



# **CLERK'S BOARD SUMMARY**

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

**MONDAY  
September 11, 2006**

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**17-06**

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**CWB:cwb**

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, September 11, 2006, at 9:45 a.m., there were present:

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

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn, Administrative Assistant, Office of the County Executive; Angela Schauweker, Management Analyst, 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** (9:45 a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women who gave their lives on this day five years ago. Additionally, he requested that the Board keep in thoughts the family of Tom Suzuki, a wonderful citizen of Providence District who died last week.

Supervisor DuBois asked everyone to keep in thoughts the family of Virginia Delegate Robert Andrews who died two weeks ago.

Chairman Connolly thanked everyone for braving the rain and attending the September 11 memorial service.

Supervisor McConnell and Chairman Connolly announced that today is the "World Day of Prayer" and there will be a service in front of the Fairfax County Government Center at noon.

### **AGENDA ITEM**

2. **RECOGNITION OF THE ORGANIZATION, KIDS SERVE TOO, PRESENTING A CHECK TO FAIRFAX COUNTY** (9:46 a.m.)

Representatives of Kids Serve Too presented a check to the County to fund a recreational voucher program for County youth who have a parent deployed for military duty.

### **ADDITIONAL BOARD MATTER**

3. **PRESENCE OF CHAIRMAN CONNOLLY'S PARENTS** (9:54 a.m.)

Chairman Connolly announced that his parents were present in the Board Auditorium and warmly welcomed them to the Board Auditorium.

### **AGENDA ITEMS**

4. **RECOGNITION OF MS. RUTH PRESTON ROSE AND MR. ROSS NETHERTON, PRESENTING A BOOK TO BOARD MEMBERS** (9:55 a.m.)

Supervisor Bulova moved that the Board direct the Office of Public Affairs to help put the book, *In the Path of History*, into circulation and make the book

available in County facilities. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Ms. Ruth Preston Rose and Mr. Ross Netherton presented copies of *In the Path of History* to each Board Member.

5. **CERTIFICATES OF RECOGNITION PRESENTED TO RESIDENTS AND BUSINESSES** (10:04 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to residents and businesses who have made properties for training available to Fairfax County public safety workers. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MARK WHEATLEY** (10:12 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to Assistant Fire Chief for Operations Mark Wheatley for his many years of service to the County upon his retirement. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly and Board Members congratulated Chief Wheatley on his years of service, dedication, and professionalism.

7. **PROCLAMATION DESIGNATING SEPTEMBER 17, 2006, AS "MARION SIDONIA BRYANT DAY" IN FAIRFAX COUNTY** (10:23 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate September 17, 2006, as "*Marion Sidonia Bryant Day*" in Fairfax County in recognition of her one-hundredth birthday. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. DAVE ECKERT** (10:28 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Mr. Dave Eckert for his environmental efforts. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

9. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2006, AS “HISPANIC HERITAGE MONTH” IN FAIRFAX COUNTY**  
(10:35 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 15 – October 15, 2006, as “*Hispanic Heritage Month*” in the County. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **PROCLAMATION DESIGNATING SEPTEMBER 2006 AS “FOOD SAFETY EDUCATION MONTH” IN FAIRFAX COUNTY** (10:44 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate September 2006 as “*Food Safety Education Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by unanimous vote.

NV:nv

11. **10 A.M. – PUBLIC HEARING ON THE COUNTY AND SCHOOLS’ FISCAL YEAR (FY) 2006 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2007 REVISED BUDGET PLAN**  
(10:52 a.m.)

(SAR)  
(FPR)

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 August 24 and August 31, 2006.

The public hearing was held with testimony presented by 28 speakers and input from Anthony H. Griffin, County Executive. Topics raised were funding for child care, the law library, and the Fairfax-Falls Church Community Services Board’s Beeman Commission.

Supervisor Bulova, Chairman, Board’s Budget Committee, outlined the components of the County and Schools’ FY 2006 Carryover Review and her proposal in the handout entitled “Final Board Motions, FY 2006 Carryover Review.”

Supervisor Bulova moved:

- Approval of the Carryover package including Supplemental Appropriation Resolution SAR AS 07014 and Amendment to the Fiscal Planning Resolution FPR AS 07900 with changes as detailed in Attachment A in her handout, including administrative adjustments, with changes as noted, the establishment of reserves

as outlined, the recommended consideration items (as detailed in Attachment B) and adjustments to the Managed Reserve to maintain the reserve at two percent of total disbursements based on actions taken by the Board as part of the Carryover Review. As a result of these actions, and the addition of \$5 million to the reserves in Fund 501 for County self-insurance requirements and liabilities, a reserve of \$26.8 million has been identified to address future requirements including *FY 2007 Third Quarter Review* adjustments or FY 2008 Budget Development.

- Recognizing the difficult situation in which the loss of subsidized child care services would put many of the County's struggling families and child care providers, that the Board direct staff from the Office for Children to *not disenroll* families currently receiving subsidized child care services through the Child Care Assistance and Referral (CCAR) program until State funding issues for this program are resolved. The State's decision to reallocate the federal pass-through funds to address increased TANF/VIEW caseloads Statewide is resulting in a loss of CCAR revenue of \$10.4 million in FY 2007. As a result of this loss of CCAR funds, services for an estimated 1,900 children could be impacted. The County Executive's proposed Carryover Budget estimated that 200 would leave the program through attrition, while services for an estimated 1,700 would be terminated effective October 15, 2006.

However, work is ongoing at the State level to identify resources that could potentially be used to address the shortfall and to refine the current allocation estimates based on availability of federal and State funding for child care. Providing more time for these issues to be resolved will also minimize the disruption for families. As a result, the Board instructs staff to *not disenroll* families from the program while awaiting resolution on the State level. The program should continue to contract through attrition. County staff is directed to return with this issue by October 23, 2006.

- That the Board directs that funding in the amount of \$1 million for the Huntington Watershed Flood Damage Reduction Study be held in reserve pending the County Executive's certification of the completion and County receipt of the Army Corps of Engineers' analysis of the cause of the recent flooding in the Huntington Community. This information on causal elements of the recent flooding incident is essential in determining the appropriate improvement necessary to prevent or lessen the likelihood of reoccurring flooding. In addition, the Board directs the County Executive to aggressively pursue funding partnerships with the City of Alexandria, the Virginia Department of Transportation (VDOT), and other agencies that may share responsibility in

causes and remedies to the recent flooding.

- The Board understands that the Fire and Rescue Department has prioritized the permanent location of its Candidate's Physical Aptitude Test which is necessary to conduct annual work performance evaluation testing and candidate evaluations for the department. The Board authorizes the Fire Chief to fund necessary lease and renovation costs within funding available in his FY 2007 budget appropriation and subsequent annual budgets for this high priority requirement.

Supervisor Smyth seconded the motion.

Supervisor Hyland asked to amend the motion to add the federal government in addition to the City of Alexandria, VDOT, and other agencies in the third bullet, and this was accepted.

Supervisor Hyland moved to amend the motion to fund the \$129,812 for the Law Library Consideration Item. Supervisor DuBois seconded the motion for purposes of discussion.

Following discussion regarding the law library, Supervisor McConnell asked to amend the amendment to fund only \$73,000 for the Law Library, excluding the staff portion, and this was accepted.

Following further discussion regarding the law library and other priorities, the question was called on the amendment, as amended, which **FAILED** by a recorded vote of eight, Supervisor Hyland and Supervisor McConnell voting "AYE."

Noting that the motion indicated that staff must report on the state of the child care funding by the October 23 Board meeting, Supervisor Gross asked unanimous consent that the Board direct staff to report as soon as any information is available. Without objection, it was so ordered.

With reference to the \$8 million identified for the Schools, Supervisor Smyth asked unanimous consent that the Board direct staff to request from the School Division staff the status of the salary increases for teachers ("Initiative for Excellence"). Following input from Susan M. Datta, Director, Department of Management and Budget, without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board direct staff to determine from the School Division the effect of the decrease of 600 students from the system's enrollment this year and the basis for the "No Child Left Behind" program. Without objection, it was so ordered.

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

(NOTE: Later in the meeting, the Board revisited the School funding issue. See Clerk's Summary Item #30.)

PW:pw

12. **ADMINISTRATIVE ITEMS** (12:53 p.m.)

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

Supervisor Gross called the Board's attention to Admin 14 – Authorization to Advertise a Public Hearing to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 4 (Taxation), Establishing a Procedure and Criteria for a Property Tax Exemption Program. Discussion ensued with input from David P. Bobzien, County Attorney, and Michael Long, Senior Assistant County Attorney, regarding clarification of the criteria requirements and that this item is authorizing the advertisement of the public hearing.

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

**ADMIN 1 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2007**

Adopted the Board's meeting schedule for January through December 2007. The Board will revisit the schedule in January 2007.

**ADMIN 2 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS PURSUANT TO THE PLAN OF FINANCING OF THE S. ZIVIC FAMILY LLC, AN AFFILIATE OF Z AND M SHEET METAL, INCORPORATED**

(BONDS)

(R)

Adopted the Resolution authorizing the Economic Development Authority to issue revenue bonds to assist financing pursuant to the Plan of Financing by Zivic Family LLC authorizing the issuance of up to \$2.7 million.

**ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 07032 FOR THE HEALTH DEPARTMENT TO ACCEPT A GRANT  
AWARD FROM THE VIRGINIA DEPARTMENT OF HEALTH (VDH)  
FOR PANDEMIC FLU PLANNING**

(SAR) Approved SAR AS 07032 for the Health Department to accept a VDH grant in the amount of \$292,976 to enhance its pandemic flu planning and preparation. No local cash match is required.

**ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)  
AS 07036 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO  
ACCEPT FUNDING FROM THE VIRGINIA EMPLOYMENT  
COMMISSION TO FUND THE OPERATIONAL COSTS OF  
WORKFORCE INVESTMENT ACT (WIA) PROGRAMS**

(SAR) Approved SAR AS 07036 for DFS to accept funding from the Virginia Employment Commission in the amount of \$1,517,213 to fund the ongoing programs of the WIA. No local cash match is required.

**ADMIN 5 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC  
FACILITIES REVIEW APPLICATIONS (BRADDOCK, HUNTER MILL,  
LEE, MASON, AND MOUNT VERNON DISTRICTS)**

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

| <u>Number</u> | <u>Description</u>  | <u>New Date</u>   |
|---------------|---|-------------------|
| FS-H06-35     | FiberTower<br>Dish antennas co-located on existing<br>monopole<br>10907 Sunset Hills Road<br>(Hunter Mill District)                                     | November 12, 2006 |
| FS-M06-39     | FiberTower<br>Dish antenna co-located on existing<br>monopole<br>3601 Firehouse Lane (Baileys<br>Crossroads Volunteer Fire Station)<br>(Mason District) | November 12, 2006 |
| FS-L06-40     | FiberTower<br>Dish antennas co-located on existing<br>monopole<br>7936 Telegraph Road (Kingstowne<br>Fire Station)<br>(Lee District)                    | November 12, 2006 |

| <u>Number</u> | <u>Description</u>  | <u>New Date</u>   |
|---------------|---|-------------------|
| FS-L06-41     | FiberTower<br>Dish antenna co-located on AM radio tower<br>3900 San Leandro Place<br>(Lee District)                         | November 12, 2006 |
| FS-V06-43     | FiberTower<br>Dish antenna co-located on existing monopole<br>8203 Backlick Road<br>(Mount Vernon District)                 | November 12, 2006 |
| FS-B06-45     | T-Mobile Northeast LLC<br>Antenna co-location on existing transmission tower<br>8506 Clydesdale Road<br>(Braddock District) | November 17, 2006 |

**ADMIN 6 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, SPRINGFIELD, AND SULLY DISTRICTS)**

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

| <u>Subdivision</u>   | <u>District</u> | <u>Street</u>  |
|----------------------|-----------------|--|
| Woodglenn Estates    | Braddock        | Glen Chase Court<br>Zion Road (Route 654)<br>Additional ROW Only   |
| Fitz Folly Farms     | Dranesville     | Fitz Folly Drive<br>River Bend Road (Route 603)<br>Additional ROW Only   |
| Falls Run, Section 3 | Dranesville     | Falls Chase Court<br>Georgetown Pike (Route 193)<br>Additional ROW Only  |
| Great Falls Glen     | Dranesville     | Great Passage Boulevard<br>(Route 8924)<br>Great Passage Court<br>Treeview Court<br>Great Knoll Court<br>Great Point Court<br>Kettle Pond Lane |

| <u>Subdivision</u>       | <u>District</u> | <u>Street</u>  |
|--------------------------|-----------------|--|
| Great Falls Glen         | Dranesville     | Leesburg Pike (Route 7)<br>Additional ROW Only   |
| Hollyridge               | Dranesville     | Utterback Store Road<br>(Route 717)<br>Additional ROW Only   |
| Stone Creek Crossing     | Springfield     | Meadow Field Drive<br>(Route 7961)<br>Fields Brigade Road<br>(Route 7968)  |
| Grambrill Woods          | Springfield     | Gambrill Woods Way<br>Gambrill Road (Route 640)<br>Additional ROW Only<br>Pohick Road (Route 641)<br>Additional ROW Only |
| Marian Woods Subdivision | Sully           | Smallwood Lane<br>(Route 7906)<br>Hollowstone Court<br>Poplar Tree Road<br>(Route 4831)<br>Additional ROW Only           |
| Westbrook                | Sully           | Collin Chase Place<br>Monica Court<br>Westbrook Drive<br>(Route 1258)<br>Additional ROW Only                             |

**ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE DAVENTRY COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 23, 2006, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Daventry CPD, in accordance with current CPD restrictions.

**ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (DRANESVILLE, BRADDOCK, AND MOUNT VERNON DISTRICTS)**

- (R)
- Endorsed the traffic calming plans, as part of the R-TAP, for Kurtz Road, Paynes Church Road, and Broadwater Drive, consisting of the following:
    - Speed table and raised crosswalk on Kurtz Road (Dranesville District)
    - Speed table and painted crosswalk on Broadwater Drive (Braddock District)
    - Speed table, multi-way stop, and painted crosswalk on Paynes Church Road (Braddock District)
  - Adopted the Resolution endorsing the installation of “Watch for Children” signs at the following locations:
    - Mount Air Drive (Mount Vernon District)
    - Forest Lane (Dranesville District)
    - Canterwood Lane (Dranesville District)
  - Directed staff to request the Virginia Department of Transportation to install the necessary signs as soon as possible.

**ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSED CUT-THROUGH TRAFFIC MITIGATION PLAN FOR FORDSON ROAD, SCHELHORN ROAD, BOSWELL AVENUE, AND FRANCES DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)**

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 23, 2006, at 5 p.m.** on a proposed cut-through traffic mitigation plan for Fordson Road, Schelhorn Road, Boswell Avenue, and Frances Drive as part of the R-TAP.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON GEORGETOWN PIKE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 23, 2006, at 5 p.m.** on a proposal to prohibit through truck traffic on Georgetown Pike between the Capital Beltway (I-495) and Leesburg Pike (State Route 7) as part of the R-TAP.

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE SULLY STATION II COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 23, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Sully Station II CPD, in accordance with current CPD restrictions.

**ADMIN 12 – AUTHORIZATION FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY (DIT) TO APPLY FOR AND ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN ACCESS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC), EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE FOR THE NATIONAL CAPITAL REGION (NCR) I-NET INTERCONNECT PROGRAM**

Authorized DIT to apply for and accept, if awarded, a DHS UASI Sub-Grant Award from the DC Office of the Deputy Mayor for Public Safety and Justice in the amount of \$500,293. DIT will utilize the funding from this grant to construct the I-Net fiber-optic interconnects between the County and other jurisdictions within the NCR. The County will act as the purchasing agent for this construction effort, which will be performed by Cox Communications under the guidance of Columbia Telecommunications Corporation, a vendor working under contract with the NCR. This project shall be implemented in accordance with the grant program guidance documents. No local cash match is required.

**ADMIN 13 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 07002 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR THE RIDESOURCES MARKETING AND RIDESHARING PROGRAM**

- (SAR)
- Approved SAR AS 07002 for DOT to accept funding from VDRPT in the amount of \$562,500, which includes \$112,500 in local cash match, for the RIDESOURCES Marketing and Ridesharing Program.
  - Authorized the Director of DOT to sign the necessary grant documents to execute this grant.

**ADMIN 14 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION), ESTABLISHING A PROCEDURE AND CRITERIA FOR A PROPERTY TAX EXEMPTION PROGRAM**

- (A) (NOTE: Earlier in the meeting, there was a brief discussion of this item. See page 7.)

Authorized the advertisement of a public hearing to be held before the Board on **October 23, 2006, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation), to adopt a new article number 26, which would establish a process for Board consideration of applications for an exemption from property taxes from certain organizations that own and operate property for a charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose.

**ADMIN 15 – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF RETIREMENT COMMUNITY REFUNDING REVENUE BONDS FOR GREENSPRING VILLAGE, INCORPORATED, FACILITY**

- (R) Adopted the Resolution authorizing the Economic Development Authority to issue up to \$75 million Retirement Community Refunding Revenue Bonds for Greenspring Village, Incorporated Facility.

13. **A-1 – APPROVAL OF A PARKING REDUCTION FOR 7000 COLUMBIA PIKE IN THE ANNANDALE COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (12:59 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a parking reduction of 18 percent for parcels 60-3 ((1)) 21, 21A, and

21B pursuant to Paragraph 3(A), Section A7-109, of the Zoning Ordinance, on conditions outlined in the Board Agenda Item dated September 11, 2006.

14. **A-2 – APPROVAL OF A LOAN IN INVESTING IN COMMUNITIES PROGRAM (ICP) FUNDING (FUND 142, COMMUNITY DEVELOPMENT BLOCK GRANT) TO PREMIUM OIL LLC AND EAST COAST OIL LIMITED LIABILITY COMPANY, OWNERS OF SKYLINE AMOCO, FOR REDEVELOPMENT PROJECT IN THE BAILEY’S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (1 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an equipment loan to Premium Oil LLC and East Coast Oil Limited Liability Company, owners of Skyline Amoco, in an amount not to exceed \$500,000 as part of the ICP for the redevelopment of the commercial property in the Bailey’s Crossroads/Seven Corners Commercial Revitalization District.

15. **A-3 – APPROVAL OF CONDITIONS NECESSARY FOR FAIRFAX COUNTY TO APPLY FOR AND ACCEPT FOUR FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTS FOR THE BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION PARKING EXPANSION (BRADDOCK DISTRICT)** (1:01 p.m.)

On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the conditions necessary for the County to apply for and accept, if received, four FTA grants for the VRE Station Parking Expansions, as outlined in the Board Agenda Item dated September 11, 2006. The total funding for the four FTA grants of \$5,570,974 consists of \$4,456,779 in FTA Rail and Fixed Guideway Modernization Grant funding and a required 20 percent local cash match of \$1,114,195.

