide information on the Redevelopment and Housing Authority's action regarding a change in the income levels allowable for assistance to explain its expected ramification to the waiting list also, and this was accepted.

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

63. **COPPERMINE ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)**  
(12:48 p.m.)

Supervisor Hudgins said that the School Board filed Proffered Condition Amendment Application PCA 2002-HM-035 for its property located on Tax Map Parcel 15-4-((1))-35A, the site of the future Coppermine Elementary School. The application proposes to amend the previously approved proffers to permit the School Board to reverse, and slightly modify, the previously approved building footprint. Minor revisions to the layout of the recreational fields will provide better grading options and will enable enhancements to the on-site screening. No additional improvements or increase in intensity of use are proposed with this amendment.

Supervisor Hudgins noted that the School Board's site plan for Coppermine Elementary School is ready to be filed, and site plan review must begin to enable the school to open as scheduled in September 2008. Expedited review of Proffered Condition Amendment Application PCA 2002-HM-035, and concurrent site plan review, are essential for the School Board to maintain this schedule. The reconfigured site layout has received support from the Department of Planning and Zoning's Zoning Evaluation Division (ZED) and the Department of Public Works and Environmental Services (DPWES) because it is more favorable in a number of ways than the site layout previously approved.

Therefore Supervisor Hudgins moved that the Board:

- Direct DPWES to process the Coppermine Elementary School site plan concurrently with the review of Proffered Condition Amendment Application PCA 2002-HM-035.

- Direct ZED to give expedited review of Proffered Condition Amendment Application PCA 2002-HM-035, with a Board public hearing date on or before December 4, 2006.
- Authorize the ZED to waive the filing fee for Proffered Condition Amendment Application PCA 2002-HM-035.

Supervisor Hudgins noted that this motion shall not be construed as a favorable recommendation by the Board or staff on the proposed application and 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.

Following discussion, with input from David P. Bobzien, County Attorney, regarding the Board's authority to waive the fee, Supervisor Hudgins asked to amend her motion to make it conditional upon the County Attorney's determination that it is permissible, and this was accepted.

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

64. **WAIVER OF FEES FOR THE VIENNA POLICE DEPARTMENT (HUNTER MILL DISTRICT)** (12:52 p.m.)

Supervisor Hudgins stated that the Town of Vienna Police Department is preparing to start interior renovations of the Town Hall Basement located at 217 Center Street, South, for use by the Police Department's Criminal Investigation Section. The department will be submitting the plans and application for the project which will require building permit and subsequent inspections by the County's Department of Public Works and Environmental Services (DPWES). The cost of applicable permit and inspection fees is approximately \$2,000. The Town has requested a waiver of all County building and inspection fees for the interior renovations of the Town Hall basement for the use by the Vienna Police Department.

Accordingly, Supervisor Hudgins moved that the Board direct staff of DPWES to exempt the Town of Vienna from all building and inspections fees associated with the Vienna Police Department's renovation of the Town Hall basement located at 217 Center Street, South, Vienna. Chairman Connolly seconded the motion, which carried by unanimous vote.

65. **HERITAGE FELLOWSHIP UNITED CHURCH OF CHRIST (HUNTER MILL DISTRICT)** (12:53 p.m.)

Supervisor Hudgins said that the applicant Heritage Fellowship United Church of Christ has pending Rezoning Application RZ 2006-HM-001 and Special Permit Amendment Application SPA 84-C-045 and has been working with County staff,

the Hunter Mill Land Use Committee, and the community to address concerns raised by the community. Their efforts have been successful at addressing most concerns raised, and they have requested an expedited review of the application concurrent with the processing of the site plan.

Supervisor Hudgins moved that the Board:

- Direct staff in the Department of Public Works and Environmental Services to review and process the site plan for Heritage Fellowship United Church of Christ concurrently with the County staff's review of pending Rezoning Application RZ 2006-HM-001 and Special Permit Amendment Application SPA 84-C-045.
- Direct staff to schedule a public hearing date for Rezoning Application RZ 2006-HM-001 for the next Board of Supervisors meeting following the Board of Zoning Appeals' public hearing for Special Permit Amendment Application SPA 84-C-045.

Supervisor Hudgins noted that this motion shall not be construed as a favorable recommendation by the Board or staff on the proposed application and does not relieve the applicant from complying with all regulations, ordinances or adopted standards, and does not prejudice the consideration of this application in any way.

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

66. **PROTECTION OF PUBLIC AND PRIVATE PROPERTY FROM KUDZU (HUNTER MILL DISTRICT)** (12:54 p.m.)

Supervisor Hudgins reported that she received a petition from residents in Vienna who told her that historic Freedom Park is being taken over by invasive kudzu. Several trees have been killed, and the vine has begun to spread to private property as well.

Supervisor Hudgins asked unanimous consent that the Board direct staff to explore how best to assist this public site and how best to assist residents to protect their private property. Without objection, it was so ordered.

**PMH:pmh**

67. **SECONDARY ROADS** (12:55 p.m.)

Supervisor Kauffman noted that there is a discrepancy relating to restricted parking in large planned communities and some town home communities.

Therefore, Supervisor Kauffman moved that the Board direct the Department of Transportation to determine the process for creating a new class/designation of secondary roadway that will give the County the authority to ban parking, at the

communities' request, on roadways that fall within a planned community's borders. Supervisor McConnell seconded the motion and it carried by unanimous vote.

68. **SPRINGFIELD GARAGE** (12:56 p.m.)

Supervisor Kauffman referred to the recent Springfield parking garage Request for Proposal (RFP) and noted that not one bid was received.

Supervisor Kauffman moved that the Board direct staff to begin the process of directing funds (subject to Board review) intended for a joint development of a potential parking facility to the direct purchase of the Circuit City site and that the Department of Housing report with a "post mortem" of why there was no response to the RFP. Supervisor McConnell seconded the motion and it carried by unanimous vote.

69. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MS. LEAH COOKSON (LEE DISTRICT)** (12:58 p.m.)

Supervisor Kauffman announced that Leah Cookson, a recent graduate of Robert E. Lee High School and the Culinary Arts program at the Edison Academy, has been awarded the Mel Krupin Scholarship by the Restaurant Association of Metropolitan Washington.

