



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
April 9, 2007**

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08-07

DMS:dms

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, April 9, 2007, at 9:10 a.m., there were present:

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

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 10:10 a.m.

Supervisor Joan M. DuBois, Dranesville District, was absent from the entire meeting.

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. **PROCLAMATION DESIGNATING APRIL 2007 AS "FAIRFAX PETS ON WHEELS MONTH" IN FAIRFAX COUNTY** (9:11 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate April 2007 as "*Fairfax Pets on Wheels Month*" in Fairfax County. Supervisor Frey and Supervisor McConnell jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

2. **PROCLAMATION DESIGNATING APRIL 8-14, 2007, AS "PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN FAIRFAX COUNTY** (9:20 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 8-14, 2007, as "*Public Safety Telecommunications Week*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor DuBois being absent.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. MICHAEL KANE** (9:27 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Mr. Michael Kane for his years of service to the County upon his retirement as director of the Park Authority. Supervisor McConnell and Supervisor Bulova jointly seconded the motion and it carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor DuBois being absent.

4. **PROCLAMATION DESIGNATING APRIL 2007 AS "DONATE LIFE MONTH" IN FAIRFAX COUNTY** (9:40 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 2007 as "*Donate Life Month*" in Fairfax County. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of six, Supervisor Bulova and Supervisor Smyth being out of the room, Supervisor Hyland not yet having arrived, Supervisor DuBois being absent.

5. **PROCLAMATION DESIGNATING APRIL 2007 AS "FAIR HOUSING MONTH" IN FAIRFAX COUNTY** (9:48 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 2007 as "*Fair Housing Month*" in Fairfax County. Supervisor Bulova seconded the

motion and it carried by a vote of seven, Supervisor Smyth being out of the room, Supervisor Hyland not yet having arrived, and Supervisor DuBois being absent.

6. **PROCLAMATION DESIGNATING APRIL 21-28, 2007, AS "AFFORDABLE HOUSING WEEK" IN FAIRFAX COUNTY** (9:57 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate April 21-28, 2007, as "*Affordable Housing Week*" in Fairfax County. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Hyland not yet having arrived, Supervisor DuBois being absent.

7. **PROCLAMATION DESIGNATING APRIL 9-15, 2007, AS "COMMUNITY DEVELOPMENT WEEK" IN FAIRFAX COUNTY** (10:13 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate April 9-15, 2007, as "*Community Development Week*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

BOARD MATTER

8. **ABSENCE OF SUPERVISOR DUBOIS** (10:21 a.m.)

Chairman Connolly noted that Supervisor DuBois was in Georgia visiting an ill family member. He also congratulated Supervisor DuBois on the birth of her new granddaughter.

AGENDA ITEMS

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE MIDDLE RIDGE WOMEN'S CLUB** (10:21 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to the Middleridge Women's Club on the occasion of its thirtieth anniversary. Supervisor McConnell and Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Gross, and Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

10. **RESOLUTION OF COMMENDATION PRESENTED TO THE FAIRFAX SYMPHONY ORCHESTRA** (10:24 a.m.)

Supervisor Bulova moved approval of the Resolution to commend the Fairfax Symphony Orchestra on the occasion of its fiftieth anniversary. Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

11. **PROCLAMATION DESIGNATING APRIL 22–28, 2007, AS "COUNTY GOVERNMENT WEEK" IN FAIRFAX COUNTY** (10:35 a.m.)

Supervisor Gross moved approval of the Proclamation to designate April 22–28, 2007, as "*County Government Week*" in Fairfax County. Supervisor McConnell and Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

CWB:cwb

12. **10:45 A.M. – APPOINTMENTS TO COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP** (10:50 a.m.)

(APPTS)
(BACs)

Chairman Connolly moved the appointments of:

- Ms. Janyce N. Hedetniemi as the Chairman's At-Large #1 Representative.
- Mr. Robert E. Simon as the Chairman's At-Large #2 Representative.

Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Bulova moved the appointment of Mr. Mike Webb as the Braddock District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Hudgins moved the appointment of Mr. Kurt Ponske as the Hunter Mill District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Gross moved the appointment of Mr. Frank Sellers as the Mason District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Hyland moved the appointment of Mr. John Byers as the Mount Vernon District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Smyth moved the appointment of Ms. Ashley Kidd as the Providence District Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor DuBois being absent.

CONFIRMATIONS:

Supervisor Gross moved the confirmation of the following appointments:

- Mr. Dan McKinnon as the G-7 Representative.
- Ms. Elisabeth Lardner as the Redevelopment and Housing Authority Representative.
- Mr. Michael Horwatt as the Economic Development Authority Representative.

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

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

DS:ds

13. **ADMINISTRATIVE ITEMS** (10:52 a.m.)

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

Supervisor Kauffman asked to amend the motion to consider Admin 8 separately, and this was accepted.

The question was called on the motion to approve the Administrative Items, as amended, with the exception of Admin 8, and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being absent.

ADMIN-1 – AUTHORIZATION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR AN ALLOCATION OF SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Authorized HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, to apply for an allocation of up to \$15 million in SPARC mortgage funds from the Virginia Housing Development Authority.

ADMIN-2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (HUNTER MILL, PROVIDENCE, AND SULLY DISTRICTS)

Authorized the extension of review periods for the following Public Facility 2232 Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-H07-1	Nextel Communications of the Mid-Atlantic, Incorporated Antenna co-location on existing transmission tower Sunset Hills Road near Fannie Mae Drive (Hunter Mill District)	June 14, 2007
FS-P06-96	Sprint-Nextel Rooftop antennas 3020 Hamaker Court (Providence District)	June 24, 2007
FS-Y06-118	Nextel Communications of the Mid-Atlantic, Incorporated Antenna co-location on existing transmission tower 15001 Lee Highway (Sully District)	June 25, 2007
2232-Y07-6	Fairfax Water 1650 feet of 24-inch water main Centerview Drive (Sully District)	September 10, 2007

ADMIN-3 – STREETS INTO THE SECONDARY SYSTEM (HUNTER MILL DISTRICT)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cockerill Place	Hunter Mill	Cockerill Farm Lane West Ox Road (Route 608) Additional ROW Only

ADMIN-4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE NORTH LAKE VILLAGE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the North Lake Village CPD, in accordance with current CPD restrictions. The proposed district includes North Lake Drive (Route 7730), from Fairfax County Parkway to Tall Timbers Drive.

ADMIN-5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE COMPTON VILLAGE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 7, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Compton Village CPD, in accordance with current CPD restrictions. The proposed district includes the following streets:

- Compton Village Court (Route 8884), from Compton Village Drive to cul-de-sac inclusive.
- Compton Village Drive (Route 8883), the entire length of Compton Village Drive from cul-de-sac to cul-de-sac.
- Maple Rock Court (Route 10656), from Compton Village Drive to cul-de-sac inclusive.
- Oak Rock Court (Route 10657), from Compton Village Drive to cul-de-sac inclusive.

