



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

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

**MONDAY  
November 20, 2006**

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**20-06**

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**DET:det**

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, November 20, 2006, at 9:44 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; 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.

**AGENDA ITEMS**

1. **CERTIFICATES OF RECOGNITION PRESENTED TO REPRESENTATIVES OF THE FIRE AND RESCUE DEPARTMENT, LOCAL 2068 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, THE MUSCULAR DYSTROPHY ASSOCIATION, AND SUNTRUST BANK** (9:45 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to representatives of the Fire and Rescue Department, Local 2068 of the International Association of Firefighters, the Muscular Dystrophy Association, and SunTrust Bank for their noteworthy effort, support, and energy in the 2006 Fill the Boot Campaign to aid the fight against muscular dystrophy, resulting in a collection of more than \$364,000. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

2. **CERTIFICATES OF RECOGNITION PRESENTED TO MS. MARYANNE CAPETS AND MS. MARGIE HENRY (HUNTER MILL DISTRICT)** (9:51 a.m.)

Supervisor Hudgins moved approval of the Certificates of Recognition presented to MaryAnne Capets and Margie Henry of Terraset Elementary School for outstanding initiative and noteworthy dedication to secure grants for more than \$35,000 for the students of Terraset Elementary to fund the reading project, "Parents as Readers: K-3 Reading Program," computers, digital cameras, projectors, and online resources, resulting in the enrichment of students and families in the Hunter Mill District and Fairfax County Public Schools. Supervisor McConnell seconded the motion and it carried by unanimous vote.

3. **RESOLUTION OF RECOGNITION PRESENTED TO MS. MARGO KIELY (HUNTER MILL DISTRICT)** (9:55 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Margo Kiely, founding director of the Department of Systems Management for Human Services, upon her retirement after 11 years of commitment and notable service to the County. Chairman Connolly seconded the motion and it carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. NANCY TAXSON (PROVIDENCE DISTRICT)** (10:15 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Ms. Nancy Taxson for 16 years of service as the executive director of Homestretch, Incorporated, one of the largest and most respected providers of

transitional housing in Northern Virginia. Chairman Connolly seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO MR. J. PATRICK TAVES** (10:19 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to Mr. J. Patrick Taves on the occasion of his retirement from the Office of the County Attorney after 26 years of notable service and commitment to the County. The motion, which was multiply seconded, carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION DESIGNATING DECEMBER 1, 2006, AS "AIDS AWARENESS DAY" IN FAIRFAX COUNTY** (10:35 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate December 1, 2006, as "*AIDS Awareness Day*" in Fairfax County and encouraged all residents to know their HIV status, and participate in activities and observances designed to increase awareness and understanding of HIV and AIDS. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO FAIRFAX COUNTY GOVERNMENT CABLE CHANNEL 16** (10:45 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Fairfax County Government Cable Channel 16 for being named the best government access cable television station in the nation for the second consecutive year by the Alliance for Community Media. Supervisor Gross and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

PW:pw

8. **10 A.M. – PRESENTATION OF THE HUMAN RIGHTS COMMISSION ANNUAL REPORT** (10:57 a.m.)

(BACs) Victor Dunbar, Chairman, Human Rights Commission, presented its annual report. Discussion followed regarding:

- Focus on the increasing of age related charges.
- Complaints versus actual charges filed and monitoring the process.
- Reimbursement of investigations and resource funding.
- Legislative restrictions regarding sexual orientation discrimination issues.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Human Rights Commission to expand the information regarding the legislative restrictions on the County regarding sexual orientation discrimination issues in its reports. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

9. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:24 a.m.)

(APPTS)  
(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointment of the Mason District Representative.

**ATHLETIC COUNCIL**

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

**CHILD CARE ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY**

The Board deferred the appointments of the At-Large Chairman's Representative and the Dranesville, Mason, Providence, and Springfield District Representatives.

**COMMISSION FOR WOMEN**

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

(NOTE: Later in the meeting, the Board made an appointment to this commission. See Clerk's Summary Item #21.)

**COMMUNITY ACTION ADVISORY BOARD****CONFIRMATION:**

Supervisor DuBois moved the confirmation of the following appointment:

- Dr. Miriam Raskin as the George Mason University Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

**CRIMINAL JUSTICE ADVISORY BOARD**

Supervisor Bulova moved the reappointment of Mr. Rashad Khan as the Braddock District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor McConnell moved the appointment of Mr. A. Joseph Jay, III as the Springfield District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

The Board deferred the appointment of the Dranesville District Representative.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Supervisor DuBois moved the reappointment of Mr. Frank Crandall as the Dranesville District Representative. Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

The Board deferred the appointment of the Springfield District Representative.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Supervisor Hudgins moved the reappointment of Ms. Michele Blitz as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

Supervisor Frey moved the reappointment of Ms. Ann Pimley as the Sully District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

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

#### **CONFIRMATIONS:**

Supervisor Hudgins moved the confirmations of the following appointments:

- Mr. Ian Kremer as the Alzheimer's Association Representative
- Ms. Patricia Dunn Williams as the Business/Corporation #4 Representative
- Mr. Timothy Brown as the Business/Corporation #5 Representative
- Mr. Roberto Quinones as the Business/Corporation #9 Representative
- Ms. Jackie Mills-Fernald as the Community #4 Representative
- Mr. Michael LaJuene as the Disability Community Leader Representative
- Ms. Dorothy Sorrell as the City of Fairfax Representative
- Ms. Karen Brown as the Long Term Care Task Force #1 Representative
- Ms. Eileen Dohmann as the Long Term Care Task Force #3 Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Supervisor Kauffman announced his intention to nominate Ms. Martha Lloyd as the Lee District Representative at the December 4 Board meeting.

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointment of the Mason District Representative.

**SMALL BUSINESS COMMISSION**

The Board deferred the appointment of the Dranesville District Representative.

**TENANT LANDLORD COMMISSION**

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

**TRANSPORTATION ADVISORY COMMISSION**

Supervisor Smyth moved the appointment of Mr. Robert Adams as the Providence District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

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

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

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent, that pursuant to the request of the Fairfax County Federation of Citizens Associations, that it be allowed a seat on this committee. Without objection, it was so ordered. Staff will note this designation for the next Board meeting.

**DS:ds**

10. **ADMINISTRATIVE ITEMS** (11:28 a.m.)

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

**ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 07058 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE DISTRICT OF COLUMBIA (DC) OFFICE OF DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

(SAR) Approved SAR AS 07058 in the amount of \$1 million for the FCPD to accept a DHS Fiscal Year 2006 UASI Sub-Grant from the DC Office of Deputy Mayor for Public Safety and Justice to upgrade and enhance the National Capital Regional Automated Fingerprint Identification System. No local cash match is required.

**ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM**

Designated the following individuals, identified with a registration number, as a Plans Examiner:

- Brice R. Kutch (271)
- Christopher D. Glassmoyer (272)

**ADMIN 3 – APPROVAL OF A MULTI-WAY STOP AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)**

Endorsed the installation of a multi-way stop at Elm Place and Arden Street/Jawed Place (Providence District), as part of the R-TAP.

**ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITIES REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)**

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-D06-15	T-Mobile Northeast LLC Antenna co-location on replacement transmission pole 6621 Byrnes Drive (Dransville District)	January 20, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FSA-P01-33-1	Sprint-Nextel Additional and relocated antennas on rooftop 8130 Porter Road (Providence District)	January 21, 2007
FS-B06-63	Clearwire US LLC Antenna co-location on existing monopole 7920 Woodruff Court (Braddock District)	January 22, 2007
2232-MD06-10	Virginia Department of Rail and Public Transportation, on behalf of the Washington Metropolitan Area Transit Authority Extension of Metrorail from West Falls Church to the Loudoun County Dulles Corridor (Dranesville, Hunter Mill, and Providence Districts)	May 21, 2007

**ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 07066 FOR THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT SERVICES UNIT TO ACCEPT GRANT FUNDING FROM THE SUPREME COURT OF VIRGINIA FOR THE JUVENILE DRUG COURT**

(SAR) Authorized SAR AS 07066 for the Juvenile and Domestic Relations District Court Services Unit to accept funding from the Supreme Court of Virginia in the amount of \$133,000 to support the activities of the Juvenile Drug Court. No local cash match is required.