16. **A-4 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES (BPOL) DELINQUENCY LIST FOR TAX YEAR 2005 (FISCAL YEAR 2006)** (1:01 p.m.)

Supervisor DuBois moved that that the Board concur in the recommendation of staff and authorize staff to publish delinquent real estate, personal property, and BPOL lists for Tax Year 2005 and return the lists to the Department of Tax Administration to continue collection of taxes as provided by law. The lists will be available for public reference in the County libraries. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Kevin C. Greenlief, Director, Department of Tax Administration, regarding prior year results.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Chairman Connolly voting “NAY.”

17. **A-5 – AUTHORIZATION TO FILE TESTIMONY 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 CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2005-00098 AND INVESTIGATION OF THE JUSTNESS AND REASONABLENESS OF CURRENT RATES, CHARGES, AND TERMS AND CONDITIONS OF SERVICE, SCC CASE NUMBER PUE-2005-00100** (1:06 p.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the Department of Cable Communications and Consumer Protection (DCCCP) to file testimony in the Columbia Gas of Virginia, SCC Case Numbers PUE-2005-00098 and PUE-2005-00100. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion.

Discussion ensued with input from Steve Sinclair, Utility Analyst, Consumer Protection Division, DCCCP, regarding the percentage of potential savings to consumers.

Gail Condrick, Director, DCCCP, introduced Susan Hafeli, Utility Analyst, DCCCP, who was hired as a limited term employee to assist with this matter.

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

18. **A-6 – ADOPTION OF A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY (TROPICAL DEPRESSION ERNESTO), THE TERMINATION OF THE DECLARED LOCAL EMERGENCY, AND CONSENTING TO ALL ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY MANAGEMENT AND COUNTY STAFF** (1:08 p.m.)

- (R) On motion of Supervisor McConnell, seconded by Supervisor Hyland, 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 a Resolution confirming the declaration of local emergency (Tropical Depression Ernesto September 2006) and the termination of the declared local emergency.

(NOTE: Later in the meeting the Board commended staff for their preparations. See Clerk’s Item Summary #81.)

19. **C-1 – BOARD RESOLUTION FOR NMS TRANSIT SERVICES, INCORPORATED, D/B/A METRO MED TO PROVIDE NON-EMERGENCY AMBULANCE SERVICE IN THE COUNTY (SULLY DISTRICT)** (1:09 p.m.)

(R) The Board next considered an item contained in the Board Agenda dated September 11, 2006, regarding allowing NMS Transit Services, Incorporated, D/B/A Metro Med to provide commercial ambulance service in the County.

Supervisor Kauffman moved adoption of the Resolution authorizing NMS Transit Services, Incorporated, D/B/A Metro Med to provide commercial non-emergency ambulance service, limited to inter-hospital advanced and basic life support ambulance transfers and non-emergency transportation, in the County and contingent upon the applicant's meeting all applicable regulations. Supervisor Hyland seconded the motion.

Discussion ensued with input from Michael Neuhard, Chief, Department of Fire and Rescue, and David P. Bobzien, County Attorney, regarding required regulations and billing procedures.

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

20. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2007** (1:13 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2006, regarding adoption of the County's holiday schedule for calendar year 2007.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE HEALTH DEPARTMENT LABORATORY (PROVIDENCE DISTRICT)** (1:13 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2006, requesting authorization for staff to award a contract to Architecture, Incorporated, in the amount of \$784,000 for architectural and engineering design services for Project 009520, Health Department Laboratory, in Fund 303, County Construction.

The staff was directed administratively to proceed as proposed.

22. **I-3 – CONTRACT AWARD – METHANOL FEED BUILDING AT THE NOMAN M. COLE, JR., POLLUTION CONTROL PLANT (MOUNT VERNON DISTRICT)** (1:13 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2006, requesting authorization for staff to award a contract to American Contracting and Environmental Services, Incorporated, in the amount of \$3,630,000 for the construction of Project N00322, Noman M. Cole, Jr., Pollution Control Plant, Limits of Technology Upgrade, in Fund 408, Sewer Bond Construction.

Supervisor Gross noted that this upgrade is necessary to comply with the regulatory requirements for the Chesapeake Bay.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide previously requested data on contracts granted to minority businesses. Following input from Anthony H. Griffin, County Executive, without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

23. **I-4 – WORK PLAN AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE, THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT, AND FAIRFAX COUNTY FOR THE REHABILITATION OF POHICK CREEK DAM SITE NUMBER 4, ROYAL LAKE (BRADDOCK DISTRICT)** (1:14 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2006, requesting authorization for the County Executive, on behalf of the County, to sign the Work Plan Agreement with the Natural Resources Conservation Service and the Northern Virginia Soil and Water Conservation District for the rehabilitation of Pohick Creek Dam Site Number 4.

Discussion ensued with input from Randy Bartlett, Director, Stormwater Program, Stormwater Management, Department of Public Works and Environmental Services, confirming that this project will conform to the new standards.

The staff was directed administratively to proceed as proposed.

24. **I-5 – CONTRACT AWARD – VRE BURKE CENTRE STATION PARKING GARAGE (BRADDOCK DISTRICT)** (1:15 p.m.)

The Board next considered an item contained in the Board Agenda dated September 11, 2006, requesting authorization for staff to award a contract to Smoot Construction Company of Washington, DC in the amount of \$20,399,000 for the construction of Project 26004G, in Fund 102, Federal and State Grants,

upon approval by the Commonwealth Transportation Board at its meeting on September 21, 2006.

The staff was directed administratively to proceed as proposed.

24a. **ORDERS OF THE DAY** (1:15 p.m.)

Chairman Connolly announced that Board Matters would be presented later in the meeting.

(NOTE: Later in the meeting, the Board Matters were presented. See Clerk's Summary Items #74 – 105.)

**ADDITIONAL BOARD MATTER**

25. **WELCOME AND INTRODUCTION (HUNTER MILL DISTRICT)**  
(1:16 p.m.)

Supervisor Hudgins recognized the presence of Ms. Helen Agedah who was observing the Board meeting as part of a citizenship project and warmly welcomed her.

Supervisor Hudgins introduced to the Board Members Lauren Graves, a new staff member in her office.

**AGENDA ITEMS**

26. **RECESS/CLOSED SESSION/INTENT TO DEFER PUBLIC HEARING**  
(1:17 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. *Luther Campbell v. County of Fairfax*, Record No. 060695 (Va. Sup. Ct.)
  2. *Kenneth Almond v. Fairfax County*, CL-2006-0004522 (Fx. Co. Cir. Ct.) (Sully District)
  3. *Phong T. Mai and Anh Trinh-Mai v. Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2006-0009198 (Fairfax County Circuit Court) (Providence District)
  4. *William E. Shoup, Fairfax County Zoning Administrator v. Veena Railan, et al.*, Case No. CH-2005-0005083 (Fx. Co. Cir. Ct.) (Dranesville District)
  5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elie Gharib and Celine Kawzaly*, Case No. CL-2006-0009930 (Fx. Co. Cir. Ct.) (Dranesville District)
  6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Douglas Knoth*, Case No. CL-2006-0006163 (Fx. Co. Cir. Ct.) (Lee District)
  7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel T. Aide and Holly G. Aide*, Case No. CL-2006-0010179 (Fx. Co. Cir. Ct.) (Lee District)
  8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adolfo Guillen, Reynaldo C. Medrano, and Carla Munoz-Lopez*, Case No. CL-2006-0010659 (Fx. Co. Cir. Ct.) (Mason District)
  9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sully Park Associates, LLC, and Covenant Christian Church*, Case No. CL-2006-0010619 (Fx. Co. Cir. Ct.) (Sully District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen, Angelique Vereen, and Don Clarke*, Case No. CL-2006-0009795 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Zelaya*, Case No. CL-2006-0009650 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fernando F. Cotto and Juana C. Fernandez*, Case No. CL-2006-0009796 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Lucy Noemi Escalier and Jose D. Batres*, Case No. CL-2006-0010553 (Fx. Co. Cir. Ct.) (Providence District)
14. *Board of Supervisors v. Jade Mount Vernon Walk, L.C., and American Motorists Insurance Company*, Case No. CL-2005-0007707 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Board of Supervisors of Fairfax County, Virginia v. SUSA Partnership, L.P., et al.*, Case No. CL-2006-0009983 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Amendment of the Belle Haven Watershed Flood Damage Reduction Study Agreement
- McLean Bible Church v. Eileen M. McLane, Fairfax County Zoning Administrator et al.; Case No. 1:06-CV-00769
- Virginia Code Section 15.2-2308D
- Public-Private Education and Infrastructure Act of 2002
- Zoning Ordinance Section 20-300
- Islamic Saudi Academy Lease

Supervisor Hyland seconded the motion.

Supervisor Frey announced his intent to defer, later in the meeting at the appropriate time, the public hearing on the proposed amendment to the Zoning Ordinance regarding portable storage containers.

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

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #39.)

**CWB:cwb**

At 4:08 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

### **ACTIONS FROM CLOSED SESSION**

27. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:08 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland 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."

28. **MOTION APPROVING THE APPROPRIATION OF MONEY FOR PRIVATE LEGAL COUNSEL TO PREPARE FOR THE BOARD OF ZONING APPEALS (BZA) A SPECIAL PERMIT RESOLUTION FORM** (4:09 p.m.)

Supervisor Hyland moved that the Board appropriate an amount not to exceed \$1,500 for the BZA to retain a private attorney acceptable to both the BZA and the County Executive to prepare a form resolution for the BZA to use with respect to the special permit applications that are authorized under the recently-enacted provisions of Zoning Ordinance Section 8-922. Supervisor Bulova seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

29. **CLARIFICATION OF MEETING DATES IN DECEMBER OF 2006**  
(4:10 p.m.)