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Ms. Cookson to appear before the Board for formal recognition and that a certificate be prepared to present to Ms. Cookson. Without objection, it was so ordered.

70. **JOINT PUBLIC HEARING ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS 2007 THROUGH 2012** (12:59 p.m.)

Supervisor Kauffman referred to the Base Realignment and Closure (BRAC) and noted that there is a joint public hearing with VDOT on its Six Year Plan.

(NOTE: Later in the meeting, the joint public hearing was held. See Clerk's Summary Item #121.)

71. **WHITE CANE SAFETY DAY** (12:59 p.m.)

Supervisor Frey said that White Cane Safety Day, observed annually on October 15, is a day of special significance for American people who are blind or visually impaired. The white cane represents a symbol of freedom for blind or visually impaired people to travel to school, work, and community facilities. The white cane is recognized as a tool that enables blind or visually impaired people to

have the freedom to participate in the many facets of community life, and to strive for independence. The proclamation of this day also signifies a commitment by the sighted community to strive to provide equal access to basic services such as employment, housing, community services, and transportation for people who are blind or visually impaired. It is an opportunity to promote understanding and education of the issues faced by those who are blind or visually impaired, including pedestrian safety issues.

Therefore, Supervisor Frey asked unanimous consent that the Board proclaim October 15, 2006, as “*White Cane Safety Day*” in Fairfax County and that the Board recognize the members of the Northern Virginia Council of the Blind at the September 25 Board meeting. Without objection, it was so ordered.

72. **PNC BANK AT FRANKLIN FARM – CONCURRENT PROCESSING OF PLANS ASSOCIATED WITH FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 78-C-118-16 (SULLY DISTRICT)**  
(1:01 p.m.)

Supervisor Frey said that PNC Bank, N.A. has filed and will be pursuing the processing of Final Development Plan Amendment Application FDPA 78-C-118-16. This application proposes to establish a drive-in bank on property identified as Tax Map number 35-1((4))(22)2B.

Supervisor Frey moved that the board direct staff to accept for processing the site and building plans associated with Final Development Plan Amendment Application FDPA 78-C-118-16. This motion should not be construed as a favorable recommendation by the Board on the proposed application, and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Hyland seconded the motion and it carried by unanimous vote.

73. **WORLD POLICE AND FIRE OLYMPICS - CONSIDERATION ITEM**  
(1:03 p.m.)

Supervisor Frey noted that last year the Board approved “seed” funds for the World Police and Fire Olympics. He noted that there has been corporate and private support generated for the efforts.

Therefore, Supervisor Frey asked unanimous consent that the Board add to its Consideration Item List \$50,000 for this effort. Without objection, it was so ordered.

A brief discussion ensued regarding the scheduling of the visit by the site selection committee.

74. **SUGARLAND HILLS LLC AND SUGARLAND HILL APARTMENTS  
(DRANESVILLE DISTRICT)** (1:07 p.m.)

Supervisor DuBois said that Sugarland Hills LLC and Sugarland Hill Apartments have filed Special Exception Amendment Application SEA 01-D-022-1. Staff has determined that a special exception amendment is necessary to clear up an error in setback requirements. The project is fully constructed. There was no community opposition to the original application.

Therefore, Supervisor DuBois moved that the Board direct staff to expedite the review of Special Exception Amendment Application SEA 01-D-022-1 as soon as accepted. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and it does not prejudice the consideration of the application in any way. Supervisor Smyth seconded the motion and it carried by unanimous vote.

75. **RETIREMENT OF ASSISTANT FIRE CHIEF MARK WHEATLEY**  
(1:08 p.m.)

Supervisor DuBois announced that Assistant Fire Chief for Operations, Mark Wheatley, is retiring from the County after many years of service.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite Assistant Fire Chief Wheatley to appear before the Board to be recognized and thanked for his distinguished service. Without objection, it was so ordered.

76. **DRANESVILLE RECOLLECTIONS PROJECT** (1:08 p.m.)

Supervisor DuBois said that in conjunction with Celebrate Virginia 1607-2007 observances, Dranesville historians have been busy in McLean and Great Falls with a recollections project. She referred to her written Board Matter and described the project.

Supervisor DuBois noted that the publication date will coincide with the Grand Jamestown event in May 2007.

Supervisor DuBois announced that another program coming in October at the McLean Community Center is a lecture and book signing by John Haden from Lincolnshire, England.

Supervisor Frey reminded Board Members that Chantilly was the first to have a project to preserve oral history.

77. **McLEAN LITTLE LEAGUE MAJORS SOFTBALL (DRANESVILLE DISTRICT)** (1:11 p.m.)

Supervisor DuBois announced that the “girls of summer” have done it again. The McLean Little League Majors softball team defeated the Elkton All-Stars to win the Virginia State Majors Softball Championship. She referred to her written Board Matter and outlined their accomplishments.

Supervisor DuBois asked unanimous consent that the Board direct staff to invite the team to appear before the Board to congratulate them on another winning season. Without objection, it was so ordered.

78. **REQUEST FOR CONCURRENT PROCESSING FOR RCV REAL ESTATE (SPRINGFIELD DISTRICT)** (1:12 p.m.)

Supervisor McConnell said that RCV Real Estate has filed Final Development Plan Amendment Application FDPA 82-P-069-05-02 to develop 13 single family attached residential townhouses on a portion of land bay 6-E of Fair Lakes. It is scheduled for a public hearing before the Planning Commission on October 4, 2006.

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

79. **SPOT TRANSPORTATION IMPROVEMENT PROJECTS** (1:13 p.m.)

Supervisor McConnell circulated to Board Members a letter from George Barker, Chair, Transportation Advisory Commission, regarding the development of another set of Spot Transportation Improvement projects in each district.

80. **METRO STATION PARKING AND POLICIES AND BUS SERVICE** (1:14 p.m.)

Jointly with Supervisor Kauffman, Supervisor Smyth referred to applications for development at Metro stations and how the site is developed with private development and how it interrelates with the Metro station and parking at the Metro station.