**ADMIN 6 – PROPOSED STREET NAME CHANGE FOR THE NORTH PORTION OF OLD MILL ROAD FROM RICHMOND HIGHWAY TO CONTINUE THROUGH PLANNED CONNECTOR TO TELEGRAPH ROAD**

Approved a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository to Mulligan Road for the north portion of Old Mill Road and the planned connector through to Telegraph Road, Tax Map Numbers 109-2, 100-4, and 100-2. This name change is to

become effective in 30 days, in accordance with Section 102-1-9 of the Code of the County of Fairfax.

**ADMIN 7 – STREETS INTO THE SECONDARY SYSTEM (BRADDOCK, DRANESVILLE, HUNTER MILL, MOUNT VERNON, PROVIDENCE, 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>
Newcome Property	Braddock	Maple Avenue (Route 1558) Additional ROW only
Bryan Pond (Addition to)	Dranesville	Olson Court Towlston Road (Route 676) Additional ROW Only
Riverbend Section 1	Dranesville	Strawfield Lane Georgetown Pike (Route 193) Additional ROW Only
The Meadows of Great Falls	Dranesville	Meadow Ridge Lane
Woodlea Mill, Section 1D	Dranesville	Woodlea Mill Road Woodlea Mill Court Clarkewood Court Spring Hill Road (Route 684) Additional ROW Only
Woodlea Mill, Section 1E	Dranesville	Woodlea Mill Road Woodlea Mill Court Champion Lake Court (Cheviot Drive per Recorded Plat)
Shaker Woods, Section 9	Hunter Mill	Champion Lake Court (Cheviot Drive per Recorded Plat)
Vintage Crest	Hunter Mill	Vintage Crest Lane Stuart Mill Road (Route 669) Additional ROW Only
Laurel Crest	Mount Vernon	Silverbrook Road (Route 600) Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Pohick Retreat	Mount Vernon	Chars Lane Chars Landing Court
Wyngate	Mount Vernon	Richmond Highway Route 1 Additional ROW Only
Hunter Crossings	Providence	Laura Sue Court Hibbard Street Route 784 Additional ROW Only
Glen Alden, Lots 7 and 61	Springfield	Spruce Avenue (Route 897) Additional ROW Only
Alexandra Estates	Sully	West Ox Road (Route 608) Additional ROW Only Frostleaf Court
Cooper Creek, Section 2	Sully	Bennett Road (Route 669) Additional ROW Only West Ox Road (Route 608) Additional ROW Only
Deerfield Ridge, Section 2	Sully	Braddock Creek Road (Route 7058)

**ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING  
ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES  
MANUAL (PFM) REGARDING LOW IMPACT DEVELOPMENT  
PRACTICES**

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on February 1, 2007, and before the Board on **March 12, 2007, at 4:30 p.m.** to consider proposed amendments to the PFM. The proposed amendments incorporate design and construction standards, plan submission requirements, and requirements for the release of bonds and conservation escrows for six Low Impact Development practices.

11. **A-1 – AUTHORIZATION TO FILE A NOTICE OF PARTICIPATION AS A RESPONDENT IN THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR A GENERAL INCREASE IN RATES, FEES, CHARGES AND REVISIONS TO THE TERMS AND CONDITIONS OF SERVICE AND FOR APPROVAL OF A PERFORMANCE-BASED RATE REGULATION METHODOLOGY UNDER VIRGINIA CODE SECTION 56.235.6, STATE CORPORATION COMMISSION (SCC) CASE NUMBER PUE-2006-00059** (11:28 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and authorized the Department of Cable Communications and Consumer Protection and the County Attorney's Office to file a Notice of Participation as a respondent in the Washington Gas Light Company SCC Case Number PUE-2006-00059.

12. **A-2 – AUTHORIZATION FOR THE CHAIRMAN OF THE BOARD TO EXECUTE TWO MEMORANDUMS OF AGREEMENTS FOR THE DISTRICT OF COLUMBIA (DC) BLUE PLAINS WASTEWATER TREATMENT PLANT COST ALLOCATIONS** (11:29 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and authorized the Chairman to execute two memorandums of agreements for the DC Blue Plains Wastewater Treatment Plant cost allocations.

13. **I-1 – CONTRACT AWARD – TRAIL AND STREAM CROSSINGS AT HOLMES RUN STREAM VALLEY TRAIL – COLUMBIA PIKE TO ALEXANDRIA (MASON DISTRICT)** (11:29 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to Avon Corporation of Springfield, Virginia, in the amount of \$993,750 for the construction of Project 474604, Trails and Stream Crossings, in Fund 370, Park Authority Bond Construction.

Following a brief discussion regarding the trail, the staff was directed administratively to proceed as proposed.

14. **I-2 – APPROVAL OF A PROJECT ADMINISTRATIVE AGREEMENT AMENDMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR PROJECT DEVELOPMENT AND ADMINISTRATION OF THE MASON NECK TRAIL (MOUNT VERNON DISTRICT)** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to execute the Project Administrative Agreement Amendment with VDOT for Project Development and Administration of the Mason Neck Trail project.

The staff was directed administratively to proceed as proposed.

15. **I-3 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING CONTRACT FOR THE FEASIBILITY STUDY OF THE GOVERNMENT CENTER AMPHITHEATER (SPRINGFIELD DISTRICT)** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to Quinn Evans Architects in the amount of \$170,811 for an architectural/engineering contract for the feasibility study of the Government Center Amphitheater, Project 009483, within Fund 303, County Construction.

Chairman Connolly noted that this amphitheater should not be confused with an Arts Center.

The staff was directed administratively to proceed as proposed.

16. **I-4 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE DVS ALBAN MAINTENANCE FACILITY RENOVATION PROJECT (LEE DISTRICT)** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to The Lukmire Partnership, Incorporated, in the amount of \$275,000 for architectural and engineering design services for the DVS Alban Maintenance Facility Renovation Project, in Fund 503, Department of Vehicle Services.

The staff was directed administratively to proceed as proposed.

17. **I-5 – CONTRACT AWARD – BURKE CENTRE LIBRARY (BRADDOCK DISTRICT)** (11:30 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to E.E.

Reed Construction, LP in the amount of \$4,988,988 for the construction of Project 004838, Burke Centre Library, in Fund 302, Library Construction.

The staff was directed administratively to proceed as proposed.

18. **I-6 – CONTRACT AWARD – GROUPED ATHLETIC FIELD LIGHTING**  
(11:31 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to Dalton Electric Service Incorporated in the amount of \$848,330 for the replacement of six athletic field lighting systems.

Chairman Connolly noted that spill and glare standards are being used, which will significantly cut down on light seeping in to surrounding neighborhoods.

Discussion ensued, with input from Michael A. Kane, Director, Park Authority, regarding the lighting system.

The staff was directed administratively to proceed as proposed.

19. **I-7 – CONTRACT AWARD – RIVER OAKS SANITARY SEWER EXTENSION AND IMPROVEMENT (DRANESVILLE DISTRICT)**  
(11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to:

- Award a contract to Anchor Construction Corporation in the amount of \$6,048,358 for the construction of the River Oaks Sanitary Sewer Extension and Improvement, Project Number X00826, Extension Projects in Fund 402, Sewer Construction Improvements. Funds for Project Number X00826 are currently available in the amount of \$3,384,382.
- Reallocate funds in the amount of \$2.5 million from Project X00910, Replacement and Renewal Treatment Plants, to Project X00826.
- Reallocate funds in the amount of \$1,432,050 from Project X00351, Pump Station Renovations, to Project X00826.

The staff was directed administratively to proceed as proposed.

20. **I-8 – CONTRACT AWARD – ASPHALT TRAIL AND PEDESTRIAN BRIDGE AT DANBURY FOREST (BRADDOCK DISTRICT)** (11:33 a.m.)

