



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 7, 2007**

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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, May 7, 2007, at 9:18 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.

BOARD MATTER1. **MOMENT OF SILENCE** (9:18 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of Richard "Dick" Gozikowski, former Director of the Department of Public Works and Environmental Services, who died last week. Mr. Gozikowski had a long and distinguished career with the County for more than 30 years.

Chairman Connolly also asked everyone to keep in thoughts the families of the victims, as well as the shooter, of the Sully District tragedy, which occurred on May 8, 2006.

AGENDA ITEMS2. **CERTIFICATE OF RECOGNITION PRESENTED TO DIAMOND JIM**
(9:20 a.m.)

Supervisor Frey moved approval of the Certificate of Recognition presented to Diamond Jim, also known as "James," an English springer spaniel from the County, for being named Best In Show at this year's Westminster Dog Show in New York. Supervisor Bulova and Supervisor DuBois jointly seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING MAY 14-18, 2007, AS "POLICE WEEK" AND MAY 15, 2007, AS "PEACE OFFICERS MEMORIAL DAY" IN FAIRFAX COUNTY** (9:28 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 14-18, 2007, as "*Police Week*" and May 15, 2007, as "*Peace Officers Memorial Day*" in Fairfax County. Supervisor Hudgins and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO ORGANIZERS OF THE ARMEL AND GARBARINO TRUST FUNDS** (9:38 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to representatives of Fairfax Coalition of Police Local 5000, Glory Days Grill, and Koons Automotive Group, the organizers of the Detective Vicky Armel and Master Police Officer Michael Garbarino trust funds. Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO DR. JUDITH JACKSON** (9:42 a.m.)

Supervisor Kauffman moved approval of the Certificate of Recognition presented to Dr. Judith Jackson, principal of Franconia Elementary School, for more than 25 years of service. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE RESTON CHILDREN'S CENTER** (9:47 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to representatives of the Reston Children's Center on the occasion of its fortieth anniversary of preschool and after-school care for children. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hyland, Supervisor Kauffman, and Supervisor Smyth being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. IONA LEVIN** (9:53 a.m.)

(BACs) Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Iona Levin for nearly 12 years of service on the Community Action Advisory Board. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Kauffman, and Supervisor Smyth being out of the room.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JAMES LAFLEY** (9:57 a.m.)

(BACs) Supervisor Hyland moved approval of the Certificate of Recognition presented to Mr. James Lafley for nine years of service on the Board of Equalization of Real Estate Assessments. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. WENDELL BYRD** (10:01 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Wendell Byrd for 23 years of service as the basketball coach of South Lakes High School. Supervisor Frey and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

10. **PROCLAMATION DESIGNATING MAY 18, 2007, AS "BIKE TO WORK DAY" IN FAIRFAX COUNTY** (10:10 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate May 18, 2007, as "*Bike to Work Day*" in Fairfax County. Supervisor Bulova and Supervisor Smyth jointly seconded the motion and it carried by unanimous vote.

DS:ds

11. **ADMINISTRATIVE ITEMS** (10:18 a.m.)

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

ADMIN-1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)

(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>
North Point Glen	Dranesville	Heather Down Drive (Route 7440) Northpoint Glen Court
The Bridges of Oakton	Hunter Mill	Bridge Hill Lane Foxclove Road Dunns Way Yonder Hills Way Foxcroft Way (Route 5314) Stuart Mill Road (Route 669) (Additional ROW Only)
The Schnider Family Partnership	Sully	Lee Road (Route 661) (Additional ROW Only)

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

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-Y07-5	Verizon Wireless Antenna co-location on existing monopole (treepole) 10922 Vale Road (Sully District)	July 9, 2007
FS-P07-14	Fairfax Water 2,300 feet of 24-inch diameter water main Spring Hill Road, between Leesburg Pike and International Drive (Providence District)	September 24, 2007
FS-MD07-16	Fairfax Water 6,200 feet of 24-inch diameter water main Leesburg Pike, between Chain Bridge Road and Dulles International Airport Access Highway (Hunter Mill and Providence Districts)	September 24, 2007
2232-Y07-5	Fairfax Water Three water storage tanks 3663 West Ox Road (Sully District)	October 15, 2007

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 4, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Robinson RPPD, District 17 (Braddock District). The proposed district expansion includes the following street blocks:

- Collingham Drive (Route 5480) from Commonwealth Boulevard (Route 4801) to Nottingham Lane (Route 5485).

- Ashcroft Wau (Route 5481) from Collingham Drive to the end.
- Ashcroft Court (Route 5482) from Ashcroft Way to the end.

