



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 10, 2007**

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20-07

EBE:ebe

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, September 10, 2007, at 9:12 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 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** (9:12 a.m.)

Chairman Connolly reminded the Board that there will be a ceremony at noon to remember the events of September 11, 2001.

Supervisor Gross asked everyone to keep in thoughts the family of the Honorable Marion G. Galland who died recently. As a member of the Virginia House of Delegates in the 1960s, she introduced bills on gun control, school desegregation, and the elimination of the poll tax.

Supervisor Gross asked everyone to keep in thoughts the family of Ms. Nancy Brown who died recently. She was a former chairman of the Fairfax County Park Authority and an election official.

Supervisor McConnell asked everyone to keep Nancy Vehrs, Clerk to the Board, and her family in thoughts. She said that Ms. Vehrs' mother, Ellen E. Vehrs, died recently.

Supervisor Hudgins announced that Mr. Terry Smith died on September 9 and asked everyone to keep his family in thoughts.

(NOTE: Later in the meeting, the Board was scheduled to recognize Mr. Smith. See Clerk's Summary Item #2.)

Supervisor Frey asked everyone to keep in thoughts the family of Mr. Andy Lawless, a long time community activist in the Sully area.

Supervisor Frey also announced the death of the Fire and Rescue Department Canine Unit dog Bert who passed away recently at the age of 12. He was involved in more than 500 investigations over the years and was a long time County "employee."

AGENDA ITEMS2. **RESOLUTION OF RECOGNITION PRESENTED TO MR. TERRY SMITH** (9:18 a.m.)

(BACs) (NOTE: Earlier in the meeting, the Board announced the death of Mr. Smith. See Clerk's Summary Item #1.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to Ms. Melanie McCarley on behalf of the late Mr. Terry Smith for his years of service to the Reston Community Center and the Hunters Woods Aquatic Center. Chairman Connolly seconded the motion, which carried by unanimous vote.

3. **CERTIFICATES OF RECOGNITION PRESENTED TO CERTAIN RESIDENTS AND BUSINESSES FOR MAKING PROPERTIES AVAILABLE TO COUNTY PUBLIC SAFETY WORKERS** (9:25 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificates of Recognition presented to residents and businesses that have made properties for training available to County public safety workers. Supervisor McConnell 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.

4. **PROCLAMATION DESIGNATING SEPTEMBER 2007 AS "EMERGENCY PREPAREDNESS MONTH" IN FAIRFAX COUNTY** (9:30 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 2007 as "*Emergency Preparedness Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Hyland being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JIM RIDDEL** (9:37 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Mr. Jim Riddel for his years of service in organizing and hosting luncheons for retired County law enforcement officers. This motion, the second to which was inaudible, carried by unanimous vote.

Chairman Connolly recognized the presence of Delegate David Bulova, who read a letter from Governor Timothy M. Kaine commending Mr. Riddel.

Mr. Riddel introduced the following public officials in attendance:

- State Senator R. Creigh Deeds
- Former Delegate Chapman Peterson
- Ray Morrogh, Deputy Commonwealth's Attorney
- Former Chief of Police Michael Young
- Former Chief of Police Carroll Buracker

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE GREAT FALLS HABITAT TEAM (DRANESVILLE DISTRICT)** (9:57 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the Great Falls Habitat Team for its commitment to preserve, enhance, and restore wildlife habitat. Supervisor Smyth seconded the motion, which carried by unanimous vote.

7. **PROCLAMATION DESIGNATING SEPTEMBER 15 – OCTOBER 15, 2007, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 15 – October 15, 2007, as "*Hispanic Heritage Month*" in Fairfax County. Supervisor McConnell and Supervisor Gross jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **PROCLAMATION DESIGNATING SEPTEMBER 2007 AS "FOOD SAFETY EDUCATION MONTH" IN FAIRFAX COUNTY** (10:19 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate September 2007 as "*Food Safety Education Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

9. **RESOLUTION OF RECOGNITION PRESENTED TO THE BURKE CENTRE CONSERVANCY** (10:24 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to the Burke Centre Conservancy for its thirtieth anniversary. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Kauffman being out of the room.

NV:nv

10. **10 A.M. – PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2007 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2008 REVISED BUDGET PLAN** (10:31 a.m.)

(FPR) (O)
(SAR)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Susan W. Datta, Director, Department of Management and Budget, presented a brief staff report regarding the budget.

Chairman Connolly noted for the record that the proposal designates the largest portion of the available funds for use in FY 2009 when falling revenues are projected.

The public hearing was held and included testimony by three speakers.

Discussion ensued regarding child care funding, appraiser positions, the code enforcement effort, and the Comprehensive Services Act, with input from Ms. Datta and Anthony H. Griffin, County Executive.

With reference to the weekly Strike Team Reports for the code enforcement effort, Supervisor Gross asked unanimous consent that the Board direct staff to provide more information regarding what is being discovered and any trends. Without objection, it was so ordered.

Discussion continued regarding strike team issues.

Supervisor Bulova moved approval of the Carryover package including Supplemental Appropriation Resolution AS 08014 and Amendment to the Fiscal Planning Resolution AS 08900, including administrative adjustments, the establishment of a Reserve for FY 2009 Requirements, and funding of \$100,000 for the County's support of a Pentagon Memorial in honor of the victims of September 11, 2001, as requested in the Carryover consideration item and adjustments to the Managed Reserve to maintain the reserve at two percent of total disbursements. As a result of these actions, a reserve of \$22.5 million has been identified to address FY 2009 budget requirements. Supervisor Gross seconded the motion.

Following a query to Ms. Datta regarding the fact that this represents approximately 70 percent of the available reserve, the question was called on the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

DMS:dms

11. **ADMINISTRATIVE ITEMS** (10:54 a.m.)

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

Supervisor Smyth called the Board's attention to Admin-12 – Board of Supervisors' Meeting Schedule for Calendar Year 2008 and asked to amend the motion to include December 26, 2008, as a holiday, and this was accepted.

The question was called on the motion to approve the Administrative Items, as amended, 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."

(NOTE: Later in the meeting, the Board discussed the County holiday schedule for the calendar year 2008. See Clerk's Summary Item #20.)

ADMIN-1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE MEADOWS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 5 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Meadows CPD, in accordance with current CPD restrictions.

ADMIN-2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE GREEN TRAILS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 3 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Green Trails CPD, in accordance with current CPD restrictions.

ADMIN-3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF SCOTTS RUN ROAD (ROUTE 1196) (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 3 p.m.** to consider the vacation and abandonment of a segment of Scott's Run Road (Route 1196).

ADMIN-4 – STREETS INTO THE SECONDARY SYSTEM (LEE, MASON, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

Approved the request that the following streets be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Highland Estates	Lee	Maryview Street (Route 2494)

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Paul Hall Estate, Lot 3C	Mason	Timber Forest Drive (Route 10620)
Colchester Land Company, LLC	Mount Vernon	Furnace Road (Route 611) (Additional Right-of-Way only)
Milway Meadows Estates	Mount Vernon	Milway Drive (Route 4230)
The Woodlands	Mount Vernon	Woodlawn Trail
Meadow Brook Cove	Springfield	Mount Vernon Highway (Route 235) (Additional Right-of-Way only)
Tregaron	Springfield	Devin Green Lane Dunhill Drive Westbrook Drive (Route 1258) (Additional Right-of-Way only)
Oak Hill Reserve, Section 1	Sully	Sunny Fields Lane Rose Grove Drive
Oak Hill Reserve, Section 1 (continued)	Sully	Rose Grove Terrace Ox Meadow Drive (Route 8962) Oxon Road (Route 764) (Additional Right-of-Way only)

**ADMIN-5 – APPROVAL OF PROPOSED STREET NAME CHANGE
FROM CHAPPIE COLE MEMORIAL HIGHWAY (ROUTE F744) TO
BEACON FIELD AIRPORT HIGHWAY (LEE DISTRICT)**

Approved the street name change from Chappie Cole Memorial Highway (Route F744) to Beacon Field Airport Highway effective 30 days following approval, in accordance with Section 102-1-9 of the Code of the County of Fairfax.