Chairman Connolly reminded everyone that December 11, 2006, has been a tentative Board meeting date; however, a meeting on this day will not be necessary and the only Board meeting date in December will be December 4, 2006.

**AGENDA ITEMS**

30. **ADDITIONAL CLARIFICATION REGARDING THE PUBLIC HEARING ON THE COUNTY AND SCHOOLS' FISCAL YEAR 2006 CARRYOVER REVIEW TO AMEND THE APPROPRIATE LEVEL IN THE FY 2007 REVISED BUDGET PLAN WITH REFERENCE TO THE BOARD'S QUESTIONS OF THE SCHOOL BOARD** (4:10 p.m.)

(NOTE: Earlier in the meeting, the Board took action on the FY 2006 Carryover Review. See Clerk's Summary Item #11.)

Chairman Connolly stated the Board received a memorandum from the Jack Dale, Superintendent of Schools, regarding the *FY 2006 Carryover Review*. Furthermore, any unanswered questions from the morning session concerning the School System's budget could be directed to Susan Datta, Director, Department of Management and Budget.

**DET:det**

31. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-040 (WATERMARK TWO, LLC) (PROVIDENCE DISTRICT)** (4:10 p.m.)

- (O) (NOTE: On July 31, 2006, the Board deferred the public hearing on this item until September 11, 2006, at 3 p.m.)

The application property is located in the southwest quadrant of the intersection of Citrine Drive and Topaz Street, Tax Map 48-2 ((7)) (34) 13.

Ms. Lori R. Greenlief 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 Carson Lee Fifer, Jr., Esquire, McGuire Woods, LLP

Ms. Greenlief 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, Regina Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-PR-040, from the R-1 District to the PDH-4 District, and approval of the Conceptual Development Plan (CDP), subject to the proffers dated September 8, 2006.
- Waiver of the minimum district size requirement for the PDH-4 District.
- Modification of the open space requirement for the PDH-4 District in favor of that shown on the CDP/FDP.

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

(NOTE: On June 14, 2006, the Planning Commission approved Final Development Plan Application FDP 2005-PR-006, subject to the development conditions dated June 14, 2006.)

32. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-014 (ROBERT A. YOUNG OF BANNERWOOD INVESTMENTS, LLC) (MASON DISTRICT)** (4:16 p.m.)

(O) The application property is located on the west side of Holly Road approximately 600 feet south of its intersection with Woodburn Road, Tax Map 59-2 ((1)) 8, 9, 10, and 11.

Mr. Alan Croft reaffirmed the validity of the affidavit for the record.

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

Discussion ensued concerning the height of the homes and stormwater management.

Following the public hearing, which included testimony by one speaker, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross read portions of the Conceptual Development Plan (CDP) conditions, dated September 11, 2006, concerning trees (Proffer #12), into the record.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MA-014, from the R-2 District to the PDH-4 District, subject to the proffers dated March 30, 2006.
- Approval of the Conceptual Development Plan, subject to the development conditions dated September 11, 2006.
- Waiver of the 600-foot maximum length requirement for a private street.
- Waiver of the sidewalk requirement to permit construction of the sidewalk on only one side of the private street.
- Waiver of the frontage improvements along a portion of Bannerwood Drive as depicted on the CDP/FDP.
- Modification of the cul-de-sac standards to permit a cul-de-sac with a 30-foot radius on Bannerwood Drive as depicted on the CDP/FDP.

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

(NOTE: On April 27, 2006, the Planning Commission approved Final Development Plan Application FDP 2005-MA-014, subject to the development conditions dated April 12, 2006.)

33. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-PR-024 (WILLIAM D. GIERY) (PROVIDENCE DISTRICT)** (4:27 p.m.)

The application property is located on the west side of George Washington Road approximately 1,400 feet north of its intersection with Wolftrap Road.

Mr. William D. Giery reaffirmed the validity of the affidavit for the record.

Mr. Giery 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, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 2004-PR-024, subject to the proffers dated September 11, 2006. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

34. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING AFFIDAVIT SUBMISSION REQUIREMENTS FOR BOARD'S OWN MOTION REZONING APPLICATIONS** (4:31 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 August 24 and August 31, 2006.

Paige Mathes, Senior Assistant to the Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued concerning historic overlay districts and revitalization areas.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), revising the affidavit submission requirements, as recommended by staff and the Planning Commission, effective 12:01 a.m. on the day following adoption. Supervisor Bulova and Supervisor Gross jointly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

35. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING MILITARY INSTALLATION AND PUBLIC USE AIRPORT NOTIFICATION** (4:36 p.m.)

(O) (P) 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 August 24 and August 31, 2006.

Paige Mathes, Senior Assistant to the Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning (DPZ), presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Branch, DPZ, and Cynthia A. Bailey, Assistant County Attorney, regarding the 10 day notification period.

Supervisor Hyland asked unanimous consent that the Board direct DPZ to provide 30 days notification, as a matter of Policy. Without objection, it was so ordered.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding military installation and public use airport notification, as recommended by the Planning Commission, effective 12:01 a.m. following the day of adoption. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

36. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CIVIL PENALTIES FOR ZONING VIOLATIONS** (4:43 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 August 24 and August 31, 2006.

Paige Mathes, Senior Assistant to the Zoning Administrator, Ordinance Administration Branch, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued concerning the current cap on penalties.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding civil penalties for zoning violations, as recommended by the Planning Commission, effective 12:01 a.m. on the day following adoption. Supervisor Gross seconded the motion.

Supervisor Smyth asked unanimous consent that the Board direct staff to include addressing the current cap at the first Legislative Committee meeting on September 29, 2006. Without objection, it was so ordered.

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

37. **4 P.M. – PH ON A PROPOSAL TO DISCONTINUE SEGMENTS OF COLD SPRING LANE AND BEDROCK ROAD FROM THE STATE SYSTEM OF SECONDARY HIGHWAYS (LEE DISTRICT)** (4:48 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 August 24 and August 31, 2006.

Larry Ichter, Branch Chief, Transportation Design Branch, Plans and Design Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Kauffman moved adoption of the Resolution requesting the discontinuance of segments of Cold Spring Lane and Bedrock Road from the Secondary System. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

38. **4 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A PORTION OF SOUTH GREENBRIER STREET AND CONDIT COURT (MASON DISTRICT)** (4:51 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 August 24 and August 31, 2006.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross questioned the property owners concerning the use of the properties for police and fire training, and stated, for the record, that the properties were in horrible shape and sought assurances from the property owner that they would be brought down by the end of the month.

Supervisor Gross moved adoption of the:

- Ordinance vacating a portion of South Greenbrier Street and Condit Court.
- Orders abandoning South Greenbrier Street and Condit Court.

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

39. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PORTABLE STORAGE CONTAINERS** (4:57 p.m.)

Supervisor Frey said that on May 25, 2006, the Planning Commission held a public hearing on a proposed Zoning Ordinance amendment regarding portable storage containers. At that hearing, a number of issues were raised by both citizen and industry representatives that brought into question whether the proposed amendment was too narrowly written. It was observed that the scope of the original advertisement may not be broad enough regarding proposed time limitations, allowable signage, the amount of allowable storage container use, and permitted locations.

At the conclusion of its public hearing, the Planning Commission deferred its decision on the amendment to allow further discussion and review. With additional review, it also became apparent that the three individual components of the proposed amendment are each complex and distinct in nature and that each might be better served if split into separate amendments. If divided, the Planning Commission and staff believe that it may be appropriate to address the residential component first, as residential portable storage appears to represent the most widespread and immediate concern.

In consideration of further discussion with staff, citizens, and industry representatives and in accordance with the Planning Commission recommendations, Supervisor Frey moved that the Board direct staff to:

- Revise the current proposed Zoning Ordinance amendment regarding portable storage to allow a broader scope with respect to

time limitations, allowable signage, allowable container use, and location restrictions.

- Split the current proposed amendment into three separate amendments corresponding to the primary components of the current proposed amendment, which include 1) residential portable storage, 2) commercial portable storage, and 3) roll-off debris containers, with residential portable storage being considered first.
- Defer indefinitely the public hearing on the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding portable storage containers.

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

40. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE FAIR OAKS CHASE COMMUNITY PARKING DISTRICT (CPD) (SULLY 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 August 24 and August 31, 2006.

Maria L. Turner, Transportation Planner, Traffic Operations, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Fair Oaks Chase CPD, in accordance with existing CPD restrictions. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Frey submitted items for the record.

DS:ds

41. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE COLONY PARK COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**

(5:04 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 August 24 and August 31, 2006.

Maria Turner, Transportation Planner, Traffic Operations Section, 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 M, establishing the Colony Park CPD, in accordance with existing CPD restrictions. Chairman Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

42. **4:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF CHICHESTER LANE (PROVIDENCE DISTRICT)**

(5:16 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 August 24 and August 31, 2006.

Michael Davis, Senior Transportation Planner, Site Analysis Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth moved adoption of the:

- Ordinance vacating a segment of Chichester Lane.
- Order abandoning a segment of Chichester Lane.

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

43. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-13A, LOCATED SOUTH OF LITTLE RIVER TURNPIKE AND WEST OF HERMITAGE DRIVE (BRADDOCK DISTRICT)** (5:19 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by six speakers, Ms. Sistla presented the staff and Planning Commission recommendations.