ADMIN 4 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RESTORATION OF DAMAGED OR DESTROYED NONCONFORMITIES

- (As) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 14, 2007, and before the Board on **July 23, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding restoration of damaged or destroyed nonconformities.

ADMIN 5 – FORMAL OFFER TO DEDICATE TO THE BOARD A 507-SQUARE FOOT STRIP OF COMMON OPEN SPACE LOCATED IN THE CASSEL GLEN SUBDIVISION (LEE DISTRICT)

Declined the offer of the dedication of a 507-square foot strip of common open space located in the Cassel Glen Subdivision pursuant to Section 2-702(4) of the Fairfax County Zoning Ordinance.

12. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE POLICE DEPARTMENT AND THE NORTHERN VIRGINIA HIGH INTENSITY DRUG TRAFFIC AREAS (HIDTA) GANG TASK FORCE** (10:18 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the Police Department to sign the MOU between the Police Department and the Northern Virginia HIDTA Gang Task Force.

13. **A-2 – AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN A SYNTHETIC TURF FIELD AGREEMENT ON BEHALF OF THE BOARD** (10:18 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize the County Executive to sign a Synthetic Turf Field Agreement on behalf of the Board. Supervisor Gross seconded the motion.

Following a brief discussion regarding the projected use dates, particularly the 31 month projected use date for the Bailey's field, Supervisor Gross asked unanimous consent that the Board direct staff to provide information regarding whether that date could be moved up, and why it is not 12 months. Without objection, it was so ordered.

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

14. **A-3 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY AND THE FAIRFAX COUNTY SCHOOL BOARD REGARDING THE INSTALLATION OF A SYNTHETIC TURF FIELD AT MADISON HIGH SCHOOL (PROVIDENCE AND HUNTER MILL DISTRICTS)** (10:22 a.m.)

Supervisor Smyth moved that the Board concur in the recommendation of staff and approve a MOU between the County and the School Board regarding the installation of a synthetic turf athletic field at Madison High School. Supervisor Hudgins seconded the motion.

Following discussion, regarding synthetic turf fields, Supervisor Frey called the Board's attention to page 2 of the MOU regarding the first right of scheduling and hours of use for the Madison High School stadium synthetic turf field. Supervisor Frey asked unanimous consent that the Board direct staff to work with the School Board to ensure that it continues to work with community groups to ensure that the ones it is designating "first rights of scheduling" are the ones who are providing services to the youth within the community. Without objection, it was so ordered.

Chairman Connolly said that, in approving this MOU, it should be a uniform mutual effort to open up use of the fields to the community.

Following additional discussion regarding use of the fields, the question was called on the motion and it carried by unanimous vote.

15. **A-4 – AUTHORIZATION TO FILE TESTIMONY IN APPLICATION OF VERIZON VIRGINIA INCORPORATED AND VERIZON SOUTH INCORPORATED FOR A DETERMINATION THAT RETAIL SERVICES ARE COMPETITIVE AND DEREGULATING AND DETARIFFING OF THE SAME** (10:33 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and authorize the Department of Cable Communications and Consumer Protection to file testimony in State Corporation Commission Case Number PUC-2007-00008. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Discussion ensued, with input from Steve Sinclair, Chief, Utilities Branch, Department of Cable Communications and Consumer Protection, regarding consumer protection measures.

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

16. **A-5 – 2007 SCHOOL AND TRANSPORTATION BOND REFERENDUMS**
(10:37 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and adopt the School Bond and Transportation Bond referendum Resolutions. Supervisor Bulova seconded the motion.

Supervisor Kauffman called the Board's attention to handwritten page 10, School Referendum Bond Project List, regarding the project listed as high schools of the future, with input from Anthony H. Griffin, County Executive.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to defer action on this item until later in the meeting, when representatives from the School Board were present to answer questions. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following additional discussion regarding the referendums, Supervisor Kauffman called the Board's attention to handwritten page two, and asked to amend the second "whereas" paragraph of the Resolution, to read as follows: "...new sites, new buildings or additions, **shared facilities or fields with other County agencies...**" He also asked that the School Board consider the amendment in its Resolution as well.

Chairman Connolly stated that this issue will be revisited when the Board takes action later in the meeting.

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #46.)

17. **A-6 – REVISIONS TO THE COUNTY'S STANDARD DEVELOPMENT AGREEMENT AND PERFORMANCE BOND** (10:41 a.m.)

On motion of Supervisor DuBois, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to the County's standard Development Agreement and Performance Bond.

18. **I-1 – CONTRACT AWARD FOR ENGINEERING DESIGN SERVICES FOR POPLAR TREE ROAD WIDENING (SULLY DISTRICT)**
(10:41 a.m.)

