



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
August 6, 2007**

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19-07

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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, August 6, 2007, at 9:41 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 Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:42 a.m.

Supervisor Dana Kauffman, Lee District, arrived at 9:42 a.m.

Supervisor Joan M. DuBois, Dranesville District, arrived at 10:31 a.m.

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 Stewart, 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** (9:41 a.m.)

Chairman Connolly asked everyone to keep in thoughts the family of Mr. Oliver Hill who died at 100 years of age. He said that Mr. Hill was a trailblazer who also helped with fighting segregation in the area.

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO FAIRFAX COUNTY FIREFIGHTERS** (9:43 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to Fairfax County firefighters for the Fill the Boot campaign. The motion was multiply seconded and it carried by a vote of nine, Supervisor DuBois not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. DAVID SMITH** (9:51 a.m.)

Supervisor McConnell moved approval of the Certificate of Recognition presented to Mr. David Smith for his years of service to the County in the field of education. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisors Kauffman and Supervisor Smyth being out of the room, Supervisor DuBois not yet having arrived.

4. **RESOLUTION OF RECOGNITION PRESENTED TO THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN** (9:56 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the American Association of University Women for its 125th anniversary. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Kauffman and Supervisor Smyth being out of the room, Supervisor DuBois not yet having arrived.

5. **PROCLAMATION DESIGNATING SEPTEMBER 8, 2007, AS "JEFFERSON MANOR DAY" IN FAIRFAX COUNTY** (10:05 a.m.)

Supervisor Kauffman moved approval of the Proclamation to designate September 8, 2007, as "Jefferson Manor Day" in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor DuBois not yet having arrived.

6. **10 A.M. – APPOINTMENTS TO THE HISTORY MUSEUM SUBCOMMITTEES** (10:12 a.m.)

(APPTS)
(BACs)

Chairman Connolly moved the appointment of Mr. Andrew Pettis as the At-Large Chairman's Representative #1. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois not yet having arrived.

Supervisor Bulova moved the appointments of:

- Mr. Gilbert Donahue as the Braddock District Representative #1.
- Ms. Mary Lipsey as the Braddock District Representative #2.

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor DuBois not yet having arrived.

Supervisor Hyland moved the appointment of Mr. Harold McClendon, Jr. as the Mount Vernon District Representative #1. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor DuBois not yet having arrived.

The Board deferred the appointments of the At-Large #2, Dranesville #1 and #2, Hunter Mill #1 and #2, Lee #1 and #2, Mason #1 and #2, Mount Vernon #2, Providence #1 and #2, Springfield #1 and #2, and Sully #1 and #2 District Representatives.

(NOTE: Later in the meeting, the Board made an additional appointment to these subcommittees. See Clerk's Summary Item #8.)

DMS:dms

7. **ADMINISTRATIVE ITEMS** (10:15 a.m.)

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

Supervisor Smyth called the Board's attention to Admin 3 – Authorization to Advertise Public Hearings to Consider Proposed Amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Regarding the Workforce Housing Program. Discussion ensued, with input from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, regarding the square footage of the dwellings and the definition of workforce housing.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information regarding

the definition other jurisdictions have for workforce housing. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide information regarding the salary range for the Workforce Housing Program. Without objection, it was so ordered.

Discussion ensued, with input from Ms. Pesto, regarding the density bonus for the residential versus the commercial units and the factors pertaining to condominium conversions.

Supervisor Smyth asked unanimous consent that the Board direct staff to provide information regarding rental housing, especially around the Tysons Corner Center Mall, having the benefit of the amenities of the condominiums. Without objection, it was so ordered.

Discussion ensued, with input from John Payne, Acting Deputy Director, Real Estate and Development, Department of Housing and Community Development, regarding the specifications associated with workforce housing.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide examples of the threshold and the tiering of workforce housing. Without objection, it was so ordered.

Further discussion ensued, with input from Ms. Pesto and Mr. Payne, regarding the density bonus and the separate funding options pertaining to affordable housing.

Supervisor Bulova called the Board's attention to Admin 13 – Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the Fiscal Year (FY) 2008 Revised Budget Plan. Supervisor Bulova asked to amend the motion to include:

- Proposed FY 2009 Budget Development Guidelines.
- Authorization to advertise Commercial/Industrial Real Estate Classification, Per House Bill (HB) 3202.

Following discussion, with input from Anthony H. Griffin, County Executive, regarding the enactment of the budget and tax rate, the amendment was accepted.

Following discussion, the amendment was accepted.

The question was called on the motion to approve the Administrative Items, as amended, 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 not yet having arrived.*

(*NOTE: Later in the meeting, Supervisor DuBois asked to be recorded as voting “AYE” on the administrative items. See Clerk’s Summary Item #45.)

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (MASON, PROVIDENCE, AND SULLY DISTRICTS)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Miller’s Pointe	Mason	Maryalice Place (Route 3387)
Wieland Property	Providence	Shreve Road (Route 703) (Additional ROW Only) Wieland Place
Faircrest, Landbay Six, Section One	Sully	Arrowhead Park Drive (Route 10099) (Additional ROW Only)

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-D-098-3, McLEAN BIBLE CHURCH (DRANESVILLE DISTRICT)

- (AT) Approved the request for 18 months of additional time to commence construction for Special Exception Amendment Application SEA 78-D-098-3 to February 4, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING THE WORKFORCE HOUSING PROGRAM

- (A) (R) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 4.)

Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on September 19, 2007, at 8:15 p.m., and before the Board on **October 15, 2007, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the Workforce Housing Program.

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 00-D-036, WALKER ROAD ASSOCIATES, LLC (DRANESVILLE DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 00-D-036 to July 8, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2003-DR-039, THE MOST REVEREND PAUL S. LOVERDE, BISHOP OF THE CATHOLIC DIOCESE OF ARLINGTON, VIRGINIA AND HIS SUCCESSORS IN OFFICE (SAINT JOHN CATHOLIC CHURCH) (DRANESVILLE DISTRICT)

- (AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2003-DR-039 to February 2, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-SU-025, STANFORD HOTELS CORPORATION (SULLY DISTRICT)

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 2004-SU-025 to July 24, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, LEE, MASON, PROVIDENCE, SPRINGFIELD, 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-H07-38	Clearwire US LLC Rooftop antennas 11500 Fairway Drive (Hunter Mill District)	October 5, 2007
FS-B07-42	Clearwire US LLC Antenna co-location inside new steeple 5116 Twinbrook Road (Braddock District)	October 11, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-M07-26	Department of Public Works and Environmental Services Renovation and expansion of Thomas Jefferson Library 7415 Arlington Boulevard (Mason District)	October 15, 2007
FS-P07-35	Sprint/Nextel Communication Rooftop antennas 8380 Greensboro Drive (Providence District)	October 15, 2007
FS-H07-40	Mobile Satellite Ventures Antenna co-location on building parapet 11800 Sunrise Valley Drive (Hunter Mill District)	October 15, 2007
FS-D07-41	Mobile Satellite Ventures Antenna co-location on existing tower 11000 Leesburg Pike (Dranesville District)	October 18, 2007
FS-L07-43	T-Mobile Northeast LLC Antenna co-location on existing transmission monopole 4500 Roundhill Road (Lee District)	November 1, 2007
2232-Y07-8	Clearwire US LLC 100-foot tall monopole (stealth monopole) 3155 West Ox Road (Sully District)	November 3, 2007
2232-SO7-10	Dominion Virginia Power New transformer addition to existing electric substation 13100 Moore Road (Springfield District)	December 3, 2007

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-M07-12	Columbia Crossroads LP East County Human Services Center (PPEA proposal) 5837 Columbia Pike (Mason District)	December 3, 2007

ADMIN 8 – INSTALLATION OF “NO PARKING FOR COMMERCIAL VEHICLES OVER 12,000 POUNDS” SIGNS ON THE WEST SIDE OF SOUTH KINGS HIGHWAY FROM CHIMNEY WOOD COURT TO FRANKLIN STREET (LEE DISTRICT)

- (Rs)
- Adopted the Resolution restricting commercial parking on the west side of South Kings Highway from Chimney Wood Court to Franklin Street.
 - Directed staff to install these signs at the earliest possible date.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE NEWINGTON COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Newington CPD in accordance with current CPD restrictions.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE SEQUOIA FARMS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2007, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Sequoia Farms CPD in accordance with current CPD restrictions.