The Board next considered an item contained in the Board Agenda dated November 20, 2006, requesting authorization for staff to award a contract to Cube Construction Corporation of Great Falls, Virginia, in the amount of \$279,885 for the construction of a portion of the Lake Accotink Stream Valley Trail Design Danbury Forest Drive within Project 474604, Trails and Stream Crossings, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding staff designations of woman and minority-owned businesses in contract awards.

(NOTE: Later in the meeting, there was additional discussion regarding contract awards. See Clerk's Summary Item #75.)

21. **APPOINTMENT TO THE COMMISSION FOR WOMEN (MOUNT VERNON DISTRICT)** (11:35 a.m.)

(APPT) (NOTE: Earlier in the meeting, the Board deferred the appointment of the Mount Vernon District Representative to the Commission for Women. See page 5.)

On behalf of Supervisor Hyland, Chairman Connolly moved the appointment of Ms. Diana Shermeyer as the Mount Vernon District Representative to the Commission for Women. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

**BOARD MATTERS**

NV:nv

22. **RETIREMENT OF JIMMY D. LAWSON FROM THE POLICE DEPARTMENT** (11:36 a.m.)

Chairman Connolly noted that Second Lieutenant Jimmy D. Lawson of the Police Department retired on September 29 after serving the citizens of the County for 37 years. Chairman Connolly cited Lieutenant Lawson's many accomplishments as outlined in his written Board Matter.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Lieutenant Lawson to appear before the Board to be recognized for his outstanding service. Acknowledging that Supervisor Hudgins had previously requested Board recognition for Lieutenant Lawson and he will be appearing in

January 2007, Chairman Connolly asked unanimous consent to be recorded as endorsing the efforts of Supervisor Hudgins to schedule the recognition as soon as possible. Without objection, it was so ordered.

23. **POST-EMPLOYMENT HEALTH PLAN (PEHP) WORKING GROUP**  
(11:37 a.m.)

Chairman Connolly reminded the Board that the continual rise in health care costs places a burden both on employers, such as the County, in funding health care plans for workers, and to the individuals who have to pay rising health care premiums. He said that one tool used to address this concern has been a Post-Employment Health Care Plan, which helps to pre-fund future costs of health care for employees upon their retirement. There are often several options used in funding the PEHP, ranging from ongoing contributions by the employer to employee contributions from cash payouts, such as those associated with unused leave. The contributions and earnings from a PEHP can be tax exempt to the recipient and, therefore, may not require the employer to contribute payroll taxes normally associated with cash payouts.

Accordingly, Chairman Connolly moved that the Board direct the County Executive to convene a working group to discuss the feasibility of enacting a PEHP for County employees and report with his progress.

Supervisor Gross seconded the motion and asked to amend the motion to include this report as part of the budget process, and this was accepted.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Connolly clarified that the Board would have the recommendation in conjunction with the budget.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **METHAMPHETAMINE AWARENESS DAY** (11:39 a.m.)

Supervisor Smyth said that the spread of methamphetamine poses a tremendous risk to the community and other communities across the nation. Not only does this highly addictive stimulant impact the lives of the abusers and their families, methamphetamine labs also place neighborhoods in jeopardy because of the risk of fire, damage to the environment, and the increased crime to support addiction.

Supervisor Smyth added that raising awareness of the pernicious effects of methamphetamine is an important first step. To increase public knowledge about the drug, the Partnership for a Drug-Free America has joined with the Police Department and the Fairfax-Falls Church Community Service Board (CSB) to

deliver a community outreach program called Meth 360. At the federal level, the United States Department of Justice aided in drawing attention to the problem by designating November 30, 2006, as National Methamphetamine Awareness Day.

Supervisor Smyth said that the Police Department and members of the CSB who participate in Meth 360, which is funded by a Justice Department grant under the Community Oriented Policing Services Program, are reaching out to educate citizens about the harm that methamphetamine causes. To date, there have been 16 Meth 360 presentations for community and professional organizations in Fairfax. The Meth 360 program is also being broadcast this month on Fairfax Cable Access, Channel 10.

Supervisor Smyth noted that the participants in Meth 360 seek to ensure preemptively that Fairfax continues to avoid a methamphetamine problem. This educational effort dovetails with the Police Department's robust enforcement activity, which has resulted in arrests and encouraged an environment in which no labs have thrived. For their efforts, the residents of the County and the Board are grateful.

Therefore, Supervisor Smyth moved that the Board designate November 30, 2006, as "*Methamphetamine Awareness Day*" in Fairfax County, and direct the Office of Public Affairs to prepare and send certificates of recognition to the agencies participating in Meth 360, the Police Department and the CSB, for their outstanding efforts to prevent the spread of this dangerous drug. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

25. **RECOGNITION OF FREDERICK M. "MR. BASEBALL" CRABTREE (HUNTER MILL DISTRICT)** (11:41 a.m.)

In a joint presentation with Supervisor Hudgins, Supervisor Smyth said that the Fox Mill District Park in the Hunter Mill District was officially renamed the "Fred Crabtree Park" at a ceremony on October 28, 2006. She cited Mr. Crabtree's numerous accomplishments as noted in her written Board Matter. It is appropriate to further honor Mr. Crabtree for the lifetime of service and commitment to community he has demonstrated that has had such a positive and lasting effect on the tapestry of the County.

Therefore, jointly with Supervisor Hudgins, Supervisor Smyth asked unanimous consent that the Board direct staff to invite Mr. Crabtree to appear before the Board on December 4 to receive a certificate of recognition for his lifetime of enduring contributions to the County. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs regarding the schedule for December 4.

26. **EXPRESSION OF APPRECIATION TO MR. CHARLES CRAFT AND MR. HUGH WHITEHEAD (HUNTER MILL DISTRICT)** (11:43 a.m.)

Supervisor Hudgins expressed her appreciation for the way that Charles “Chuck” Craft, staff, Environmental and Facilities Inspections Division, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), and Hugh Whitehead, staff, Urban Forest Management, Environmental and Site Review Division, LDS, DPWES, handled an issue at Oakton Hollow, a by-right development of four single-family homes. Several issues surfaced during the project, but the most significant was the encroachment and removal of trees in the tree save area approved with the site plan.

Supervisor Hudgins noted that this encroachment ultimately led to the inability to issue a residential permit for Lot 3 of Oakton Hollow. The matter received local news coverage when it was reported that the potential residents had four blind children who were being housed in a hotel until the matter was resolved. Both Mr. Craft and Mr. Whitehead realized the sensitivity of the matter and worked diligently with the developer and potential owners to secure a replanting agreement that maintained the tree save coverage as required on the approved site plan.

Therefore, Supervisor Hudgins publicly acknowledged the actions of Mr. Craft and Mr. Whitehead and she asked unanimous consent that the Board direct staff to place letters in the personnel files for these individuals acknowledging the Board’s appreciation for outstanding customer service. Without objection, it was so ordered.

27. **RESTON LICENSE PLATE (HUNTER MILL DISTRICT)** (11:44 a.m.)

Supervisor Hudgins said that as one of the most famous planned communities in the world, Reston, and its inhabitants, will have something else for which to be proud. Reston Citizens Association (RCA) is currently accepting submittals of designs for art on the future Reston license plate. For the Virginia Department of Motor Vehicles (DMV) to offer the plates, a required minimum of 350 prepaid applications must be received for production and approval to continue for these specialized license plates. The deadline for submitting designs to RCA is November 30, 2006.

Therefore, Supervisor Hudgins moved that the Board direct staff to advertise the ordering of Reston license plates through January 30, 2007, and also to immediately advertise the deadline for submission of license plate designs to RCA by November 30, 2006. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

28. **BRUCE BUTLER RECIPIENT OF THE NANCY F. SPRAGUE FIRST-YEAR ADMINISTRATOR AWARD (HUNTER MILL DISTRICT)**

(11:45 a.m.)

Supervisor Hudgins congratulated South Lakes High School Principal Bruce Butler for being named the recipient of the Nancy F. Sprague First-Year Administrator Award. Fairfax County Public Schools (FCPS) recognized Mr. Butler on Thursday, November 2, 2006, for his dedication, enthusiasm, and service as an educator over the past 20 years. Now as Principal at South Lakes, he has continued to display the leadership, discipline and character at the highest level. His award is named in honor of the late Nancy F. Sprague, former assistant superintendent for instructional services and chief academic officer for FCPS.