ADMIN-6 – APPROVAL OF PROPOSED STREET NAME CHANGE FROM LAGARDE LANE TO HOLLIE BOWLING LANE (BRADDOCK DISTRICT)

Approved the street name change from Lagarde Lane to Hollie Bowling Lane effective 30 days following approval, in accordance with Section 10-1-9 of the Code of the County of Fairfax.

ADMIN-7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR SALE OF A TOTAL OF THREE MILLION GALLONS PER DAY (MGD) OF FAIRFAX COUNTY’S UNUSED CAPACITY AT THE UPPER OCCOQUAN SEWAGE AUTHORITY’S (UOSA) TREATMENT PLANT TO PRINCE WILLIAM COUNTY AND THE CITY OF MANASSAS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 5:30 p.m.** regarding the sale of a total of three MGD of the County’s unused capacity at the UOSA treatment plant. Two MGD of the capacity will be sold to Prince William County and one MGD will be sold to the City of Manassas to meet their growing needs for additional treatment plant capacity.

ADMIN-8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) RESTATED AND AMENDED SERVICE AGREEMENT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 15, 2007, at 5:30 p.m.** to amend the UOSA Restated and Amended Service Agreement to establish funding formulas for construction of nutrient reduction facilities, expansion of the UOSA Flat Branch delivery system from 54 million gallons per day, and hydraulic improvements at the plant.

ADMIN-9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 08040 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR THE RIDESOURCES MARKETING AND RIDESHARING PROGRAM

- (SAR)
- Approved SAR AS 08040 in the amount of \$700,000 which includes \$560,000 in State funds from VDRPT and \$140,000 in local cash match for the Fiscal Year 2008 RIDESOURCES Marketing and Ridesharing Program.
 - Authorized the Director of DOT to sign the necessary grant documents to execute this agreement.

ADMIN-10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 08045 FOR THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) FISCAL YEAR (FY) 2006 HOMELAND SECURITY GRANT PROGRAM THROUGH THE OFFICE OF COMMONWEALTH PREPAREDNESS, OFFICE OF INTEROPERABILITY

(SAR) Approved SAR AS 08045 for FRD to accept the DHS FY 2006 Homeland Security Grant Program award in the amount of \$1.9 million for the establishment of a Type II radio cache. No local cash match is required.

ADMIN-11 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Authorized the FCPD to apply for and accept funding, if received, from the OJP Edward Byrne Memorial Justice Assistance Grant. Funding in the amount of \$102,695 will be used for the technology upgrade of the Crime Analysis Program through the purchase of five SmartBoard 680i projector/white board units, four desktop computers, three Tandberg videoconferencing systems, and software designed to assist with suspect search and identification for improved case resolution. Additionally, grant funding will be used towards television and print media readvertisement in minority markets to continue to improve department diversity in sworn personnel and become more representative of the community served.

ADMIN-12 – BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2008

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See Clerk's Summary Item #11.)

Adopted the meeting schedule for January through December 2008.

ADMIN-13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2004-MA-022, AMERADA HESS CORPORATION (MASON DISTRICT)

(AT) Approved the request for 24 months of additional time to commence construction for Special Exception Application SE 2004-MA-022 to June 6, 2009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

12. **A-1 – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BOARD OF SUPERVISORS AND THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION, INCORPORATED (SFDC)** (10:55 a.m.)

On motion of Supervisor Hyland, seconded by Supervisor Kauffman, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a MOU with the SFDC and authorized the Chairman to sign the MOU on behalf of the Board.

13. **A-2 – AMENDED PARKING REDUCTION FOR PLAZA 500 (MASON DISTRICT)** (10:55 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved an amended parking reduction of 27.3 percent for the Plaza 500 Complex at 6295 Edsall Road, pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance, and based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated September 10, 2007.

14. **A-3 – APPROVE RESOLUTION TO AUTHORIZE EXECUTION OF VIRGINIA RAILWAY EXPRESS (VRE) AMENDED MASTER AGREEMENT FOR SUBSIDY ALLOCATION FORMULA AND GOVERNANCE CHANGES** (10:56 a.m.)

- (R) On motion of Supervisor Bulova, seconded by Supervisor McConnell, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and adopted the Resolution to execute the amended VRE Master Agreement.

15. **A-4 – AUTHORIZATION TO PUBLISH DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSES (BPOL) DELINQUENCY LISTS FOR TAX YEAR 2006 (FISCAL YEAR 2007)** (10:57 a.m.)

Supervisor Bulova moved that the Board concur in the recommendation of staff and authorize staff to publish delinquent real estate, personal property, and BPOL lists for Tax Year 2006 and return the lists to the Department of Tax Administration to continue collection of taxes as provided by law. The lists will be available for public reference in the County libraries.

The motion was seconded by Supervisor Kauffman, and **CARRIED** by a recorded vote of nine, Chairman Connolly voting “NAY.”

16. **A-5 – FAIRFAX COUNTY GOVERNMENT LIVING WAGE POLICY**
(10:58 a.m.)

(P) On motion of Supervisor Hudgins, seconded by Supervisor Gross, and carried by unanimous vote, the Board concurred in the recommendation of staff and implemented the living wage Policy with an effective date of September 15, 2007, for all merit, regular, and retirement eligible Fairfax County Government employees.

17. **I-1 – CONTRACT AWARD TO KCI TECHNOLOGIES, INCORPORATED - DEVELOPMENT OF ACCOTINK CREEK WATERSHED MANAGEMENT PLAN (BRADDOCK, HUNTER MILL, LEE, MASON, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)** (10:59 a.m.)

The Board next considered an item contained in the Board Agenda dated September 10, 2007, requesting authorization for staff to award a contract to KCI Technologies, Incorporated, in the amount of \$1,960,000 for architectural/engineering design services for the Accotink Creek Watershed Management Plan, in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

The staff was directed administratively to proceed as proposed.

18. **I-2 – CONTRACT AWARD – CLASSIFICATION AND COMPENSATION PLANS REVIEW** (10:59 a.m.)

The Board next considered an item contained in the Board Agenda dated September 10, 2007, requesting authorization for staff to award a contract to Segal Company in the amount of \$439,466 for consultant services for compensation and classification services.

The staff was directed administratively to proceed as proposed.

19. **I-3 – CONTRACT AGREEMENT WITH DOMINION VIRGINIA POWER FOR ELECTRIC SERVICE EFFECTIVE JULY 1, 2007, THROUGH DECEMBER 31, 2010** (10:59 a.m.)

The Board next considered an item contained in the Board Agenda dated September 10, 2007, regarding the contract agreement with Dominion Virginia Power for electric service effective July 1, 2007, through December 31, 2010.