ADMIN 11 – AUTHORIZATION TO SUBMIT AN APPLICATION FOR A 15.2-2232 DETERMINATION TO THE PLANNING COMMISSION AS AGENT FOR THE BOARD FOR THE RENOVATION AND EXPANSION OF THE MOTT COMMUNITY CENTER (SPRINGFIELD DISTRICT)

Authorized the Fairfax County Redevelopment and Housing Authority to submit an application for a determination pursuant to Section 15.2-2232 of the *Code of Virginia*, as the agent for the Board, for the renovation and expansion of the Mott Community Center.

ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) (HUNTER MILL, DRANESVILLE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2007, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to:

- Divide the Reston #1 precinct to create a new precinct.
- Divide the Cooper precinct to create a new precinct.
- Adjust the boundaries of the Blake, Nottoway, and Oak Marr precincts.
- Divide the Monument and Leehigh precincts to form a new precinct and rename Leehigh precinct.

ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CURRENT APPROPRIATION LEVEL IN THE FISCAL YEAR 2008 REVISED BUDGET PLAN

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

Authorized the advertisement of a public hearing to be held before the Board on **September 10, 2007, at 10 a.m.** to amend the current appropriation level.

8. **APPOINTMENT TO THE HISTORY MUSEUM SUBCOMMITTEES**
(10:31 a.m.)

(APPT) (NOTE: Earlier in the meeting, this appointment was deferred. See Clerk's Summary Item #6.)

Supervisor DuBois moved the appointment of Ms. Jacque-Lynn Amann Schulman as the Dranesville District Representative #1. Supervisor Smyth seconded the motion, which carried by unanimous vote.

9. **A-1 – FISCAL YEAR (FY) 2007 YEAR-END PROCESSING** (10:32 a.m.)

(SAR) On motion of Supervisor Hyland, seconded by Supervisor Bulova, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," the Board concurred in the recommendation of staff and:

- Authorized staff to process payment vouchers for items previously approved and appropriated in FY 2007 for the interim period from July 1 until the Board approves the FY 2007 Carryover Review, which is scheduled for action on September 10, 2007.
- Approved Supplemental Appropriation Resolution AS 07143 for the one General Fund agency and one other fund requiring additional appropriations for FY 2007.

10. **A-2 – AUTHORIZATION FOR CONDEMNATION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE WIEHLE AVENUE TRAIL PROJECT (HUNTER MILL DISTRICT)** (10:32 a.m.)

Anthony H. Griffin, County Executive, announced the withdrawal of this item.

(NOTE: Later in the meeting, the Board took action on a Board Matter relating to the Wiehle Avenue Trail Project. See Clerk's Summary Item #41.)

11. **A-3 – ADOPTION OF THE CAMERON RUN WATERSHED MANAGEMENT PLAN (BRADDOCK, DRANESVILLE, LEE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)** (10:32 a.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and approve the adoption of the Cameron Run Watershed Management Plan. Vice-Chairman Bulova seconded the motion.

Discussion ensued with input from Randolph W. Bartlett, Director, Stormwater Management, Department of Public Works and Environmental Services, regarding water flow, flooding, and erosion issues at Cameron Run Watershed.

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

(NOTE: Later in the meeting, Chairman Connolly asked to be recorded as voting "AYE" on this item. See Clerk's Summary Item #45.)

12. **A-4 – AUTHORIZATION TO DESIGNATE 1988 COMMERCIAL AND REDEVELOPMENT AREA IMPROVEMENT BONDS FOR WOODLEY-NIGHTINGALE, AS A PORTION OF THE FUNDING FOR THE DESIGN AND DEVELOPMENT OF THE RESIDENCES AT NORTH HILL PARK AND NOTIFICATION OF A CONTRACT AND CONTRACT AMENDMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DEVELOPMENT OF THE PROJECT (MOUNT VERNON DISTRICT)** (10:36 a.m.)

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

- Reauthorize \$1.87 million of the 1988 Commercial and Redevelopment Area Improvement Bond for its original purpose for Fund 340, Project 003836, Woodley-Nightingale, to fund the design and development of the residences at North Hill Park (Woodley-Nightingale).
- Authorize staff to award a contract and contract amendment with Cunningham and Quill Architects, PLLC and Greenhorne and O'Mara, Incorporated, respectively, for the provision of architectural and engineering services to implement the design and development of the project.

Supervisor Bulova seconded the motion.

Discussion ensued with input from John Payne, Acting Deputy Director, Real Estate and Development, Department of Housing and Community Development, regarding the usage of the acres as well as the various types of affordable housing.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Kauffman voting "NAY."

13. **C-1 – CONSIDERATION TO INCREASE SALARIES OF FAIRFAX COUNTY WATER AUTHORITY (FCWA) BOARD MEMBERS** (11:05 a.m.)

(BACs) The Board next considered an Item contained in the Board Agenda dated August 6, 2007, regarding an increase in the salaries of the FCWA Board members.

Chairman Connolly noted that the FCWA Board members receive \$7,500 per year, with the FCWA Chairman receiving \$10,000. These salaries were last reviewed and set in 2000. It is requested by the FCWA that the salaries be increased to \$12,000 per year, with the Chairman receiving \$15,000.

Supervisor Hyland moved that the Board authorize the Water Authority Board to adjust its compensation to \$12,000 with the Chairman receiving \$15,000. Supervisor Gross seconded the motion.

Following a brief discussion regarding the compensation, the question was called on the motion and it carried by unanimous vote.

14. **I-1 – CONTRACT AWARDS AND APPROVAL OF STREET ACCEPTANCE ITEMS DURING BOARD OF SUPERVISORS’ RECESS**
(11:07 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for the County Executive or the appropriate Deputy County Executive or the Chief Financial Officer to continue to approve street acceptance items and award contracts during the period between the August meeting and the first meeting in September. Whenever a contract exceeds the estimate by ten percent it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

The staff was directed administratively to proceed as proposed.

15. **I-2 – CONTRACT AWARDS TO PBS&J INCORPORATED – DEVELOPMENT OF WATERSHED MANAGEMENT PLANS FOR POHICK CREEK AND LOWER OCCOQUAN (SPRINGFIELD, MOUNT VERNON, AND BRADDOCK DISTRICTS)** (11:07 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for staff to award contracts to PBS&J, Incorporated, in the following amounts:

- \$1,598,283 for the Pohick Creek Watershed Management Plan, Project PC9000, in Fund 318, Stormwater Management Program.
- \$1,420,079 for the Lower Occoquan Watershed Management Plan, Project LO9000, in Fund 318, Stormwater Management Program.

The staff was directed administratively to proceed as proposed.