Supervisor Bulova moved approval of APR Item 05-I-13A, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation amends the Plan text to provide an option for the subject property to develop with mixed use up to 0.70 FAR (floor area ratio) if certain conditions are met. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

44. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-14A, LOCATED SOUTH OF BRADDOCK ROAD AND EAST OF ROBERTS ROAD (BRADDOCK DISTRICT)** (5:47 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-I-14A, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006, with a correction of the spelling of the word “sight.” This recommendation adds Plan text that would allow the subject property to redevelop with office use and a commuter parking facility. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

45. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-15A, LOCATED ALONG LITTLE RIVER TURNPIKE, WEST OF MARKHAM STREET, AND EAST OF CHAMPIONSHIP DRIVE (BRADDOCK AND MASON DISTRICTS)** (5:52 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-I-15A, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation adds the area of the nomination to the Annandale CBC (Central Business Center) as Land Unit G and removes plan guidance for this nomination area in three planning sectors. Supervisor Gross seconded the motion.

Following discussion regarding the application, the question was called on the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

Chairman Connolly relinquished the Chair to Acting-Chairman Hyland.

46. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-II-1F, LOCATED EAST OF ROBERTS ROAD ON GLENMERE ROAD (BRADDOCK DISTRICT)** (5:57 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-I-IF (sic), as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation adds Plan text that emphasizes the low density residential character of the subject area and the need to discourage institutional and university-related uses. Supervisor Smyth

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

47. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-II-2F, LOCATED NORTH OF BRADDOCK ROAD ON OLLEY LANE AND PROPERTY ON ATHENS ROAD (BRADDOCK DISTRICT)**  
(6 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-II-2F, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006, with a modification that removes the reference to parcels that are in RPA which are parcels 69-2 ((2)) 6A, 6B, 6C1, 6C2, and 6D. The recommended plan text indicates that new development should be sensitive to the environment including the preservation of mature trees and the contour of the land. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

48. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-4P, LOCATED EAST OF CLARA BARTON DRIVE AND NORTH OF FAIRFAX COUNTY PARKWAY (BRADDOCK DISTRICT)**  
(6:03 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-4P, as recommended by the Planning Commission, with the parcel corrections in Attachment V of the Board Item, and an additional correction concerning the Plan map reference. This

modified Plan text is found in the handout dated September 11, 2006. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

49. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-5P, ENCOMPASSING PLANNING SECTORS P2 AND P6 (BRADDOCK DISTRICT)** (6:05 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-5P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Item. This recommendation adds plan text encouraging continuation and expansion of local shuttle service or similar para-transit services in Planning Sectors P2 and P6 in order to reduce local traffic and ease demand on the parking facilities at the Burke Center VRE (Virginia Railway Express) station and other park and ride facilities. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

50. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-6P, LOCATED NORTH OF FAIRFAX COUNTY PARKWAY AND WEST OF THE HERITAGE LANDING SUBDIVISION (BRADDOCK DISTRICT)** (6:08 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-6P, as recommended by the Planning Commission, as shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation adds Plan text indicating that

density greater than 0.5 dwelling units per acre is not appropriate due to the subject property's access constraints. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

51. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-7P, LOCATED EAST OF ROBERTS ROAD AND SOUTH OF NEW GUINEA ROAD (BRADDOCK DISTRICT)** (6:10 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-7P, as recommended by the Planning Commission, and as shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation amends the Plan text to emphasize the current Plan's recommended residential use at five to eight dwelling units per acre and deletes Plan text concerning transportation improvements that have been implemented. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

52. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-8P, LOCATED SOUTH OF GUINEA ROAD AND NORTH OF SOUTHERN RAILROAD TRACKS (BRADDOCK DISTRICT)** (6:13 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-8P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation will change the Plan map designation on the subject property from Industrial to Public Park and open space.

In addition, Plan guidance is provided for improving pedestrian access to the Virginia Railway Express station. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

53. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-9P, LOCATED SOUTH OF SOUTHERN RAILROAD TRACKS AND WEST OF ROBERTS ROAD (BRADDOCK DISTRICT) (6:15 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-9P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation amends the plan text to provide additional environmental protection for the subject property. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

54. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-10P, LOCATED NORTH OF SOUTHERN RAILROAD TRACKS AND SOUTH OF GUINEA ROAD (BRADDOCK DISTRICT) (6:17 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-10P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation adds Plan text indicating that a kiss and ride facility be considered for the area north of the Virginia Railway Express (VRE) station and that a pedestrian connection from this area to

the VRE station should be evaluated. Supervisor Kauffman and Supervisor Smyth jointly seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

55. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-11P, LOCATED EAST OF CLARA BARTON DRIVE AND NORTH OF FAIRFAX COUNTY PARKWAY (BRADDOCK DISTRICT)** (6:20 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Bulova moved approval of APR Item 05-III-11P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation amends the Plan text to provide additional environmental protection for the subject property. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

56. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-III-12P, LOCATED IN THE VICINITY OF THE BURKE CENTRE VIRGINIA RAIL EXPRESS (VRE) STATION (BRADDOCK DISTRICT)** (6:22 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 August 24 and August 31, 2006.

Indrani Sistla, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Sistla presented the staff and Planning Commission recommendations.

Supervisor Bulova moved approval of APR Item 05-III-12P, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation indicates that pedestrian and bicycle connections should be provided between the Virginia Railway

Express (VRE) station and the surrounding area. Supervisor Kauffman seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

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

CWB:cwb

57. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-IV-24MV, LOCATED EAST OF FRYE ROAD AND NORTH OF RICHMOND HIGHWAY (LEE DISTRICT)** (6:30 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 August 24 and August 31, 2006.

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

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

Supervisor Kauffman moved approval of APR Item 05-IV-24MV, as recommended by the Planning Commission. Vice-Chairman Bulova seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

58. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-IV-2S, LOCATED SOUTHEAST OF THE FRANCONIA ROAD/GROVEDALE DRIVE INTERSECTION (LEE DISTRICT)** (6:36 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 August 24 and August 31, 2006.

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

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

Supervisor Kauffman moved approval of APR Item 05-IV-2S, as recommended by the Planning Commission. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell, and Chairman Connolly being out of the room.

59. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-IV-3S, LOCATED EAST OF CINDER BED ROAD AND SOUTH OF THE ISLAND CREEK SUBDIVISION (LEE DISTRICT)** (6:37 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 August 24 and August 31, 2006.

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

Following the public hearing, which included testimony by one speaker, Mr. Hada presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of APR Item 05-IV-3S, as recommended by the Planning Commission, with the following modifications:

- Strike the words “or all” from the second sentence of the Planning Commission recommendation for the Newington Community Planning Sector, and the second and third sentence for the I-95 Industrial Corridor Area.
- Replace “S-9” with “S-6” in the first sentence of the Planning Commission recommendation for the I-95 industrial corridor area.

Supervisor Smyth and Supervisor Hyland jointly seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor McConnell, and Chairman Connolly being out of the room.

60. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-IV-11S, LOCATED WEST OF THE NEWINGTON ROAD AND LOISDALE ROAD INTERSECTION (LEE DISTRICT)** (6:42 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

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

Following the public hearing, which included testimony by one speaker, Mr. Hada presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved approval of APR Item 05-IV-11S, as recommended by the Planning Commission. Supervisor Gross seconded the motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

61. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-CW-2ED, INVOLVING EDITORIAL UPDATES TO THE SPRINGFIELD PLANNING DISTRICT AND THE FRANCONIA-SPRINGFIELD AREA (LEE DISTRICT)** (6:46 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 August 24 and August 31, 2006.

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

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

Supervisor Kauffman moved approval of APR Item 05-CW-2ED, as recommended by the Planning Commission. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

62. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-5A, LOCATED SOUTH OF LITTLE RIVER TURNPIKE, EAST OF COLUMBIA ROAD AND WEST OF RANDOLPH DRIVE (MASON DISTRICT)** (6:48 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 August 24 and August 31, 2006.

Katrina Newtonson, Planner II, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newtonson presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-I-5A, as recommended by the Planning Commission and shown in Attachment IV of the Board Item dated September 11, 2006, with one correction to the plan text: “Randolph Road” should be referred to as “Randolph Drive.” This recommendation adds an option for office use up to .40 floor area ratio (FAR) with full parcel consolidation and also adds Plan guidance to address storm water and study of traffic on Randolph Drive. Supervisor Bulova seconded the motion.

Discussion ensued, with input from Ms. Newton, and Hillary Zahm, representative for the applicant, regarding the FAR.

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

DS:ds

63. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-7A, LOCATED NORTH OF LITTLE RIVER TURNPIKE AND EAST OF JOHN MARR DRIVE (MASON DISTRICT)** (6:57 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-I-7A, as recommended by the Planning Commission, with a modification as shown in the handout dated September 11, 2006. Supervisor McConnell seconded the motion.

Discussion ensued regarding the need for a cumulative impact study on transportation and schools.

Supervisor Gross amended her motion to defer action on APR Item 05-I-7A. Supervisor Smyth seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room.

64. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-8A, LOCATED NORTH OF THE CAPITAL BELTWAY (I-495) AND EAST OF BACKLICK ROAD (MASON DISTRICT)** (7:07 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

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

Supervisor Gross moved approval of APR Item 05-I-8A, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. The recommendation allows for consideration of residential use near the Backlick Road Virginia Railway Express (VRE) Station and encourages logical parcel consolidation or coordinated development. Supervisor Bulova seconded the motion.

Discussion ensued with input from Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ, regarding the Transportation Demand Management.

The question was called on the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room.

65. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-1-10A, LOCATED IN SUB-UNIT A-2 OF THE ANNANDALE COMMUNITY BUSINESS CENTER (CBC) AND BOUNDED BY LITTLE RIVER TURNPIKE, MARKHAM STREET AND ANNANDALE ROAD (MASON DISTRICT) (7:10 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued with input from Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ, regarding the cumulative impact on schools.

Following the public hearing, which included testimony by three speakers, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved to defer action on APR Item 05-I-10A. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Mr. Wheeler, regarding the motion, the impact on schools, and the floor area ratio.

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

66. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-11A, LOCATED NORTH OF LITTLE RIVER TURNPIKE, EAST OF MARKHAM STREET AND WEST OF JOHN MARR DRIVE, THE TOWN CENTER PORTION OF THE ANNANDALE COMMUNITY BUSINESS CENTER (CBC) (MASON DISTRICT) (7:32 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-I-11A, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. The recommendation increases flexibility for higher intensity options by deleting the condition that a cinema or hotel needs to be part of the development proposals above a 1.0 floor area ratio (FAR) and promotes residential uses as a key component of mixed use development. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

#### **ADDITIONAL BOARD MATTER**

67. **SCHEDULING OF PUBLIC HEARINGS (7:35 p.m.)**

Chairman Connolly noted that there were too many public hearings scheduled for 5 p.m. Therefore, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to, in the future when scheduling public hearings, not schedule as many public hearings at the same time because it inconveniences the public and citizens. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

**AGENDA ITEMS**

68. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 05-I-1B AND 05-I-12B, LOCATED SOUTH OF ARLINGTON BOULEVARD (ROUTE 50) IN SUB-UNIT B-4 OF THE SEVEN CORNERS COMMUNITY BUSINESS CENTER (MASON DISTRICT) (7:36 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor Gross moved approval of APR Items 05-I-1B and 05-I-12B, as recommended by the Planning Commission and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. This recommendation adds Plan guidance to address community concerns regarding landscape buffers, compatible design, storm water drainage, and traffic circulation. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, and Supervisor Hudgins being out of the room.

69. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEMS 05-I-2B AND 05-I-10B, GENERALLY LOCATED SOUTH OF COLUMBIA PIKE AND EAST OF MONCURE AVENUE (MASON DISTRICT) (7:52 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Newton presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ, regarding the Urban Land Institute (ULI) Panel.

Supervisor Gross moved approval of APR Items 05-I-2B and 05-I-10B, as recommended by the Planning Commission, with modifications as shown in the handout dated September 11, 2006. These modifications allow for an option with

intensity up to 2.25 floor area ration (FAR) and limit height along Columbia Pike to ten stories with appropriate transitions down to 50 feet adjacent to single family residential. An additional modification deletes specific language concerning circulation that can be addressed at rezoning. Supervisor McConnell seconded the motion and it **CARRIED** by a recorded vote of six, Supervisor Smyth abstaining, Supervisor DuBois, Supervisor Frey, and Supervisor Hudgins being out of the room.

Supervisor Smyth noted that she was abstaining from the vote because her husband's family owns property in the Baileys area.

70. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-9B, LOCATED NORTHWEST OF THE LEESBURG PIKE (ROUTE 7) AND CARLIN SPRINGS ROAD INTERSECTION (MASON DISTRICT)** (8:01 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-I-9B, as recommended by the Planning Commission, with a modification as shown in the handout dated September 11, 2006. The modification increases the dwelling units per acre from 50 to 65, but retains the Planning Commission recommended intensity of 1.45 floor area ratio (FAR). Chairman Connolly seconded the motion and it **CARRIED** by a recorded vote of five, Supervisor Smyth abstaining, Supervisor DuBois, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Smyth noted that she was abstaining from the vote because her husband's family owns property in the Baileys area.

71. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-13B, LOCATED SOUTH OF GREENBRIER STREET AND EAST OF SOUTH FOURTEENTH STREET (MASON DISTRICT)** (8:08 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by one speaker, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved to defer action on APR Item 05-I-13B indefinitely. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hudgins, and Supervisor Hyland being out of the room.

72. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-1J, LOCATED AT THE STOUHWEST CORNER OF THE ARLINGTON BOULEVARD AND ANNANDALE ROAD INTERSECTION (MASON DISTRICT)** (8:12 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, which included testimony by two speakers, Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-I-1J, as recommended by the Planning Commission, and shown in Attachment IV of the Board Agenda Item dated September 11, 2006. The recommendation modifies the current Plan text to add “vehicle sale, rental, and service establishment uses” as planned uses for this property. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

73. **5 P.M. – PH ON PROPOSED AREA PLANS REVIEW (APR) ITEM 05-I-1L, GENERALLY LOCATED SOUTHWEST OF THE LINCOLNIA ROAD AND NORTH CHAMBLISS STREET INTERSECTION (MASON DISTRICT)** (8:18 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 August 24 and August 31, 2006.

Katrina Newton, Planner II, Policy and Plan Development Branch (PD), Planning Division, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by three speakers, discussion ensued with input from Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ, regarding the preservation and maintenance of a cemetery which will be incorporated in the development.

Ms. Newton presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of APR Item 05-II-1L, as recommended by the Planning Commission, with staff's modification as shown in Attachment V of the Board Agenda Item dated September 11, 2006. The Planning Commission recommendation adds an option that limits the subject property to 12 units and provides Plan guidance to protect the existing cemetery use. The staff modification adds guidance to provide parking for cemetery visitors. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

74. **ORDERS OF THE DAY** (8:30 p.m.)

Chairman Connolly announced that the Board would now proceed with Board Matters, which were deferred earlier in the meeting.

**ADDITIONAL BOARD MATTERS**

NV:nv

75. **DOMESTIC VIOLENCE AWARENESS MONTH** (8:30 p.m.)

Chairman Connolly said that October is recognized nationally as Domestic Violence Awareness Month. Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim October 2006 as "*Domestic Violence Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives from the Office for Women to be presented with the proclamation at the September 25 Board meeting. Without objection, it was so ordered.

76. **FILL THE BOOT TO FIGHT MUSCULAR DYSTROPHY** (8:30 p.m.)

Chairman Connolly said that on Labor Day weekend, the Fire and Rescue Department joined the fight against muscular dystrophy. Once again the public responded overwhelmingly to the energy and purpose of the campaign. The total raised was \$357,438.19.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives of the Fire and Rescue Department along with Local 2068 of the International Association of Firefighters, the Muscular Dystrophy Association, and Sun Trust Bank to appear before the Board at an

appropriate time to be recognized for their outstanding efforts. Without objection, it was so ordered.

77. **RETIREMENT OF MS. MARGO KIELY** (8:31 p.m.)

Chairman Connolly said that Margo Kiely, Director of the Department of Systems Management for Human Services (DSMHS), will be retiring this month. He referred to his written Board Matter and outlined her many accomplishments.

Therefore, Chairman Connolly asked unanimous consent that the Board issue a resolution highlighting the tremendous contributions of Ms. Kiely and direct staff to invite her to appear before the Board to be recognized at the September 25 Board meeting. Without objection, it was so ordered.

Supervisor Kauffman suggested that staff present a better name for DSMHS.

78. **“MOVING FORWARD WITH THE AERIAL OPTION FOR DULLES RAIL”** (8:32 p.m.)

Chairman Connolly said that given the concerns raised by two members of the County's Congressional Delegation and the Federal Transit Administration (FTA), Governor Kaine announced last week that the State was no longer pursuing an all-tunnel alignment for the Dulles Rail Project through the Tysons Corner area. The Governor cited uncertainties about the project's ability to receive FTA support as the reason that the State decided to focus exclusively on the previously-approved aerial option for the rail alignment in Tysons.

While the County views the extension of Metrorail in the Dulles Corridor as its top transportation priority and the alignment choice has been decided with finality, Chairman Connolly said that concerns still remain about features which are critical elements of the project and have not been finalized. These features include sidewalk and pedestrian access, elevator/escalator access, parking at stations, interface with other modes of transit, and a host of design and cost issues that must be resolved as this project proceeds.

Therefore, Chairman Connolly moved that the Board direct the County Executive to engage with officials at the Virginia Department of Rail and Public Transportation, the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the Dulles Rail Project to identify and address these issues of design, functionality, cost, and cost-sharing and report to the Board as appropriate on a regular basis. Supervisor Kauffman seconded the motion.

Following discussion about outstanding concerns such as pedestrian connections, urban design, and traffic congestion during construction which will be compounded by simultaneous HOT lanes construction, Supervisor Smyth asked to

amend the motion to direct staff to discuss congestion management with the State, and this was accepted.

Supervisor Kauffman asked to amend the motion to request the FTA to put on the table whatever justification it used to recommend against the tunnel by providing a firm commitment on a schedule and cost to deliver the aerial alignment, and this was accepted.

Supervisor Kauffman asked to amend the motion to encourage the State to proceed with alacrity on its negotiations with the Metropolitan Washington Airports Authority, and this was accepted.

Supervisor Frey asked to amend the motion to provide an overview on the state of the financing, especially in light of the projected \$400 million dollar shortfall. Following input from Anthony H. Griffin, County Executive, who said that staff would respond when the information became available, this was accepted.

Chairman Connolly noted that Supervisor McConnell will be scheduling a meeting of the Transportation Committee and that perhaps staff could present a briefing at that meeting.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

79. **POSSIBLE COUNTY ASSISTANCE TO HOMEOWNER ASSOCIATIONS**  
(8:42 p.m.)