The staff was directed administratively to proceed as proposed.

20. **I-4 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2008**
(10:59 a.m.)

(NOTE: Earlier in the meeting, this item was discussed. See Clerk's Summary Item #11.)

The Board next considered an item contained in the Board Agenda dated September 10, 2007, regarding adoption of the holiday schedule for calendar year 2008.

Supervisor Gross asked unanimous consent to include December 24, 2007, as a full-day holiday instead of a half-day holiday. Following discussion, without objection, it was so ordered.

The staff was directed administratively to proceed as proposed.

21. **I-5 – PROJECT AGREEMENT BETWEEN THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS), THE NORTHERN VIRGINIA SOIL AND WATER CONSERVATION DISTRICT (NVSWCD), AND FAIRFAX COUNTY FOR THE REHABILITATION OF POHICK CREEK DAM SITE NUMBER 4, ROYAL LAKE (BRADDOCK DISTRICT)** (11:03 a.m.)

The Board next considered an item contained in the Board Agenda dated September 10, 2007, requesting authorization for the County Executive, on behalf of the County, to sign the Project Agreement and other supporting documents with the NRCS and the NVSWCD for the rehabilitation of Pohick Dam Site Number 4.

The staff was directed administratively to proceed as proposed.

NV:nv

ADDITIONAL BOARD MATTERS

22. **MENTAL ILLNESS AWARENESS WEEK** (11:04 a.m.)

(BACs) Chairman Connolly noted that each year the first week of October is designated as "Mental Illness Awareness Week" in an effort to educate the public and raise awareness of the importance of good mental health. Therefore, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim October 1-7, 2007, as "*Mental Illness Awareness Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Josiah H. Beeman Commission and the Fairfax-Falls Church Community Services Board to be presented with the proclamation at the September 24 Board meeting. Without objection, it was so ordered.

There was an inquiry to Merni Fitzgerald, Director, Office of Public Affairs, who indicated that there are ten presentations scheduled for September 24.

(NOTE: Later in the meeting, the Board addressed the schedule for September 24. See Clerk's Summary Item #29.)

23. **RESTORATION OF HEADWATERS AREAS** (11:04 a.m.)

Jointly with Supervisor Gross, Chairman Connolly said that designation of Resource Protection Areas (RPAs) in 1994 and 2003 has protected County streams from degradation that otherwise would have occurred as a result of riparian buffer disturbances. However, currently designated RPAs do not protect riparian buffers of intermittent streams or other headwaters areas. Since much of the water in perennial streams enters via intermittent streams during rain events, riparian buffers around intermittent streams would provide critical protection for County watersheds. He asserted that the fact that approximately 80 percent of County streams are impaired suggests that protection of perennial stream buffers alone provides inadequate protection for County watersheds.

With reference to additional details included in the written Board Matter, Chairman Connolly, jointly with Supervisor Gross, moved that the Board:

- Authorize consideration of a Policy Plan Amendment addressing stream and buffer area protection and restoration along headwaters areas of streams to include both options as contained in the draft dated March 29, 2007, that he distributed to the Board.
- Direct staff to examine strategies that would encourage reforestation of headwaters areas and complement the aforementioned Policy Plan amendment. Strategies to consider should include, but not be limited to, protection of existing riparian buffers of intermittent streams through expansion of designated RPAs, and automatic mechanisms to reforest intermittent stream buffers, such as requiring property owners to reforest those buffers when applying for building permits.
- Direct staff to provide this menu of strategies in a time frame that will allow the Board to vote on them no later than February of 2008.

Vice-Chairman Bulova seconded the motion.

Following discussion, Chairman Connolly clarified that the expectation is that there will be a recommendation for a specified buffer around intermittent streams.

Following further discussion regarding headwaters and their effect on the Chesapeake Bay and water quality, the question was called on the motion, which carried by unanimous vote.

24. **COOL COUNTIES CONCERT** (11:08 a.m.)

Chairman Connolly announced that on Saturday, October 6, from 12 noon – 3 p.m., the County will be hosting a Cool Counties Concert and Poetry Slam at Mason District Park. This event will include music by local bands, such as “Second Wind,” and readings of poetry written by Fairfax students. The Park Authority, Urban Forester, and Northern Virginia Soil and Water Conservation District will provide information for citizens who want to learn how to reduce greenhouse gas emissions. National and local environmental groups will provide information at the event about how to advocate for federal and State legislation that would reduce greenhouse gas emissions. This is a free, family friendly event designed to raise awareness about global warming, which is consistent with the “Education and Outreach” component of the Cool Counties template.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim Saturday, October 6 as “*Cool Counties Day*” in Fairfax County and direct the Office of Public Affairs to prepare a proclamation to be presented at the event as well as publicize the event through all appropriate media outlets.

Following a brief discussion, without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

25. **NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS** (11:09 a.m.)

Supervisor Hyland called to the Board’s attention the County’s inadequate ability to regulate infill development. Neighbors in the Wellington community have expressed their frustration about two projects where an increase in density and storm water run off threaten their homes. Since the County released the Infill and Residential Development Study in 2000, he reported that he has experienced an exponential leap in complaints. On January 22, 2001, the Board approved most of the report’s recommendations. However, some of the recommendations, including the recommendation to create neighborhood conservation overlay districts were placed as priority 2 items on the Zoning Ordinance Amendment Work Program. In a memorandum from the Department of Planning and Zoning, staff expressed concern that enabling legislation may be required to permit the establishment of neighborhood conservation overlay districts. He stated his belief that the Board needs an opinion from the County Attorney now so it knows whether to add this request to the Board’s legislative program.

Therefore, Supervisor Hyland moved that the Board direct the County Attorney to issue an opinion on whether the Board has enabling legislation from the General

Assembly to enact neighborhood conservation overlay districts in the Zoning Ordinance. Supervisor Smyth seconded the motion, which carried by unanimous vote.

26. **CREMATION AND COLUMBARIUM INURNMENT** (11:11 a.m.)

Supervisor Hyland noted that on August 9 *The Washington Post's* Fairfax Extra printed an article entitled "Finding a New Home for Indigent Dead." He said that in reaction to this article, a Mount Vernon resident wrote to Chairman Connolly and him expressing support to rest cremains in a columbarium. According to him, a columbarium requires less space than burials, and cremations could save tax dollars.

Supervisor Hyland said that a brief search of Virginia statutes on cremations, Section 54.1-2818.1 and Section 32.1-284 of the *Code of Virginia* state respectively, that "no dead body shall be cremated without (i) permission of the medical examiner...and either (ii) visual identification of the deceased by the next-of-kin or his representative...or (iii) a twenty-four-hour waiting period between the time of death and cremation...[and]...no dead body whose death occurred in Virginia shall be cremated...irrespective of the manner of death, unless a medical examiner shall determine that there is no further need for medicolegal inquiry into the death."

Supervisor Hyland reported that Department of Planning and Zoning staff believes a new County cemetery off Old Colchester Road could meet County needs for the next 30 years, should the local community and Board approve of the use. If the Board were to adopt a policy of cremation, when it meets the requirements of law and is sensitive to the religious views of the deceased next of kin, this land could support the needs in perpetuity.

Therefore, jointly with Chairman Connolly, Supervisor Hyland moved that the Board direct the County Executive and County Attorney to review the County's Policy and existing Virginia laws on burials and cremation, compare the costs for burials and cremations, and return with recommendations for Policy changes, if any. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

27. **HUNTINGTON AVENUE CORRIDOR STUDY (MOUNT VERNON DISTRICT)** (11:12 a.m.)