The Board next considered an item contained in the Board Agenda dated May 7, 2007, requesting authorization for staff to award a contract to WR&A in the amount of \$314,000 for the widening of Poplar Tree Road, Project 008804, in Fund 301, Contributed Roadway Improvement Fund.

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

19. **I-2 – CONTRACT AWARD – SOUTH RUN DISTRICT PARK, RECenter FITNESS CENTER ADDITION (SPRINGFIELD DISTRICT)** (10:42 a.m.)

The Board next considered an item contained in the Board Agenda dated May 7, 2007, requesting authorization for staff to award a contract to Falls Church Construction Corporation in the amount of \$2,252,000 for the construction of Project 476204-666, South Run District Park, RECenter Fitness Center Addition, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

20. **I-3 – CONTRACT AWARD FOR THE REHABILITATION OF CEDAR RIDGE APARTMENTS (HUNTER MILL DISTRICT)** (10:42 a.m.)

The Board next considered an item contained in the Board Agenda dated May 7, 2007, requesting authorization for staff to award a contract to Gibraltar Construction Company, Incorporated, in an amount not to exceed \$4,335,500 for the rehabilitation of Cedar Ridge Apartments.

The staff was directed administratively to proceed as proposed.

21. **I-4 – CONTRACT AWARD – ANNUAL CONTRACT FOR STORM SEWER REPAIRS USING CURED-IN-PLACE POINT REPAIRS (CIPPR), PRESSURE TESTING, AND CHEMICAL SEALING METHODS**
(10:42 a.m.)

The Board next considered an item contained in the Board Agenda dated May 7, 2007, requesting authorization for staff to award a contract to Video Pipe Services, Incorporated, a subsidiary of Mobile Dredging and Pumping Company, in the amount of \$795,000 for the rehabilitation of storm sewer lines using the CIPPR method.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS22. **COMMUNITY ACTION MONTH** (10:43 a.m.)

(BACs) Chairman Connolly announced that May is National Community Action Month. Accordingly, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim May 2007 as “*Community Action Month*” in Fairfax County and direct staff to invite the appropriate representatives from the Community Action Advisory Board to be recognized with the proclamation at the May 21 Board meeting. Without objection, it was so ordered.

23. **MOSQUITO AWARENESS WEEK AND ACTION REGARDING TENT CATERPILLARS** (10:43 a.m.)

Chairman Connolly said that Mosquito Awareness Week is in June. He asked unanimous consent that the Board proclaim June 25-29 as “*Mosquito Awareness Week*” in Fairfax County and direct staff to invite the appropriate representatives from the Health Department to be recognized with the proclamation at the June 18 Board meeting.

Supervisor Gross asked to amend the request to direct staff to bring the hand puppet, and this was accepted.

Without objection, the request, as amended, was so ordered.

Following brief comments regarding West Nile disease and the Earth Day/Arbor Day booth on mosquitoes, Supervisor Hyland raised the issue of tent caterpillars.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether anything can be used effectively to reduce the number of tent caterpillars and provide a recommendation. Without objection, it was so ordered.

24. **HIV TESTING DAY** (10:46 a.m.)

Chairman Connolly announced that National HIV Testing Day will be June 27. He asked unanimous consent that the Board proclaim June 27 as “*HIV Testing Day*” in Fairfax County and direct staff to:

- Invite the appropriate representatives from the Health Department to receive the proclamation at the June 18 Board meeting.
- Publicize National HIV Testing Day as well as free HIV testing services available through the Health Department.

Without objection, it was so ordered.

25. **HEPATITIS AWARENESS DAY** (10:46 a.m.)

Chairman Connolly announced that Hepatitis Awareness Day is approaching. He asked unanimous consent that the Board proclaim June 16 as "*Hepatitis Awareness Day*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax-Falls Church Community Services Board, the Health Department, the Department of Fire and Rescue, and the Police Department to be presented with the proclamation at the June 4 Board meeting. Without objection, it was so ordered.

26. **OPENING OF CROSSPOINTE FIRE STATION #41, A "GREEN" BUILDING (SPRINGFIELD DISTRICT)** (10:47 a.m.)

(NOTE: Earlier in the meeting, the Board deferred action on a school bond referendum resolution until later in the meeting, pending more information from, and discussion with, School Division staff. See Clerk's Summary Item #16.)