16. **I-3 – CONTRACT AWARDS TO F.X. BROWNE, INCORPORATED – DEVELOPMENT OF WATERSHED MANAGEMENT PLANS: SUGARLAND RUN AND HORSEPEN CREEK; NICHOL RUN AND POND BRANCH (DRANESVILLE, HUNTER MILL, AND SULLY DISTRICTS)** (11:08 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for staff to award contracts to F.X. Browne, Incorporated, in the following amounts:

- \$1,358,217 for the Horsepen Creek and Sugarland Run Watershed Management Plan, Project HC9000, in Fund 318, Stormwater Management Program.
- \$940,854 for the Nichol Run and Pond Branch Watershed Management Plan, Project PN9000, in Fund 318, Stormwater Management Program.

Discussion ensued with input from Randolph W. Bartlett, Director, Stormwater Management, Department of Public Works and Environmental Services (DPWES), regarding the number of plans, as well as the number completed, for the watersheds.

The staff was directed administratively to proceed as proposed.

17. **I-4 – CONTRACT AWARD – ANNUAL CONTRACT FOR ASBESTOS/HAZARDOUS MATERIALS SURVEYS** (11:09 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for staff to award a contract to Versar Incorporated in the amount of \$500,000 for asbestos/hazardous materials surveys for various buildings throughout the County.

The staff was directed administratively to proceed as proposed.

18. **I-5 – CONTRACT AWARD – ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE JENNINGS COURTROOM RENOVATIONS (PROVIDENCE DISTRICT)** (11:09 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for staff to award a contract to Gruzen Samton, LLP in the amount of \$415,973 to provide architectural and engineering design services for Project 009223, Jennings Courtroom Renovations, in Fund 312, Public Safety Construction and Fund 104 Information Technology.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the status of this item and the ability to renovate four courtrooms at a time.

The staff was directed administratively to proceed as proposed.

19. **I-6 – CONTRACT AWARD – CONTRACT AMENDMENT FOR ARCHITECTURAL/ENGINEERING SERVICES FOR THE FAIR OAKS POLICE STATION RENOVATION AND EXPANSION PROJECT (SULLY DISTRICT)** (11:09 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, requesting authorization for staff to award a contract to PSA Dewberry in the amount of \$1,337,730 for the renovation and expansion of the Fair Oaks Police Station, Project 009225, in Fund 312, Public Safety Construction.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide information on the additional costs incurred by this project. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide information pertaining to any life-time savings that resulted from this investment. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The staff was directed administratively to proceed as proposed.

20. **I-7 – FISCAL YEAR (FY) 2008 STORMWATER MANAGEMENT PROGRAM WORK IMPLEMENTATION PLAN** (11:10 a.m.)

The Board next considered an item contained in the Board Agenda dated August 6, 2007, regarding the FY 2008 Stormwater Management Program Work Implementation Plan.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

21. **DOMESTIC VIOLENCE AWARENESS MONTH** (11:12 a.m.)

Chairman Connolly noted that October is recognized nationally as Domestic Violence Awareness Month. Accordingly, he relinquished the Chair to Vice-

Chairman Bulova and asked unanimous consent that the Board proclaim October 2007 as “*Domestic Violence Awareness Month*” in Fairfax County and direct staff to invite the appropriate representatives from the Office for Women and others to be presented with the proclamation at the September 24 Board meeting. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that this is the fourth presentation scheduled for September 24.

22. **FIRE PREVENTION WEEK** (11:13 a.m.)

Chairman Connolly asked unanimous consent that the Board proclaim October 7-13 as “*Fire Prevention Week*” in Fairfax County and direct staff to invite the appropriate representatives from the Department of Fire and Rescue to be presented with the proclamation at the September 24 Board meeting. Without objection, it was so ordered.

23. **RETIREMENT OF MS. KAY LARMER** (11:13 a.m.)

(BACs) Chairman Connolly reminded the Board that Ms. Kay Larmer, who worked for many years at the Health Department and most recently served as the lead staff liaison for the Fairfax County Long Term Care Coordinating Council, had retired from County service. He asserted that her countless contributions and many years of outstanding service to the community should not go unrecognized.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite Ms. Larmer to appear before the Board at an appropriate time to be recognized for her service to the Fairfax community. Without objection, it was so ordered.

24. **COMPACT FLORESCENT LIGHT BULB (CFL) DISPOSAL** (11:14 a.m.)

Although the use of CFLs reduces overall lifecycle mercury emissions even if those bulbs are simply thrown in the trash, Chairman Connolly pointed out that the small amounts of mercury in the bulbs can pose an environmental hazard. Currently the County accepts CFLs at the West Ox and Lorton landfills, and at five roving household hazardous waste collections each year. The State of Maine has established a model program for the collection and recycling of CFLs by providing CFL recycling bins in stores, training storeowners in proper CFL disposal, and recycling the mercury from CFLs. Because many citizens may not drive to the landfill to dispose of their CFLs, and because recycling them would be preferable to putting them in the landfill, an examination of Maine’s program, as well as some others around the country, might improve the County’s CFL disposal policies.

Therefore, Chairman Connolly moved that the Board direct staff to investigate Maine’s CFL disposal program and any others, as appropriate, and report with

recommendations for improving the County's CFL disposal program, with the goal of making proper CFL recycling more convenient to all citizens in the County. Supervisor Gross seconded the motion.

Following discussion regarding publicizing the household hazardous waste collections' roving sites with an emphasis on the disposal of CFLs and homeowner guidelines on what to do when they break, Chairman Connolly noted that staff has already developed a draft brochure that will be provided for review prior to distribution.

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

25. **EMERGENCY PREPAREDNESS MONTH: FAIRFAX PREPARES**
(11:18 a.m.)

Chairman Connolly said that September is recognized as National Emergency Preparedness Month to encourage all citizens to prepare themselves and their families for natural and human caused disasters. He noted that the region will be reminding the public how important it is to take personal ownership as well as corporate ownership for personal and collective security. He noted that Merni Fitzgerald, Director, Office of Public Affairs, heads the information officers in the region in emergency preparedness.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim September 2007 as "*Emergency Preparedness Month: Fairfax Prepares*" and invite representatives from the Office of Emergency Management and Fairfax County Citizen Corps to be recognized with the proclamation at the September 10 Board meeting. Without objection, it was so ordered.

There was a brief query to Ms. Fitzgerald, who indicated that this is the seventh presentation scheduled for September 10.

Discussion continued regarding serving elderly and disabled people in an emergency as well as including pets in planning.

26. **GREEN BUILDING TAX CREDITS** (11:21 a.m.)

Chairman Connolly said that the Board has taken a leadership role encouraging green building by directing staff to construct new and renovated County facilities to green standards and by authorizing an amendment to the Comprehensive Plan that will provide green building incentives (not regulations) for the private sector. However, the Commonwealth of Virginia can also provide incentives to encourage green building. In Maryland, builders of commercial or high intensity residential projects can receive a tax credit of up to eight percent of the total value of the building if it is Leadership in Energy and Environmental Design (LEED) certified. The National Association of Industrial and Office Properties (NAIOP) has established a working group to address green building issues and has

indicated interest in working with the County to advocate for green building tax incentives at a statewide level.

Accordingly, Chairman Connolly moved that the Board direct staff to work with NAIOP and the Fairfax legislative delegation to explore the desirability of statewide tax incentives that might encourage the widespread application of green building practices. Supervisor McConnell seconded the motion.

Following discussion, Supervisor Frey asked to amend the motion to include in the discussion the builders and contractors, such as the Northern Virginia Building Industry Association (NVBIA), and this was accepted.

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

27. **ENACTMENT OF A LIVING WAGE** (11:23 a.m.)