Supervisor Hyland reported that recently the Hunting Club Apartment community expressed its concern about the impact on Huntington Avenue from surrounding transportation improvements and recent commercial and residential redevelopment. The Woodrow Wilson Bridge project, Huntington Metro garage expansion, Huntington Mews Townhomes, Midtown Alexandria Condominiums, and the upcoming Huntington Metro project, which will commence construction after the garage expansion is complete, will have a cumulative impact on the

community's main artery. In 2002, Department of Transportation staff shared traffic rates during morning and evening rush hours along Huntington Avenue. He said that in July of this year, the Mount Vernon Council of Citizens' Association's (MVCCA) Transportation Committee passed a resolution (copies of which were distributed to the Board) requesting his assistance to obtain an updated Huntington Avenue corridor study.

Therefore, Supervisor Hyland moved that the Board direct the Department of Transportation to perform a corridor study on Huntington Avenue and to evaluate the cumulative traffic impacts from the above-listed developments and surrounding Huntington area properties as if they were developed according to Comprehensive Plan language and report its findings. Chairman Connolly seconded the motion, which carried by unanimous vote.

28. **WASHINGTON GAS** (11:14 a.m.)

Supervisor Hyland said that he recently received correspondence on the subject of Washington Gas's announcement of outsourcing and the impact on employees and the company's service delivery. Accordingly, he asked unanimous consent that the Board direct the Department of Cable Communication and Consumer Protection to determine the impact of this action, advise whether the Board should be commenting on the proposed outsourcing, and provide the date of the public hearing. Staff should report before the end of the meeting.

Following a brief discussion, without objection, it was so ordered.

29. **FAIRFAX WATER'S FIFTIETH ANNIVERSARY** (11:15 a.m.)

(BACs) (NOTE: Earlier in the meeting, the Board referenced the schedule of the September 24 Board meeting. See Clerk's Summary Item #22.)

Supervisor Gross noted that on September 26 the Fairfax County Water Authority will celebrate its fiftieth anniversary of service to the people of the County. The authority received its charter by the State Corporation Commission on September 26, 1957, and, since then, has provided the highest quality water at the lowest cost in the Washington Metropolitan Area, while also operating state-of-the-art treatment facilities on the Potomac and Occoquan Rivers.

In recognition of this auspicious anniversary, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a resolution for presentation to the Water Authority Board and staff at the September 24 Board meeting. She circulated a sample resolution.

Following discussion, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, regarding the schedule for the September 24 meeting, Chairman Connolly warned that the Board may need to convene the regular meeting at 8:30 a.m.

Without objection, the request was so ordered.

30. **WORK GROUP TO STUDY EMPLOYEE DEPLOYMENT ISSUES**
(11:17 a.m.)

Supervisor Gross said that it had been called to her attention as Chair of the Board's Personnel Committee that the County currently has 25 to 30 employees who have been called up for extended service in the US Armed Forces. Some of those employees are already deployed to Iraq and other danger spots on the globe.

Supervisor Gross stated that these deployments are causing severe hardships on the families of these valued employees. In some cases their standard of living decreases due to reduction of base pay and the loss of overtime opportunities. Leave balances may be lost, and health care benefits often are dependent on military health care which can create travel and day care issues as well as inconsistency with primary care since their family doctors are no longer available to them. She said that the County does provide a supplement to these employees, but more study on these deployment issues would be beneficial for these employees and those that follow to serve their country.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct the County Executive to constitute a work group that can gather data quickly and make recommendations for any changes that might be considered by the Board or the Department of Human Services (HR). The work group should include HR staff, representatives from the Employees Advisory Council, and at least one County employee who has been deployed overseas recently and has returned. Without objection, it was so ordered.

31. **CHANGE A LIGHT CAMPAIGN** (11:18 a.m.)

Supervisor Gross said that everyone on the Board received an email from José A. Comayagua Jr., Director, Facilities Management Department, regarding this year's Change a Light campaign. She noted that last year's campaign was very successful and received a national award. The deadline for employee pledges is September 13. She asked unanimous consent the Board direct staff to disseminate the information to employees. Without objection, it was so ordered.

32. **RAIN BARRELS** (11:19 a.m.)

Supervisor Gross noted that there is much interest in the community in rain barrels, but they are not widely available locally at a reasonable cost. There have been local workshops on rain barrels, but only participants could buy them at a cost of approximately \$35.

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to research this topic to find a purveyor of rain barrels at a reasonable cost.

Discussion ensued regarding organizations that conducted the workshops, such as the Soil and Water Conservation District and the Reston Association.

Without objection, the request was so ordered.

DET:det

33. **GRAND OPENING AT THE OAKTON COMMUNITY LIBRARY (PROVIDENCE DISTRICT)** (11:21 a.m.)

Jointly with Chairman Connolly, Supervisor Smyth announced the grand opening celebration of the Oakton Community Library on Saturday, September 29, 2007.

Supervisor Smyth invited the Board to attend the opening at 10 a.m. at 10304 Lynnhaven Place in Oakton. Further, she asked unanimous consent that the Board direct the Office of Public Affairs to:

- Publicize the event.
- Prepare a proclamation in honor of the event to be signed by the Chairman and herself.

Without objection, it was so ordered.

34. **RECOGNITION OF MR. AL SMUZYNSKI ON HIS RETIREMENT FROM THE WESLEY HOUSING DEVELOPMENT CORPORATION (WHDC) (HUNTER MILL DISTRICT)** (11:22 a.m.)

Supervisor Hudgins announced the retirement of Mr. Al Smuzynski from the WHDC after nearly 20 years of service.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Smuzynski to appear before the Board to be recognized for his outstanding service to the WHDC and the Northern Virginia community. Without objection, it was so ordered.

35. **RECOGNITION OF THE NORTHERN VIRGINIA AREA HEALTH EDUCATION CENTER (NVAHEC)** (11:23 a.m.)

Supervisor Hudgins stated that the NVAHEC is a private, not-for-profit agency founded in 1996 to improve access to health and human services for the most vulnerable members of the community; during its ten year history, the NVAHEC has been a partner with the County Health Department and many other Northern Virginia jurisdiction and community health organizations in addressing the healthcare needs of the non-English speaking community. She added that the organization provides healthcare interpreter services, written language translation services, a medical interpreter training program, and cultural competence training for healthcare providers among its health and human service programs. Supervisor Hudgins noted that she is a member of the NVAHEC's Board of Directors and was pleased to recognize the contributions it has made in the County and in the region.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the Board of Directors and staff of the NVAHEC to appear before the Board on October 15, 2007, to be commended for its service to the County and Northern Virginia. Without objection, it was so ordered.

36. **CARTERSVILLE BAPTIST CHURCH OUTSTANDING SEWER BILL (HUNTER MILL DISTRICT)** (11:24 a.m.)

Supervisor Hudgins stated that it had been brought to her attention that in June 2007, Cartersville Baptist Church learned of an outstanding sewer bill totaling \$6,138 which was associated with the initial connection to the County's sanitary sewer during the time Toll Brothers secured sewers for the Hunter Mill Estates subdivision. She noted that it also learned that if the bill was not paid prior to July 1, 2007, the cost would increase to \$6,506.