Therefore, Supervisor Smyth moved that the Board:

- Direct County staff, in consultation with the Washington Metropolitan Area Transit Authority (WMATA), to review Metro Station parking policies to determine the possibility of creating

flexible parking policies tailored to fit the future functional needs of each Metro station.

- Re-evaluate Metro and Connector Bus service needs at transit stations before new transit oriented developments are constructed to ensure that expanded bus service is coordinated to meet the anticipated demands for service in a timely fashion.

Supervisor Kauffman seconded the motion.

There was a brief discussion regarding the coordination of related issues.

(NOTE: Later in the meeting, the vote was taken on this issue. See Clerk's Summary Item #82.)

81. **CONCURRENT PROCESSING OF SITE PLAN ASSOCIATED WITH SPECIAL EXCEPTION APPLICATION SE 2006-PR-008 (PROVIDENCE DISTRICT)** (1:17 p.m.)

Supervisor Smyth said that Sonic Development, the applicant of Special Exception Application SE-2006-PR-008, has requested that it be permitted to submit a site plan for concurrent review by staff. She said that representatives of Sonic Development and BMW Fairfax have assured her that they fully understand that they run the risk of potentially having to redesign and resubmit a new site plan if substantial design changes occur during the special exception review process.

To that end, and with the applicant's full understanding of the risks associated with concurrent site plan processing, Supervisor Smyth moved that the Board approve concurrent processing of the site plan for the pending Special Exception Application SE-2006-PR-008. This motion does not relieve Sonic Development from compliance with the provisions of all applicable ordinances, regulations, and adopted standards and does not prejudice in any way the consideration of their Special Exception application. Supervisor Bulova seconded the motion and it carried by unanimous vote.

82. **BOARD'S VOTE REGARDING METRO STATION PARKING AND POLICIES AND BUS SERVICE** (1:18 p.m.)

(NOTE: Earlier in the meeting this issue was discussed. See Clerk's Summary Item #80.)

The question was called on Supervisor Smyth's motion that the Board:

- Direct County staff, in consultation with the Washington Metropolitan Area Transit Authority (WMATA) to review Metro Station parking policies to determine the possibility of creating

flexible parking policies tailored to fit the future functional needs of each Metro station.

- Re-evaluate Metro and Connector Bus service needs at transit stations before new transit oriented developments are constructed to ensure that expanded bus service is coordinated to meet the anticipated demands for service in a timely fashion.

It carried by unanimous vote.

83. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MR. DAVE ECKERT** (1:18 p.m.)

Supervisor Smyth announced that Mr. Dave Eckert was leaving the area and she asked unanimous consent that the Board direct staff to invite Mr. Eckert to appear before the Board to be recognized for his environmental efforts. Without objection, it was so ordered.

84. **INTENT TO DEFER PUBLIC HEARINGS (HUNTER MILL, MOUNT VERNON, PROVIDENCE, AND SULLY DISTRICTS)** (1:19 p.m.)

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

- Special Exception Amendment Application SEA 2004-MA-022
- Proffered Condition Amendment Application PCA 2006-MV-005
- Special Exception Application SE 2006-MV-013
- Special Exception Application SE 2006-MV-001
- Rezoning Application RZ 2005-PR-040
- Proffered Condition Amendment Application PCA 2003-SU-040

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items #96-99.)

85. **NEW INTERN AT HUNTER MILL DISTRICT OFFICE** (1:19 p.m.)

Supervisor Hudgins introduced to Board Members Jamelia McDonald, a new intern in her office.

86. **RECESS/CLOSED SESSION** (1:20 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. *McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia, Case No. 1:06-cv-00769 (E.D. Va.) (Dranesville District)*
  - 2. *McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia, At Law No. CL-2006-0008305 (Fx. Co. Cir. Ct.) (Dranesville District)*
  - 3. *Board of Supervisors of Fairfax County, Virginia, and John Wesley White, Director, Fairfax County Department of Public Works and Environmental Services v. Board of Zoning Appeals of Fairfax County, Virginia, Young K. Lee, and Young A. Lee, At Law No. CL-2004-0221391 (Fx. Co. Cir. Ct.) (Providence District)*
  - 4. *William E. Shoup, Fairfax County Zoning Administrator v. Patricia DeLisio and John Aidonis, In Chancery No. CH-2004-0199371; Jean J. Aidonis v. Fairfax County Zoning Administrator, Fairfax County, F. Hayden Coddling, and Susan Epstein, Case No. CL-2006-0001145 (Fx. Co. Cir. Ct.) (Hunter Mill District)*

5. *William E. Shoup, Fairfax County Zoning Administrator v. Konstantino M. Pappaminas, et al.*, Case No. CL-2006-0005204 (Fx. Co. Cir. Ct.) (Providence District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Angula L. Mitchell*, In Chancery No. CH-2005-0005119 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Dawn Rowland*, Case No. CL-2006-0006240 (Fx. Co. Cir. Ct.) (Sully District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. West Springfield Plaza Associates, LLC, et al.*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Paul Richard Jablonski*, Case No. CL-2006-0002575 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Rafael Molina Vasquez*, Case No. CL-2006-0006882 (Fx. Co. Cir. Ct.) (Braddock District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Hermann J. Budek*, Case No. CL-2006-0005798 (Fx. Co. Cir. Ct.) (Hunter Mill District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Danny Bryant and Shannon Bryant*, Case No. CL-2006-0000217 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul D. Christman and Sarah A. Jordan*, Case No. CL-2006-0008179 (Fx. Co. Cir. Ct.) (Lee District)

14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adam J. Rodriguez*, Case No. CL-2006-0008493 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Philip M. Becker and Hazel J. Becker*, Case No. CL-2006-0008742 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Badr, Inc.*, Case No. CL-2006-0008269 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Fairfax County Park Authority v. Crestwood Construction Corporation*, Case No. CL-2006-0008251 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Fairfax County Park Authority v. Gary Lockowandt, et al.*, Case No. CL-2006-0008250 (Fx. Co. Cir. Ct.) (Mason District)
20. *Board of Supervisors of Fairfax County, Virginia v. Windy Hill Limited Partnership, et al.*, At Law No. CL-2005-0007091 (Fx. Co. Cir. Ct.) (Mason District)
21. *Board of Supervisors v. Commerce Executive VI, L.P.*, At Law No. CL-2005-0005185 (Fx. Co. Cir. Ct.) (Hunter Mill District)
22. *Board of Supervisors v. Powhatan Associates, L.L.C., et al.*, Case No. CL-2006-0009019 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Board of Supervisors' Authorization to Pursue Legal Action Against Cingular Wireless for Damages for Use of County-Owned Property
- Phong T. Mai and Anh Trinh Mai v. Eileen McLane