Supervisor Hudgins noted that Mr. Butler is very proud of his recent upgrade at South Lakes High School and the renovations across the school's campus. He has instilled excitement and school spirit and challenges students to surpass limitations set by others.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Butler to appear before the Board to be presented with a certificate, commending his leadership and celebrating his 2007 Outstanding First-Year Administrator Award by FCPS. Without objection, it was so ordered.

Following a query to Merni Fitzgerald, Director, Office of Public Affairs, Chairman Connolly noted that this would be scheduled for January 22, 2007.

29. **REQUEST FOR VIRGINIA SERIOUS AND VIOLENT OFFENDER REENTRY (VASAVOR) INITIATIVE** (11:47 a.m.)

(BACs)

Supervisor Hudgins called the Board's attention to copies of a memorandum from her to the Board regarding the VASAVOR program. She noted that the County has participated in VASAVOR since 2003. Through federal grants from the Justice Department's Office of Justice Programs, the program addresses reentry challenges of serious, high-risk offenders' return to their communities by providing supportive services to former offenders. Initially Virginia received \$2 million for a three year period, with an additional year extension in 2005. VASAVOR-Fairfax, the County program, receives \$500,000 per year.

Supervisor Hudgins explained that this important program focuses resources on educational training, employment assistance, substance abuse services and mental health treatment for those who have served their sentences and are returning to the County community. The program has proven to be invaluable for former offenders in reentry preparation and reducing recidivism, but also for the greater community. It serves as a demonstration program for other communities throughout the Commonwealth.

Supervisor Hudgins said that this past year the Fairfax Community Criminal Justice Board (CCJB) completed its third year of the VASAVOR program. At the October 26 meeting of CCJB, it was announced that federal funding that provided resources for the County's program ceases June 30, 2007.

Accordingly, on behalf of CCJB, Supervisor Hudgins moved that the Board direct staff to prepare a letter to Governor Kaine asking that \$500,000 be included in the State budget to continue VASAVOR-Fairfax. Chairman Connolly seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to prepare the letter during today's Board meeting, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

30. **FALL TOWN MEETING AND DIALOG SERIES – BRADDOCK TOMORROW – ADOPTION OF A BRADDOCK COMMUNITY VISION FOR THE TWENTY-FIRST CENTURY** (11:49 a.m.)

Supervisor Bulova reported that on Wednesday, November 8, the latest Braddock District Community Dialog concluded with the adoption of a Braddock District Community Vision for the Twenty-First Century, or A Look Ahead at Braddock. She expressed her appreciation to Chairman Connolly for setting the stage for that discussion with some great information about the state and health of the County.

Supervisor Bulova said that this three-part series, which began on October 25, dealt with the issue of growth and development and the future in the County. Speakers included David Robertson and Paul DesJardin of the Washington Metropolitan Council of Governments, Robert Puentes of The Brookings Institution, former Chairman of the Board Jean Packard, developer Tom Fleury, Dr. Jerry Gordon of the County's Economic Development Authority, and Dennis Carmichael of EDAW, who provided a Powerpoint presentation on "Development Patterns People Like and Want."

Supervisor Bulova noted that more than 50 people participated in this visioning exercise. Forty-five individuals attended at least two of three meetings and qualified as voting members. The Vision Statement, copies of which she distributed, first indicates that "future growth and development should protect, enhance, and build upon the things we value in our community – excellent schools, safe neighborhoods, a clean environment, compassionate human services, space and facilities for recreational pursuits, vibrant cultural amenities and positive assimilation of newcomers into our community." Future growth should provide, in addition to present day neighborhood patterns, more choice in housing

types and community design – affordable housing and cost of living, including “starter” homes for younger residents, workforce housing, housing built to universal design, and housing that allows older residents to remain in the area and participate fully in community life.

Supervisor Bulova said that Dialog participants called for more connectivity and transportation options, including neighborhood-serving bus service, enhanced trail and pedestrian/bicycle connections and better ability to utilize metro, HOV and/or HOT lanes.

Supervisor Bulova said that following discussion of the Vision Statement, it was adopted unanimously by the full group. Therefore, she asked unanimous consent that the Board direct staff to invite the discussion leaders for Braddock Tomorrow to appear before the Board on December 4 to be thanked and recognized for their leadership and participation in the Braddock Tomorrow Town Meeting Series and Dialog.

Following a brief discussion about the timing of the recognition, without objection, it was so ordered.

Chairman Connolly commended Supervisor Bulova for her leadership in this initiative.

31. **FIFTIETH ANNIVERSARY OF FAIRFAX MEMORIAL PARK (BRADDOCK DISTRICT)** (11:52 a.m.)

Supervisor Bulova said that she recently learned that Fairfax Memorial Park will be celebrating its fiftieth anniversary next year. According to Vice President Michael Doherty, the cemetery was founded in 1957 as a private Catholic cemetery, Calvary Memorial Park. In 1976 Calvary Memorial Park purchased the adjoining Fairfax Memory Gardens and combined the two cemeteries into one nonsectarian cemetery called Fairfax Memorial Park.

Supervisor Bulova noted that milestones include the construction of an above ground mausoleum in 1984, and dedication of a memorial to the victims of September 11, 2001, some of whom are interred in the cemetery. In 2003 all paper records were converted into a digital mapping system of the property, and in August 2003, a funeral home and crematory opened on the property. In June of 2004, Fairfax Memorial Park and Funeral Home was awarded a BOB (Best of Braddock) Award for the category "Commercial Beautification or Improvement."

Noting that on Memorial Day, May 28, 2007, Fairfax Memorial Park will be marking its fiftieth anniversary with a cookout and celebration, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Mr. Michael Doherty, Mr. Cornelius Doherty, Jr., and members of the cemetery board and staff to appear before the Board at its March 12 (or March 19), 2007, meeting to be presented with a Resolution congratulating them on their anniversary and noting

their many contributions to the Fairfax County community. Without objection, it was so ordered.

DS:ds

32. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING, AND REQUEST FOR PUBLIC HEARING FOR SKY 06 LLC (SULLY DISTRICT)** (11:56 a.m.)

Supervisor Frey said that Sky 06 LLC has filed a variety of zoning applications to permit a school of special education in a free-standing building in Centre Ridge. The site was previously the home of a miniature golf facility and arcade, and the development plans associated with the Centre Ridge development limit the use of that pad to commercial recreation use. The applicant proposes to use the site for a martial arts studio. No new construction is proposed, although the applicant has agreed to remove the abandoned mini-golf facilities including the giant rock. They will replace a portion of it with a small outdoor exercise area. For contractual reasons, the applicant desires to occupy the space as soon as possible and has requested that the Board authorize expedited processing of the zoning applications and a date certain for the public hearing. Supervisor Frey stated that he has reviewed the request with the Department of Planning and Zoning, Zoning Evaluation Division, and has been advised that they have no objection.

Therefore, Supervisor Frey moved that the Board direct staff to:

- Expedite the review of the following applications to the extent feasible:
  - Proffered Condition Amendment Application  
PCA 81-S-058-5
  - Proffered Condition Amendment Application  
PCA 91-Y-010-2
  - Partial Final Development Plan Amendment  
Application FDPA 81-S-058-3
  - Final Development Plan Amendment Application  
FDPA 91-Y-010
  - Conceptual Development Plan Amendment  
Application CDPA 91-Y-010-3
  - Proffered Condition Amendment Application  
PCA 00-Y-001
  - Special Exception Amendment Application  
SEA 00-Y-004

- Schedule a public hearing to occur immediately after the Planning Commission hearing.

Supervisor Frey said the applicants understand that this motion will not prejudice the consideration of the applications in any way. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

33. **REQUEST FOR CONCURRENT PROCESSING AND SCHEDULING OF PUBLIC HEARINGS FOR FAIRFAX WATER (SULLY DISTRICT)** (11:58 a.m.)