Supervisor Hudgins said that Cartersville is a small historic church with limited funds and is unable to pay this amount in a lump sum; the church has requested either a waiver of the fee or an installation plan established as a means of paying off this charge. Supervisor Hudgins added that it was her understanding that connection fees were paid in one lump sum and that payment arrangements were not generally accepted.

Supervisor Hudgins asked unanimous consent that the Board direct the Department of Public Works and Environmental Service (DWPES) to explore the waiving of the sewer fees or establishing an installment payment schedule to assist in resolving this matter.

Discussion ensued, with input from David P. Bobzien, County Attorney, concerning a constitutional prohibition against the waiver of the fee. Supervisor Hudgins amended her request and asked that the Board direct the County Executive and the County Attorney to convey to DPWES that the Board would be desirous of trying to be of assistance to Cartersville Baptist Church. Without objection, it was so ordered.

37. **RESTON COMMUNITY CENTER (RCC) SEVENTH ANNUAL MULTICULTURAL FESTIVAL (HUNTER MILL DISTRICT)** (11:26 a.m.)

Supervisor Hudgins stated that the Chairman had attended Reston Community Center's seventh annual Multicultural Festival at historic Lake Anne Plaza, spotlighting the global diversity of the cultures in greater Reston and Fairfax County. She added that this year's theme, "Discover the World in Reston," was truly epitomized in the many arts, crafts, performances, demonstrations, food, games, and festival attendees.

Supervisor Hudgins noted that the event could not have taken place without the many dedicated staff and volunteers working together so that the greater community could share in the wonderful cultural diversity present in Reston.

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite the planning committee and event sponsors to appear before the Board to be recognized for a wonderful and successful event. Without objection, it was so ordered.

38. **NORTHERN VIRGINIA NURSERY AND LANDSCAPE ASSOCIATION'S (NVNLA) FIFTIETH ANNIVERSARY** (11:27 a.m.)

Supervisor Bulova announced that this year marks the fiftieth anniversary of the NVNLA; the organization was first established in 1957 as the Northern Virginia Nurseryman's Association to represent the collective interests of the nursery and related horticultural industries. She noted that the mission of this organization has remained consistent: to serve the nursery and landscape professionals of Northern Virginia through education and professional development. Supervisor Bulova added that the association works on behalf of its members to promote the field of horticulture as well as the high standards of quality, integrity, and professionalism that have always been and remain the hallmarks of the association.

Supervisor Bulova asked unanimous consent that the Board direct staff to invite Clay Emery, President of the Association, to appear before the Board to receive a resolution of recognition at the Board's next meeting on September 24, 2007. Without objection, it was so ordered.

39. **RECOGNITION OF CHAIRMAN CONNOLLY AND SUPERVISOR FREY AS CENTREVILLE CITIZENS OF THE YEAR (SULLY DISTRICT)** (11:28 a.m.)

Supervisor Bulova congratulated Chairman Connolly and Supervisor Frey on their selection as Citizens of the Year for Centreville. She said that the honor would be bestowed at a parade and festival this Saturday in Centreville and that they were selected because of their work on historic preservation in the Centreville area.

(NOTE: Later in the meeting, the Board discussed Centreville Day. See Clerk's Summary Item #40.)

PMH:pmh

40. **CENTREVILLE DAY (SULLY DISTRICT)** (11:29 a.m.)

(NOTE: Earlier in the meeting, the Board recognized the Centreville Citizens of the year to be honored at Centreville Day. See Clerk's Summary Item #39.)

Supervisor Frey announced that Centreville Day is on Saturday, September 15. He noted that there is a new parade route designed to end in the Historic District.

There was a brief discussion regarding historic preservation.

41. **REQUEST FOR CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-DR-058 (DRANESVILLE DISTRICT)** (11:31 a.m.)

Supervisor DuBois noted that a public hearing has been scheduled to be held before the Planning Commission on Proffered Condition Amendment Application PCA 2003-DR-058 (for NVR d/b/a Ryan Homes), on October 10, 2007, and before the Board on October 15, 2007. This is a text-only amendment relating to architectural elevations for the project. The applicant has been working closely with the Kingston Chase community and has requested concurrent processing of its subdivision plan.

Therefore, Supervisor DuBois moved that the Board direct staff of the Department of Public Works and Environmental Services and the Department of Planning and Zoning to proceed with concurrent processing of the subdivision plan. This motion does not relieve the applicant from compliance with the provisions of any and all applicable ordinances, regulations, or adopted standards and does not constitute support by the Board for the application. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

42. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR McCONNELL** (11:32 a.m.)

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

43. **THE FUTURE OF FORT BELVOIR AND THE BASE REALIGNMENT AND CLOSURE (BRAC)** (11:32 a.m.)

Jointly with Chairman Connolly and Supervisor Hyland, Supervisor Kauffman called the Board's attention to the impacts of BRAC and construction associated with the BRAC construction. He said that the County has been advised that this draft Master Plan is likely to be available by the first of the year.

Supervisor Kauffman noted that the immediate concern is with projected construction of the new hospital, the complex for the National Geospatial Intelligence Agency (NGA), and the associated infrastructure and utilities that will support these uses. Over the years the Commonwealth and the County have put in place many exacting requirements and standards to protect the environment generally and water quality in particular during construction. The extent to which the federal government and their contractors will have to follow these State and local requirements on federal land is not known. He added that there is no provision for anyone to inspect the work to insure compliance.

Given the ecological sensitivity of the streams and surrounding environmental corridors that may be impacted, especially the at-risk Accotink Stream,

Supervisor Kauffman asked for Board support to request its Congressional delegation to ensure that Belvoir construction is done in keeping with State and local environmental controls and prescribed best practices as set out in the Public Facilities Manual and that review and inspection mechanisms are put in place to hold contractors to these standards.

Also, with the Army's decision to reduce the number of jobs to be located at the Engineering Proving Ground (EPG), the footprint of the NGA's facility could possibly be pulled back from environmental quality corridor (EQC) areas with corresponding reductions in the need for utility construction within the stream valley. Such a change would allow for the necessary amount of security setbacks while preserving the Accotink Creek EQC for resource protection and greenway purposes.

The County and federal partners recognize the critical need for additional recreational and open space in the greater Springfield Area. To help address this need, the 2003 Defense Authorization Act made a commitment to transfer 135 acres of real property located in the northwestern portion of the EPG to the County for park and recreation purposes. This action, with the leadership of then Senate Armed Services Committee Chairman John Warner, was actually a compromise action given that the entirety of the western half of the EPO was and remains planned by the County for active and passive recreation. With the BRAC development at EPG and the loss of recreational land as a part of the hospital development at Main Post, the need to set aside significant land at EPO for park purposes is all the more critical. Inexplicably, the Department of the Army has chosen to ignore the transfer commitment in its recently issued Record of Decision for BRAC moves and does not appear inclined to address the huge need for parkland that exists today and will be exacerbated by BRAC and the future Army actions.

To quantify the shortfall, based on Fairfax's 2004 Parks and Recreation Needs Assessment, there is a deficit of almost 600 acres of parkland, five rectangular athletic fields, two softball fields, 19 multi-use courts and one playground in the Springfield Planning District. The 135 acre commitment from the Department of Defense is vitally needed if the County is to begin to meet even the pro-BRAC recreational and open space needs for this growing part of the County.