Chairman Connolly reminded the Board that it has a Policy of constructing all new buildings to Leadership in Energy and Environmental Design (LEED) standards. He said that this Policy reduces energy consumption and greenhouse gas emissions, reduces stormwater runoff, and saves the County money over the life of its buildings. Crosspointe Station #41, located in Fairfax Station, opened this morning. This station will save \$10,000 per year by conserving electricity by way of natural lighting, energy efficient features, and passive solar heating. It will conserve 85,000 gallons of water per year by using low flush facilities and eliminating onsite irrigation. Additionally, a rain garden will reduce stormwater runoff and filter chemicals from the parking runoff. The architect for the project is preparing a submission to certify the station under the US Green Building Council's LEED rating system for green buildings.

Chairman Connolly expressed his pride in Fairfax's lead on environmental policy. He said that green buildings help meet a range of environmental goals, from improving water quality to combating global warming. He applauded staff for their work in bringing this project to completion, and said he looks forward to opening more green buildings in the future.

Discussion ensued regarding school buildings and school sites in relation to green buildings, both for general conservation as well as education of students and their families.

Following a query to Catherine A. Chianese, Assistant to the County Executive, Chairman Connolly asked unanimous consent that the Board direct staff to schedule a joint meeting with the School Board and put green buildings on the agenda. Without objection, it was so ordered.

Following further discussion regarding innovative environmental design of a school in Burke Centre and other schools, as well as recycling, Chairman Connolly announced that the Board would discuss some of these issues later in the afternoon.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board discussed these issues with a School Division representative and adopted a school bond referendum resolution. See Clerk's Summary Item #46.)

27. **NO BOARD MATTERS FOR BRADDOCK DISTRICT SUPERVISOR SHARON BULOVA** (10:51 a.m.)

Supervisor Bulova announced that she had no Board Matters to present today.

28. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (10:51 a.m.)

Supervisor Frey announced that he had no Board Matters to present today.

29. **RECONSIDERATION OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-097-04 (CCP SHIRLEY HIGHWAY, INCORPORATED AND PETROLEUM MARKETING GROUP, INCORPORATED) (MASON DISTRICT)** (10:51 a.m.)

Supervisor Gross said that on April 30, the Board approved Special Exception Amendment Application SEA 81-M-097-04 by CCP Shirley Highway Incorporated and Petroleum Marketing Group Incorporated, to permit a drive-in bank, service station, quick service food store, car wash, and fast food restaurant on property located at Tax Map 81-1 ((1)) 7H in the Mason District. She reminded the Board that the staff and the Planning Commission had recommended that the car wash portion of the request be denied, but she moved to approve the application as proposed. At the public hearing, she added a number of conditions designed to mitigate the impacts of the car wash. It has been called to her attention by staff that development condition number three, which stated that no car wash would be allowed, should have been deleted at the time, but was not part of the motion.

Accordingly, Supervisor Gross moved that the Board reconsider its decision and direct staff to re-advertise Special Exception Amendment Application SEA 81-M-097-04 for decision only. She noted that staff in the Department of Planning and Zoning has discussed this with staff in the County Attorney's Office. Supervisor Hyland seconded the motion.

Following a query regarding a simple reconsideration action, with input from David P. Bobzien, County Attorney, Supervisor Gross asked unanimous consent

that the Board take action on this item following closed session. Without objection, it was so ordered.

Supervisor McConnell reminded the Board that last week she had requested from staff a list of car wash locations and districts throughout the County.

(NOTE: Later in the meeting, the Board took action on this motion. See Clerk's Summary Item #44.)

30. **PROVIDENCE DISTRICT SEMINAR SERIES "TRANSPORTATION MATTERS"** (10:54 a.m.)

Supervisor Smyth announced that her office is hosting the Providence District Seminar Series for the third year in a row. The 2007 series consists of three seminars, with the "Transportation Matters" seminar being the second and to be held from 7 to 9 p.m. on Tuesday, May 22, at George C. Marshall High School, located at 7731 Leesburg Pike, Falls Church.

Supervisor Smyth said that the seminar will cover the recently enacted Virginia General Assembly Transportation Plan and the High Occupancy Toll (HOT) lanes project along the Capital Beltway. The HOT lane project, in particular, will significantly impact travel around Northern Virginia, and this discussion is a chance for citizens to ask the questions they have about this new approach to managing traffic.

Supervisor Smyth added that the Department of Transportation will staff kiosks during the event to provide citizens with information on County programs, such as the Residential Traffic Administration Program, bicycling, bus service, and pedestrian walkways.

Supervisor Smyth invited the Board, staff, and residents to attend the "Transportation Matters" workshop and asked unanimous request that the Board direct the Office of Public Affairs to help publicize this seminar. Without objection, it was so ordered.

31. **PENDERBROOK COMMUNITY FITNESS CENTER GRAND OPENING (PROVIDENCE DISTRICT)** (10:55 a.m.)