Supervisor Frey said that Fairfax Water has a water tank on its property located at 3663 West Ox Road in Fairfax, near Navy Elementary School. Additionally, it has the requisite approvals to construct three additional tanks in the same location. Supervisor Frey said that in the aftermath of Hurricane Isabel, Fairfax Water reviewed its facilities and desires to modify its existing approval to more appropriately address its needs. Consequently, Fairfax Water has filed Special Exception Amendment Application SEA 77-C-190-02. To meet its timetable to begin construction of the new facilities next spring, Fairfax Water has asked for the ability to concurrently process its plans and that a date certain be established for the public hearing to be held before the Board.

Therefore, Supervisor Frey moved that the Board authorize staff to:

- Process the associated site plan and building plans concurrently with Special Exception Amendment Application SEA 77-C-190-2.
- Schedule public hearing dates before the Planning Commission and the Board as quickly as feasible.

The applicant understands that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

34. **JOINT MEETING WITH LOUDOUN COUNTY BOARD OF SUPERVISORS TO BE RESCHEDULED** (12 noon)

Supervisor Frey said that the County Executive's Office received a call this morning from the Office of the Chairman for the Loudoun County Board of Supervisors regarding rescheduling the joint meeting. The joint meeting of the Fairfax County and Loudoun County Board of Supervisors had been scheduled to be held Tuesday, November 28, 2006.

35. **REQUEST TO SCHEDULE A PUBLIC HEARING FOR CHATEAUX CONDOMINIUMS (MASON DISTRICT)** (12:01 p.m.)

- (A) Supervisor Gross said that the residents of the Chateaux Condominium in Mason District have petitioned the County to be removed from the County's Vacuum and Leaf Collection. The Chateaux is located in Seven Corners and contracts with a private company for property maintenance, which includes leaf collection, making the County service unnecessary.

Therefore, Supervisor Gross moved that the Board direct staff to schedule a public hearing to be held before the Board on January 22, 2007. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

36. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2005-MA-002 (PACIFIC LANE PARTNERS, LLC) (MASON DISTRICT)** (12:02 p.m.)

Supervisor Gross said that Pacific Lane Partners, LLC, the applicant for Rezoning Application RZ 2005-MA-002, has been pursuing this rezoning for nearly two years and a comprehensive plan amendment for this property was recently approved. The applicant has worked with County staff, the Mason District Planning Commissioner, and the surrounding community and has committed to continuing to work with those parties for the remainder of the land use process.

Therefore, to ensure that this application proceeds in a timely manner, Supervisor Gross moved that the Board direct staff to expedite the processing of Rezoning Application RZ 2005-MA-002 and to concurrently process development plans when possible. This motion should in no way be construed as a favorable recommendation by the Board on the rezoning application. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

**PMH:pmh**

37. **FIFTH ANNUAL KINGSTOWNE FAITH 5K (LEE DISTRICT)** (12:04 p.m.)

Supervisor Kauffman said that on October 14, the Fifth annual Kingstowne Faith 5K took place on the streets and greenways of Kingstowne on a 3.1 mile USA Track and Field certified course.

This event raised almost \$14,000 for the Koinonia Foundation, a Franconia-based charity that helps needy persons in the Franconia, Kingstowne, East Springfield, and Newington communities. Since the first 5K was run in Kingstowne five years ago, this event has raised almost \$50,000 for Koinonia.

The Inova HealthPlex at Franconia-Springfield is the main sponsor of this event and is joined by 37 other business and citizen sponsors—almost all from Lee District. The all-volunteer 5K organizing team came from Faith Evangelical Presbyterian Church in Kingstowne.

On the day of the race, almost 400 runners and walkers were joined by 100 volunteers from Faith Church, as well as another 100 neighbors, runners' family members, and police and fire supporting personnel. Forty-four children six years of age and under participated in a 'Kids' Run,' with each child sporting the number one.

This event has become one of the largest 5K races in the metropolitan Washington area and is a regular family event for the Greater Kingstowne community in Lee District.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to invite Colonel Dwight Borgstrand and members of the organizing team from Faith Church, and a representative from the Inova HealthPlex at Franconia-Springfield to appear before the Board on January 8 for formal recognition and that a certificate be prepared to present to the Koinonia Foundation. Without objection, it was so ordered.

38. **NEW GENERAL MANAGER FOR THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)** (12:04 p.m.)

Supervisor Kauffman announced that John B. Catoe will be the new general manager for WMATA.

There was a brief discussion regarding the search for general manager.

39. **TRANSPORTATION ADVISORY COMMISSION (TAC) SPOT TRANSPORTATION IMPROVEMENT PROJECTS** (12:06 p.m.)

(BACs)

Supervisor McConnell noted that at the July 31, 2006, Board meeting, she circulated a letter from George Barker, Chairman of TAC, regarding the development of a list of Spot Transportation Improvement projects in each district for Fiscal Year (FY) 2007. The Board authorized \$1 million as part of the FY 2007 County Budget for the TAC Spot Improvement Program. Staff is ready to proceed with the design and construction of these projects, pending the Board's adoption of the list. Staff will utilize the approved funds to complete the design of the projects listed, and will use any remaining funds to begin construction of the projects.

Therefore, Supervisor McConnell moved:

- Adoption of the FY 2007 TAC Spot Transportation Improvements list.
- That the Board direct staff to proceed with implementation of the projects.
- That the Board direct the County Executive to consider fully funding the list as part of the FY 2008 Budget.

Supervisor Kauffman seconded the motion.

Chairman Connolly clarified the motion as follows:

- Adoption of the FY 2007 TAC Spot Transportation Improvements list as contained in Supervisor McConnell's written Board Matter.

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

40.

**EXCLUSION OF ACREAGE FOR REAL ESTATE TAX RELIEF PROGRAM** (12:08 p.m.)

Supervisor DuBois said that elderly or disabled taxpayers in the County who apply for Real Estate Tax Relief must meet certain income and net asset limits to qualify. Under the County's current ordinance, tax relief applicants are allowed to exclude the value of their house and up to one acre of land upon which it is situated when calculating their net assets. The value of any land on their homesite in excess of one acre is included as part of their assets.

Supervisor DuBois noted that the ordinance as currently drafted imposes an unnecessary impediment to some of the elderly or disabled constituents in the Dranesville District who might otherwise benefit from this wonderful program.

Supervisor DuBois noted that in the Dranesville District there are a number of larger parcels zoned for less density. What this means for some of the elderly or disabled constituents is that they are "property rich and cash poor." This is particularly true for parcels that cannot be further subdivided. She stated her belief that the Board should make the tax relief program more flexible to help people in this situation.

Therefore, Supervisor DuBois moved that the Board direct staff to report with a proposed amendment to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Article 14, for tax relief that, in addition to the existing one acre exclusion, adds the exception that additional acreage can also be excluded up to the minimum allowable lot size under the current applicable zoning district for

one lot or up to five acres, whichever is less, for parcels that are zoned R-A, R-P, R-C, and R-E. Supervisor McConnell seconded the motion.

Discussion ensued regarding the motion, with input from Anthony H. Griffin, County Executive.

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

41. **AMBER ALERT** (12:16 p.m.)

Chairman Connolly announced that an Amber Alert had been issued for Ian Armani Holeman, black male, age 1, brown eyes, black hair. He was last seen in Alexandria. There is a warrant for abduction for Vernice A. Simmons, black female, age 26. Call 703-246-7800 with information.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating this information. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, Chairman Connolly announced that the situation had been resolved. See Clerk's Summary Item #45.)

42. **INTENT TO DEFER PUBLIC HEARINGS (SULLY DISTRICT)** (12:17 p.m.)

Supervisor Frey announced his intent later in the meeting, at the appropriate time, to defer the following public hearings:

- Proffered Condition Amendment Application PCA 2000-SU-033
- Special Exception Application SE 2006-SU-015

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Item #59.)