Accordingly, Supervisor Kauffman asked for Board support to request the Congressional delegation to secure this promised transfer of vitally needed parkland to the County. It is urgently needed to serve the needs of current residents, projected residents and the recreational needs of future EPG employees. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

44. **INTENT TO DEFER PUBLIC HEARINGS (PROVIDENCE, SPRINGFIELD, AND SULLY DISTRICTS)** (11:36 a.m.)

Chairman Connolly announced the intent to defer the following public hearings:

- Special Exception Amendment Application SEA 2005-SU-007
- Proffered Condition Amendment Application PCA 88-D-005-06
- Special Exception Amendment Application SEA 84-P-105-03
- Adoption of the Ordinance declaring 2719 Chain Bridge Road blighted

Supervisor Frey announced the possible intent to defer the public hearing on the following applications:

- Proffered Condition Amendment Application
PCA 1998-SU-009-02
- Rezoning Application RZ 2007-SU-003
- Special Exception Application SE 2007-SU-002

(NOTE: Later in the meeting, some of these public hearings were deferred and one was withdrawn. See Clerk's Summary Items #50, #53, #60, and #65.)

45. **9-11 REMEMBRANCE CEREMONY** (11:37 a.m.)

(NOTE: Earlier in the meeting, Chairman Connolly announced that a ceremony would be held in remembrance of the events of September 11, 2001. See Clerk's Summary Item #1.)

Chairman Connolly called on Merni Fitzgerald, Director, Office of Public Affairs, who briefed the Board on the schedule for the 9-11 Remembrance Ceremony, which was scheduled to begin at noon in the back of the Government Center.

46. **RECESS/CLOSED SESSION** (11:38 a.m.)

Supervisor Gross moved that the Board recess and go into closed session, following the remembrance ceremony, 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. *Ronald Koch v. Lance Schaible, et al.*, Case No. CL-2006-0009352 (Fx. Co. Cir. Ct.)
 - 2. *Virginia Department of Labor and Industry v. Fairfax County Department of Public Works and Its Successors*, Inspection No. 309234789 (Springfield District)
 - 3. *Northern Virginia Transportation Authority v. Statutory Defendants, et. al.* Case No. 07-923 (Arlington Co. Cir. Ct.)
 - 4. *Dunn, McCormack & MacPherson v. Gerald Connolly*, CL-2006-0010960 (Fx. Co. Cir. Ct.)
 - 5. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. L07CV410 (U.S.D.C. Alex.)
 - 6. *John Kestler v. T.W. Tilden, Carol Wilhite, and Board of Supervisors of Fairfax County*, Case No. 1:07-cv-791 TSE/BRP (E.D. Va.)
 - 7. *Jean Ann Smith Cormier and Charles Paxton Smith for the Estate of David Stanley Smith v. County of Fairfax, Unknown Officials and Employees of County of Fairfax, City of Alexandria, Unknown Officials and Employees of the City of Alexandria, Verizon Communications, and Northrup Grumman*, Case No. CL-2007-0006981 (Fx. Co. Cir. Ct.)

8. *Matthew Francis Egan v. Fairfax County Police Department*, Case No. 1:07-cv-623 CMH/TRJ (E.D. Va.)
9. *Colleen Malone Lindvall v. Melissa McLaughlin, Scott McLaughlin, Linda Cahill, Timothy Cahill, Thomas Pilsch, Tracey Pilsch and Brian C. Calfee*, Court No. 1:07-cv-565 LO/BRP (E.D. Va.)
10. *David P. Muga v. Maria Isabel Salas Guevara and Soudy Chamanara*, Case No. CL-2007-0001899 (Fx. Co. Cir. Ct.)
11. *Darren T. Rooney v. Fallah M. Moiwah, Fairfax County, Veolia Transportation, Inc., Veolia Transportation Services, Inc., and Fairfax Connector*, Case No. CL07001581 (Alex. Cir. Ct.)
12. *Elias Serrano v. Jose C. Letona Crespin*, Case No. CL-2007-0010119 (Fx. Co. Cir. Ct.)
13. *Robert Lepelletier, Jr. v. Robert L. Mears, Director of the Department of Finance*, Case No. CL-2007-0006463 (Fx. Co. Cir. Ct.)
14. *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)
15. *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)
16. *Fairfax County Redevelopment and Housing Authority v. Xiomara A. Mejia, Bruce L. Milton, Kathleen J. Rivers, et al.*, Case No. CL-2007-0009325 (Fx. Co. Cir. Ct.) (Mount Vernon District)

17. *Mark Van De Meulebroecke v. Ray Pylant, Building Official, Fairfax County Board of Building Code Appeals* (Providence District)
18. *Michael C. Judge and Doris Y. Judge v. County Attorney David P. Bobzien, Fairfax County Board of Supervisors*, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)
19. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Josvel Acevedo*, Case No. CL-2007-0007242 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thanh N. Mercer and Alan Thai*, Case No. CL-2007-0006665 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Trustees of the Pentecostal Church of God "La Biblia," et al.*, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon)
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruben R. Nunez and Lucila N. Nunez*, Case No. CL-2007-0009119 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul F. Vayo and Genia Vayo*, Case No. CL-2007-0009676 (Fx. Co. Cir. Ct.) (Braddock District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong M. La*, Case No. CL-2007-0009450 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lynn Tjeerdsma and Mary Tjeerdsma*, Case No. CL-2007-0010110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miriam Bascope*, Case No. CL-2007-0010058 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ilka McCoy, Elsi E. McCoy, and Roy McCoy*, Case No. CL-2007-0009712 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Arcadian Limited Partnership*, Case No. CL-2007-0010111 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Maranon and Maria E. Perez*, Case No. CL-2007-0009989 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghulam M. Ahmadzai and Noorsama Ahmadzai*, Case No. CL-2007-0009988 (Fx. Co. Cir. Ct.) (Providence District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Jackson and Amy*

Jackson, Case No. CL-2007-0010591 (Fx. Co. Cir. Ct.) (Providence District)

36. *Board of Supervisors of Fairfax County, Virginia v. Professional Asset Management in Virginia, Inc.*, Case No. CL-2007-0006587 (Fx. Co. Cir. Ct.) (Dranesville District)
37. *Board of Supervisors v. EOP-Reston Town Center, L.L.C., et al.*, At Law No. CL-2006-0014888 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Virginia Citizens Defense League, Incorporated, v. County of Fairfax; CL-2007-9015
- Town of Herndon, Commonwealth of Virginia v. Stephen Andrew Thomas; MI-2007-644

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

DS:ds

At 3:42 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

47. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:42 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 Smyth 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."

48. **APPOINTMENT OF MR. KENNETH DISSELKOEN TO THE POSITION OF DIRECTOR, SYSTEMS MANAGEMENT FOR HUMAN SERVICES**
(3:42 p.m.)

Supervisor Gross moved the appointment of Mr. Kenneth Disselkoen to the position of Director, Department of Systems Management for Human Services, Grade E-11, at an annual salary of \$138,110 effective Monday, September 10, 2007. Supervisor Hyland seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

49. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-MV-025-04 (MARKETPLACE CAR WASH LLC) (MOUNT VERNON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-MV-005 (MARKETPLACE CAR WASH, LLC) (MOUNT VERNON DISTRICT)
(3:45 p.m.)

The application property is located on the west side of Lorton Market Street approximately 250 feet from its intersection with Lorton Road, Tax Map 107-4 ((23)) C.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contributions which he had received in excess of \$100 from:

- Mr. Guy Paolozzi
- Sack Harris and Martin, P.C.