- Belle Haven Watershed Flood Damage Reduction Study
- Ron W. Koch v. Lance Schaible, et al.; Case No. CL-2006-9352
- Whitestone Investments, Inc. v. Patteson, et al.; Case No. CL-2006-7845
- Virginia Code Section 55-210.9
- Action 1 Regarding Cedar Ridge

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

**DS:ds**

At 4:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

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

87. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:15 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 McConnell seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

88. **AUTHORIZATION TO SUE CINGULAR WIRELESS** (4:16 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to sue Cingular Wireless for damages for use of County-owned property and to require removal of equipment and equipment cabinets from the property, as outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion and it carried by unanimous vote.

89. **SCHOOL BOARD CONVEYS PARCELS OF LAND TO THE BOARD OF SUPERVISORS** (4:16 p.m.)

Supervisor Bulova said that the School Board has declared a surplus and desires to convey to the Board of Supervisors parcels of land situated in either Fairfax County or the City of Fairfax. These properties consist of a total of

approximately 190 acres and are identified on County and City tax maps as reflected on Exhibit A to this motion, copies of which have been provided to the Clerk and each Board Member. Two of the parcels, Tax Map Numbers 29-2 ((1)) 1D and 37-2 ((15)) A, are subject to a lease with Fairfax County Park Authority. Supervisor Bulova said it would be in the best interest of the Board to accept the conveyance of these parcels to the Board and also assume the obligations of the School Board as set forth in the lease.

Therefore, Supervisor Bulova moved that the Board authorize and direct the County Executive or his designee to execute, on behalf of the Board, instruments that are acceptable to both the County Attorney and the School Board that will convey the parcels to the Board and provide for the Board's assumption of the School Board's obligation under the lease. Chairman Connolly seconded the motion and it carried by unanimous vote.

90. **FAIRHILL ZONING APPEAL (PROVIDENCE DISTRICT)** (4:18 p.m.)

Supervisor Smyth moved that the Board authorize the County Executive to direct the County's outside counsel in the Fairhill Zoning Appeal to take any steps that, in the County Executive's opinion, are necessary to preserve the Board's right with regard to this matter. Supervisor Gross seconded the motion and it carried by unanimous vote.

91. **APPROPRIATION OF FUNDS FOR PRIVATE LEGAL COUNSEL TO REPRESENT THE BOARD OF ZONING APPEALS (BZA) IN THE FEDERAL LAWSUIT INVOLVING THE MCLEAN BIBLE CHURCH (DRANESVILLE DISTRICT)** (4:18 p.m.)

Supervisor Hyland moved that the Board appropriate \$20,000 for the BZA to retain Bernard J. DiMuro, or some other attorney acceptable to both the BZA and the County Executive, to represent the BZA in *McLean Bible Church versus Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia*, Case Number 1:06-cv-00769 (Eastern District of Virginia), which case was filed in the Federal District Court for the Eastern District of Virginia on July 3, 2006. Supervisor Bulova seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to appropriate funds not to exceed \$20,000, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

**AGENDA ITEMS**

92. **A-1 – APPROVAL OF (1) FORMATION OF A LIMITED LIABILITY COMPANY BY THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA), (2) ISSUANCE AND SALE OF BONDS BY THE FCRHA, (3) SUBMISSION OF A LETTER OF SUPPORT TO VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) PURSUANT TO THE LOW INCOME HOUSING TAX CREDIT PROGRAM FOR THE ACQUISITION AND REHABILITATION OF CEDAR RIDGE APARTMENTS (HUNTER MILL DISTRICT)** (4:20 p.m.)

(BONDS) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #13.)

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

- The formation of a limited liability company to be known as FCRHA Cedar Ridge LLC for the acquisition and rehabilitation of Cedar Ridge Apartments.
- The issuance of tax-exempt and taxable bonds by the FCRHA for acquisition and rehabilitation of Cedar Ridge Apartments by FCRHA Cedar Ridge LLC.
- The submission of a letter of support to VHDA for Cedar Ridge Apartments in connection with an application for Low Income Housing Tax Credits.

Chairman Connolly seconded the motion and it carried by unanimous vote.

93. **A-4 – PROPOSED FEDERAL CAPITAL IMPROVEMENT PROGRAM – NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2007 – 2012** (4:20 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #95.)

Supervisor Gross moved that the Board concur in the recommendation of staff and authorize submission of comments to the National Capital Planning Commission concerning the proposed Federal Capital Improvements Program FY 2007 – FY 2012. The second to this motion was inaudible.

Chairman Connolly announced that the Board would consider this item later in the meeting, after Board Members have read the revised letter.

(NOTE: Later in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #95.)

94.

**A-5 – APPROVAL OF REVISIONS TO CHAPTERS 2 AND 10 OF THE PERSONNEL REGULATIONS REGARDING OVERTIME ELIGIBILITY DEFINITIONS, TRANSFERRED LEAVE LIMIT, AND USE OF SICK LEAVE FOR CHILDBIRTH AND ADOPTION** (4:21 p.m.)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #18.)

Supervisor Gross moved approval of the revisions to Chapters 2 and 10 of the Personnel Regulations, with the following revision:

- Modify the language in 10.10 as requested by the Civil Service Commission. The first phrase would be changed to read: "Sick leave **may** (instead of 'shall') be used when an employee is incapacitated by sickness or injury." The Department of Human Resources (DHR) and the County Attorney concurs. Supervisors currently have the discretion to allow employees to use annual or compensatory leave when sick, as appropriate.