(P) Chairman Connolly said that this Board Matter is presented jointly with Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth. He credited Supervisor Hudgins with bringing the issue of a living wage to the Board's attention. He said that the County is constrained in what it can do because Virginia is a Dillon Rule state. He noted that the current federal minimum wage was recently raised to \$5.85 per hour. Assuming a normal 2,000 hour work year, he said that that equates to a yearly salary of \$11,700. The current federal poverty guideline for a single person household is \$10,210. This figure is a nationwide average for the continental United States and does not address the differential high cost of living in Northern Virginia. For example, the average monthly rent for an efficiency apartment in Fairfax County is \$894, or \$10,728 yearly, thereby comprising more than the entire federal poverty guideline income.

Chairman Connolly said that providing a living wage for employees recognizes that actual costs of living in a region are not adequately addressed by existing minimum wage guidelines to enable workers to subsist on their salaries. In addition, providing a living wage produces positive transportation and environmental pollution reduction benefits for the community at large. Enabling employees who serve in a jurisdiction to afford to live in that jurisdiction will reduce traffic since those employees will not have to travel as far for their daily commutes. Reducing the number of vehicle-miles traveled in the region reduces congestion and improves air quality.

Therefore, on behalf of the Board Members listed at the beginning of this item, Chairman Connolly moved that the Board hereby declares that it shall be the Policy of Fairfax County that all County employees must be paid a living wage at the current prevailing living wage of either Arlington County or the City of Alexandria, whichever is higher, and to be reviewed annually.

Chairman Connolly further moved, on behalf of those same Board Members, that:

- The Board direct the County Executive to return to the Board at the September 10 meeting, as it considers the Fiscal Year 2007 Budget Carryover, with an implementation schedule for this action.
- It shall be the Policy of this Board to encourage and exhort all County vendors and all employers located within the County to similarly adopt a living wage for their employees.

Supervisor Gross seconded the motion.

Discussion ensued regarding the administrative implementation within personnel policies and the need for a meeting of the Board's Personnel Committee.

Following discussion regarding covered employees, with input from Anthony H. Griffin, County Executive, and Edward L. Long, Jr., Deputy County Executive, it was clarified that that this would apply only to regular merit employees.

Discussion ensued, with input from Mr. Griffin, regarding pay compression issues as well as the fact that the Personnel Committee was not scheduled to meet for some time.

Following a query to Catherine A. Chianese, Assistant to the County Executive, regarding the committee schedule, Chairman Connolly asked unanimous consent that the Board direct staff to schedule a brief Personnel Committee meeting on this topic only on September 10 at 8:30 a.m. Without objection, it was so ordered.

Further discussion ensued, with input from Mr. Griffin, regarding implementation of the Policy for County vendors.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide recommendations as to how the Policy can be conveyed and measured. Without objection, it was so ordered.

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

Following final comments, Vice-Chairman Bulova returned the gavel to Chairman Connolly.

28. **SCHEDULING OF THE PUBLIC HEARING FOR REZONING APPLICATION RZ 2006-PR-028 (PROVIDENCE DISTRICT)** (11:35 a.m.)

Supervisor Smyth stated that Tycon Towers I Investment Limited Partnership, Towers Crescent LLC, and Towers Crescent Land LLC have filed Rezoning Application RZ 2006-PR-028 on property identified as Tax Map 39-2((29)) 1, A1,

B, 1E, and 1F. The application seeks a rezoning from the C-4 District to the PDC District to add residential and retail components to the existing office uses at Towers Crescent. The Planning Commission public hearing was recently rescheduled from July to October 3.

Since there is only one opportunity for the Board to hear this application in 2007, and to ensure ample time for advertisement, Supervisor Smyth moved that the Board direct staff to schedule a public hearing for Rezoning Application RZ 2006-PR-028 to be held before the Board on October 15. She noted that:

- This motion does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.
- If the Planning Commission has not completed its review then the public hearing will not proceed on October 15.

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

29.

REQUEST TO INCLUDE SHIELDS AVENUE RIGHT-OF-WAY IN THE KINGS CROSSING APPLICATION (MOUNT VERNON DISTRICT)

(11:37 a.m.)

Supervisor Hyland said that Jefferson Development Services, LP intends to file several land use applications to redevelop the Kings Crossing site. These applications have been accepted by the Department of Planning and Zoning for further processing and assigned to a staff coordinator. Applications referenced as Rezoning/Final Development Plan Application RZ/FDP 2005-MV-036, Rezoning Application RZ 2005-MV-037, and Special Exception Application SE 2005-MV-032 include portions of Shields Avenue, a public right-of-way that extends into, and is largely surrounded by, the property that will be included in the subject applications. The applicant proposes to abandon and/or vacate Shields Avenue, a portion of which is referred to as Keates Street on the County tax maps, and include it in the redevelopment proposal. As a result, consent to the inclusion of the right-of-way in the applications is required from the Board as the owner of the public right-of-way. He asserted that the inclusion of Shields Avenue is appropriate and will result in a better development proposal.

Therefore, Supervisor Hyland moved that the Board authorize the inclusion of approximately 45,716 square feet, consisting of Shields Avenue right-of-way, in the applications referenced above filed by Jefferson Development Services, LP. These applications may be amended and/or supplemented as part of the reapplication process. This motion shall 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 adoptive standards. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

30. **TRAFFIC TICKET PAYMENT** (11:39 a.m.)

Supervisor Hyland said that he recently received correspondence from a Mount Vernon resident who believes he was misled by his traffic ticket. The ticket informed him in the first bullet point that “payments must be received five days prior to the court date” and on the third bullet point that “you may pay in person at the Court between 8 a.m. and 4 p.m. during any regular work day or at any Magistrate’s office. The Fairfax and Mount Vernon Magistrate’s Office are open 24 hours a day, seven days a week.” On July 22, he attempted to pay the fine before the July 26 court date.

While the instructions are clear in the first bullet that payments must be made five days in advance of the court date, these instructions are not clear when it discusses payment with the Mount Vernon Magistrate. According to the Magistrate, many others are confused by the language on the form.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to bring this matter to the attention of the Clerk of the Court and work with his office to print clearer instructions on traffic tickets. Without objection, it was so ordered.

31. **COMMUNITY PARKING DISTRICTS (CPD) (HUNTER MILL AND MOUNT VERNON DISTRICTS)** (11:40 a.m.)

Supervisor Hyland said that in November of 2005, the Mount Vernon Council of Citizens’ Associations (MVCCA) passed a resolution requesting the Board to amend the Code of the County of Fairfax to make the entire County a CPD. Subsequently the Fairfax Federation of Citizens Associations passed a similar resolution in December of 2005. He said that the Board took action on his Board Matter directing the Transportation Advisory Commission (TAC) to make a recommendation on the resolutions. According to TAC minutes, because only Mount Vernon District communities found the current process onerous and because the resolution originated from the MVCCA, the TAC, buttressed by the Department of Transportation (DOT) staff, voted to retain the current system.

While he respects the recommendation of TAC and staff, Supervisor Hyland said that neither the previous nor current Mount Vernon Transportation Commissioners agree. He noted that a few years ago Prince William County designated the majority of its older neighborhoods as a CPD. He urged the County to follow that model. He recognized that while not every home or community in his district enjoys representation on the council, the following motion respects the Council’s resolution and will allow other neighborhoods an opportunity to make their wishes known.

Accordingly, Supervisor Hyland moved that the Board direct the:

- County Executive and DOT to initiate the process to designate the entire Mount Vernon District northeast of Fort Belvoir as a CPD.
- DOT to meet with the MVCCA and the South County Federation and other Mount Vernon communities to determine the appropriate boundaries for further inclusion or exclusion.

Supervisor Hudgins seconded the motion and, noting that she had planned to present a similar Board Matter, asked to amend the motion to include parking areas in the Hunter Mill District. This was accepted.

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

32. **LORTON STATION BOULEVARD STOP SIGN (MOUNT VERNON DISTRICT)** (11:42 a.m.)