Supervisor Smyth said that the Penderbrook Community, surrounded by a 18-hole par 71 championship golf course, prides itself on the many amenities for the residents of Penderbrook. The latest of such amenities to be added is the Penderbrook Community Fitness Center. Located in the clubhouse building at 3704 Golf Trail Lane, the fitness center has a variety of exercise equipment to help residents keep healthy.

Supervisor Smyth announced that the grand opening of the fitness center will take place on Monday, May 21, 2007. To that end, she asked unanimous consent that

the Board direct staff to prepare an appropriate recognition document to commemorate the Grand Opening of the Penderbrook Community Fitness Center. Without objection, it was so ordered.

32. **A DEMONSTRATION PROJECT FOR STORMWATER RETROFIT IN AN OLDER COMMUNITY (PROVIDENCE DISTRICT)** (10:56 a.m.)

Supervisor Smyth said that for almost three years, residents of Providence District's Falls Hill and Popular Heights communities formed a committee to work with County staff and a consultant to reach consensus on solutions to a highly complex stormwater management problem that resulted in severe flooding and erosion. They examined how to eliminate house flooding, mitigate erosion, and improve water quality in their community. On March 28 the residents held a community presentation on their findings, bringing the committee's work to a close. She said that now it is time to focus on the best way to implement their recommendations.

Pursuant to the recommendations developed by the Falls Hill-Poplar Heights Stormwater Action Committee within a framework guided by third-party facilitation, Supervisor Smyth moved that the Board direct staff to:

- Provide an analysis of the Committee's recommendations as a demonstration project for implementation of a stormwater management retrofit in an older community.
- Provide a time frame for implementation and identify sources of funding for the retrofit project. Upon completion of its analysis, the County will reach out to the community for its review and continuing input.
- Invite the members of the Falls Hill-Poplar Heights Stormwater Action Committee to appear before the Board to be recognized for their efforts.

Chairman Connolly seconded the motion.

Following a brief discussion regarding this project to mitigate stormwater and the possible participation of the City of Falls Church, the question was called on the motion, which carried by unanimous vote.

PMH:pmh

33. **NO BOARD MATTERS FOR HUNTER MILL DISTRICT SUPERVISOR HUDGINS** (10:59 a.m.)

Supervisor Hudgins announced that she had no Board Matters to present today.

34. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR McCONNELL** (10:59 a.m.)

Supervisor McConnell announced that she had no Board Matters to present today.

35. **BUS SHELTERS (DRANESVILLE DISTRICT)** (10:59 a.m.)

Supervisor DuBois said that for a number of years, she has been working closely with the McLean Revitalization Corporation (MRC) on the placement of bus shelters at strategic locations throughout the McLean Community Business Center. At this juncture, the MRC has used grant money to purchase four bus shelters for use throughout the CBC. Two locations will be replacements for deteriorating older shelters. Two of these will be new shelter locations, and one of those will be maintained privately. She noted that the sites were listed in her written Board Matter.

The *Policy for Maintenance of Standard and Non-Standard Public Improvements (Countywide)* provides for County maintenance of improvements constructed by others, including bus shelters and bus stop amenities.

Supervisor DuBois noted that this maintenance policy allows for acceptance of non-standard items that have maintenance costs equal to those of a County standard item. Since the McLean shelters are similar to the County standards except for additional architectural features, the annual maintenance cost is estimated to be equivalent to the County standard. It is understood that, according to the policy, if the non-standard items need to actually be replaced, the County will replace them only with the standard County item.

According to the maintenance policy, however, Board action is required to include these shelters in the maintenance program.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to include the shelters to be purchased and installed by the McLean Revitalization Corporation in the McLean Revitalization District at the locations noted above in the maintenance inventory. Without objection, it was so ordered.

36. **EXPEDITED REVIEW FOR RIVER BEND GOLF AND COUNTRY CLUB (DRANESVILLE DISTRICT)** (11:01 a.m.)

Supervisor DuBois said that in August 2006 River Bend Golf and Country Club submitted Special Exception Amendment Application SEA 2004-DR-031 to permit certain building additions and site modifications to improve the existing facilities. The application was ultimately accepted for processing on November 1, 2006. Although the club believed that it needed both a Category 5 and a Category 6 special exception, staff originally determined that only a Category 5 (golf courses, country clubs) special exception amendment was required.

At the April 18 public hearing before the Planning Commission, Supervisor DuBois said that questions were raised about the status of a pond on the course that abuts private property, and whether it serves a secondary stormwater control function. Staff has now determined that a Category 6 special exception amendment is indeed required, and has mandated that the project be re-advertised. The earliest it can be brought back before the Planning Commission is June 13, 2007.