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

Supervisor Gross further moved to remand to DHR:

- For further study, the Civil Service Commission's request to modify the language in Section 10.14 – Family and Medical Leave to read: "The father may take four weeks of sick leave **within twelve weeks**" (instead of 'immediately').
- For further review of the two additional issues raised by the Civil Service Commission, listed on page 2 of its July 21, 2006, memorandum.

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

95. **ADDITIONAL ACTION ON A-4 – PROPOSED FEDERAL CAPITAL IMPROVEMENT PROGRAM – NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2007 – 2012** (4:23 p.m.)

(NOTE: Earlier in the meeting, Supervisor Gross made a motion regarding this item, and the Board deferred the vote. See Clerk's Summary Item #93.)

Supervisor Hyland asked unanimous consent that the Board direct staff to revise the letter to the National Capital Planning Commission (NCPC), as follows:

- On the second page, revise the last sentence to read as follows: "As NCPC looks to adding projects to the CIP for BRAC development, Fairfax County urges that related transportation improvements, both those required on-post as well as a commitment to those required off-post be identified **and that adequate funding for same be identified** before BRAC related CIP projects are approved."

Without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board direct staff to send a copy of the letter to the Commonwealth of Virginia's Secretary of Transportation. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to also send a copy of the letter to the five congressional delegates (two Senators and three Congressmen). Without objection, it was so ordered.

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

96. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2004-MA-022 (AMERADA HESS CORPORATION) (MASON DISTRICT)** (4:27 p.m.)

Supervisor Gross moved to defer indefinitely the public hearing on Special Exception Amendment Application SEA 2004-MA-022. Supervisor DuBois seconded the motion and it carried by unanimous vote.

97. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-MV-005 AND SPECIAL EXCEPTION APPLICATIONS SE 2006-MV-013 AND SE 2006-MV-001 (PACE-BOSWELL ASSOCIATES, LLC) (MOUNT VERNON DISTRICT)** (4:27 p.m.)

Supervisor Hyland moved to defer the public hearing on Proffered Condition Amendment Application PCA 2006-MV-005 and Special Exception Applications SE 2006-MV-013 and SE 2006-MV-001 until **October 23, 2006, at 3 p.m.**

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

98. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-040 (WATERMARK TWO, LLC) (PROVIDENCE DISTRICT)** (4:27 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2005-PR-040 until **September 11, 2006, at 3:30 p.m.** Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

99. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-SU-040 (WMH, LLC) (SULLY DISTRICT)** (4:28 p.m.)

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 2003-SU-040 until **September 25, 2006, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

100. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-696-06 (OTO DEVELOPMENT, LLC) (HUNTER MILL DISTRICT)** (4:29 p.m.)

The application property is located in the northeast and southeast quadrants of the intersection of Sunrise Valley Drive and Dulles Station Boulevard, Tax Map 15-4 ((5)) 3 pt., 4, and 5 pt.

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, John David Moss, 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 C-696-06, subject to the proffers dated July 19, 2006.
- For Option A, reaffirmation of all previously approved waivers.

- For Option B, waiver of the barrier requirement along the southern boundary of the property where it abuts the existing multifamily development.
- For Option A, reaffirmation of all previously approved modifications.
- For Option B, approval of the following:
  - Modification of the loading space requirement in Section 11-200 of the Zoning Ordinance.
  - Modification of the transitional screening requirement along a portion of the southern boundary of the site where it abuts the existing multifamily development.
  - Modification of the construction materials for the sidewalks per Section 8-0100 of the Public Facilities Manual (PFM).
  - Modification of the construction materials for trail requirements per Section 8-0200 of the PFM.

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

101. **3 P.M. – BOARD DECISION ON PROPOSED POLICY PLAN AMENDMENT S01-CW-17CP, TRANSPORTATION POLICY PLAN (TRANSPORTATION PLAN MAP ONLY)** (4:37 p.m.)

(NOTE: On July 10, 2006, the Board held a public hearing on Proposed Policy Plan Amendment S01-CW-17CP, Transportation Policy Plan, and approved the Planning Commission recommendations with several revisions to the Policies. However, the Board deferred its decision on the Transportation Plan Map until July 31, 2006.)

Chairman Connolly stated that he had items for the record.

Supervisor Smyth moved adoption of the Transportation Policy Plan Map with the following modification, on Hunter Mill Road between Mystic Meadow Way and Vale Road, change the map to designate this segment as **two lanes** instead of four lanes. Supervisor Gross and Supervisor Hyland jointly seconded the motion.

Supervisor Kauffman asked to amend the motion, for the section of Telegraph Road between South Kings Highway and Franconia Road, to incorporate area plan language reflecting the desire for a maximum of **three** lanes on this segment of Telegraph Road. This was accepted.

Supervisor Smyth clarified her modification that the two lanes means two lanes improved so that it can accommodate the roundabouts and any other traffic calming.

Discussion ensued, with input from Leonard Wolfenstein, Chief, Transportation Planning Section, Department of Transportation, regarding the map revisions.

Supervisor Bulova moved a substitute motion to:

- Approve the Transportation Policy Plan May with the exception of the Hunter Mill Road and Telegraph Road revisions.
- Refer this matter to the Board's Transportation Committee for review and recommendations.

Supervisor McConnell seconded the motion.

Following discussion regarding the substitute motion and map revisions, the question was called on the substitute motion and it **FAILED** by a recorded vote of six, Supervisor Hudgins, Supervisor Frey, Supervisor McConnell, and Supervisor Bulova voting "AYE."

The question was called on Supervisor Smyth's main motion, as amended, and it carried by unanimous vote.

102. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWAL APPLICATION AR 89-S-005-02 (WILLIAM G. MURRAY, TRUSTEE OF TRUST U/W OF JONES D. JASPER) (SPRINGFIELD DISTRICT)** (4:54 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 July 13 and July 20, 2006.

The application property is located on the west side of Wolf Run Shoals Road approximately 750 feet south of its intersection with Chapel Road, Tax Map 86-2 ((1)) 20Z and 21Z.