43. **RECESS/CLOSED SESSION** (12:18 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. *Peerless Insurance Company and Excelsior Insurance Company v. County of Fairfax, Virginia*, Record No. 061279 (Sup. Ct. Va.)
  - 2. *Stuart Edward Payne III v. Fairfax County, Virginia*, Civil Action No. 1:05cv1446 (U.S. Dist. Ct. E.D. Va.)
  - 3. *John R. Lay v. Ian Rodway, et al.*, CL-2006-0012763 (Fx. Co. Cir. Ct.); *John R. Lay v. Chad Ellis*, CL-2006-0013268 (Fx. Co. Cir. Ct.)
  - 4. *Concerned Citizens of Hollin Hall Village, et al. v. County of Fairfax Board of Zoning Appeals, et al.*, Case No. CL-2006-0002456 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  - 5. *Oakcrest Properties, LLC v. Board of Supervisors of Fairfax County, et al.*, In Chancery No. CH-2005-0002669 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 6. *Robert W. Smith and Gordanna A. Smith v. Board of Supervisors of Fairfax County*, Case No. CL-2004-0221997 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 7. *Runnymede Home Owners Association v. Fairfax County* (Fx. Co. Board of Building Code Appeals) (Lee District)
  - 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veena Railan, et al.*, Case No. CL-2006-0011823 (Fx. Co. Cir. Ct.) (Dranesville District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marshall Field Stores, Inc.*, Case No. CL-2006-0001784 (Fx. Co. Cir. Ct.) (Braddock District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul D. Christman and Sarah A. Jordan*, Case No. CL-2006-0008179 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolyn F. Lozano and Jose M. Lozano*, Case No. CL-2006-0007363 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chris Spraker and Kim E. Spraker*, Case No. CL-2006-0007310 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar*, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos J. Almanza*, Case No. CL-2006-0012111 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adolfo Guillen, et al.*, Case No. CL-2006-0010659 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Centeno and Leda Centeno*, Case No. CL-2006-0008036 (Fx. Co. Cir. Ct.) (Providence District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward Portugal*, Case No. CL-2006-0013952 (Fx. Co. Cir. Ct.) (Braddock District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eun Y. Chung, et. al.*, Case No. CL-2006-0013793 (Fx. Co. Cir. Ct.) (Braddock District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jack R. Looney*, Case No. CL-2006-014178 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2006-0013596 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Louise Smothers and James H. Smothers*, Case No. CL-2006-0013484 (Fx. Co. Cir. Ct.) (Providence District)
23. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Ahmad M. Al-Naji*, Case No. CL-2006-0012833 (Fx. Co. Cir. Ct.) (Providence District)
24. *Board of Supervisors of Fairfax County, Virginia v. Demetrios Nicholakos and George Nicholakos, et al.*, CL-2006-11426 (Fx. Co. Cir. Ct.) (Mount Vernon District)

And in addition:

- Software AG, Incorporated v. Fairfax County, Law Number CL-2005-7413
- Health Department Employees in the Virginia Retirement System
- Government Center Facilities PPEA Request for Proposals
- Fairfax County Zoning Ordinance Section 2-808(2)
- Flooding Claim at 7011 Meadowbrook Avenue

- Board of Zoning Appeals Decision Relating to 8741 Cherry Drive and 3029 Chichester Lane
- Belle Haven Watershed Flood Damage Reduction Study

Supervisor Bulova seconded the motion and it carried by vote of nine, Supervisor Hyland being out of the room.

44. **DULLES CORRIDOR METRO RAIL PROJECT** (12:19 p.m.)

Chairman Connolly announced that the Federal Transit Administration has approved the amended record of decision for the Dulles Corridor Metro Rail project signifying the completion of the planning process and the finalization of the project alignment for the entire 23-mile project, including an aerial portion through Tysons Corner.

**DET:det**

At 3:43 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

**ADDITIONAL BOARD MATTER**

45. **AMBER ALERT** (3:43 p.m.)

Chairman Connolly announced that earlier in the day there had been an Amber Alert for a young boy. He said that the child had been found by County police, the abductor had been arrested, and the child had been reunited with his mother.

**ACTIONS FROM CLOSED SESSION**

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:43 p.m.)

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

47. **BOARD MATTER CONCERNING EMPLOYEES IN THE COUNTY'S HEALTH DEPARTMENT WHO ARE GRANDFATHERED EMPLOYEES OF THE VIRGINIA RETIREMENT SYSTEM (VRS)** (3:44 p.m.)

Supervisor Gross stated that last year the Board took up a request by Health Department employees participating in the VRS retirement plan to review a variety of actions to provide enhanced retirement benefits, and that following a review and discussion of those recommendations, the Board's position was reported at the September 12, 2005, Board meeting. Supervisor Gross stated that the Board, at that time, authorized staff to:

- Provide sick leave for service credit.
- Provide retiree healthcare subsidy payments equal to County retirees.
- Propose legislation that would revise the ability for these employees to transfer jobs within the County and to retire (begin drawing their VRS annuity) while continuing to work in their current job.

Supervisor Gross noted that the General Assembly rewrote the legislative proposal and passed the part that provided VRS employees the unlimited opportunity to transfer jobs within the County while remaining as VRS members, but did not approve the proposed language that would have allowed them to continue working in their current job while beginning to draw their VRS annuity, and that although the tendered legislative proposal was not approved in its entirety, the Board's commitment to introduce the legislation was met.

Supervisor Gross stated that she was raising this now because it seems there is a lingering perception that the Board will continue to negotiate on the former issues raised by the Health Department employees and she wants to very clearly reaffirm that the wording in her Board Matter of September 12, 2005, remains unchanged:

- "Based upon these discussions, staff has come up with the following recommendations, which are satisfactory to the employees, and that will finally resolve these concerns." (The recommendations were those mentioned briefly above.)

Supervisor Gross moved that the Board reaffirm its intent to view the actions taken by the Board and announced last September as its resolution of the Health Department VRS issues, and that a letter to Health Department employees be prepared and disseminated by the County Executive.

Supervisor Bulova seconded the motion and it **CARRIED** by a vote of nine, Supervisor Hyland voting "NAY."

48. **APPEAL REGARDING ISSUANCE OF BUILDING PERMITS FOR PROPERTY LOCATED AT 8741 CHERRY DRIVE AND 3029 CHICHESTER LANE** (3:46 p.m.)

Supervisor Smyth moved that the Board authorize its outside counsel to file an appeal in the Circuit Court of the Board of Zoning Appeals' decision not to accept the Board's appeal regarding the issuance of building permits for property located at 8741 Cherry Drive and 3029 Chichester Lane. Supervisor Gross seconded the motion and it carried by unanimous vote.

49. **AUTHORIZATION OF THE SETTLEMENT OF SOFTWARE AG, INCORPORATED, VERSUS FAIRFAX COUNTY, LAW NUMBER CL-2005-7413, FAIRFAX COUNTY CIRCUIT COURT** (3:47 p.m.)

Supervisor Hudgins moved that the Board authorize the settlement of *Software AG, Incorporated versus Fairfax County*, Law Number CL-2005-7413, Fairfax County Circuit Court, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor DuBois seconded the motion and it carried by unanimous vote.

#### **AGENDA ITEMS**

50. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2006-MV-005 (PACE-BOSWELL ASSOCIATES, LLC)**

**AND**

**PH ON SPECIAL EXCEPTON APPLICATION SE 2006-MV-001 (PACE-BOSWELL ASSOCIATES, LLC)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MV-013 (PACE-BOSWELL ASSOCIATES, LLC) (MOUNT VERNON DISTRICT)**  
(3:47 p.m.)

(NOTE: On July 31, 2006, the Board deferred the public hearing on this item until October 23, 2006. On October 23, 2006, the Board deferred the public hearing on this item until November 20, 2006.)

The Proffered Condition Amendment Application PCA 2006-MV-005 property is located in the northeast quadrant of the intersection of Boswell Avenue and Richmond Highway, Tax Map 102-1 ((7)) (4) 26, 28, and 30.

The Special Exception Application SE 2006-MV-001 property is located at 7629 and 7635 Richmond Highway, Tax Map 102-1 ((7)) (4) 26 and 28.

The Special Exception Application SE 2006-MV-013 property is located at 2908 Boswell Avenue, Tax Map 102-1 ((7)) (4) 30.