ADMIN-6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON POWHATAN STREET AND FREEDOM LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 30, 2007, at 4 p.m.** to consider endorsing the following roads to be included in the R-TAP for a through truck traffic restriction:

- Powhatan Street between Kirby Road and the Arlington County line.

- Freedom Lane between Kirby Road and Powhatan Street.

ADMIN-7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING, AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND PROVIDENCE DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **April 30, 2007, at 4 p.m.** to consider the following changes to small and local sanitary districts for refuse, recycling, and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts. The actions listed below will result in a net increase of 57 leaf customers:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A6 Within Small District 1 Within Dranesville District (1868 Kirby Road)	Enlarge 1 Unit	Refuse and Recycling	Approve
Small District 7 Within Dranesville District (2124 Powhatan Street)	De-Create/ Re-Create 1 Unit	Refuse, Recycling, and Leaf	Approve
Small District 2 Within Providence District (Pine Ridge)	Enlarge 55 Units	Leaf	Approve
Small District 2 Within Providence District (8956, 8958, and 8960 Colesbury Place)	Enlarge 3 Units	Leaf	Approve

ADMIN-8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-LE-008, MOTIVA ENTERPRISES, LLC D/B/A SHELL OIL COMPANY (LEE DISTRICT)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 5.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item #14.)

ADMIN-9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 94-D-025, DAVID B. NOURSI, TRUSTEE FOR KJS PARTNERSHIP (DRANESVILLE DISTRICT)

- (AT) Approved the request for 30 months of additional time to commence construction for Special Exception Application SE 94-D-025 to January 23, 2010, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN-10 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREAS SECURITY INITIATIVE (UASI) THROUGH THE DC EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

Authorized the FCPD to apply for and accept funding in the amount of \$304,000, if received, from the DHS Fiscal Year 2006 UASI through the DC Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice. The funding will be used to enhance security and overall preparedness through continuation of the project summarized in Attachment One of the Board Agenda Item dated April 9, 2007.

14. **ADMIN-8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-LE-008, MOTIVA ENTERPRISES, LLC D/B/A SHELL OIL COMPANY (LEE DISTRICT)**
(10:52 a.m.)

- (AT) (NOTE: Earlier in the meeting, the Board deferred action on this item. See page 5.)

Supervisor Kauffman moved to **DENY** the request for six months of additional time to commence construction for Special Exception Application SE 2004-LE-008. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

15. **A-1 – APPROVAL OF REVISIONS TO THE CODE OF ETHICS FOR EMPLOYEES OF FAIRFAX COUNTY (ADDENDUM 2 TO CHAPTER 16, PERSONNEL REGULATIONS)** (10:53 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the revisions to the Code of Ethics for employees of the County. Supervisor Bulova seconded the motion.

Following discussion regarding the Code of Ethics, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

16. **A-2 – AUTHORIZATION OF CHANTILLY CROSSING REGIONAL POND C-41 PRO RATA SHARE REIMBURSEMENT AGREEMENT (SULLY DISTRICT)** (10:55 a.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor DuBois being absent, the Board concurred in the recommendation of staff and authorized the execution of an agreement to reimburse Starwood Ceruzzi, LLC, from pro rata share collections (Fund 316), for the engineering, design, and construction of the Chantilly Crossing Regional Stormwater Management Pond within the Chantilly Crossing Development.

17. **A-3 – ADDITIONAL PROPOSED MEMBER TO THE JOSIAH H. BEEMAN COMMISSION ON THE FAIRFAX-FALLS CHURCH MENTAL HEALTH SERVICE DELIVERY SYSTEM FOR CONSIDERATION** (10:56 a.m.)

(APPT) Supervisor Hyland moved that the Board concur in the recommendation of staff and designate Ms. Mattie Palmore as an additional member of the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Service Delivery System. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion.

Following a brief discussion, with input from Verdia L. Haywood, Deputy County Executive, regarding the number of members on the commission, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

18. **A-4 – AUTHORIZATION TO REALLOCATE FUNDING AMONG COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FISCAL YEAR 2007 CONSOLIDATED PLAN ACTIVITIES, AUTHORIZATION TO ALLOCATE FROM THE PENNY FOR AFFORDABLE HOUSING FUND, AND APPROVAL TO EXPAND SCOPE OF ELIGIBLE ACTIVITIES WITHIN EXISTING FUNDING FOR WOODLEY HILLS COMMUNITY CENTER PROJECT** (10:56 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and authorize and direct the County Executive or his designee to:

- Facilitate the reallocation of CDBG funds as outlined in the Board Agenda Item dated April 9, 2007.
- Facilitate the removal and disposal of existing aged and deteriorated manufactured homes, purchase of new manufactured homes, site improvements, and design services at Woodley Hills.
- Execute contracts, notes, and other required documents involved with this reallocation and expansion of activity.

Supervisor Hyland seconded the motion.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the Penny for Affordable Housing Fund.

Further discussion ensued, with input from Paula C. Sampson, Director, Department of Housing and Community Development, regarding the Investing in Communities Program (ICP), affordable housing revitalization efforts, and CDBG funds.

Supervisor Gross asked unanimous consent that the Board direct staff to keep the Board apprised of any discussions regarding the ICP. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

19. **A-5 – AUTHORIZATION TO MAKE A LOAN FROM THE PENNY FOR AFFORDABLE HOUSING FUND, TO CORALAIN APARTMENTS, LP FOR THE ACQUISITION, REHABILITATION, AND PRESERVATION OF THE 106-UNIT CORALAIN GARDENS APARTMENTS (MASON DISTRICT)** (11:01 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve an award up to \$5.3 million from Fund 319, The Penny for Affordable Housing Fund, to Coralain Apartments, LP, as part of the financing plan for the acquisition, rehabilitation, and preservation of Coralain Garden Apartments. Supervisor Hyland seconded the motion.

Discussion ensued, with input from Paula C. Sampson, Director, Department of Housing and Community Development, regarding the number of housing units preserved under The Penny for Affordable Housing Fund.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide an updated bar graph of the One Penny for Housing Funds preservation initiative.

Supervisor Frey asked to amend the request that the Board direct staff to also provide the number of families that have been moved from the waiting list into the purchased units, and this was accepted.

Chairman Connolly amended his request that staff also provide the original bar graph, in addition to the updated bar graph. Without objection, the request, as amended, was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

(NOTE: Later in the meeting, there was a brief discussion regarding the One Penny for Housing Funds bar graphs. See Clerk's Summary Item #58.)

20. **A-6 – APPOINTMENT OF MEMBERS TO THE IMPLEMENTATION COMMITTEE FOR THE PLAN TO PREVENT AND END HOMELESSNESS** (11:05 a.m.)

(APPTS)
(BACs)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to add the Chamber of Commerce to the list of appointees. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins noted that Maggie Johnston, Director, HomeAid Northern Virginia, is also being added to the list.