Because modifications to the course are best accomplished outside the winter months, and because the club acted in good faith to pursue this special exception, Supervisor DuBois moved that the Board:

- Direct staff to schedule a public hearing to be held before the Board on June 18, 2007.
- Direct staff of the Department of Public Works and Environmental Services to proceed with concurrent processing of the associated site plan.

Supervisor DuBois said that it was her understanding that staff and the applicant will work closely over the next six weeks to resolve the remaining outstanding issues related to this application. This motion does not relieve the applicant from compliance with the provision of any and all applicable ordinances, regulations, or adopted standards, and it does not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

37. **McLEAN DAY (DRANESVILLE DISTRICT)** (11:03 a.m.)

Supervisor DuBois announced that the McLean community is celebrating its 92nd annual McLean Day Festival on Saturday, May 19 at Lewinsville Park from 11 a.m. until 5 p.m. This annual day of fun for all ages includes carnival rides, games, craft booths, performances, and exhibits.

Supervisor DuBois invited the public and each Board Member to attend the festivities on Saturday, May 19, at Lewinsville Park in McLean.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to publicize this event. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

38. **NO BOARD MATTERS FOR MOUNT VERNON DISTRICT SUPERVISOR HYLAND** (11:04 a.m.)

Supervisor Hyland announced that he had no Board Matters to present today.

39. **NO BOARD MATTERS FOR LEE DISTRICT SUPERVISOR KAUFFMAN** (11:04 a.m.)

Supervisor Kauffman announced that he had no Board Matters to present today.

40. **STRIKE FORCE** (11:04 a.m.)

Chairman Connolly announced that he and Supervisor Kauffman recently observed the serious deterioration of a Springfield neighborhood. He noted that the Board needs to move quickly with its new Strike Force.

Discussion ensued regarding the deterioration of neighborhoods.

Supervisor Smyth asked unanimous consent that the Board direct staff to review the “permitting system.” Without objection, it was so ordered.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the inspection process for additions. Without objection, it was so ordered.

41. **RECESS/CLOSED SESSION** (11:17 a.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. *Fairfax County Redevelopment and Housing Authority v. Nectar Projects, Inc., Ticor Title Insurance Company of Florida, Mortgage Electronic Registration Systems, Inc., and First Magnus Financial Corporation*, Case No. CL-2007-0004369 (Fx. Co. Cir. Ct.) (Mason District)

2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dui C. Ly and Tuyet-Mai Truong*, Case No. CL-2007-0004578 (Fx. Co. Cir. Ct.) (Braddock District)
3. *Eileen M. McLane, Fairfax County Zoning Administrator v. William R. Rogerson and Barbara E. Rogerson*, Case No. CL-2007-0001824 (Fx. Co. Cir. Ct.) (Mount Vernon District)
4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 07-0009929 (Fx. Co. Gen. Dist. Ct.) (Mason District)
5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Yi C. Ahn*, Case No. 07-0009930 (Fx. Co. Gen. Dist. Ct.) (Lee District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph E. Yates*, Case No. 07-0009942 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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

DMS:dms

At 3:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor McConnell, and with Chairman Connolly presiding.

ADDITIONAL BOARD MATTER

42. **SPRINGFIELD DISTRICT SUPERVISOR McCONNELL OUT SICK**
(3:47 p.m.)

Chairman Connolly stated that Supervisor McConnell became ill and did not attend closed session.

ACTIONS FROM CLOSED SESSION

43. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:48 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 Frey and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room.

44. **RECONSIDERATION OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 81-M-097-04 (CCP SHIRLEY HIGHWAY, INCORPORATED AND PETROLEUM MARKETING GROUP, INCORPORATED) (MASON DISTRICT)** (3:48 p.m.)

(NOTE: Earlier in the meeting, the Board discussed this item. See Clerk's Summary Item #29.)

Supervisor Gross stated that on April 30, 2007, the Board of Supervisors approved Special Exception Amendment Application SEA 81-M-097-04, by CCP Shirley Highway, Incorporated and Petroleum Marketing Group Incorporated, to permit a drive-in bank, service station, quick service food store, car wash, and fast food restaurant. The Planning Commission and staff had recommended that the car wash portion of the request be denied, but Supervisor Gross moved to approve the application as proposed. At the hearing, Supervisor Gross added a number of conditions designed to mitigate the impacts of the car wash. Number three, under the development conditions, stated that no car wash would be allowed and should have been deleted at that time, but was not included in the motion.

In the interest of good government and on the advice of the County Attorney, Supervisor Gross moved that the Board reconsider its decision of April 30 and direct staff to re-advertise Special Exception Amendment Application SEA 81-M-097-04 for June 4, 2007, for decision only. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER

45. **ADDITIONAL BUDGET REQUEST FOR WESTERN FAIRFAX CHRISTIAN MINISTRIES (WFCM)** (3:49 p.m.)