Mr. Jonathan P. Rak 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. (McGuire Woods)

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

Following the public hearing, which included testimony by four speakers, Andrew Hushhour, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued concerning the stacking problem on Route One and Fordson Road and proffers containing language requiring a transportation study, with input from Angela Rodeheaver, Section Chief, Site Analysis Division, Department of Transportation.

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

- Address the issue of stacking.
- Address the question raised by one of the speakers concerning the barricade at Woodlawn Trail.

Without objection, it was so ordered.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 2006-MV-005, subject to the executed proffers dated November 8, 2006.
- Approval of Special Exception Application SE 2006-MV-001, subject to the development conditions dated November 7, 2006.
- Approval of Special Exception Application SE 2006-MV-013, subject to the development conditions dated November 7, 2006.

- Waiver of the service drive requirement along Richmond Highway.
- Modification of the transitional screening and waiver of the barrier requirements along the eastern perimeter of the C-8 parcel of the subject property, in favor of the transitional screening and barrier shown on the Generalized Development Plan/Special Exception (GDP/SE) Plat.
- Waiver of the open space requirement for the C-8 portion of the Proffered Condition Amendment site.
- Waiver of the on-road bike route requirement along Richmond Highway.
- That the Board direct the Director of the Department of Public Works and Environmental Services to waive the frontage improvement requirements along Richmond Highway in favor of those shown on the GDP/SE Plat.

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

51. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-087-02 (WILLOW CREEK COMMUNITY ASSOCIATION) (LEE DISTRICT)** (4:18 p.m.)

(NOTE: On October 23, 2006, the Board deferred the public hearing on this item until November 20, 2006.)

The application property is located on the east side of Van Dorn Street approximately 1,600 feet north of Franconia Road (Bent Willow Drive right-of-way), Tax Map 81-4 ((33)) B, and a portion the right-of-way for Bent Willow Drive to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of right-of-way for Bent Willow Drive to proceed under Section 33.1-151 of the *Code of Virginia*.)

Mr. D. Wyatt Bethel reaffirmed the validity of the affidavit for the record.

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

- In excess of \$100 from Odin Feldman and Pittleman

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

- In excess of \$100 from Dexter S. Odin

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

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

Supervisor Kauffman moved approval of Proffered Condition Amendment Application PCA 82-L-087-02, subject to the proffers dated September 22, 2006. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

52. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SP-011 (VIRGINIA ELECTRIC AND POWER COMPANY; JIMMY H. GHADBAN) (SPRINGFIELD DISTRICT)** (4:24 p.m.)

The application property is located at 8906 Ox Road, Tax Map 106-1 ((1)) 23A pt. and 106-2 ((1)) 47A pt.

Mr. John L. McBride reaffirmed the validity of the affidavit for the record.

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

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

Supervisor McConnell moved approval of Special Exception Application SE 006-P-011, subject to the proposed development conditions dated September 28, 2006. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Smyth being out of the room.

53. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-036 (PINECREST SCHOOL, INCORPORATED) (MASON DISTRICT)** (4:28 p.m.)

The application property is located at 7209 Quiet Cove, Tax Map 60-3 ((14)) 2B.

Ms. Joanna C. Frizzell reaffirmed the validity of the affidavit for the record.

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

Supervisor Gross moved approval of Special Exception Amendment Application SEA 01-M-036, subject to the development conditions dated September 27, 2006. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly being out of the room.

CWB:cwb

54. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-MV-025-02 (BANK OF AMERICA, NA) (MOUNT VERNON DISTRICT) AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-V-020-02 (BANK OF AMERICA, NA) (MOUNT VERNON DISTRICT)** (4:32 p.m.)

Supervisor Hyland asked unanimous consent to defer this public hearing until later in the meeting to allow staff time to distribute the revised development conditions. Without objection, it was so ordered.

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item #56.)

55. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MA-016 (PNC BANK, NA) (MASON DISTRICT)** (4:33 p.m.)

The application property is located at 6950 Braddock Road, Tax Map 71-4 ((1)) 28A.

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2006-MA-016, subject to the development conditions dated November 9, 2006.
- Modification of the trail requirements to allow a five-foot sidewalk in lieu of the eight-foot wide asphalt trail.
- Waiver of construction of the on-road bicycle lanes on Braddock and Backlick Roads.
- Waiver of the loading space requirements.
- Modification of the barrier requirements along the eastern and southern property boundaries in favor of that shown on the SE Plat, and as conditioned.
- Modification of the peripheral parking lot landscaping requirement, in favor of that shown on the SE Plat, and as conditioned.

Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Chairman Connolly being out of the room.

56. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-MV-025-02 (BANK OF AMERICA, NA) (MOUNT VERNON DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-V-020-02 (BANK OF AMERICA, NA) (MOUNT VERNON DISTRICT) (4:40 p.m.)**

The application property is located in the southwestern quadrant of the intersection of Lorton Road at 9405 Lorton Market Street, Tax Map 107-4 ((23))) E4 pt.

Ms. Katherine Youngbluth reaffirmed the validity of the affidavit for the record.

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

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

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

Supervisor Hyland moved approval of:

- Proffered Condition Amendment Application PCA 1999-MV-025-02, subject to the proffers dated November 7, 2006.
- Special Exception Amendment Application SEA 99-V-020-02, subject to the development conditions dated November 9, 2006.
- The previously approved modifications of the transitional screening requirements for the northern, eastern, and southern boundaries as well as the previously-approved waiver of the barrier requirements along all boundaries.

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

57. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-LE-012 (PNC BANK, NA) (LEE DISTRICT) (4:46 p.m.)**

The application property is located at 6315 and 6319 Amherst Avenue and 6320 Backlick Road, Tax Map 80-4 ((1)) 9.

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

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

- In excess of \$100 from Springfield Plaza Limited Partnership

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

Following the public hearing, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 2006-LE-012, subject to the development conditions dated November 20, 2006.
- Waiver of the loading space requirement.
- Approval of the 20 percent parking space reduction request.

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

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MA-014 (BB&T OF VIRGINIA, INCORPORATED) (MASON DISTRICT)** (4:53 p.m.)

The application property is located at 5871 Leesburg Pike, Tax Map 61-2 ((17)) (C) 1.

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

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

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

Supervisor Gross moved:

- Approval of Special Exception Application SE 2006-MA-014, subject to the development conditions dated November 17, 2006.
- Waiver of the service drive requirement along Leesburg Pike.
- Waiver of the frontage improvements on all street frontages.
- Waiver of the loading space requirement.
- Modification of the commercial revitalization streetscape requirements in favor of that shown on the SE Plat.

- Modification of the transitional screening requirements and waiver of the barrier requirements along the southern property boundary in favor of that shown on the SE Plat.
- Modification of the peripheral parking lot landscaping requirements in favor of that shown on the SE Plat.

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

59. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2000-SU-033 (RITA POWELL AND MARK A. JOHNSON) (SULLY DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SU-015 (RITA POWELL AND MARK A. JOHNSON) (SULLY DISTRICT) (4:58 p.m.)**

Supervisor Frey moved to defer the public hearing on Proffered Condition Amendment Application PCA 2000-SU-033 and Special Exception Application SE 2006-SU-015 until **December 4, 2006, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

60. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE ISLAND CREEK COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)**  
(4:58 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

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

Following the public hearing, which included testimony by two speakers, Supervisor Kauffman stated that he had items for the record.

Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Island Creek CPD, in accordance with current CPD restrictions. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey being out of the room.

61. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE GREENTREE VILLAGE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:05 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

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

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

62. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE BRADDOCK ROAD AT LITTLE RIVER TURNPIKE ROAD IMPROVEMENT PROJECT (MASON DISTRICT)** (5:12 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Clinton Preston, Engineering Technician III, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, which included testimony by one speaker, discussion ensued with input from James Ratliff, Project Manager, Land Acquisition Division, DPWES regarding the notification process.

Further discussion ensued, with input from Larry Ichter, Branch Chief, Transportation Design Branch, Plans and Designs Division, DPWES, regarding the timing and maintaining the project schedule.

Supervisor Gross moved:

- Adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 4YP014 – Braddock Road at Little River Turnpike Road Improvement, in Fund 304, Primary and Secondary Road Bond Construction.
- That the Board direct staff to work with the owner’s representative to resolve the issues raised in her testimony and provide the requested information.