Discussion ensued, with input from Verdia L. Haywood, Deputy County Executive, regarding homelessness as well as homeless employment issues.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and confirm the appointments of the proposed members, as outlined in the Board Agenda Item dated April 9, 2007, to serve on an Implementation Committee to develop a plan to implement the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*. The Charge to the Implementation Committee is directed by the Charter and General Work Plan adopted by the Board on February 26, 2007. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

21. **A-7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR TWO VIRGINIA NATIONAL DEFENSE INDUSTRIAL AUTHORITY (VNDIA) GRANTS RELATED TO THE FORT BELVOIR BASE REALIGNMENT AND CLOSURE (BRAC) PLAN (LEE AND MOUNT VERNON DISTRICTS)** (11:11 a.m.)

(R) Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing DOT to submit applications to the VNDIA for the following projects:

- Spot transportation improvements and a Transportation Demand Management program in the Fort Belvoir area of the County.

- Telegraph Road widening project from Beulah Street to South Kings Highway.

Supervisor Kauffman seconded the motion.

Following a brief discussion, with input from Katharine D. Ichter, Director, Department of Transportation, Supervisor Hyland asked unanimous consent that the Board direct staff to provide a draft copy of the testimony. Without objection, it was so ordered.

Following additional discussion regarding Woodlawn Road replacement, Supervisor Kauffman asked unanimous consent that the Board direct staff to apply “loving pressure” to the Congressional Delegation to ensure that the County receives the additional funding needed for Woodlawn Road. Without objection, it was so ordered.

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

22. **I-1 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-P06-22, FAIRFAX COUNTY PARK AUTHORITY (PROVIDENCE DISTRICT) (11:14 a.m.)**

The Board next considered an item contained in the Board Agenda dated April 9, 2007, announcing the Planning Commission’s approval of Public Facilities Review Application 2232-P06-22, Fairfax County Park Authority. The application sought approval to develop South Railroad Street Park, on approximately 2.04 acres, to provide both active and passive recreational opportunities for a wide-range of users of all ages. The park will include a playground, half-size multi-purpose court, picnic area, and trail, Tax Maps 39-4 ((29)) B; 39-4 ((52)) B, C1, C2, C3, D; 39-4 ((50)) B, C, D, E.

23. **I-2 – CONTRACT AWARD – ATHLETIC FIELD LIGHTING AND RELATED ELECTRICAL WORK AT LAKE FAIRFAX PARK (HUNTER MILL DISTRICT) (11:14 a.m.)**

The Board next considered an item contained in the Board Agenda dated April 9, 2007, requesting authorization for staff to award a contract to Lighting Maintenance, Incorporated, in the amount of \$271,451 for the installation of athletic field lighting and related electrical work for Project 474106, Athletic Fields/Synthetic Turf, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

24. **I-3 – CONTRACT AWARD – ENGINEERING SERVICES FOR FLOOD RESPONSE, MONITORING, AND SIGNALIZATION SYSTEM**
(11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated April 9, 2007, requesting authorization for staff to award a contract to HDR Engineering, Incorporated, in the amount of \$390,000 for the design of a flood response, monitoring, and signalization system that will enhance emergency preparedness and response for areas in the County with the potential for extensive flooding and associated property damage. This contract will remain open for a period not to exceed five years and may be amended to allow for additional sites and services.

The staff was directed administratively to proceed as proposed.

25. **I-4 – QUARTERLY STATUS REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER SELECTED PROJECTS**
(11:14 a.m.)

The Board next considered an item contained in the Board Agenda dated April 9, 2007, regarding the quarterly status report on the Board’s Four-Year Transportation Program and other selected projects.

A brief discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding the Transportation Program.

ADDITIONAL BOARD MATTERS

NV:nv

26. **“DON’T LITTER – CAN IT!”** (11:15 a.m.)

Chairman Connolly reminded the Board that a year ago he presented a Board Matter requesting that a variety of agencies work together to develop a campaign to address litter in the County. He reported that the group is ready to present its plan to the Board prior to the campaign kick-off at Earth Day/Arbor Day on April 28.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite the appropriate representatives from the litter campaign planning group to present their work at the April 23 Board meeting. Without objection, it was so ordered.

(NOTE: Later in the meeting, the County’s Earth Day/Arbor Day Celebration was announced. See Clerk’s Summary Item #32.)

27. **NATIONAL FORMER PRISONER OF WAR (POW) RECOGNITION DAY** (11:18 a.m.)

Chairman Connolly noted that today is “National Former POW Recognition Day.” One of the County’s own citizens, Colonel George Juskalian, is one of those POWs. Colonel Juskalian was a POW of the German Army for three years after being caught by Rommel’s troops in North Africa. Once he was released from incarceration, Colonel Juskalian went on to serve 36 years in the army in many capacities including regularly briefing General Eisenhower. He served in both the Korean and Vietnam Wars and, amongst many other decorations, was the recipient of three Silver Stars and two Bronze Stars. Colonel Juskalian is now 94 years of age and still actively involved in the Former POW Association.

Accordingly, Chairman Connolly asked unanimous consent that the Board commend Colonel Juskalian and all former POWs for their great heroism and service to the country and direct staff to send a commendation to Colonel Juskalian, or invite him to appear, before the Board, as appropriate, to be recognized for his continuing contributions to the Fairfax community. Without objection, it was so ordered.

28. **RESPONSIBLE FATHERHOOD WEEK** (11:18 a.m.)

Chairman Connolly announced that it is once again time for Responsible Father Week. Accordingly, he asked unanimous consent that the Board proclaim June 11-17 as “*Responsible Fatherhood Week*” in Fairfax County and direct staff to invite representatives from the Fairfax Fatherhood Collaborative; Opportunities, Alternatives and Resources (“OAR”); and the Office of the Sheriff to receive the proclamation at the June 4 Board meeting. Without objection, it was so ordered.

29. **LONG ISLAND COMPARISON STUDY: 75 PERCENT OF FAIRFAX COUNTY RESIDENTS BELIEVE FAIRFAX IS GOING IN THE RIGHT DIRECTION** (11:19 a.m.)

Chairman Connolly noted that a number of national newspapers reported that the Long Island Index issued a noteworthy and detailed study entitled “A Tale of Two Suburbs” comparing Long Island, New York (defined as Nassau and Suffolk Counties) with Northern Virginia (for purposes of their study, defined as Fairfax County, Loudoun County, the City of Falls Church, and the City of Fairfax.)

Chairman Connolly noted the marked differences in the number of political subdivisions of the two areas. Long Island has a multitude of small school districts which can create redundancies and extra costs. Its property tax burden is twice that of Fairfax County, yet the level of resident satisfaction with services is far greater in the County.

Chairman Connolly stated that this was a scientific survey that consisted of detailed questions asked of 808 Long Island residents and 605 Northern Virginia

residents, 403 of whom were from Fairfax County. He circulated copies of the report to Board Members for use in their respective districts.