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

Discussion ensued, with input from Pamela Nee, Branch Chief, Environment and Development Review Branch, Planning Division, DPZ, regarding whether the application is consistent with the comprehensive plan.

Mr. Martin 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 Hyland stated that he had items for the record.

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 seven, Supervisor DuBois, Supervisor Gross, and Supervisor Kauffman being out of the room.

Supervisor Hyland moved:

- Approval of Proffered Condition Amendment Application PCA 1999-MV-025-04, subject to the proffers dated August 29, 2007.
- Approval of Special Exception Application SE 2007-MV-005, subject to the development conditions dated July 19, 2007.

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

50. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2005-SU-007 (TRUSTEES OF KOREAN CENTRAL PRESBYTERIAN CHURCH) (SULLY DISTRICT) (3:57 p.m.)**

Supervisor Frey moved to defer the public hearing on Special Exception Amendment Application SEA 2005-SU-007 until **September 24, 2007, at 4 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Kauffman being out of the room.

51. **3 P.M. – PH ON REZONING APPLICATION RZ 2007-PR-002 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-P-105-03 (FLINT HILL SCHOOL) (PROVIDENCE DISTRICT) (3:57 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Chain Bridge Road and Jermantown Road at 3012 Chain Bridge Road, 3044 Jermantown Road, 10429 and 10431 Miller Road, Tax Map 47-2 ((1)) 36A, 37, 38, and 52A and portions of Academic Drive public right-of-way to be vacated and/or abandoned.

Mr. Francis A. McDermott reaffirmed the validity of the affidavit for the record.

John Thompson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. McDermott 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. Mr. McDermott acknowledged the parents, students, Chairman of the Board, and HeadMaster from Flint Hill School who were present in support of the application. On behalf of the Board, Chairman Connolly warmly welcomed them to the Board Auditorium.

Following Mr. McDermott's presentation, discussion ensued regarding whether police officers would continue to direct traffic at the campus.

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

Mr. Thompson presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-PR-002 (sic), from the R-1 District to the R-3 District, subject to the proffers dated August 14, 2007.
- Approval of Special Exception Amendment Application SEA 84-P-105-03, subject to the development conditions dated August 29, 2007.
- Waiver of the service drive requirement along Chain Bridge Road.
- Modification of the transitional screening requirement along the northern, western, and southern property lines to that shown on the Generalized Development Plat/Special Exception Amendment (GDP/SEA) Plat.
- Modification of the barrier requirement along the western property line to that shown on the GDP/SEA Plat.
- Modification of the fence height requirement to allow an increase in height, six foot maximum, for the proposed fence along the northern property line.
- That the Board direct the Director of the Department of Public Works and Environmental Services to modify the dedication and

frontage improvement requirements along Chain Bridge Road and Jermantown Road as depicted on the GDP/SEA Plat.

- Modification of the trail requirement along Miller Road, Jermantown Road, and Chain Bridge Road, in favor of the pedestrian facilities depicted on the GDP/SEA Plat.

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

52. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-LE-030 (PETROLEUM MARKETING GROUP, INCORPORATED) (LEE DISTRICT) (4:10 p.m.)**

The application property is located at 5500 Franconia Road, Tax Map 81-4 ((1)) 71c.

Ms. Jane Kelsey reaffirmed the validity of the affidavit for the record.

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

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

Supervisor Kauffman moved:

- Approval of Special Exception Application SE 2006-LE-030, subject to the development conditions dated June 29, 2007.
- Modification of the transitional screening and barrier requirements along the eastern boundary of the property.
- Waiver of the barrier requirement along the southern boundary of the property.

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

53. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-001-06 (WEST*GROUP PROPERTIES LLC) (PROVIDENCE DISTRICT)**

AND

- 3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-D-005-06 (WEST*GROUP PROPERTIES LLC) (PROVIDENCE DISTRICT)** (4:16 p.m.)

Supervisor Smyth moved to defer the public hearings on Proffered Condition Amendment Application PCA 92-P-001-06 and Proffered Condition Amendment Application PCA 88-D-005-06 until **September 24, 2007, at 3:30 p.m.** Supervisor Kauffman seconded the motion and it carried by unanimous vote.

54. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-SU-006 (VAHID K. AMIN) (SULLY DISTRICT)** (4:16 p.m.)

- (O) The application property is located on the north side of Lee Jackson Memorial Highway adjacent to its intersection with Pleasant Valley Road, Tax Map 33-2 ((1)) 3.

Mr. Saeid Rahnavard reaffirmed the validity of the affidavit for the record.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), introduced Shelby McKnight, a new staff coordinator. On behalf of the Board, Chairman Connolly warmly welcomed her to the Board Auditorium.

Mr. Rahnavard 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.

Following the public hearing, Ms. McKnight, Staff Coordinator, ZED, DPZ, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2007-SU-006, from the I-3, AN, HC, and WS Districts to the I-5, AN, HC, and WS Districts, subject to the proffers dated August 13, 2007.
- Waiver of the service drive requirement along Route 50, in favor of the applicant providing interparcel access to the adjoining property to the east [38-2 ((1)) 4].

Supervisor Hudgins seconded the motion.

Following discussion, with input from Ms. McKnight, regarding noise issues, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Kauffman and Supervisor Smyth being out of the room.

55. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2006-HM-019 (MB HERNDON, LLC) (HUNTER MILL DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 79-C-037-06 (MB HERNDON, LLC) (HUNTER MILL DISTRICT)
(4:24 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Dulles Technology Drive, Tax Map 16-3 ((1)) 31A1 and 4N1.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

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

Following the public hearing, Supervisor Hudgins submitted an item for the record.

Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA 79-C-037-06.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-HM-019, from the I-4 District to the C-3 District, subject to the proffers dated July 10, 2007.

Supervisor Bulova and Supervisor DuBois jointly 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."

56. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RESIDENTIAL TEMPORARY PORTABLE STORAGE CONTAINERS** (4:30 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Jack Reale, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

A lengthy discussion ensued, with input from Mr. Reale and Eileen McLane, Zoning Administrator, DPZ, regarding the proposed amendments.

ADDITIONAL BOARD MATTER

Welcome to Boy Scout Troop 1826 (5:16 p.m.)

Chairman Connolly recognized the presence of Boy Scout Troop 1826 from Centreville whose members are working on their Citizenship in the Community merit badges. On behalf of the Board, he warmly welcomed them to the Board Auditorium.

Following the public hearing, which included testimony by seven speakers, Supervisor Frey and Supervisor Hyland submitted items for the record.

Mr. Reale presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding residential temporary portable storage containers in accordance with the Planning Commission's recommendations as stated in the verbatim from its July 25, 2007, meeting with an effective date of 12:01 a.m. on September 11, 2007.
- Approval of the Planning Commission recommendation that implementation of this amendment be reviewed within 18 months of its effective date and that recommendations and/or changes be brought back to the Planning Commission and the Board.

- Approval of the Planning Commission recommendation to develop a brochure on this topic for distribution to businesses, the general public, and community associations and that the draft brochure be submitted to the Planning Commission for review prior to distribution.

Supervisor Smyth seconded the motion.

Discussion ensued, with input from Mr. Reale, regarding the maximum square footage of signage on the temporary portable storage containers, the number of feet the temporary portable storage containers could be placed from the curb, and the low tone color of the temporary portable storage containers.