Mr. John R. Jasper reaffirmed the validity of the affidavit for the record.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Supervisor McConnell moved approval of Agricultural Renewal Application AR 89-S-005-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Jasper Local Agricultural and Forestal District, subject to the Ordinance provisions dated June 21, 2006. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

103. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWAL APPLICATION AR 89-S-004-02 (EUGENE D. FOSTER AND VIRGINIA N. FOSTER (SPRINGFIELD DISTRICT))** (4:58 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 July 13 and July 20, 2006.

The application property is located at 13401 Twin Lakes Drive, Tax Map 66-3 ((1)) 3Z, 4Z, 5Z, 6Z, and 21Z.

Ms. Hope Foster Britt reaffirmed the validity of the affidavit for the record.

Discussion ensued, with input from Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, regarding the affidavit.

Chairman Connolly announced that this public hearing would be deferred until later in the meeting, pending the arrival of, and consultation with, the County Attorney regarding the reaffirmation of the affidavit.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #108.)

104. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWAL APPLICATION AR 89-S-003-02 (THOMAS E. REED AND MADELEINE S. REED) (SPRINGFIELD DISTRICT)** (4:59 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 July 13 and July 20, 2006.

The application property is located at 12801 Popes Head Road, Tax Map 66-4 ((1)) 11Z, 17Z, and 18Z.

Mr. Thomas Reed reaffirmed the validity of the affidavit for the record.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Supervisor McConnell moved approval of Agricultural Renewal Application AR 89-S-003-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Reed Local Agricultural and Forestal District, subject to the Ordinance provisions dated June 21, 2006. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Hudgins, Supervisor Kauffman, and Supervisor Smyth being out of the room.

105. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SEA 82-V-012-5 (INOVA HEALTH CARE SERVICES) (MOUNT VERNON DISTRICT)** (5:04 p.m.)

The application property is located at 2501 Parkers Lane, Tax Map 102-1 ((1)) 4 pt.

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

Supervisor Hyland disclosed that he is a trustee of the Inova Health Care Services Board.

Supervisor Gross disclosed that she is a trustee of the Inova Health Care Services Board.

Supervisor McConnell disclosed that she:

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

Supervisor Hyland disclosed that he received a campaign contribution in excess of \$100 from Inova Health Care Services.

Chairman Connolly disclosed that “Citizens for Jim Scott” contributed in excess of \$100 to the Potomac Political Action Committee (PAC), which is a PAC he initiated.

John M. Thompson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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.

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

Supervisor Hyland moved:

- Approval of Special Exception Amendment Application 82-V-012-5, subject to the development conditions dated July 19, 2006.
- Modification of the transitional screening requirements along the west property line (Holland Road) to that shown on the SEA plat.
- Waiver of the barrier requirements along the west property line (Holland Road).
- Modification of the interior peripheral parking lot landscaping for those areas of the 26.37 acre site unchanged by this SEA request in favor of the existing landscaping as shown on the SEA plat.

Supervisor Frey and Supervisor Gross jointly seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

106. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-LE-032 (SHARON CHAPEL, LLC) (LEE DISTRICT) (5:10 p.m.)**

- (O) The application property is located in the northwest quadrant of the intersection of Sharon Chapel Road and Telegraph Road, Tax Map 82-4 ((1)) 34.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Mr. Riegle 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, Greg Chase, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- DENIAL of the requested rezoning for application RZ 2005-LE-032 from the R-2 District to the PDH-3 District.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-LE-032, from the R-2 District to the PDH-2 District, which is a revised request, and approval of the Conceptual Development Plan, subject to the proffers dated June 14, 2006.
- Waiver of the 600-foot maximum length requirement for private streets.

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

(NOTE: On June 15, 2006, the Planning Commission approved Final Development Plan Application FDP 2005-LE-032, as revised and dated June 14, 2006.)

PW:pw

107. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-017 (ARLINGTON VIRGINIA FEDERAL CREDIT UNION) (MASON DISTRICT) (5:17 p.m.)**

The application property is located at 5666 Columbia Pike, Tax Map 61-2 ((1)) 83, 84, and 84A.

Ms. Tara Wiedeman reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 01-M-017, subject to the development conditions dated July 27, 2006.
- Waiver of the service drive requirement along Columbia Pike.
- Modification of the transitional screening and barrier requirements along the northern and northeastern boundaries in favor of that shown on the SEA plat, and as conditioned.
- Modification of the loading space requirement from two spaces to one space.
- Modification of the Commercial Revitalization District Streetscape requirements in favor of that shown on the SEA plat, and as conditioned.

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

108. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWAL APPLICATION AR 89-S-004-02 (EUGENE D. FOSTER AND VIRGINIA N. FOSTER (SPRINGFIELD DISTRICT))** (5:24 p.m.)

(O) (NOTE: Earlier in the meeting, this public hearing was deferred. See Clerk's Summary Item #\_.)

Discussion ensued with input from Karen A. Harwood, Deputy County Attorney, regarding affidavit requirements for local agricultural and forestal districts.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to dispense with the affidavit requirements for local agricultural and forestal districts. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

Supervisor McConnell moved approval of Agricultural Renewal Application AR 89-S-004-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Foster Local Agricultural and Forestal District, subject to the Ordinance provisions dated June 24, 2006. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor Kauffman being out of the room.

109. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SU-006 (COLONIAL PIPELINE COMPANY) (SULLY DISTRICT)** (5:27 p.m.)

The application property is located northwest of McLearen Road, Tax Map 25-3 ((4)) B1 pt. and 25-3 ((10)) C pt.

Mr. Michael Kinney reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Mr. Frank McDermott

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

- In excess of \$100 from Colonel Pipeline Company and Access Point Public Affairs, LLC

Mr. Kinney 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 Frey moved:

- Approval of Special Exception Application SE 2006-SU-006, subject to the development conditions dated July 31, 2006.
- Modification of the Transitional Screening 3 requirement in favor of a 25 foot wide strip of vegetative screening as shown on the SEA plat.

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

Discussion ensued with input from Mr. Chris Brown, Airport Manager, Washington Dulles International Airport, (Speaker #1), regarding a pending economic impact statement. Supervisor Gross asked unanimous consent that the Board direct Mr. Brown to provide that report, when available, to the Board. Without objection it was so ordered.