Following a query by Supervisor Frey, the County Executive informed the Board that staff has had an opportunity to examine the books of WFCM, which will receive \$191,000 in the adopted Fiscal Year 2008 budget. Staff confirmed that WFCM does indeed have financial difficulties, but has not had the opportunity to speak with the Board of Directors of the WFCM.

Supervisor Frey asked unanimous consent that the Board allow the County Executive two more weeks to confer with the Board of Directors before reporting to the Board with a final report. Without objection, it was so ordered.

AGENDA ITEMS

46. **A-5 – 2007 SCHOOL AND TRANSPORTATION BOND REFERENDUMS**
(3:51 p.m.)

(BONDS)

(R) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #16.)

Chairman Connolly called the Board's attention to A-5 – 2007 School and Transportation Bond Referendums and announced that Dean Tistadt, Chief Operating Officer of Fairfax County Public Schools, was present to answer questions.

Discussion ensued regarding the School Referendum Bond Project List, and Supervisor Kauffman asked unanimous consent that the Board direct Anthony H. Griffin, County Executive, to provide more information on the McLean cluster that would be interested in automotive repair. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Kauffman asked unanimous consent that the Board direct the County Executive to incorporate the following concepts in a Memorandum of Understanding with the School Superintendent by the August 2007 recess regarding collaborate capital expenditures between the Schools and the County:

- Better use of all public buildings and sports fields in the County.
- Mutual benefits to the County and the school system by working together.

Without objection, it was so ordered.

Supervisor Hudgins also referred to a collaborative effort between the Schools and the Board of Supervisors, the bond language, and community needs. She asked unanimous consent that the Board direct staff to review the possibility of a joint meeting. Without objection, it was so ordered.

Discussion ensued regarding joint use of facilities and environmental stewardship, with input from Mr. Tistadt.

Supervisor Smyth asked unanimous consent that the Board request from the School Division a specific list of environmental initiatives. Without objection, it was so ordered.

The question was called on the pending motion that the Board concur in the recommendation of staff and adopt the following referendum Resolutions:

- School Bond Resolution.
- Transportation Bond Resolution.

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

DET:det

47. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-LE-021 (MICHAEL V. CURTISS AND JOANNE M. CURTISS) (LEE DISTRICT)**
(4:05 p.m.)

(O) The application property is located on the east side of South Van Dorn Street opposite its intersection with Crown Royal Drive, Tax Map 81-4 ((1)) 37, 38, and 39.

Mr. Gregory A. Riegle 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, LLP

ADDITIONAL BOARD MATTER

Welcome to Cub Scout Pack 1858, Den 5, from Willow Springs Elementary School (4:06 p.m.)

Chairman Connolly recognized the presence of Cub Scout Pack 1858, Den 5, from Willow Springs Elementary School, and warmly welcomed them to the Board Auditorium.

Supervisor Gross noted the presence of a Resource Protection Area (RPA) on the property and the proposal to add additional impervious surface in the construction of a public dedicated road. Discussion ensued with input from Barbara A. Byron, Director, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), regarding the environmental and public access issues.

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

Following the public hearing, which included testimony by one speaker, John Thompson, Staff Coordinator, ZED, DPZ, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-LE-021, from the R-3 District to the PDH-8 District, and approval of the Conceptual Development Plan, subject to the proffers dated April 25, 2007.
- Waiver of the 200 square foot privacy yard requirement for single family attached dwelling units.
- That the Board direct the Director of the Department of Public Works and Environmental Services to approve a modification of the Public Facilities Manual minimum width requirement for a private street.
- Modification of the height limitation of fences to permit the height of the noise barrier to exceed seven feet, with an eight foot maximum, as shown on the Conceptual Development Plan/Final Development Plan.

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

(NOTE: On March 29, 2007, the Planning Commission approved Final Development Plan Application FDP 2005-LE-021.)

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-MV-045 (GUNSTON COVE HOMEOWNERS ASSOCIATION, A NON-STOCK VIRGINIA CORPORATION) (MOUNT VERNON DISTRICT)** (4:21 p.m.)

Supervisor Hyland moved to defer the public hearing on Proffered Condition Amendment Application PCA 2003-MV-045 until **May 21, 2007, at 3:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor McConnell being out of the room.

49. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-S-013-04 (SULLY STATION, LLC) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-S-027-07 (SULLY STATION, LLC) (SULLY DISTRICT)

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-Y-040 (SULLY STATION, LLC) (SULLY DISTRICT) (4:22 p.m.)