A brief discussion ensued regarding the report.

Supervisor Gross suggested that those interested should check the link on the Internet at www.longislandindex.org for the full report.

30. **CONGESTION MITIGATION** (11:25 a.m.)

Jointly with Supervisor Smyth, Chairman Connolly expressed grave concerns about the apparent lack of preparation by the Commonwealth for the two major transportation projects slated to begin in Tysons Corner – Rail to Dulles, and the High-Occupancy Toll (HOT) Lanes project. He said that it seems that with these two large-scale projects on the way, the Commonwealth has set aside no money and begun little-to-no planning for congestion mitigation, especially with respect to the HOT Lanes project. He has not been informed of or invited to a single congestion management meeting for either of these projects. While both of these projects will undoubtedly improve the traffic situation in and around Tysons Corner upon completion, he asserted that there needs to be a robust congestion management plan, as there was for the Springfield Mixing Bowl, to minimize the negative impacts on Tysons Corner during construction. He said that Tysons is the County's economic engine, and that this lack of planning cannot be allowed to continue.

Chairman Connolly moved that the Board direct the County Executive and the Director of the Department of Transportation to meet with State officials forthwith, and report no later than June 4 with a congestion mitigation plan for Tysons Corner. Supervisor Kauffman and Supervisor Smyth seconded the motion.

Following discussion regarding the issue, the question was called on the motion, which carried by a vote of nine, Supervisor DuBois being absent.

31. **NEIGHBORHOOD-BASED ENFORCEMENT** (11:32 a.m.)

Chairman Connolly noted that this item was being presented jointly with Supervisor Kauffman, who recently held a town meeting regarding existing code enforcement and the perception that existing mechanisms are inadequate. He asserted that the County must respond rapidly and thoroughly to enforcement problems that are occurring Countywide and underline the need to change how the County manages zoning, building code, and health and safety issues in its neighborhoods.

Chairman Connolly said that zoning, health, and fire safety code violations are not like other law-breaking activities that are single, non-recurring acts. When someone is robbed, that is a single event. He asserted that zoning violations

continue to rob a neighborhood of its integrity, property values, and fundamental sense of fairness and community. Ordinance and safety code violations also deny the most vulnerable citizens the health and safety protections they should expect from their government. The longer these problems go unchecked, the more likely they are to spread.

Chairman Connolly noted that enforcement concerns include, but are not limited to, the following:

- The inability to improve properties that appear blighted but do not meet the statutory definition of blight based on the interpretation of the Neighborhood Enhancement Task Force.
- Extreme delays of enforcement where the County has difficulty serving individuals with notices of violation of the Zoning Ordinance.
- Inadequate fines for operating boarding houses and putting neighborhoods and people's lives at risk.
- A narrow definition of blight for commercial properties.
- A lack of neighborhood representation on the Neighborhood Enhancement Task Force.
- Repeated attempts to bring about voluntary compliance when such strategies are demonstrably failing, and a shift in strategies is warranted.

Chairman Connolly said that it is the County's responsibility to protect the integrity of neighborhoods from commercial intrusion and the health and welfare of citizens from being housed in unsafe living conditions.

Therefore, Chairman Connolly, jointly with Supervisor Kauffman, moved that the Board direct the County Executive to immediately assemble an ongoing and robust enforcement strike force to help communities achieve rapid and thorough enforcement of the Zoning Ordinance, building code, and related health and safety codes and ordinances. This strike force should include, but not be limited to, staff from the Zoning Enforcement Division, the Police Department, the Department of Housing and Community Development, Health Department, Fire Marshal's Office, Sheriff's Office, and the Department of Public Works and Environmental Services. The purpose of the strike force shall be to ensure the health and safety of all County citizens and neighborhoods by working with communities to inventory problems, develop a plan of action, and implement the rapid and sustained enforcement of the plan. Supervisor Smyth seconded the motion.

Supervisor Gross asked to amend the motion to include the County Attorney's Office, and this was accepted.

Discussion ensued regarding expectations, fines, priorities, aggressive enforcement, staffing concerns, the Prince William County model, the Huntington self-enforcement model, and funding in the proposed budget, with input from Anthony H. Griffin, County Executive.

Chairman Connolly asked unanimous consent that the Board direct staff to provide information regarding any change in staffing in zoning enforcement in recent years. Without objection, it was so ordered.

Following further discussion regarding meetings with neighborhoods and enforcement, the question was called on the motion, as amended, and it carried by a vote of nine, Supervisor DuBois being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board discussed the staff's written response regarding staff in Zoning Enforcement. See Clerk's Summary Item #57.)

32. **EARTH DAY/ARBOR CELEBRATION** (11:57 a.m.)

(NOTE: Earlier in the meeting, the Board mentioned Earth Day/Arbor Day. See Clerk's Summary Item #26.)

Supervisor Bulova announced this year's Earth Day/Arbor Day celebration. This event is the County's official observation of Earth Day and Arbor Day. It is being held at the Annandale Campus of Northern Virginia Community College on Saturday, April 28, from 11 a.m. until 4 p.m., with the Awards Program beginning at 1 p.m. Earth Day/Arbor Day is sponsored by Fairfax Recycling, Clean Fairfax Council, Northern Virginia Community College, and the County. The events have been planned with something of interest for all age groups.

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

- Assist the Earth Day/Arbor Day Committee with the planning of this event, where County involvement is needed.
- Draft a press release for this event and provide the committee with a proclamation claiming April 29 as Fairfax County Earth Day and Arbor Day Celebration. Following the event, Certificates of Recognition should be prepared to thank the sponsors of the event so that they can be invited to appear before the Board to be acknowledged.

Without objection, it was so ordered.

33. **CITIZENS CORPS COUNCIL** (11:59 a.m.)

(BACs) Supervisor Bulova said that on May 1, 2006, the Board endorsed several recommendations regarding the Citizen Corps Council including one that would remove County staff from the Citizen Corps Board and its Executive Committee.

She added that it was her intent at the time that this meant that a County employee who is staffing the Citizen Corps' work no longer serve on the Council simply by virtue of his or her County position. The Board further required that the Bylaws of the Citizen Corps Council be amended to incorporate this and other recommendations.

Supervisor Bulova said that it has recently come to her attention that the action taken last year has been interpreted to mean that a County employee can never serve as a voting Council member, even if nominated to serve as a representative of a community organization or as a citizen appointee of a member of this Board. She said that she never intended, nor does she believe the Board intended, to prevent an organization or a member of this Board from appointing as its representative on the Citizen Corps Council a person who also happened to be a County employee.

Therefore, Supervisor Bulova asked unanimous consent that this clarification be presented to the Citizen Corps Council. Without objection, it was so ordered.

34. **STAFF RESPONSE REGARDING THE ROAD MORE TRAVELED**
(12:01 p.m.)