Supervisor Bulova said that the County government is presently precluded from providing financial assistance to homeowner and condo associations because homeowners associations are not included among the many groups that the *Virginia Code* empowers localities to assist. Ironically, the *Virginia Code* permits localities to assist non-profit recreational associations or organizations, but not homeowners associations. She said that it is time that the Board considered proposing legislation that would correct that anomaly and give localities the opportunity to assist homeowners associations when localities deem it advisable to do so. This would be permissive, not a requirement, and would provide flexibility to the Board.

Accordingly, Supervisor Bulova asked unanimous consent that the Board refer a possible amendment to *Virginia Code* Section 15.2-953 to staff for analysis and to the Legislative Committee for consideration for possible inclusion in the County's Legislative Program for the 2007 session of the General Assembly. Without objection, it was so ordered.

Chairman Connolly noted the first meeting of the Legislative Committee is scheduled for September 29.

Following discussion regarding some concerns and possible examples such as problems with wet ponds or a catastrophic environmental issue such as a hazardous waste spill, without objection, it was so ordered.

80. **MEMENTOS FROM BUTCHART GARDENS ON VANCOUVER ISLAND, BRITISH COLUMBIA, CANADA** (8:47 p.m.)

Supervisor Bulova distributed flower seed packets to Board Members as a memento from her recent trip to Butchart Gardens on Vancouver Island, British Columbia, Canada.

81. **TROPICAL STORM ERNESTO (MOUNT VERNON DISTRICT)** (8:48 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding this storm. See Clerk's Summary Item #18.)

Supervisor Hyland said that on September 1, 2006, the County government mobilized to prepare vulnerable communities for Tropical Depression Ernesto. He acknowledged the tremendous efforts by support staff in dealing with the threat of flooding in the Huntington community. He commended the County Executive, the Director of the Department of Public Works and Environmental Services, and staff for their efforts.

82. **FAIRFAX WATER BOARD MEMBERS' COMPENSATION** (8:48 p.m.)

(BACs) Supervisor Hyland provided the Board with background material on a request by a member of the Fairfax Water Board and moved that the Board refer to the Budget Committee a proposal to raise the compensation of Water Authority Board Members to \$12,000 per member and \$15,000 for the Chairman, commensurate with other jurisdictions and develop a recommendation.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the lack of a formal request on this matter as well as whether Budget Committee action was necessary.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to communicate with Fairfax Water's General Manager for a formal communication with this request and recommended plan of action. Without objection, it was so ordered.

Supervisor Hyland withdrew his motion.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

83. **EXPEDITED PROCESSING NEWINGTON FOREST COMMUNITY CENTER AND POOL HOUSE ADDITION (MOUNT VERNON DISTRICT)** (8:52 p.m.)

With reference to his written Board Matter on the Newington Forest Community Center and Pool House, Supervisor Hyland moved that the Board direct 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 for an addition to an existing pool house. He noted that this motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provision of any applicable ordinances, regulations, or adopted standards. Chairman Connolly seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

84. **JOINT RESOLUTION WITH CHAIRMAN CONNOLLY AND SUPERVISOR KAUFFMAN TO SUPPORT THE ADDITION OF RAIL TO THE WOODROW WILSON BRIDGE (LEE AND MOUNT VERNON DISTRICTS)** (8:52 p.m.)

With reference to his written Board Matter on the subject, Supervisor Hyland said that when the three year study was completed for the Woodrow Wilson Bridge, two lanes were reserved to be dedicated for transit. Accordingly, he moved that the Board adopt the Resolution to support designating the inner lane of each span of the new Woodrow Wilson Bridge for a public transit line to connect Metrorail in Virginia and Maryland, and support efforts to secure federal funding to initiate appropriate studies to begin the process of looking at rail across the bridge. Supervisor Kauffman seconded the motion.

Following discussion regarding the necessity for analysis and recommendation by staff, Supervisor Frey asked unanimous consent that the Board refer this item to staff for an analysis and recommendation at the next Board meeting. Without objection, it was so ordered.

Supervisor Hyland withdrew his motion.

85. **MULLIGAN ROAD (MOUNT VERNON DISTRICT)** (8:54 p.m.)

As outlined in his written Board Matter, Supervisor Hyland noted that one of the many needed transportation improvements to the Richmond Highway area because of the Base Realignment and Closure (BRAC) is the Woodlawn Road replacement connector road between Richmond Highway and Telegraph Road. The proposed location of this connector road will be built on an existing segment of Old Mill Road where it intersects Richmond Highway. Because Old Mill Road exists primarily on the east side of Richmond Highway further to the north, to

avoid confusion, this unconnected segment should not continue with the designation of Old Mill Road. He noted that it came to his attention that the new connector road may traverse over an earlier proposed roadway labeled by Fort Belvoir as Mulligan Road.

Therefore, Supervisor Hyland moved that the Board direct the Department of Public Works and Environmental Services to initiate the process to apply the name Mulligan Road to the total stretch of the proposed new connector road between Telegraph Road and Richmond Highway.

Following discussion regarding the possible naming of the entire road section as Old Mill and the request by the Mount Vernon Citizens Association, Supervisor Kauffman seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

86. **WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE (MOUNT VERNON DISTRICT)** (8:57 p.m.)

As outlined in his written Board Matter on the subject, Supervisor Hyland noted that a group of revolutionary era reenactors will be marching along the Washington-Rochambeau Revolutionary Route. They are currently in New Jersey and expect to be at Mount Vernon on September 21–23. They plan to leave Mount Vernon on September 24 and march along the historic route to Colchester and eventually to Yorktown. Supervisor Hyland said that jurisdictions from Arlington to Fredericksburg are working together in a cost-sharing program directed by the Virginia Department of Historic Resources to fund a study of the famous Washington-Rochambeau Revolutionary Route. Other jurisdictions have made arrangements to publicly recognize the marchers and commemorate the event.

Therefore, Supervisor Hyland asked unanimous consent that the Board:

- Direct the Office of Public Affairs to provide information about this march through Mount Vernon event by press release and on Channel 16.
- Ask the Chairman to send a letter of thanks to Mr. Conrad Mehan and Enviro-Solutions on behalf of the Board for their contribution to preserve a part of the County's history.

Without objection, it was so ordered.

87. **JOINT BOARD MATTER WITH SUPERVISOR KAUFFMAN CONGRATULATING THE WOODLAWN LITTLE LEAGUE ALL-STAR TEAM (MOUNT VERNON DISTRICT)** (8:58 p.m.)

Supervisor Hyland, jointly with Supervisor Kauffman, moved that the Board direct staff to invite the Woodlawn Little League champions to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

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

88. **FEDERAL AVIATION ADMINISTRATION REGULATIONS GOVERNING MONOPOLES** (8:59 p.m.)

Supervisor Hyland said that recently the Zoning Administrator granted a waiver for a blinking red light for a monopole close to Davidson Airfield. He expressed concerns about the flight patterns of Davidson Airfield and whether the waiver of this light could cause safety problems with the aircraft and helicopters that routinely take off there.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to provide a recommendation as to whether the granting of this waiver may cause safety problems at Davidson Airfield, provide a background on airport protection zones, and offer his opinion on whether one is warranted at Davidson Airfield. Without objection, it was so ordered.

89. **REMOVAL OF DEAD ANIMALS** (8:59 p.m.)

As described in his written Board Matter, Supervisor Hyland said that three weeks ago he received a call from a constituent who had a large dead deer on her property. After contacting Animal Control and the Health Department, she was told that they would not remove the deer corpse from her yard and instructed her to contact a carcass salvage company. She was also told that she could drag the deer to the road so a crew from the Virginia Department of Transportation would pick it up. As highlighted in the constituent's letter, County Code Section 41-1-3 requires the owner of an animal to dispose of its remains properly. Wildlife, however, is necessarily owned by all residents, and they need to know what county or state agencies, if any, can help them with the disposal.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Office of Public Affairs to publicize information on the disposal of dead animals. Without objection, it was so ordered.

Supervisor Bulova noted that she had previously presented a similar Board Matter.

Following discussion regarding various animal disposal situations, Chairman Connolly noted the necessity for a brochure on what to do regarding wild animals.

90. **AFTER THE FACT DEMOLITION PERMITS REVISITED** (9:02 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the issuance of a demolition permit for a property that had previously been demolished.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer to staff for a recommendation the issue of encouraging people to apply for permits before demolition. Without objection, it was so ordered.

91. **PUBLIC SAFETY AWARENESS WEEKEND** (9:03 p.m.)

Supervisor Smyth said that Tysons Corner Center has partnered with the Police Department to host a Public Safety Awareness Weekend September 22-24. This will be a first-of-its-kind event to showcase local, state, and federal public safety and law enforcement agencies at Tysons Corner Center. The kick-off for the event will be 11 a.m. on Friday, September 22, in the surface lot between Lord and Taylor and the new Terrace E parking structure, in front of Neisha Thai and Bistro 123. Her written Board Matter listed the participating agencies.

Accordingly, Supervisor Smyth asked unanimous consent that the Board show support for this event by proclaiming September 22-24, as "*Public Safety Awareness Weekend*" in Fairfax County and direct staff to prepare a proclamation to be read at the event. Without objection, it was so ordered.

92. **REZONING APPLICATION RZ 2006-PR-008 – CRAVEN PROPERTY/FRANK'S NURSERY (PROVIDENCE DISTRICT)** (9:04 p.m.)

Supervisor Smyth said that Sekas Homes, the applicant of Rezoning Application RZ 2006-PR-008, has requested that its case be scheduled to be heard by the Board before the end of this year. The applicant understands that fulfillment of the request is in no way an endorsement of its pending application.