Supervisor Hyland said that in the past few years, the Lorton area has grown considerably as new residents, shops, and schools have come on line to serve the burgeoning population. Part of this new development has been the creation of a Lorton Town Center – built as a traditional ‘main street’ with restaurants, shops, and pedestrian friendly walkways.

Supervisor Hyland noted that at the main intersection of this town center is a four-way stop sign which controls the flow of traffic and helps to allow pedestrians to cross Lorton Station Boulevard. As the town center is brought off bond, confusion recently arose over whether the stop signs were originally on approved State and County site plans and if they conform to Virginia Department of Transportation (VDOT) engineering standards. There is strong community agreement that this intersection and the one adjacent to it at Virginia Railway Express’ station entrance need to have some traffic devices to slow traffic down and improve pedestrian safety. He asserted that removal of the four-way stop, with no replacement, is simply not an option. At a site visit last week, VDOT and staff decided that they need to work together to ensure a suitable outcome for traffic safety.

Therefore, Supervisor Hyland moved that the Board direct the Department of Transportation, in particular the Residential Traffic Administration Program, to coordinate efforts with VDOT’s Traffic Engineering and Permits Department, and report to the County Executive with the results by the September 24 Board meeting. Supervisor Bulova seconded the motion, which carried by unanimous vote.

33. **MOUNT VERNON COUNCIL RESOLUTION ON BASE RELOCATION AND CLOSURE (BRAC) IMPACTS** (11:44 a.m.)

(BACs) Supervisor Hyland said that on July 25, the Mount Vernon Council passed a resolution requesting the Board to transmit to the Commander of Fort Belvoir several requests, including one to establish a citizen advisory committee to help monitor and protect threatened and rare species on post, retain land use classifications such as wildlife corridors, require coordination with State and federal agencies, and follow State and local land use regulations related to resource protection areas.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Chairman to send a letter to the Commander of Fort Belvoir on behalf of the Board, with the resolution, to express its requests. Without objection, it was so ordered.

34. **EXAMINING THE FEASIBILITY OF ELECTRIC MINI-CARS** (11:45 a.m.)

Supervisor Bulova said that a promising new technology had just come to her attention in the form of an article from *In* magazine. A team of designers and engineers at MIT developed a mini-electric car that can seat up to two passengers. The car operates on a system similar to airport luggage carts. Horizontal stacks of these vehicles, approximately six, can fit into a normal car parking spot and would be parked at subway, train and bus stops, available for commuters. These vehicles would hold only enough charge for roughly a ten-mile trip, but they could be used by dozens of people in a single day, thus reducing the number of private vehicles on County roads. As an added benefit, they produce very little pollution.

According to the car's creators, Supervisor Bulova said that the areas best suited to employ these vehicles would be those where "traffic is bad, parking is costly, workers commute to central business areas, and public transportation is good." Fairfax County and the rest of the Washington, DC Metropolitan area match these criteria. On the surface, she said that these cars would be an ideal way for riders to get from the new Metro stations to be built in Tysons Corner to their office buildings and shopping.

Accordingly, Supervisor Bulova asked unanimous consent that the Board forward this article to the Department of Transportation (DOT) and direct the department staff to review this technology and report on its feasibility to help meet future transportation needs.

Supervisor McConnell asked to amend the request to direct staff to review the use of these vehicles on County trails, and this was accepted.

Supervisor Frey asked to amend the request to include safety issues in the DOT review, and this was accepted.

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

35. **RECOGNITION OF MR. JIM RIDDEL FOR HIS WORK ORGANIZING THE RETIRED POLICE OFFICERS ASSOCIATION MONTHLY LUNCHEONS** (11:48 a.m.)

Supervisor Bulova said that 15 years ago a retired police officer named Jim Riddel sat down with four other retirees in a local diner to talk about health issues facing a friend and fellow retired police officer. From these humble beginnings, a monthly luncheon grew to become a fixture in local politics, a forum where politicians and police officers, both retired and active, could meet with one another and discuss the important issues facing law enforcement in Northern Virginia. As the gatherings grew in size and stature, the amount of work that was required to make them successful grew accordingly. Mr. Riddel rose to meet this challenge. Although he retired as a police officer, he did not retire from involvement in the community. The Retired Police Officers Association's monthly luncheons that Mr. Riddel started became a symbol of the importance of grassroots politics. Unfortunately for the community, for medical reasons, Mr. Riddel has been advised by his doctor to reduce his level of stress and take things easy for awhile, so he will be unable to continue organizing the luncheons. Whether someone else can fill the void left by his absence remains to be seen.

Supervisor Bulova said that the event means different things to different people. For some, the luncheon helped launch political careers by giving new candidates some much-needed public exposure, while educating them about important local issues. For the retirees, the luncheon was a place for them to socialize with each other and meet face-to-face with policymakers to lay out their concerns and requests.

Supervisor Bulova said that if one were to ask him what he feels is the greatest accomplishment of the luncheons, Mr. Riddel would tell about the many outstanding police officers, who many times worked behind the scenes to help the community.

Therefore, Supervisor Bulova asked unanimous consent that the Board, at its September 10 meeting, present a resolution recognizing Mr. Riddel for his great work organizing and hosting these luncheons over the last 15 years. Without objection, it was so ordered.

A brief discussion ensued about the value of this service.

36. **REQUEST FOR STAFF TO DEVELOP AN OUTREACH PROGRAM TO EDUCATE CITIZENS ON LAND DISTURBING PRACTICES AND TIMELY NOTIFICATIONS** (11:15 a.m.)

With reference to photographs she distributed to the Board of loads of fill dirt at a residence, Supervisor Bulova referred to a constituent who called her office to say that several days before he had noticed dump trucks full of dirt showing up at a nearby house. She said that by the time everyone was alerted, the entire rear and side yards were covered with 12 feet of fill dirt.

Supervisor Bulova noted that the site inspector responding to the complaint found no grading plan on file and no permits pulled. The property owner, who was served with a Notice of Violation, mistakenly assumed he could do anything he wanted on his own private property. The remedy is an approved grading and stabilization plan and appropriate erosion and sediment controls. The property, however, can never be restored to its previous condition.

Supervisor Bulova said that the number of these sorts of incidents can be reduced with a two-part outreach program as follows:

- Educate property owners on do's and don'ts of land disturbing and ensure the information is available in multiple languages.
- Widely publish phone numbers (regular and weekend) for neighbors to report questionable clearing or filling. Encourage people to report suspicious activity at the first sign of work, not after the fact when it is too late.

Supervisor Bulova asserted that ultimately there will be less work for staff from inspectors to County attorneys if the public can be educated on protecting the environment.

Therefore, Supervisor Bulova moved that the Board direct staff to report with recommendations for an outreach and education campaign regarding questionable land disturbing activities. Supervisor Smyth seconded the motion.

Following discussion regarding this issue and weekend coverage by staff, Anthony H. Griffin, County Executive, stated that he would review this and respond with a program.

Discussion continued regarding 24/7 coverage for code and zoning enforcement activity in an urban county.

DET:det

37. **SHERIFF'S OFFICE RETIREMENT ISSUES** (11:58 a.m.)

Supervisor McConnell stated that she understood that the Sheriff's Department was still having trouble getting people trained and did not understand why retirees of the Police Department could not seek employment with the Sheriff's department and still be eligible for retirement from that department. Discussion ensued with input from Anthony H. Griffin, County Executive, concerning County Policy regarding earning a second retirement as a County employee and the cost to the County to train an officer.

Supervisor McConnell asked unanimous consent that the Board direct the County Executive to review this Policy. Without objection, it was so ordered.

38. **THE STATE OF BRIDGES IN FAIRFAX COUNTY** (12 p.m.)