Supervisor Smyth expressed appreciation to the staff of the Department of Transportation for its response to the *Examiner* on the book *The Road More Traveled*. She commended it as a good transportation policy statement.

(NOTE: Later in the meeting, the Board made additional comments on this response. See Clerk's Summary Item #38.)

35. **BUG OFF!** (12:01 p.m.)

Supervisor Smyth said that *Bug Off!* is a children's opera about a boy named Gregory who wakes up to find that he has been turned into a beetle. The Department of Community and Recreation Services partnered with the Washington National Opera, Opera Theater Company of Ireland (OTC), the Kennedy Center, and Imagination Stage to bring about this children's theater. This one-of-a-kind partnership in the County welcomed 50 children aged 9 to 11 and over 40 parents on February 24 to the James Lee Community Center theater. Having set the stage for the opera, the OTC will return in late April for an intense week of rehearsals prior to the performances at the Kennedy Center and Imagination Stage on May 4 and 5.

Supervisor Smyth invited residents to enjoy this delightful production at the Kennedy Center and Imagination Stage and asked unanimous consent that the Board direct staff to send a Certificate of Recognition to each of the partners of the *Bug Off!* production in commending their commitment to the theatrical arts in the community. Without objection, it was so ordered.

36. **PROVIDENCE DISTRICT SEMINAR SERIES: THE FUTURE OF MERRIFIELD** (12:02 p.m.)

Supervisor Smyth announced that her office is hosting the Providence District Seminar Series for the third year in a row. The 2007 series will have three seminars starting with the “Future of Merrifield,” which will be held on Tuesday, April 24 at Luther Jackson Middle School located at 3020 Gallows Road, Falls Church, from 7:30 to 9 p.m.

Supervisor Smyth invited the Board, County staff, and residents to attend the “Future of Merrifield” and asked unanimous consent that the Board direct the Office of Public Affairs to publicize this seminar. She distributed sample flyers. Without objection, it was so ordered.

37. **FIFTIETH ANNIVERSARY OF THE WOMEN’S CLUB OF MANTUA (PROVIDENCE DISTRICT)** (12:03 p.m.)

Supervisor Smyth announced that the Women’s Club of Mantua will be celebrating its fiftieth anniversary this year. She said that the strength of a community truly lies in what a community does to enhance the lives of its neighbors. The Women’s Club of Mantua typifies such community strength.

Accordingly, Supervisor Smyth asked unanimous consent that the Board direct staff to prepare a proclamation to be presented at the Women’s Club of Mantua at its fiftieth anniversary luncheon on April 20 at the Marco Polo restaurant in Vienna. Without objection, it was so ordered.

38. **FURTHER COMMENTS ON THE RESPONSE TO THE ROAD MORE TRAVELED** (12:03 p.m.)

(NOTE: Earlier in the meeting, the Board commented on the staff response to the book entitled *The Road More Traveled*. See Clerk’s Summary Item #34.)

With reference to *The Road More Traveled*, Supervisor Gross suggested that readers read the last chapter first because it refutes much of what was written in the first part of the book.

39. **LETTER FROM CONSTITUENT REGARDING DECEPTIVE ADVERTISEMENT** (12:04 p.m.)

Supervisor Gross called the Board's attention to a letter she received from a constituent regarding an official-looking advertisement from an entity under the guise of the "Community Reinvestment Act." It is a marketing device from a loan company, and the constituent said that it was deceptive and misleading.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff in the:

- Department of Cable Communications and Consumer Protection to examine it.
- Office of Public Affairs to print a "plain English" explanation of this type of deceptive sales pitch.

Without objection, it was so ordered.

40. **POLICE WEEK** (12:05 p.m.)

Supervisor Frey reported that it had come to his attention that the week of May 14-18 of this year marks Police Week. This year is of particular importance as the County prepares to mark the one-year anniversary of the tragedy that occurred at the Sully District Police Station where the County lost the lives of two of its most honored officers.

Accordingly, Supervisor Frey asked unanimous consent that the Board direct staff to prepare a proclamation in honor of Police Week and invite members of the Police Department to be guests for the presentation of this proclamation on May 7. Without objection, it was so ordered.

PMH:pmh

41. **TOWN OF VIENNA CONCERNS ABOUT FUTURE TYSONS DENSITY** (12:06 p.m.)

Supervisor Hudgins noted that Board Members had received resolutions from the Town of Vienna last week asking that the County and the State make as their top priority in the Tysons Corner planning process preserving, protecting and enhancing the quality of life in neighborhoods adjacent to and surrounding Tysons Corner. She added that the town asked to be part of the traffic analysis process and expressed concerns that pedestrian, bicycle, and shuttle bus access be provided.

Supervisor Hudgins said that the Town of Vienna invited the Tysons Corner Task Force Chair and County staff to address the Council on February 12 and answer

questions about the process. In addition, the Town of Vienna and the Vienna Chamber of Commerce each has a representative on the task force.

While the resolutions address much of the mission of the task force, Supervisor Hudgins said that she is asking staff to invite the Town of Vienna to offer to work with the County to develop bus and shuttle services as early as possible before Metrorail arrives and before the redevelopment of Tysons Corner.

Therefore, Supervisor Hudgins asked unanimous consent that the Board:

- Direct staff to send a letter to the Vienna Town Council noting that the County staff, the Consultant, and Task Force Chairman extend an invitation to the Council to be briefed on the concerns expressed in the resolutions and note that the County and the Virginia Department of Transportation have always and will continue to cooperate with the Town of Vienna on transportation planning and implementation.
- Look to the State for assistance; land use planning still remains with the local jurisdiction.

Without objection, it was so ordered.

A brief discussion ensued regarding the resolutions.

42. **LETTER TO WOLF TRAP EXECUTIVE DIRECTOR (HUNTER MILL DISTRICT)** (12:12 p.m.)

Supervisor Hudgins said that in late March, Wolf Trap Foundation for the Performing Arts President and CEO Terrance Jones addressed the National Press Club on the subject of the arts and the environment. In sharing “new thinking” at Wolf Trap, he challenged the arts community with finding a path to inspire others to an environmentally sustainable future and announced its own commitment to inspire meaningful and enduring environmental practices. It initiated eco-partnerships with sponsors and examining its own environmental footprint to minimize impact, has incorporated green elements in construction, encouraged recycling and use of biodegradable products at concessions, subsidized the Wolf Trap shuttle to and from West Falls Church Metrorail Station, and is planning other programs towards an ultimate goal of making Wolf Trap a “zero waste organization” and carbon neutral.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to send a letter to Mr. Jones commending Wolf Trap on its initiatives and asking if it might have any interest in the County’s “Green Building, “Cool Counties,” Low Impact Development, tree canopy, and TOD initiatives and sharing plans for improving access to Wolf Trap and other recreational amenities

in the area for the walking and cycling community. Without objection, it was so ordered.