Supervisor Smyth noted her expectation that the applicant will continue to work cooperatively with County staff, residents, and her office. She checked with the president of the neighborhood association and it has no objection.

Therefore, Supervisor Smyth moved that the Board direct staff to schedule a public hearing to be held before the Board on December 4, 2006, on Rezoning Application RZ 2006-PR-008. This motion does not prejudice in any way the consideration of this rezoning application nor does it relieve the applicant from

the compliance with the provision of all applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

93. **PUBLIC ANNOUNCEMENT OF INTENT FOR NOMINATION TO THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) (MASON DISTRICT)** (9:06 p.m.)

(BACs) Supervisor Gross noted that Ambassador Josiah Beeman's death left a great void at the CSB. She circulated the résumé of Susan L. Beeman, Ambassador Beeman's widow, for consideration for appointment to the CSB.

Therefore, in accordance with Virginia Code Section 37.1-195, Supervisor Gross announced her intent to nominate Susan Beeman to the CSB on September 25. A copy of her résumé will be available through the Clerk's Office.

Supervisor Gross noted that a commission was named in honor of the late ambassador.

**PMH:pmh**

94. **CONDOMINIUM PROPERTY MANAGEMENT** (9:07 p.m.)

On behalf of Supervisor DuBois, Chairman Connolly said that her office was made aware of the questionable practices by a property management company engaged by a condominium association. The investigation into the problems there illuminated some of the difficulties and lack of jurisdiction over the property management of condominium associations in the County. When faced with management problems or financial concerns, the condominium associations have limited options where to turn for help.

Chairman Connolly noted that condominium associations are governed by the Virginia Condominium Act. In the County, however, the lack of teeth in the act to regulate property management and the lack of financial oversight led to allegations of misuse of association funds.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board refer this issue to the Legislative Committee and the Consumer Protection Division for possible inclusion in the Legislative Program this year. Without objection, it was so ordered.

95. **McLEAN-GREAT FALLS BABE RUTH 14-YEAR-OLD ALL-STARS (DRANESVILLE DISTRICT)** (9:08 p.m.)

On behalf of Supervisor DuBois, Chairman Connolly announced that the McLean-Great Falls Babe Ruth 14-year-old All-Stars had a phenomenal season this year. They won the Virginia State title and advanced to the Southeast

Regional tournament which they also won. They advanced to the national World Series with a 14-0 record in all-star play this summer.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite the McLean-Great Falls Babe Ruth 14-year-old All-Stars to appear before the Board to be recognized for their accomplishments this season. Without objection, it was so ordered.

Vice-Chairman Connolly returned the gavel to Chairman Connolly.

96. **ENCORE THEATRICAL ARTS PROJECT** (9:08 p.m.)

Supervisor Frey announced that the Encore Theatrical Arts Project, a private not-for-profit theatrical arts education organization, has been invited to perform in China at the Chinese Arts-Cultural Tourisms Festival. It is the only group representing the US. Its members will be gone from September 20 to September 30 where they will complete four performances. The performers range in age from 12 to 18.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite the Encore Theatrical Arts Project performers to appear before the Board on Monday, October 23, for recognition of this international achievement as they will be serving as Good Will Ambassadors of the County. Without objection, it was so ordered.

97. **2006 PUBLIC OFFICIAL OF THE YEAR** (9:09 p.m.)

Supervisor Frey announced that Clerk of the Fairfax Circuit Court John T. Frey was named the 2006 Public Official of the Year by the National Association of County Recorders, Election Officials and Clerks at its annual conference this past August. The award is the highest the association presents and is given to the member who best exemplifies a commitment to excellence in the industry and service to the community.

Therefore, Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. Frey to appear before the Board on Monday, October 23 for recognition of this outstanding achievement. Without objection, it was so ordered.

98. **BOARD'S OWN MOTION REZONING ACTION REGARDING THE CENTREVILLE HISTORIC OVERLAY DISTRICT (SULLY DISTRICT)** (9:10 p.m.)

(R) Supervisor Frey said that on August 2, 2004, the Board supported his motion to examine the expansion of the Centreville Historic Overlay District, to review the regulations of the Zoning Ordinance and the recommendations of the Comprehensive Plan, and to direct staff to initiate a Board's Own Motion

rezoning action to adjust the boundaries of the district, if such was recommended by the study.

After review by the work group, additional properties were added to the Study Area, and a comprehensive list of those properties was recommended for study by the Board on March 27, 2006, but the related motion to initiate a Board's Own Motion action on those properties was not made at that time. Now that the proposal has been reviewed by the work group, the Architectural Review Board, and the History Commission, Supervisor Frey referred to his written Board Matter and moved that the Board:

- Adopt the Resolution to initiate a Board's Own Motion rezoning application to adjust the boundaries of the Centreville Historic Overlay District with the rezoning application to include the tax map parcels listed in his Board Matter.
- Direct staff to schedule the action concurrently with the Comprehensive Plan and Zoning Ordinance amendments.

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

99. **CENTREVILLE DAY (SULLY DSTRICIT)** (9:11 p.m.)

Supervisor Frey said Saturday, September 16, 2006, is Centreville Day and it will be held in the Centreville Historic District.

In the interests of maximizing the benefits from this event, Supervisor Frey moved that the Board waive the fees for the disposal of the trash at the I-66 waste disposal site. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

100. **DULLES GATEWAY KENNELS – CONCURRENT PROCESSING OF PLANS FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-SU-033 AND SPECIAL EXCEPTION APPLICATION SE 2006-SU-015 (SULLY DISTRICT)** (9:13 p.m.)

Supervisor Frey said that Dulles Gateway Kennels has filed Proffered Condition Amendment Application PCA 2000-SU-033 and related Special Exception Application SE 2006-SU-015 for a nominal expansion of its approved development program on the site of the existing kennels. The applications are scheduled for public hearing at the Planning Commission on October 18.

Therefore, Supervisor Frey moved that the Board:

- Direct staff to schedule a public hearing to be held before the Board on these applications on October 23 or November 20.
- Authorize concurrent processing for the proposed project with the understanding that the applicant shall proceed at his own risk and that the approval in no way prejudices the merits of the pending application.

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

101. **MOUNT PLEASANT BAPTIST CHURCH TO COMMEMORATE 140 YEARS OF SERVICE, WORSHIP, AND OUTREACH IN THE COUNTY (HUNTER MILL DISTRICT)** (9:14 p.m.)

On behalf of Supervisor Hudgins, Chairman Connolly noted that this year Reverend Dr. James L. Graham, Jr. and the members of the Mount Pleasant Baptist Church will commemorate 140 years of service, worship, and outreach in the County.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Reverend Graham and members of Mount Pleasant Baptist Church to appear before the Board to be recognized for its long history and many contributions made to its members and the surrounding community. Without objection, it was so ordered.

102. **VIENNA HALLOWEEN PARADE SIXTIETH ANNIVERSARY (HUNTER MILL DISTRICT)** (9:14 p.m.)

On behalf of Supervisor Hudgins, Chairman Connolly noted that the Vienna-Tyson's Regional Chamber of Commerce and the Town of Vienna are sponsoring the Sixtieth Annual Vienna Halloween Parade to be held on Wednesday, October 25, 2006. In recognition of the community commitment to a long standing event.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite the Vienna Halloween Parade Committee to appear before the Board at its October 23, 2006, to be recognized for continuing and maintaining a community tradition, the Vienna Halloween Parade. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

103. **REQUEST FOR EXPEDITED PUBLIC HEARING FOR PROFFERED CONDITION AMENDMENT APPLICATION/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION PCA/FDPA 93-Y-044 (SPRINGFIELD DISTRICT)** (9:15 p.m.)

Supervisor McConnell said that the applicant for FL Promenade Outparcel LC has requested an expedited Board public hearing for Proffered Condition Amendment Application/Final Development Plan Amendment Application PCA/FDPA 93-Y-044. The application is in conformance with the Comprehensive Plan and the Zoning Ordinance provisions, and the proposal would provide a viable use to replace a restaurant site that has been vacant for over a year. Expediting the hearing on this application will allow this applicant to begin improvements to replace the vacant building with a viable, community-serving use as soon as possible.

Therefore, Supervisor McConnell moved that the Board direct staff to schedule a public hearing to be held before the Board on Proffered Condition Amendment Application/Final Development Plan Amendment Application PCA/FDPA 93-Y-044 for the earliest date possible after the November 9, 2006, Planning Commission public hearing. 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 a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

104. **COUNTY'S FIRE AND RESCUE TEAM IN JACKSONVILLE, FLORIDA** (9:17 p.m.)

Supervisor McConnell said that when she was in Jacksonville, Florida at the same time the County's Fire and Rescue team was there to assist with possible hurricane damage and she noted that the team was well organized.

105. **REQUEST FOR CERTIFICATE OF RECOGNITION (LEE DISTRICT)** (9:18 p.m.)

Supervisor Kauffman said that Alexander Ryjik, celebrated the 4th of July as the 2006 National Sabre Fencing Champion for Age 12 and under. This was a repeat performance, having earned this title in 2005 as well. He competed against 91 boys in the United States Fencing Association summer National Fencing Championships held June 30 - July 9 in Atlanta, Georgia. Thousands of fencers gathered from the United States for this competition. Alexander trains at the Virginia Academy of Fencing in Springfield, VA, the world's largest fencing school, headed by his father, Fencing Master Alexandre Ryjik.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Alexander to appear before the Board at a future meeting to be recognized for his achievement and that a certificate of recognition be prepared for him. Without objection, it was so ordered.

106. **BOARD ADJOURNMENT** (9:19 p.m.)

The Board adjourned.

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