Supervisor Hyland moved to revise paragraph S(2) of Section 12-103, to read: "The cumulative maximum square footage of signs on a lot shall be four square feet, and a single sign shall contain at least one square foot of sign area."

The motion died for lack of a second.

Following additional discussion regarding temporary portable storage containers, Supervisor Gross moved to amend the motion that temporary portable storage containers shall be permitted for a period not to exceed a total of **60** consecutive days, instead of 30, for single family detached dwellings.

The motion died for lack of a second.

Discussion ensued, with input from Mr. Reale, regarding the proposed amendment and the 18 month review period.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review ways to enhance efficiency so that more can be done in the time frame in which individuals are asked to comply. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

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

57. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REFERENCES** (5:56 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Andrew Hushour, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, presented the staff report.

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

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the FEMA references, as recommended by the Planning Commission, with an effective date of 12:01 a.m. on the date following adoption. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Gross and Supervisor Kauffman being out of the room.

58. **4 P.M. – PH FOR THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY AT THE LEWINSVILLE FACILITY AT 1609 GREAT FALLS STREET, McLEAN, VIRGINIA TO THE McNAIR CHILD DEVELOPMENT CENTER, INCORPORATED, D/B/A FUN AND FRIENDS CHILD DEVELOPMENT CENTER (DRANESVILLE DISTRICTS)** (5:58 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Marguerite Verville, Assistant Director, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor DuBois moved that the Board authorize staff to execute a lease agreement for the continued leasing of County-owned property at 1609 Great Falls Street, McLean, Virginia (Tax Map 030-3-01-parcel 42) to the McNair Child Development Center, Incorporated, d/b/a fun and Friends Child Development Center. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

59. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 7 (ELECTIONS) (HUNTER MILL, DRANESVILLE, PROVIDENCE, AND SPRINGFIELD DISTRICTS)**
(6:01 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Judy Flaig, staff, Office of Elections, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 7 (Elections), to become effective on January 16, 2008, to:

- Divide the Reston Number One 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 the Leehigh precinct.

Supervisor DuBois 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.

Discussion ensued, with input from Ms. Flaig, regarding accessibility issues at the South County High School voting precinct.

60. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2719 CHAIN BRIDGE ROAD (PROVIDENCE DISTRICT)** (6:06 p.m.)

Supervisor Smyth moved that the Board permanently withdraw the spot blight abatement item from this property as the blighting condition has been removed. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

61. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SEQUOIA FARMS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**
(6:08 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 August 23 and August 30, 2007.

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

Following the public hearing, Chairman Connolly and Supervisor Frey submitted items for the record.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Sequoia Farms CPD, in accordance with current CPD restrictions. 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.

62. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE NEWINGTON COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (6:10 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

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

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Ms. Turner, regarding the percentage of residents in the community that signed the petition.

Chairman Connolly submitted an item for the record.

Supervisor Hyland moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Newington CPD, in accordance with existing CPD restrictions. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor

McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Kauffman being out of the room.

63. **4:30 P.M. – PH REGARDING THE VACATION OF A STORM SEWER EASEMENT LOCATED ON PROPERTY OWNED BY THE FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)**
(6:17 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Marguerite Verville, Assistant Director, Real Estate Development and Planning, Facilities Management Department, presented the staff report.

Following the public hearing, Supervisor Hyland moved adoption of the Resolution vacating a storm sewer easement located on property owned by the Park Authority. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Kauffman being out of the room.

64. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2006-LE-026 (THE HOWARD GARDNER SCHOOL) (LEE DISTRICT)**
(6:19 p.m.)

The application property is located at 4913 Franconia Road, Tax Map 82-3 ((1)) 3.

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

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

Discussion ensued, with input from Mr. Williams, regarding the schematic and the usage and removal of temporary trailers.

Additional discussion ensued, with input from Ms. Keith, regarding Leadership in Energy and Environmental Design (LEED) certification.

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

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

On behalf of Supervisor Kauffman, Supervisor Smyth moved:

- Approval of Special Exception Application SE 2006-LE-026, subject to the development conditions dated August 13, 2007.
- Modification of the barrier requirement along the western and southern property lines to allow the existing chain link fence to remain, as shown on the SE Plat.

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

65. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2007-SU-003 (FAIR RIDGE, LLC) (SULLY DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SU-002 (FAIR RIDGE, LLC) (SULLY DISTRICT)

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-SU-009-02 (FAIR RIDGE, LLC) (SULLY DISTRICT) (6:26 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2007-SU-003, Special Exception Application SE 2007-SU-002, and Proffered Condition Amendment Application PCA 1998-SU-009-02 until **September 24, 2007, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Kauffman being out of the room.

66. **5 P.M. – PH ON PROPOSED PLAN AMENDMENT S07-III-UP1, BOUNDED BY RESTON PARKWAY AND COLTS NECK ROAD GENERALLY BETWEEN GLADE DRIVE AND SOUTH LAKES DRIVE (HUNTER MILL DISTRICT) (6:27 p.m.)**

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

Pamela Nee, Chief, Environmental and Development Review Branch, Planning Division (PD), Department of Planning and Zoning (DPZ) introduced Jennifer Bonnette, a new staff planner, who presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Hudgins submitted an item for the record.

Ms. Bonnette, Planner I, Environmental and Development Branch, PD, DPZ, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of proposed Plan Amendment S07-III-UP1. The proposed Plan amendment would provide an opportunity to locate elderly housing within walking distance of community services and public transportation. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Kauffman, and Supervisor McConnell being out of the room.

67. **5 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE WIEHLE AVENUE TRAIL PROJECT (HUNTER MILL DISTRICT)** (6:37 p.m.)

- (A) Supervisor Hudgins asked unanimous consent that the Board withdraw and authorize readvertisement of a public hearing on the acquisition of certain land rights necessary for the construction of Wiehle Avenue Trail Project for September 24, 2007. Without objection, it was so ordered.

68. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADOPT A NEW SECTION RELATING TO THE SEPARATE CLASSIFICATION AND TAXATION OF CERTAIN COMMERCIAL AND INDUSTRIAL PROPERTY IN FAIRFAX COUNTY FOR TRANSPORTATION PURPOSES** (6:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 23 and August 30, 2007.

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

Discussion ensued, with input from Mr. Greenlief, regarding the taxation for mixed use properties.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation, regarding the breakdown for funding which the County will receive.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), adopting a new section relating to the separate classification and taxation of certain commercial and industrial property in the County for transportation purposes. Supervisor DuBois and Supervisor Smyth jointly seconded the motion.

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

ADDITIONAL BOARD MATTERS

69. **2007 FALL BOND REFERENDUM CITIZEN COMMITTEE** (6:58 p.m.)

(APPT) **CONFIRMATION:**

Supervisor Hyland moved the confirmation of the following appointment:

- Ms. Fran Fisher as the Chamber of Commerce Representative.

Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

70. **RICHMOND HIGHWAY LANES CLOSURE** (6:58 p.m.)

Supervisor Hyland said that he was notified by the Virginia Department of Transportation (VDOT) that it decided unilaterally to close two lanes of Richmond Highway for five days from the hours of 9 a.m. to 3 p.m. to install a water line for the two new hotels across from the Belle Haven Lodge. He noted that VDOT did not involve the County's Department of Transportation in the road closure.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to talk to VDOT about the road closure and report with information. Without objection, it was so ordered.

71. **BOARD ADJOURNMENT** (7 p.m.)

The Board adjourned.

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