Noting the recent bridge disaster in Minnesota, Supervisor McConnell stated that within the past five years, the State had issued a report on bridges in Virginia and the number that were not safe. Supervisor McConnell asked unanimous consent that the Board direct staff to obtain an update of that report. Without objection, it was so ordered.

Discussion ensued with input from Anthony H. Griffin, County Executive, concerning inspections and criteria for placement in different categories.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to identify any funds that the County may have provided to repair said infrastructure and include that information in the update. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

39. **REQUEST FOR \$100,000 FOR THE PENTAGON MEMORIAL TO BE PLACED ON THE CONSIDERATION LIST** (12:02 p.m.)

(NOTE: Earlier in the meeting, the Board authorized the advertisement of the public hearing for the Carryover Budget review. See page 9, Admin-13.)

Supervisor Gross stated that families affected by the tragic situation at the Pentagon on 9/11, have come together and developed a plan for a memorial, and that ground had already been broken. She said that the Planning Committee had already raised \$13 million, but more was needed to complete the memorial. She noted that both public and private funds are being sought in this effort.

Supervisor Gross asked unanimous consent that the Board direct staff to place on the Consideration list for Carryover in September, a request not to exceed \$100,000 for the Pentagon Memorial, provided that the Planning Committee

submit a written request and budget information for the project prior to the Board's deliberations at its September 10 meeting. Without objection, it was so ordered.

40. **RECOGNITION OF MR. TERRY L. SMITH (HUNTER MILL DISTRICT)**
(12:03 p.m.)

(BACs) Supervisor Hudgins said that on Friday, August 10, the Reston Community Center will recognize and honor Terry L. Smith by dedicating the Hunters Woods Aquatics Center in his name. She noted that Mr. Smith had devoted 19 years of service to the Reston Community Center (RCC) specifically to building and expanding the RCC's superior aquatics program in addition to serving in leadership roles on the RCC Board of Governors. Supervisor Hudgins stated that Mr. Smith, as Chair of the Board of Governors in 1998 – 1999, led efforts to build the RCC at Lake Anne and oversaw their twentieth anniversary celebrations.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Smith to appear before the Board to be recognized for his outstanding service to the RCC and the Hunters Woods Aquatic Center. Without objection, it was so ordered.

41. **WIEHLE AVENUE TRAIL PROJECT NUMBER W00300 (HUNTER MILL DISTRICT)** (12:04 p.m.)

(Note: Earlier in the meeting, the County Executive withdrew A-2 from the agenda. See Clerk's Summary Item #10.)

Supervisor Hudgins stated that the Board has a trail project identified as the Wiehle Avenue Trail Project Number W00300 (W3040) which consists of approximately 1,200 linear feet of five-foot-wide concrete sidewalk, including 170 linear feet of concrete retaining wall along the west side of Wiehle Avenue (Route 828) between North Shore Drive (Route 4726) and Baron Cameron Avenue (Route 606). She added that the project is important because it will complete a critical segment of the countywide trail system in the Reston area. She noted that the Hunter Mill District office has worked with the Land Acquisition District (LAD) to resolve concerns of the property owner to alleviate the issues and create a safe access for residents and community members by the completion of this critical sidewalk segment. In addition, she said that the Reston Association (RA) has worked with both the Hunter Mill District office and the LAD to assure that any impact of the construction of the sidewalk has been addressed by the County and has the approval of RA.

Supervisor Hudgins said that the construction of this project requires the acquisition of sidewalk, retaining wall, and grading agreement and temporary construction easements on one property in the Hunter Mill District. Although the LAD has been negotiating to acquire these land rights since August 26, 2002, it has been unable to reach resolution due to property owner concerns about the

project. She added that repeated deferrals to move forward on the project have meant increases in project costs and the inability to acquire this small segment will mean the project funding will be lost to the next Hunter Mill District sidewalk priority; thus condemnation is necessary.

Pursuant to Section 15.2-1903 of the *Virginia Code* a public hearing is required before property interests can be acquired by eminent domain proceedings. Therefore, Supervisor Hudgins moved that the Board direct staff to advertise a notice of public hearing for those certain land rights necessary for the construction of Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, pedestrian walkway improvements. LAD will provide the documents appropriate for the necessary advertisement for a public hearing on September 10, 2007, at 5 p.m. Supervisor Gross seconded the motion.

Discussion ensued concerning a temporary construction easement and condemnation.

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

42. **RECOGNITION OF MR. NATE JONES (HUNTER MILL DISTRICT)**
(12:06 p.m.)

Supervisor Hudgins thanked Nate Jones, an intern who has been working in the Hunter Mill District office this summer, and ask that the Board join her in thanking him for his work and wishing him well as he completes his senior year at St. Andrews Presbyterian College in North Carolina; Mr. Jones is a resident of Vienna.

PMH:pmh

43. **JOHN J. SCHLICK - REZONING APPLICATION RZ 2007-SU-005 (SULLY DISTRICT)** (12:08 p.m.)

Supervisor Frey said that Rezoning Application RZ 2007-SU-005 is a request by John J. Schilok to rezone 2.11 acres from R-1 District to the R-2 District to permit three lots on West Ox Road. The application had the support of staff and had a Planning Commission hearing in July. He added that at his request, the application was amended to address some design issues and, to do so, the application has been refiled to request rezoning to the PDH-2 district with the same density.

As a result of the changes, the application must be reviewed by the Planning Commission again and that public hearing is scheduled for October 10. In recognition of the delays that the applicant has experienced, Supervisor Frey said that he has asked for a date certain for the Board public hearing, and staff has no objection.

Therefore, Supervisor Frey moved that the Board authorize scheduling of a public hearing to be held before the Board on October 15 for Rezoning Application RZ 2007-SU-005. The applicants understand that this motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

44. **BLIGHT ABATEMENT** (12:10 p.m.)

Supervisor Kauffman said that on March 26, he raised the issue of the County's broken enforcement programs. He added that there are now improvements including an active Strike Force that is aggressively pursuing egregious violations.

Supervisor Kauffman expressed concern that the County's process for blight continues to be broken. He noted that his March 26 Board Matter highlighted the condition of the vacant Chi Chi's at the gateway to the Springfield revitalization area.

Supervisor Kauffman moved that the Board direct staff to:

- Consider moving the Blight Abatement program from the Department of Housing and Community Development (HCD) to the Department of Public Works and Environmental Services effective July 1, 2007. The Blight Abatement Program's current home in HCD does not seem to be the appropriate place for a program that requires authority to access and investigate private property and the technical knowledge to evaluate building code and safety issues. A move of this program to Code Enforcement could provide the authority this program needs to be the most effective.
- Consider formal citizen input in the Neighborhood Enhancement Task Force process.
- Hold commercial properties to the same standards as residential properties when determining blight.
- Evaluate legal tools that exist that are not being used as vigorously as possible and if any items need legislative authority.
- Schedule an opportunity for the Board to meet with staff to discuss staff concerns.

Following discussion, with input from David P. Bobzien, County Attorney, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to determine if the statute allows the

Board to apply the same standards to commercial properties as residential properties, and if not, direct the County Attorney to draft legislation for the Board's consideration. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor McConnell seconded the motion.

Following discussion regarding the Board's Policy, with input from Anthony H. Griffin, County Executive, and Jimmie Jenkins, Director, Department of Public Works and Environmental Services, the question was called on the motion and it carried by unanimous vote.

45. **REQUEST TO RECORD VOTES** (12:21 p.m.)

Supervisor DuBois asked unanimous consent that she be recorded as voting "AYE" on the Administrative Items. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that he be recorded as voting "AYE" on A-3. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

46. **FAIRFAX COUNTY – A CRIME PREVENTION COMMUNITY**
(12:21 p.m.)