The application property is located east of Westfields Boulevard, approximately 400 feet south of the intersection with Stonecroft Boulevard, Tax Map 44-3 ((7)) B3 pt.

Mr. David R. Gill 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, LLP)

Supervisor Smyth noted the amount of commercial use in the Planned Development Housing (PDH) district. Discussion ensued with input from Kris Abrahamson, Branch Chief, Rezoning and Special Exception Evaluation Division, Department of Planning and Zoning (DPZ), concerning similar PDHs.

Mr. Gill 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, William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ, presented the staff and Planning Commission recommendations.

Discussion continued concerning "P" district standards with input from Mr. O'Donnell concerning easily accessible parking spaces.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 84-S-027-07, subject to the proffers dated March 15, 2007. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 85-S-013-04, subject to the proffers dated March 15, 2007. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved:

- Approval of Special Exception Amendment Application SEA 01-Y-040, subject to the development conditions dated April 20, 2007.
- Modification of the transitional screening and barrier requirements along the western boundary in favor of the existing vegetation.

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

(NOTE: On April 4, 2007, the Planning Commission approved Final Development Plan Amendment Application FDP A 84-S-027-5, subject to the development conditions dated April 4, 2007, with Condition 8 revised to read: "Monday through Friday, the bank lobby and drive-through hours will be 9 a.m. to 7 p.m. On Saturdays, the lobby and drive-through will be open 9 a.m. to 4 p.m. Should the market demand Sunday hours in the future, only the drive-through will be open from 12 noon to 3 p.m. The ATM drive-through will be open 24 hours a day, 7 days of the week.")

50. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-SU-024 (WOLSELEY INVESTMENTS, INCORPORATED) (SULLY DISTRICT)** (4:41 p.m.)

The application property is located at 13890 Lowe Street, Tax Map 34-2 ((1)) 17E pt.

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

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

- In excess of \$100 from Mr. Francis A. McDermott

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

- In excess of \$100 from Mr. Francis A. McDermott

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

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

Supervisor Frey moved:

- Approval of Special Exception Application SE 2006-SU-024, subject to the development conditions dated April 4, 2007.
- Modification of the transitional screening yard requirement along the southern boundary and modification of the barrier requirement along the southern and western boundaries, in favor of that shown on the SE Plat, and as conditioned.

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

51. **4 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE COMPTON VILLAGE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:50 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 April 19 and April 26, 2007.

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

Following the public hearing, Supervisor Frey moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, as shown in

Attachment 1 of the Board Agenda Item dated May 7, 2007, establishing the Compton Village CPD, in accordance with existing CPD restrictions. Supervisor Bulova 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.

52. **4:30 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE NORTH LAKE VILLAGE COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (4:52 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 April 19 and April 26, 2007.

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

Following the public hearing, which included testimony by two speakers, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, on behalf of Supervisor McConnell, moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, as shown in Attachment 1 of the Board Agenda Item dated May 7, 2007, establishing the North Lake Village CPD in accordance with existing CPD restrictions. Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, Vice-Chairman Bulova, and Chairman Connolly voting "AYE," Supervisor Hyland, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

53. **4:30 P.M. – PH TO CONSIDER PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) TO ADDRESS JANUARY 2006 REVISIONS TO APPENDIX B OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ROAD DESIGN MANUAL** (4:59 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 19 and April 26, 2007.

Judith A. Cronauer, Engineer III, Land Development Services, Department of Public Works and Environmental Services, presented the staff report.

Supervisor Smyth noted the Planning Commission recommendation to eliminate the minimum 10-foot trail width. Discussion ensued concerning increasing the amount of right-of-way, and the Board's ability to waive minimum standards.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the PFM, which revise Appendix B of the VDOT Road Design Manual, as set forth in the Staff Report dated January 8, 2007, with the incorporation of the Planning Commission recommendations.
- That the proposed amendments become effective at 12:01 a.m. on May 8, 2007.

Supervisor DuBois 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.

54. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING PLANNED DEVELOPMENT DISTRICT RECREATIONAL FEES** (5:08 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 April 19 and April 26, 2007.

Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, Park Authority, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Planned Development District Residential Recreational Facilities, as advertised, with an effective date of 12:01 a.m. on the day following adoption.
- That rezoning applications to the Planned Development Housing (PDH), Planned Development Commercial (PDC), or Planned Residential Mixed-Use (PRM) Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by December 31, 2007, be grandfathered from this amendment.
- That proffered conditional amendments which propose to add dwelling units and are accepted on or after the effective date of the

amendment shall be subject to the requirements of this amendment for the additional density.

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.

55. **BOARD ADJOURNMENT** (5:12 p.m.)

The Board adjourned.

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