43. **BRENTWOOD DULLES CORNER, LLC (HUNTER MILL DISTRICT)**
(12:13 p.m.)

Supervisor Hudgins said that Brentwood Dulles Corner, LLC is the co-applicant of Final Development Plan Amendment FDPA 86-HM-029-07 and Comprehensive Sign Plan Amendment CSPA 86-C-029-06 to modify the building footprint of an approved hotel and an approved free-standing sign in Dulles Corner. The applications are currently under review by staff and are scheduled for a public hearing before the Planning Commission on May 16, 2007.

Supervisor Hudgins said that site plans have been approved on the neighboring three parcels. To allow all construction in this section to proceed simultaneously, the applicant has requested that the Board authorize concurrent processing to expedite review of the applicant's site plan.

Therefore, Supervisor Hudgins moved that the Board direct the Department of Public Works and Environmental Services to accept for concurrent processing the site plan in conjunction with Final Development Plan Amendment FDPA 86-HM-029-07 and Comprehensive Sign Plan Amendment CSPA 86-C-029-06. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor McConnell and Chairman Connolly being out of the room, Supervisor DuBois being absent.

44. **BOSTON PROPERTIES LIMITED PARTNERSHIP (HUNTER MILL DISTRICT)**
(12:15 p.m.)

Supervisor Hudgins said that Boston Properties Limited Partnership has filed Development Plan Amendment DPA 85-C-088-05 and Proffered Condition Amendment Application PCA 85-C-088-07 to permit one additional story in height on an office building in the Urban Core of the Reston Town Center. The application is currently under review by staff. In accordance with the recent approval of amendments to the Zoning Ordinance regarding the Planned Residential Community (PRC) District, the applicant has submitted a PRC Plan to the Department of Planning and Zoning for review concurrent with the already accepted DPA/PCA application. The public hearing before the Planning Commission on the DPA/PCA application is currently scheduled for May 31, contingent upon the acceptance of the PRC Plan application.

Therefore, Supervisor Hudgins moved that the Board authorize expedited and concurrent processing for Development Plan Amendment DPA 85-C-088-05, Proffered Condition Amendment Application PCA 85-C-088-07, and the PRC

Plan in the name of Boston Properties. This motion should not be construed as a favorable recommendation by the Board on the proposed application and PRC Plan and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor DuBois being absent.

45. **MOBILE SKATE PARK EVENT AT SOUTHGATE COMMUNITY CENTER (HUNTER MILL DISTRICT)** (12:16 p.m.)

Supervisor Hudgins said that the Park Authority Needs Assessment clearly demonstrates support for building additional skates parks around the County to provide safe, high quality, local, public skating venues.

Supervisor Hudgins said that on Saturday, April 21, 2007, Hunter Mill District, will be sponsoring a mobile skate park at the Southgate Community Center, in partnership with the Park Authority, the Park Foundation, Southgate Community Center, Reston Community Center, the Reston Association, America-in-Line Skating, and EnviroSolutions, Incorporated. Continuing its past tradition, this Hunter Mill District mobile skate park's purpose is two-fold:

- To re-enforce and continue the commitment to construct an engaging and challenging recreational facility – a skate park in Hunter Mill District.
- To provide local access to skating communities and to offer a new and exciting opportunity for some of the County's young people to experience rollerblading and skateboarding for the first time.

Supervisor Hudgins asked unanimous consent that the Board direct staff to publicize the Hunter Mill District Mobile Skate Park at Southgate Community Center on Saturday, April 21 held between the hours of 1 p.m. and 8 p.m. Without objection, it was so ordered.

46. **HUNTER MILL DISTRICT 2007 NATIONAL ACHIEVEMENT SCHOLARS** (12:17 p.m.)

Supervisor Hudgins said that among the 800 students selected nationwide to receive \$2,500 academic scholarships, two Hunter Mill District students were named National Achievement Scholars. This award will be accepted by a regionally accredited US college or university of the student's choice. In 1964, the National Achievement Scholarship program was founded as a privately financed competition to honor outstanding Black American youth and to increase their opportunities for higher education.

Supervisor Hudgins said that Ms. Arin Rogers of South Lakes High School plans to study engineering and received a \$2,500 National Achievement Scholarship

supported by the National Merit Scholarship Corporation (NMSC). Ms. Stephanie Leger of Madison High School plans to study medicine. Ms. Leger's scholarship was sponsored by Watson Wyatt Worldwide.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare acknowledgements for all of the County's high achieving students in honor of their recognition by the NMSC. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor McConnell being out of the room, Supervisor DuBois being absent.

47. **LEE DISTRICT NEIGHBORHOOD RESOURCE FAIR** (12:18 p.m.)

Supervisor Kauffman invited Board Members and the public to the Lee District Neighborhood Resource Fair on April 21 at the Franconia Governmental Center. Neighbors, civic association members, and homeowners association representatives are invited to seek advice and assistance from County staff on tough neighborhood issues. This event is planned to help neighbors with the issues that are impacting them including:

- Property Maintenance and Use.
- Building without permits.
- Parking issues on public streets.
- Junk vehicles on streets and private property.
- Trash.
- Blighted properties.
- Police and safety concerns.
- Grass height enforcement.
- Health concerns and hoarding.
- Streetlight upgrades and new installations.
- Traffic calming and street maintenance.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to advertise this event. Without objection, it was so ordered.

48. **FRANCONIA ELEMENTARY SCHOOL (LEE DISTRICT)** (12:20 p.m.)

Supervisor Kauffman said that the Franconia Elementary School, established in 1932, will celebrate its seventy-fifth anniversary of continuous learning on May 3 with an open house and informative program.

Supervisor Kauffman referred to his written Board matter and outlined the history of the school.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to prepare a proclamation for presentation at the anniversary event to honor the school. Without objection, it was so ordered.

49. **REZONING/FINAL DEVELOPMENT PLAN APPLICATION
RZ/FDP 2007-LE-009 (LEE DISTRICT)** (12:21 p.m.)

Supervisor Kauffman said that on July 31, 2006, the Board approved a rezoning from the R-2 District to the PDH-2 District pursuant to a conceptual development plan/final development plan revised through June 14, 2006, and proffers dated June 14, 2006. This approved rezoning was originally filed as a PDH-3 request and was advertised and processed in that form up to the final Planning Commission (PC) public hearing and subsequent Board public hearing.

Supervisor Kauffman noted that because the proposed 13 lots yielded a density of 1.9 units, the suggestion to process the application as a PDH-2 request was agreed upon by staff and the applicant. During the subdivision review process, it was discovered that while the density of the subdivision is 1.9 dwelling units per acre, the lot yield shown on the approved plan of 13 units cannot be obtained because of the marine clay density penalty calculation. To correct this calculation, the applicant has reapplied for a rezoning to the PDH-3 District with the exact plan and exact proffers previously approved by the Board. This correction was endorsed by the Lee District Land Use Committee.