110. **4 P.M. – PH ON PUBLIC FACILITIES REVIEW APPLICATION 2232-Y06-11: MAGNET HOUSING/ROUTE 50 AND WEST OX ROAD (SULLY DISTRICT)** (5:42 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 13 and July 20, 2006.

The application property is located at the northwest corner of the intersection of Route 50 and West Ox Road, 12114 and 12116 Lee Jackson Memorial Highway, Tax Map 46-3 ((1)) 9 and 9A.

Leanna Hush, Planner II, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued with input from David Marshall, Chief, Public Facilities Branch, PD, DPZ, regarding the process for applications submitted by the Redevelopment and Housing Authority.

Following the public hearing, Supervisor Frey moved approval of Public Facilities Review Application 2232-Y06-11, substantially in accordance with provisions of the adopted Comprehensive Plan. Supervisor Hyland seconded the motion and it carried by unanimous vote.

111. **4 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR IMPROVEMENTS TO ROUTE 123 (SPRINGFIELD DISTRICT)** (5:46 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 13 and July 20, 2006.

Marguerite Verville, Assistant Director, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor McConnell moved adoption of the Resolution for the conveyance of County-owned property to VDOT for improvements to Route 123. 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.”

112. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING RECLASSIFICATION OF PERENNIAL STREAMS** (5:48 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 July 13 and July 20, 2006.

John Friedman, Code Analyst, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued with input from James W. Patteson, Director, LDS, DPWES, regarding terminology in the Public Facilities Manual.

Supervisor Smyth asked unanimous consent to amend the proposed amendments to the Public Facilities Manual, Section 6-1704.9E to be consistent with Section 6-1704.4D(3) and use the terminology channel bottom, channel bed, and banks. Without objection, it was so ordered.

Discussion ensued regarding additional information on providing a buffer for intermittent streams and when that information will be provided to the Board.

Additional discussion ensued regarding the term “normal precipitation.”

Supervisor Gross asked unanimous consent that the Board direct staff to submit for the record the written response to questions presented at the public hearing before the Planning Commission. Without objection, it was so ordered. The written memorandum dated July 12, 2006, was submitted for the record.

Following the public hearing, which included testimony by six speakers, Supervisor Frey moved adoption of the proposed amendments, as amended, to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance) and the PFM regarding reclassification of perennial streams, as set forth in the staff report dated May 15, 2006. Supervisor Gross seconded 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 being out of the room.

113. **4:30 P.M. – PH ON A PROPOSAL TO ABANDON PART OF THE RIGHT-OF-WAY OF JOCELYNE COURT (SULLY DISTRICT)**  
(6:18 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 July 13 and July 20, 2006.

Donald Stephens, Transportation Planner, Site Analyst Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the Order of Abandonment for the abandonment of part of the right-of-way of Jocelyne Court. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Kauffman, and Chairman Connolly voting “AYE,” Supervisor Gross, Supervisor Hyland, Supervisor McConnell, and Supervisor Smyth being out of the room.

114. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE LAKE BRADDOCK RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 5 (BRADDOCK DISTRICT)** (6:26 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 July 13 and July 20, 2006.

Hamid Majdi, Transportation Planner II, Operations Division, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Lake Braddock RPPD, District 5. The proposed district expansion includes Tilia Court (Route 6449). Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Chairman Connolly voting “AYE,” Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth being out of the room.

115. **4:30 P.M. – PH ON A TEMPORARY UNCODIFIED ORDINANCE THAT WILL PROVIDE FOR UP TO A ONE DOLLAR AND FIFTY-CENT TAXICAB FUEL SURCHARGE UNTIL JANUARY 31, 2007** (6:38 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 July 13 and July 20, 2006.

Gail J. Condrick, Director, Department of Cable Communications and Consumer Protection (DCCCP), and Dave Reidenbach, Director, Consumer Protection Division, DCCCP, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved adoption of the Uncodified Ordinance to provide for a \$1.50 per trip fuel surcharge to be effective for the period August 1, 2006, to January 31, 2007. Supervisor DuBois seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Smyth and Vice-Chairman Bulova voting “AYE,” Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly being out of the room.

116. **4:30 P.M. – PH ON A PROPOSAL TO ABANDON WIMSATT ROAD (BRADDOCK DISTRICT)** (6:43 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 July 13 and July 20, 2006.

Vice-Chairman Bulova relinquished the Chair to Acting-Chairman Hyland.

Donald Stephens, Transportation Planner, Site Analyst Section, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the Order of Abandonment for Wimsatt Road. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Smyth, and Acting Chairman Hyland voting “AYE,” Supervisor Gross, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly being out of the room.

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

117. **5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-HM-010  
(WALKER FLP LIMITED PARTNERSHIP) (HUNTER MILL DISTRICT)**  
(6:44 p.m.)

(NOTE: On July 10, 2006, the Board deferred the public hearing on this item until July 31, 2006.)

The application property is located in the southwest quadrant of the intersection of the Dulles Toll Road and Hunter Mill Road, Tax Map 18-3 ((1)) 7B and 7G pt.

Mr. Ben Tompkins reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from William H. Gordon of William H. Gordon and Associates, Inc, which corporation is shown as an agent of the applicant, on behalf of 4501 Daly LP, who is not associated with this application.

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

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

Supervisor Hudgins moved:

- Approval of Special Exception Application SE 2005-HM-010, subject to the development conditions dated July 30, 2006.
- Revision of Condition Number 9 to read as follows: “Prior to site plan approval, the applicant shall provide a noise study and implement any recommendations of that study to demonstrate that the outdoor generator shown on the SE Plat on the east side of Building A, adjacent to Hunter Mill Road, will comply with the performance standards of noise set by Section 14-700 of the Zoning Ordinance and that the levels at the eastern property boundary will not exceed the ambient decibel level from adjacent traffic and other sources.”
- Revision of Condition Number 24 to read as follows: “Should Option B be developed, the hotel shall have a maximum of 150 rooms, provided that a maximum of 165 rooms may be provided

with no increase in floor area, upon demonstration that any increase above 150 rooms will not have an adverse impact on the impacted intersections in the a.m. and p.m. peak hour flows, as determined by the Fairfax County Department of Transportation.”