- (R) Supervisor DuBois said that in 2003, the County was one of only eight localities in Virginia to be certified as a crime prevention community by the Department of Criminal Justice Services. The certification recognized that Fairfax County had implemented a number of safety strategies as part of a comprehensive community safety/crime prevention effort. The County's initiatives in such areas as neighborhood watch, citizen involvement, youth crime prevention, victim and witness Services, school resources officers, and the distribution of community safety information were the basis for that certification.

The certification was valid for three years, and it is now time to recertify. Master Police Officer Patrick Lucas, Crime Prevention Specialist assigned to the McLean District Police Station, is preparing the recertification submittal. A resolution of support from the governing body is required for recertification.

Therefore, Supervisor DuBois moved that the Board authorize the Chairman to sign the Resolution. Chairman Connolly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

47. **NVR, INCORPORATED - PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-DR-058 (DRANESVILLE DISTRICT)**
(12:22 p.m.)

Supervisor DuBois said that a proffered condition amendment application has been filed by NVR, Incorporated d/b/a Ryan Homes. This is a text-only amendment relating to the architectural elevations. No other amendment is requested.

Therefore, Supervisor DuBois moved that the Board expedite Proffered Condition Amendment Application PCA 2003-DR-058 for a Planning Commission date certain of October 10 and a Board date certain of October 15. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards and it does not prejudice the consideration of the application in any way. Supervisor McConnell seconded the motion and it carried by unanimous vote.

48. **CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS)** (12:23 p.m.)

Supervisor DuBois said that on June 4 the Board adopted amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions) to add a definition of what constitutes an addition to a single family dwelling. She noted that staff recommended that the Board authorize additions up to 150 percent of the original gross floor area. The Board ultimately adopted a standard that restricted such additions to 100 percent of the original gross floor area. No finished area even partially below grade can be used to calculate the existing footage.

The Board did not, at the time that it passed this change, make any provision for plans that were already under formal review by the building code division but not yet approved. She said that approximately 150 homes fell into this category, and that the County Attorney determined that those plans must comply with the new ordinance. Many of the affected homeowners had expended significant funds getting their homes designed to a point that building plans could actually be submitted.

Supervisor DuBois said that during the Board's review process, questions were asked about impacts on the original structure if the house was to be considered a new building. She stated that it has come to her attention that there are significant unanticipated costs which can run anywhere between \$20,000 and \$100,000. For example, to meet current safety requirements, all windows in the house must be resized to permit egress; kitchen wiring must be enhanced to allow for two 20 amp circuits; existing stairs must be reconstructed to current minimum widths, riser height and tread depth; all bathrooms must be redesigned to meet new standards for spacing between fixtures and the framing walls; and all rooms must be rewired to create seven foot spacing between outlets.

Supervisor DuBois said that she was visited by a homeowner last week who was doing a classic “popup” on an 1800 square foot 1960s rambler. Three sides of the rambler have walkout access but that space is considered below grade and cannot be counted to determine gross floor area. To create more architectural interest, and vary the rooflines, the proposed plan added a mudroom and an entrance foyer totaling 224 square feet. It calculates at 112 percent of gross floor area. A second property totaling 1080 square feet added a second story plus a 90 square foot overhang for 108 percent. Ironically, both owners could stage construction and still meet the requirements of the building code albeit at increased expense.

Discouraging families from improving their homes was not the intent of this ordinance. Supervisor DuBois noted that staff recommended that the Board allow for flexibility. She said that she would like to see the Board revisit this issue, possibly differentiating between projects that add substantial square footage outside the existing footprint from those that do not.

Therefore, Supervisor DuBois moved:

- That all projects accepted for processing on or before June 4, 2007, that could have been otherwise approved except for the gross floor area calculation, be allowed to stand as approved.
- That staff report to the Board on how Section 103.4 of Virginia Construction Code is being interpreted for purposes of retrofitting the original dwelling, and what safety requirements are now being triggered.
- That staff report to the Board on results of any appeal determinations before the local Board of Building Code Appeals.
- The Board revisit its gross floor area determination early in 2008.

Supervisor McConnell seconded the motion.

Following discussion of the motion, with input from David P. Bobzien, County Attorney, Supervisor DuBois restated the motion as follows: Directing the County Attorney and appropriate staff to report with their analysis and recommendations on this issue. The question was called on the motion and it carried by unanimous vote.

49. **RECESS/CLOSED SESSION** (12:35 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. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)*
 - 2. *Great Socialist People's Libyan Arab Jamahiriya v. Arlington County, Virginia, and Fairfax County, Virginia, Case No. 1:07CV497 (E.D. Va.) (Providence District)*
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christine A. Bucierka, Case No. CL-2007-0004195 (Fx. Co. Cir. Ct.) (Sully District)*
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pilar C. Cortes, et al., Case No. CL-2006-0014146 (Fx. Co. Cir. Ct.) (Mason District)*
 - 5. *Michael R. Congleton, Property Maintenance Official for Fairfax County v. Norman Mesewicz, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock)*
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Official for Fairfax County, Virginia v. Marco A. Rocabado Tapia, Also*

Known as Marco A. Rocabado, Case No. CL-2007-0008624 (Fx. Co. Cir. Ct.) (Lee District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nabil Zerhouni, Atef Abdellatif, and Abdelbagi Bushara, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Lee District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto, a/k/a Soto Wilder, Case No. CL-2007-0008830 (Fx. Co. Cir. Ct.) (Mason District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aqela Hashimi and Haroon M. Wardak, Case No. CL-2007-0008418 (Fx. Co. Cir. Ct.) (Sully District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dino Mitchell, Case No. CL-2007-0008571 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin D. Arrazola, Case No. CL-2007-0008622 (Fx. Co. Cir. Ct.) (Providence District)*
13. *Board of Supervisors v. Glenbrook 8, LLC, Case No. CL-2006-0001891 (Fx. Co. Cir. Ct.) (Sully District)*

And in addition:

- *Virginia Citizens Defense League, Inc. v. County of Fairfax; Case Number CL-2007-0009015.*
- US Army Corps of Engineers Flood Investigation.
- Public-Private Education Facilities and Infrastructure Act of 2002.
- Religious Land Use and Institutionalized Persons Act of 2000.

- Antitrust Criminal Penalty and Reform Act of 2004.
- *Pedro Lozano, et al. v. City of Hazelton*; U.S. District Court for the Middle District of Pennsylvania; Number 3:06cv1586.

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

EBE:ebe

At 3:59 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTION FROM CLOSED SESSION

50. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:59 p.m.)

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

DS:ds

AGENDA ITEMS

51. **3:30 P.M. – BOARD DECISION ON THE VACATION OF A TRAIL EASEMENT LOCATED ON PROPERTY OWNED BY THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (SPRINGFIELD DISTRICT)** (4 p.m.)

(O) (NOTE: On July 23, 2007, the Board held a public hearing regarding this item and deferred decision until August 6, 2007.)

Supervisor McConnell moved adoption of the Ordinance vacating a trail easement located on property owned by UOSA. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Gross, Supervisor Kauffman, and Supervisor Smyth being out of the room.

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MV-017 (KEVIN J. O’NEILL) (MOUNT VERNON DISTRICT)**
(4 p.m.)

The application property is located at 1111 I Street, Tax Map 93-2 ((7)) (4) 3.

Mr. Kevin O’Neill reaffirmed the validity of the affidavit for the record.

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

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

Discussion ensued, with input from Mr. O’Neill and Ms. Lewis regarding the property and floodplain issues.