Supervisor Bulova seconded the motion.

Further discussion ensued, with input from Mr. Ichter, regarding the filing of certificates and the subsequent construction process.

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

63. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE LITTLE RIVER TURNPIKE (ROUTE 236)/BEAUREGARD STREET IMPROVEMENT (MASON DISTRICT)** (5:23 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Tasneem Zore, Right of Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 4YP013 – Little River Turnpike (Route 236)/Beauregard Street Improvement, in Fund 304, Primary and Secondary Road Bond Construction. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois and Supervisor Kauffman being out of the room.

**ADDITIONAL BOARD MATTER**

64. **CAR ACCIDENT INVOLVING A FORMER MEMBER OF SUPERVISOR HYLAND'S STAFF** (5:25 p.m.)

Supervisor Hyland stated that he had just received information that a retired employee who formerly worked in his office, Marcia Hanson, was involved in a car accident that took the life of her significant other and that Ms. Hanson had been flown to Fairfax Hospital. Supervisor Hyland asked everyone to keep her in their prayers.

**AGENDA ITEMS**

65. **4:30 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON PART OF THE RIGHT-OF-WAY OF POTOMAC AVENUE (MOUNT VERNON DISTRICT)** (5:26 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

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

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

- Ordinance vacating a part of the right-of-way of Potomac Avenue.
- Order for abandonment of part of the right-of-way of Potomac Avenue.

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

- 66.. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE KEENE MILL VILLAGE IV COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (5:28 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Maria Turner, Transportation Planner, Fairfax County Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor McConnell moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Keene Mill Village IV CPD, in accordance with current CPD restrictions. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland and Supervisor Kauffman being out of the room.

Supervisor McConnell asked unanimous consent that the Board direct staff to review whether additional land was available in the County to help resolve parking issues. Supervisor DuBois noted that this study had already been performed.

Supervisor McConnell asked unanimous consent that the Board direct staff to revisit the issue. Without objection, it was so ordered.

67. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM** (5:36 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 November 2 and November 9, 2006.

Following the public hearing, which included testimony by eight speakers, Chairman Connolly announced that the record will remain open for written testimony until the Board adopts the proposed legislation program at its next Board meeting scheduled for December 4, 2006.

Chairman Connolly noted that the proposed firearm legislation has been supported by Fairfax County Chief of Police David Rohrer, the State Police Chief's Association, and by the local police union.

Supervisor Bulova raised the issue of a bill in the City of Fairfax's legislative package which was introduced and withdrawn last year regarding incomplete construction projects. Supervisor Bulova stated that there is a house in the Braddock District which has been in various degrees of construction and/or renovation for approximately 40 years and staff has been working to try and get the owner to comply with the County.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to review the withdrawn bill, that would have addressed the issue, to determine whether it could be included in the legislative program, and report its findings to the Board. Without objection, it was so ordered.

68. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING CERTAIN ADDITIONS TO AN EXISTING SINGLE FAMILY DETACHED DWELLING THAT CURRENTLY EXTENDS INTO A MINIMUM REQUIRED YARD BY MORE THAN 50 PERCENT AND/OR IS CLOSER THAN FIVE FEET TO A LOT LINE (AKA “POP-UPS AND CARPORT ENCLOSURES) (6:10 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report, and discussion ensued regarding the implications of the amendment.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission. Supervisor Gross seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

69. **5:30 P.M. – PH ON THE ADOPTION OF THE PROPOSED REVISED AND UPDATED FALLS CHURCH/ JAMES LEE/SOUTHGATE NEIGHBORHOOD IMPROVEMENT PROGRAM AND CONSERVATION PLAN (PROVIDENCE DISTRICT) (6:14 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Stephen Knippler, Senior Program Manager, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, presented the staff report.

Following the public hearing, Supervisor Smyth moved approval of the Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

70. **5:30 P.M. – PH ON THE ADOPTION OF A RESOLUTION TO REVISE THE BOUNDARY OF SMALL DISTRICT NUMBER FIVE, THE SPECIAL TAX DISTRICT THAT SUPPORTS THE RESTON COMMUNITY CENTER (HUNTER MILL DISTRICT)** (6:17 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 2 and November 9, 2006.

Kevin Greenlief, Director, Department of Tax Administration, presented the staff report.

Following the public hearing, which included testimony by seven speakers, Supervisor Hudgins moved adoption of the Resolution to revise the boundary of Small District Number Five, the special tax district that supports the Reston Community Center. Supervisor Kauffman and Supervisor Bulova jointly seconded the motion.

Supervisor Hudgins stated that she had items for the record.

Chairman Connolly stated that he had items for the record.

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

**NV:nv**

**ADDITIONAL BOARD MATTERS**

71. **RECOGNITION FOR DALE RUMBERGER, PRINCIPAL OF SOUTH COUNTY SECONDARY SCHOOL (MOUNT VERNON DISTRICT)** (6:39 p.m.)

Chairman Connolly referred to Supervisor Hyland's written Board Matters which noted that on Thursday, November 16, South County Secondary School Principal Dale Rumberger won the Washington Post's Distinguished Educational Leadership Award.

Therefore, on behalf of Supervisor Hyland, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Rumberger to appear before the

Board for recognition at an appropriate Board meeting, perhaps the second meeting in January 2007. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board revisited the discussion of this item. See Clerk's Summary Item #74.)

72. **TRANSITIONAL SCREENING AND BARRIER WAIVERS** (6:40 p.m.)

Chairman Connolly said that recently Supervisor Hyland learned that staff reviewed and approved a waiver of the transitional screening and barrier requirements of a commercial property on Richmond Highway located at Tax Map number 101-3 ((1)) 65E. Typically, a 35-foot buffer is required when commercial properties abut residentially zoned land. In this case, a single family home will only be 18 feet away from the edge of the commercial lot.

On behalf of Supervisor Hyland, Chairman Connolly moved that the Board direct the County Executive to review the applicable ordinances and codes and determine whether the County has the authority to require adjacent property owner notifications when property developers request waivers or modifications from staff.

Following discussion regarding the location of the property in the Richmond Highway Corridor, Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

73. **SATELLITE TELECONFERENCING CAPABILITY** (6:41 p.m.)

(BACs) Chairman Connolly said that Supervisor Hyland indicated that he received a constituent's request to investigate whether the County has the capability to support teleconferenced testimony before the Board and Planning Commission. Supervisor Hyland's written Board Matter noted that while the idea is intriguing in concept, it could prove troublesome in practice as it may require additional staff support, Board Room retrofits, and allocation or reallocation of broadband. Another possible option is that County residents could mail or e-mail video testimony to the Board similar to the written testimony that the Board is accustomed to submitting for the record.

Therefore, on behalf of Supervisor Hyland, Chairman Connolly moved that the Board direct the County Executive to review this proposal and report with his recommendation. Supervisor Hudgins seconded the motion.

Supervisor Gross asked to amend the motion to refer this issue to the Board's Procedures Committee for review, and this was accepted.

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

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

74. **RECOGNITION OF DALE RUMBERGER, PRINCIPAL OF SOUTH COUNTY SECONDARY SCHOOL (MOUNT VERNON DISTRICT)**  
(6:43 p.m.)

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

Supervisor Frey called the Board's attention to the recognition of Dale Rumberger, the principal at South County Secondary School, and noted that Mr. Rumberger previously had been with Chantilly and Westfield High Schools, respectively.

75. **DESIGNATIONS OF WOMAN AND MINORITY-OWNED BUSINESSES IN CONTRACT AWARDS** (6:43 p.m.)

(NOTE: Earlier in the meeting, the Board discussed the designation of minority and woman-owned businesses in contract awards. See Clerk's Summary Item #20.)

Supervisor Hudgins referred to her previous comments regarding staff designations of woman and minority-owned businesses in contract awards and acknowledged that they are noted in the Board items, but the notation is not prominent. She expressed her appreciation to staff for the notations, but indicated she desired a more consistent application of the designations.

76. **BOARD ADJOURNMENT** (6:45 p.m.)

The Board adjourned.

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