- Modification of the transitional screening and barrier requirements along the northern and eastern property boundaries in favor of that shown on the SE Plat and as conditioned.
- Waiver of the service drive requirement along the Dulles International Airport Access and Toll Road.
- Modification of the 75-foot setback requirement along the Dulles International Airport Access and Toll Road for the parking garage only in favor of that shown on the SE Plat.

Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Chairman Connolly being out of the room.

118. **5 P.M. – PH ON REZONING APPLICATION RZ 2005-MV-001 (BROOKFIELD RIDGE ROAD, LLC) (MOUNT VERNON DISTRICT)**  
(6:54 p.m.)

- (O) (NOTE: On November 21, 2005, the Board deferred the public hearing on this item until January 9, 2006. On January 9, 2006, the Board deferred the public hearing on this item until February 27, 2006. This item was moved to April 3, 2006. On April 3, 2006, the Board deferred the public hearing on this item until May 15, 2006. On May 15, 2006, the Board deferred the public hearing on this item until June 5, 2006. On June 5, 2006, the Board deferred the public hearing on this item until June 26, 2006. On June 26, 2006, the Board deferred the public hearing on this item until July 31, 2006.)

The application property is located at the south of Ridge Creek Way, southeast of its intersection with Shepherd Ridge Court, Tax Map 89-4 ((1)) 56, 57A, and 69.

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

Supervisor McConnell disclosed the following:

- Land Design Consultants, Inc., has a business relationship with her; however, the business relationship is not related to any party to this application.
- A campaign contribution which she had received in excess of \$100 from Mr. John Marshall of Land Design Consultants, Inc.

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

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Supervisor Hyland indicated he had several items for the record.

Discussion ensued, with input from David P. Bobzien, County Attorney, regarding a private legal action connected to the property to which the County is not a party.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion which carried by a vote of eight, Supervisor Frey and Supervisor Hudgins being out of the room.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MV-001, from the R-1 District to the PDH-2 District, for Option A only, subject to the proffers dated July 30, 2006.
- Modification of the maximum percentage of pipestem lots to permit 30 percent pipestem lots, as shown on the Conceptual Development Plan(CDP)/Final Development Plan (FDP).
- Modification of the trail location to that shown on the CDP/FDP as proffered.

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

(NOTE: On May 18, 2006, the Planning Commission approved Final Development Plan Application FDP 2005-MV-001, subject to the development conditions dated May 18, 2006.)

119. 5 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-036 (ROUBIN ASSOCIATES, LLC, AND MARY ANNE PEARSON SANKO REVOCABLE TRUST) (MOUNT VERNON DISTRICT) (7:25 p.m.)

(O) (NOTE: On July 10, 2006, the Board deferred the public hearing on this item until July 31, 2006.)

The application property is located on the south side of Newington Road at its intersection with Loisdale Road and at the north terminus of Terminal Road, Tax Map 99-1 ((1)) 5E.

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

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

- In excess of \$100 from Roubin Associates, L.L.C.

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

Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

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

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-036, from the R-1 District to the I-4 District.
- That the Board direct the Director of the Department of Public Works and Environmental Services to not approve any waivers or modifications of the provision of Article 13 of the Zoning Ordinance in relation to this application.

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

120. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-403-02 (WASHINGTON SQUARE HOMES ASSOCIATION) (MOUNT VERNON DISTRICT)** (7:36 p.m.)

(NOTE: On July 10, 2006, the Board deferred the public hearing on this item until July 31, 2006.)

The application property is located 350 feet west of the intersection of Pohick Road and Waldren Drive, Tax Map 108-1 ((8)) A pt.

Ms. Lella Amiss E. Pape reaffirmed the validity of the affidavit for the record.

Ms. Pape 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.

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, which included testimony by four speakers, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved approval of Proffered Condition Amendment Application PCA-C-403-02, subject to the proffers dated July 31, 2006. Supervisor Smyth seconded the motion and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins abstaining.

121. **5 P.M. – JOINT PH ON THE PROPOSED SIX-YEAR VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY SYSTEM CONSTRUCTION PROGRAM FOR FISCAL YEARS (FY) 2007 THROUGH 2012** (7:56 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 July 13 and July 20, 2006.

Tom Biesiadney, Chief, Coordination and Funding Division, Department of Transportation, and Jan Vaughan, Assistant Manager, Arlington and Fairfax Preliminary Engineering Office, Virginia Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Kauffman moved approval of the Secondary System Construction Program for FY 2007 through 2012. Supervisor Smyth seconded the motion.

Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to work with State and County staff to issue a press release to publicize key points of the program, such as the two-thirds cut in available funding over last five years and the one traffic signal.

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

Supervisor Frey distributed to the Board a comic strip depicting the fiftieth anniversary of President Eisenhower signing the Interstate Highway Act and discussion ensued about how long it takes to construct highways.

122.

**5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (8:14 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 July 13 and July 20, 2006.

Citizens and businesses of Fairfax County are encouraged to present their views on issues of concern. The Board will hear public comment on any issue except: issues under litigation, issues which have been scheduled for public hearing before the Board (this date and future dates), personnel matters and/or comments regarding individuals. Each speaker may have up to three minutes and a maximum of ten speakers will be heard. Speakers may address the Board only once during a six month period.

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

- Dr. Brenda Burchett regarding the petition process for sanitary districts.

Following a query to David P. Bobzien, County Attorney, Supervisor Bulova asked unanimous consent that the Board direct staff to review the petition process for sanitary districts. Without objection, it was so ordered.

**ADDITIONAL BOARD MATTER**

123. **PROCLAMATION RECOGNIZING THE MIDDLE RIDGE COMMUNITY'S FIFTH ANNUAL "NATIONAL NIGHT OUT" (BRADDOCK DISTRICT)** (8:24 p.m.)

(Note: Earlier in the meeting, the Board took additional action on this subject. See Clerk's Summary Item #5.)

Supervisor Bulova moved approval of the Proclamation recognizing the Middle Ridge Community's fifth annual "*National Night Out.*" Chairman Connolly seconded the motion and it carried by unanimous vote.

124. **BOARD ADJOURNMENT** (8:25 p.m.)

The Board adjourned.

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