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

Supervisor Hyland moved:

- Approval of Special Exception Application SE 2005-MV-017, subject to the development conditions dated July 26, 2007.
- Waiver of the transitional screening and barrier requirements along the northern property line.

Supervisor McConnell seconded the motion.

Following discussion, with input from Ms. Lewis, regarding floodplain issues, the question was called on the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Smyth being out of the room.

53. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-05 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)** (4:16 p.m.)

The application property is located at 1301 Potomac School Road, Tax Map 31-1 ((1)) 5, 7, 8, 10A, 10B, 10C, and 12A.

Mr. Gregory A. Riegler 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:

- Mr. Carson Lee Fifer, Jr., Esquire, McGuire Woods LLP

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

Discussion ensued, with input from Ms. Lewis, regarding the deletion of 25 accessory housing units from the application.

Mr. Riegler 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, Supervisor DuBois submitted an item for the record.

Ms. Lewis presented the staff and Planning Commission recommendations.

Supervisor DuBois moved:

- Approval of Special Exception Amendment Application SEA 85-D-097-05, subject to the development conditions dated July 26, 2007.
- Modification of the transitional screening requirement along all property lines in favor of the existing vegetation and supplemental landscaping depicted on the SEA Plat.
- Waiver of the barrier requirement along the southern and western property lines.

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

54. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWING APPLICATION AR 90-S-004-02 (JLB ASSOCIATES) (SPRINGFIELD DISTRICT)** (4:29 p.m.)

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

The application property is located on the north and south sides of Popes Head Road approximately 1,000 feet west of its intersection with Pocol Drive, Tax Map 66-4 ((1)) 19Z.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

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

Supervisor McConnell moved approval of Agricultural and Forestal District Application AR 90-S-004-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the JLB Associates Local Agricultural and Forestal District, subject to the Ordinance provisions dated July 10, 2007. Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Vice-Chairman Bulova voting "AYE," Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly being out of the room.

55. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, RENEWING APPLICATION AR 90-D-003-02 (JOAN LEWIS JEWETT AND FREEBORN G. JEWETT, JR.) (DRANESVILLE DISTRICT)** (4:32 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 July 19 and July 26, 2007.

The application property is located at 8700 Lewinsville Road, Tax Map 29-1 ((1)) 70Z, 71Z, and 72Z.

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report.

Mr. Richard Hobson, agent for the applicant, proceeded to present his case.

Following the public hearing, Supervisor DuBois submitted items for the record.

Mr. Papp presented the staff and Planning Commission recommendations.

Supervisor DuBois moved approval of Agricultural and Forestal District Application AR 90-D-003-02 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Jewett Local Agricultural and Forestal District, subject to the Ordinance provisions dated July 24, 2007. 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 McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Kauffman being out of the room.

56. **4 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (4:36 p.m.)

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

Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by four speakers, discussion ensued, with input from Mr. Biesiadny, who noted that the deadline for submissions is August 31, 2007.

Supervisor Hyland submitted an item for the record.

Mr. Biesiadny noted that recommendations will be presented to the Board at its September 24, 2007, meeting.

Supervisor Hyland asked unanimous consent that the Board direct staff to review Mr. Frank Cohn's (Speaker Two) letter which talks about the pedestrian bridge and/or creek to determine what the project would entail and the possible cost and report its findings to the Board. Without objection, it was so ordered.

Supervisor Bulova asked unanimous consent that the Board direct staff to report with the status of the pedestrian overpass over the Norfolk Southern Railroad for individuals wanting to get from the north side of the tracks to the Burke Centre Virginia Railway Express Station and the new parking garage that is being constructed and whether the County could request funds from the transportation enhancement program. Without objection, it was so ordered.

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE FRANKLIN GLEN COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**
(4:57 p.m.)

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

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

Following the public hearing, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Franklin Glen CPD, in accordance with current CPD restrictions. The proposed district expansion includes Stringfellow Court (7138), from Fairfax County Parkway to the cul-de-sac inclusive. Supervisor Hudgins and Supervisor Smyth 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 McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Kauffman being out of the room.

58. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE COLONY PARK COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)**
(4:59 p.m.)

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

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

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Colony Park CPD, in accordance with Article 5B of Chapter 82. The proposed district expansion includes the following:

- Colony View Drive (Route 5499), from the northern boundary of Colony Park, Section 2 to Roberts Road, northeast side only.
- Latney Road (Route 5492), from Colony View Drive to the cul-de-sac inclusive.

- New London Park Drive (Route 7107), from Colony View Drive to the cul-de-sac inclusive.

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

59. **4 P.M. – PH CONCERNING TRANSPORTATION PLAN UPDATE: PHASE II, TECHNICAL CORRECTIONS S01-CW-17CP(B)** (5:06 p.m.)

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

Daniel Stevens, Transportation Planner, Department of Transportation (DOT), presented the staff report.

Discussion ensued, with input from Leonard Wolfenstein, Chief, Transportation Planning Section, DOT, regarding minor corrections.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland submitted an item for the record.

Mr. Wolfenstein presented the staff and Planning Commission recommendations.

Supervisor Bulova moved approval of S01-CW-17CP(B), Phase II of the Transportation Plan Update, as advertised, with revisions identified in Attachments I and II of the Memorandum to the Planning Commission dated June 11, 2007. Supervisor Hudgins seconded the motion.

Supervisor Hyland asked to amend the motion to:

- Add a note on drawing figure two, page six, of Fairfax County’s Comprehensive Plan, Area Four, Lower Potomac Planning District, to read: **“A citizens task force, assisted by staff, shall be appointed to develop recommendations for interchange improvements near Furnace Road and I-95.”**
- With reference to the question of Huntington Avenue being shown on the map as a divided highway, that the Board direct staff to retain the representation of Huntington Avenue as a primary undivided roadway, as shown in Figure 2 on MV3 on the revised Comprehensive Plan.

- With reference to the subject of the full interchange improvement being inconsistent with the committee that has looked at the intersections on Route One, that the Board direct staff to delete the “full interchange improvement” designation on the Comprehensive Transportation Plan Map at the intersection of Huntington Avenue and Richmond Highway, Route One, and its corresponding designation on Figure 2, Page 7, of the Fairfax County’s Comprehensive Plan Area Four, Mount Vernon Planning District.

Discussion ensued, with input from Mr. Wolfenstein, regarding the proposed amendments.

The first two bulleted motions were accepted.

Supervisor Hyland withdrew his third bulleted amendment.

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

Discussion ensued, with input from Mr. Wolfenstein, regarding the third bulleted motion which was withdrawn.

60. **4 P.M. – PH ON A TEMPORARY UNCODIFIED ORDINANCE THAT WILL PROVIDE FOR UP TO A ONE DOLLAR TAXICAB FUEL SURCHARGE UNTIL JANUARY 31, 2008** (5:29 p.m.)

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

Steve Sinclair, Chief, Utilities Branch, Department of Cable Communications and Consumer Protection, presented the staff report.

Discussion ensued, with input from Mr. Sinclair and David P. Bobzien, County Attorney, regarding the temporary surcharge.

Following the public hearing, which included testimony by one speaker, Supervisor Bulova moved adoption of the temporary uncodified Ordinance to provide for a taxicab fuel surcharge of one dollar per trip, to be effective for the period August 7, 2007, to January 31, 2008. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Kauffman being out of the room.

61. **5 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (5:36 p.m.)

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

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

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

- Mr. Denton Vaughan regarding living wage for County employees.
- Clayton Sinyai regarding living wage.

Chairman Connolly noted that, earlier in the meeting, the Board took action regarding the living wage.

(NOTE: See Clerk's Summary Item #27, regarding the living wage.)

62. **BOARD ADJOURNMENT** (5:42 p.m.)

The Board adjourned.

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