Given these unusual circumstances, Supervisor Kauffman moved that the Board direct staff to:

- Process Rezoning/Final Development Plan Application RZ/FDP 2007-LE-009 for rezoning from the PDH-2 District to the PDH-3 District located on Tax Map 82-4((1))34 on an expedited schedule with the Board date to be established as soon after the PC decision as possible.
- Allow concurrent processing of the subdivision plan.

This motion should not be construed as a favorable recommendation by the Board on the proposed application, and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards.

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

50. **REQUEST FOR INFORMATION REGARDING THE HOME IMPROVEMENT LOAN PROGRAM (HILP)** (12:24 p.m.)

Supervisor Hyland said that after the June floods in Huntington last year, the Board made changes to the HILP to assist residents of Arlington Terrace and Fenwick Drive in rebuilding their homes.

Supervisor Hyland asked unanimous consent that the Board direct the County Executive and Redevelopment Housing Authority staff to provide Board Members with information on: the steps to process a home improvement loan; which committees, boards, or offices must review and recommend them; the number of loans that are still pending review; and the typical processing time. Without objection, it was so ordered.

51. **VULCAN QUARRY (MOUNT VERNON DISTRICT)** (12:24 p.m.)

Supervisor Hyland said that on April 24 the Board of Zoning Appeals will decide if Vulcan Quarry's special permit in Lorton is renewed. He said that it has come to his attention that there is confusion over which County department has enforcement capability over the quarry. Because the quarry operates under a special use permit, the Department of Planning and Zoning (DPZ) has enforcement authority, yet lacks the technical expertise and equipment, i.e. seismograph, to evaluate the blasts and if they are within the levels permitted in their special use permits. The Fire Marshal's Office has agreed to assist DPZ to evaluate blast intensities, but is not directly responsible for the enforcement of the development conditions in the special permit.

Therefore, Supervisor Hyland moved that the Board direct the County Executive to review DPZ's oversight capabilities and direct or empower the proper department, if determined necessary, so quarries can be regulated within the limits established by the Code of the County of Fairfax and all applicable development conditions. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

52. **DOCUMENTARY** (12:26 p.m.)

Supervisor McConnell referred to a documentary being made about two women spies during the Civil War. She said that there is a need for donations of locations where the documentary could be filmed.

Therefore, Supervisor McConnell asked unanimous consent that the Board direct the County Executive to consult with appropriate individuals to determine possible sites and waiver of fees. Without objection, it was so ordered.

53. RECESS/CLOSED SESSION (12:27 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. *Citizens to Preserve and Expand Fitness Facilities, Seymour Schneider, Truett Degeare, Kevin Ritter, Joseph Stewart, Sidney Sachs, Glen Dixon, Suzanne Ritter, and Robert Cook v. Fairfax County Park Authority, Fairfax County Department of Public Works and Environmental Services, and Fairfax County Board of Supervisors*, Case No. CL-2007-0003492 (Fx. Co. Cir. Ct.) (Springfield District)
 2. *Fairfax County Park Authority v. The McCue and McCue Limited Partnership*, Case No. CL-2006-0003350 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen J. Trummer, a.k.a. Carmen J. Armour*, Case No. CL-2007-0000871 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Luis Choque*, Case No. CL-2006-0015975 (Fx. Co. Cir. Ct.) (Providence District)

5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Woo Dong Han and Young Nam Han*, Case No. CL-2007-0003552 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roy Faircloth*, Case No. CL-2007-0003748 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth J. Nies*, Case No. CL-2007-0003480 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
10. *Board of Supervisors of Fairfax County, Virginia v. Chantilly Amusements, L.L.C., et al.*, Case No. CL-2006-0001640 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Board of Zoning Appeals of Fairfax County, Virginia, versus Board of Supervisors of Fairfax County, Virginia, Law Number 2006-11777.
- Virginia Code Section 15.2-852.
- Federal Communications Commission Order on Cable Franchising.
- Public-Private Transportation Act Proposal on Rail-to-Dulles.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor DuBois being absent.

DS:ds

At 4:40 p.m., the Board reconvened in the Board Auditorium with all Members except Supervisor DuBois being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION54. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:40 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being absent.

55. **APPOINTMENT OF MR. RONALD L. MASTIN AS CHIEF OF THE FIRE AND RESCUE DEPARTMENT** (4:41 p.m.)

Supervisor Gross moved the appointment of Mr. Ronald L. Mastin to the position of Chief, Fire and Rescue, at Grade E-13 at a salary of \$160,000 effective June 3, 2007. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

56. **ORDER AND NOTICE OF FURTHER RULEMAKING ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC)** (4:42 p.m.)

In reference to an Order and notice of further rulemaking that was adopted by the FCC on December 20, 2006, Supervisor Smyth moved that the Board authorize the filing of:

- A petition in Federal court to review the order.
- Comments on behalf of the Board in response to the Notice of Proposed Rulemaking issued as part of that order.

Supervisor Gross seconded the motion.

Following discussion regarding the motion, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being absent.

ADDITIONAL BOARD MATTERS57. **FOLLOW-UP REGARDING NEW POSITIONS** (4:46 p.m.)

(NOTE: Earlier in the meeting, the Board requested information regarding zoning enforcement staffing. See Clerk's Summary Item #31.)

Chairman Connolly called the Board's attention to a handout and noted that in the last two fiscal years six positions have been added, five last year for the Combined Community Inspector Program and, the year before, a Deputy Director of the Zoning Administration Division, to assume responsibility for two of the five branches to allow the Zoning Administrator to dedicate more time to the Zoning Ordinance.

58. **DATA ON THE ONE PENNY FOR HOUSING FUND** (4:47 p.m.)

(NOTE: Earlier in the meeting, the Board directed staff to provide bar graphs on the One Penny for Housing Funds. See Clerk's Summary Item #19.)

Chairman Connolly called the Board's attention to the One Penny for Housing bar graphs and a brief discussion ensued.

AGENDA ITEMS**DET:det**59. **3:30 P.M. – PH ON THE FISCAL YEAR 2008 EFFECTIVE TAX RATE INCREASE** (4:48 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 22 and March 29, 2007.

Susan Datta, Director, Department of Management and Budget, presented the staff report.

During the public hearing James Parmelee, (Speaker #2), informed the Board that there would be an anti-tax rally at 6 p.m. in front of the Government Center. Following his testimony, discussion ensued concerning the impact of unfunded state and federal mandates on the tax rate.

Chairman Connolly noted for the record that the 89 cent tax rate was the lowest tax rate in County history, while the 34 cent tax rate reduction in the last five years was the largest single tax rate reduction in the County's history as well. He also referenced the elimination of the auto decal and the associated fee.

Following the public hearing, which included testimony by two speakers, Chairman Connolly closed the public hearing while keeping the record open for oral and written testimony until the markup on April 23, 2007, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings.

60. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES** (4:58 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of March 1 and March 8, 2007.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, presented the staff report.

Chairman Connolly noted that many of the increases were the result of virtual mandates related to the clean-up of water entering stormwater and other accesses to the Chesapeake Bay.

Following the public hearing, Chairman Connolly closed the public hearing, while keeping the record open for oral and written testimony until April 23, 2007, to permit persons wishing to testify on this matter to provide such testimony during the forthcoming budget public hearings.

61. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049-04 (HAMPSTEAD VILLAGE, LLC) (DRANESVILLE DISTRICT)** (5 p.m.)

Supervisor Smyth moved to defer the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049-04 until **April 30, 2007, at 3 p.m.** Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Kauffman being out of the room, Supervisor DuBois being absent.

62. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-MA-027 (JOANNE KRAUSE) (MASON DISTRICT)** (5 p.m.)

The application property is located at 8106 Accotink Drive, Tax Map 59-4 ((2)) 45.

Ms. Joanne Krause reaffirmed the validity of the affidavit for the record.

Ms. Krause 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, which included testimony by three speakers, 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-027, subject to the development conditions dated February 6, 2007, with the following modification:
 - The first bullet of condition #19 shall read: “Porous pavers, such as UNI Eco-Stone or an approved equivalent as determined by the Department of Public Works and Environmental Services, shall be utilized for the outer edge of the proposed driveway. This border shall have a minimum width of one foot. This porous paver border shall not be required for that portion of the driveway with the Virginia Department of Transportation right-of-way.”

Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

Supervisor Gross moved approval of Water Quality Encroachment Request Number 6843-WRPA-005-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance, to permit the encroachments into the Resource Protection Area (RPA) depicted on the SE Plat, subject to the conditions recommended in the RPA Exception Staff Report found in Appendix 6 of the SE Staff Report for Special Exception Application SE 2006-MA-027, with a modification to allow only a border of pervious pavers on the driveway, as modified in the SE conditions. This approval shall be valid for as long as Special Exception Application SE 2006-MA-027 remains valid. Additional amendments to the SE may be approved as long as the amendment does not aggravate conflicts with the provisions of the Ordinance. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

63. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LARGE RETAIL SALES ESTABLISHMENTS** (5:23 p.m.)

Supervisor Frey moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding large retail sales establishments until May 21, 2007. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being absent.

64. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE LITTLE ROCKY RUN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (5:24 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 March 22 and March 29, 2007.

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

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Little Rocky Run CPD, in accordance with current CPD restrictions. The new District includes the following streets:

- Braddock Creek Road (Route 7058), from Little Rocky Run Circle to cul-de-sac inclusive.
- Little Rocky Run Circle (Route 7046), the entire length of Little Rocky Run Circle beginning and ending on Braddock Road.
- Sunset Ridge Road (Route 7785), from Old Centreville Road to Little Rocky Run Circle.

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

65. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE LAKE BRADDOCK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)** (5:32 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 March 22 and March 29, 2007.

Marie Turner, Transportation Planner, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Bulova submitted items for the record.

Supervisor Bulova stated her intent to work with the community to help identify other locations that might be appropriate places for the affected vehicles.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Lake Braddock CPD, in accordance with current CPD restrictions. The new district includes the following streets:

- Ashburn Drive (Route 5121), from Burke Road to Lake Braddock Drive.
- Burke Road (Route 652), from Guinea Road to the southern boundary of parcel 78-1 ((10))(01) 60A.
- Lake Braddock Drive (Route 5101), from Burke Lake Road to Burke Road.

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

66. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE WEST HAMPTON COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (5:46 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 March 22 and March 29, 2007.

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

Following the public hearing, Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the West Hampton CPD, in accordance with current CPD restrictions. The district expansion includes Hampton Creek Way (1220), from Spring Village Drive to the southern boundary of parcels 90-1 ((19))-83 and 48. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell being out of the room, Supervisor DuBois being absent.

67. **BOARD RECESS** (5:47 p.m.)

At 5:47 p.m., the Board recessed and, at 7:06 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, and with Chairman Connolly presiding.

DET:det/DS:ds

68. **7 P.M. – PH ON THE COUNTY EXECUTIVE’S PROPOSED FISCAL YEAR (FY) 2008 ADVERTISED BUDGET PLAN, THE ADVERTISED CAPITAL IMPROVEMENT PROGRAM FOR FYs 2008–2012 (CIP) (WITH FUTURE FYs TO 2017) AND THE CURRENT APPROPRIATION IN THE FY 2007 REVISED BUDGET PLAN** (7:06 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearings were duly advertised in that newspaper as follows:

- County Executive’s proposed FY 2008 advertised Budget Plan and the CIP for the FYs 2008-2012 (with future FYs to 2017) on March 22 and March 29, 2007.
- The current appropriation in the FY 2007 revised Budget Plan on March 29, 2007.

Chairman Connolly opened the first of three nights of public hearings on the FY 2008 Budget as proposed by the County Executive.

(7:31 p.m.)

Following the testimony of Arthur Purves, President, Fairfax County Taxpayers Alliance (Speaker 5), Supervisor Hyland asked unanimous consent that the Board direct staff to provide information regarding the percentage of graduating high school students who further their education by going to college. Without objection, it was so ordered.

(8:31 p.m.)

Following the testimony of Anita Baker, Chairperson, Employees Advisory Council (Speaker 17), Supervisor Gross asked unanimous consent that the Board direct staff to provide a written response to the questions Ms. Baker raised. Without objection, it was so ordered.

Supervisor Frey asked unanimous consent that the Board direct staff to report on the cost of a proposed 1.45 percent increase. Without objection, it was so ordered.

(9:02 p.m.)

Following the testimony of Flint Lewis, Chairman, Library Board (Speaker 24), Supervisor Gross asked unanimous consent that the Board direct staff to provide a brief outline of the usage of the Grants and Foundation Library facility in the Government Center. Without objection, it was so ordered.

(9:27 p.m.)

Following the testimony of Mark Meana, Representative, Fairfax County Youth Football League (Speaker 29), Supervisor Gross asked unanimous consent that the Board direct the Department of Community and Recreation Services to provide information regarding the usage of the synthetic turf fields. Without objection, it was so ordered.

(10:03 p.m.)

Following the testimony of Dan Linder, Representative, Police Chief's Advisory Council (Speaker 38), Supervisor Hyland asked unanimous consent that the Board direct staff to provide information regarding the request for an additional administrative position. Without objection, it was so ordered.

The public hearing included testimony by 47 speakers.

69. **BOARD RECESS** (10:36 p.m.)

Chairman Connolly announced that the Board would recess until April 10, 2007, at 6 p.m., at which time there will be a presentation by the School Board, followed by the continuation of the public hearings regarding the:

- Proposed adoption of the County Executive's Fiscal Year (FY) 2008 Advertised Budget Plan.
- Capital Improvement Program for FY 2008–2012 (with future FYs to 2017).
- Current appropriation level in the FY 2007 Revised Budget Plan.

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