



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
October 15, 2007**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, October 15, 2007, at 9:27 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; Angela Schauweker, Management Analyst, Office of 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 MATTERS1. **MOMENT OF SILENCE** (9:27 a.m.)

Supervisor Bulova asked everyone to keep in thoughts the family of Spartan Restaurant owner Chris Sarantis who died on September 20, 2007, at the age of 52 from heart complications.

Supervisor DuBois asked everyone to keep in thoughts the family of Sterling Wheeler on the sudden death of his father. Mr. Wheeler is an employee in the Department of Planning and Zoning.

2. **PLANTING OF A CEREMONIAL TREE FOR THE 30-YEAR TREE CANOPY GOAL KICKOFF** (9:28 a.m.)

Chairman Connolly announced the planting of a ceremonial tree as part of the Cool Counties initiative to increase the tree canopy in the County to 45 percent. Michael P. Knapp, Urban Forester, Urban Forest Management, Land Development Services, Department of Public Works and Environmental Services, presented the southern magnolia tree which will be planted by the Government Center's stormwater management pond later in the day. There are currently an estimated 45 million trees in the County.

(NOTE: Later in the meeting, the Board adopted a tree conservation ordinance. See Clerk's Summary Item #68.)

AGENDA ITEMS3. **RESOLUTION OF RECOGNITION PRESENTED TO THE CITY OF FAIRFAX BAND GERMAN UNIT, ALTE KAMERADEN (OLD FRIENDS)** (9:33 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to the City of Fairfax Band German unit, *Alte Kameraden* (Old Friends), for its thirtieth anniversary. The motion was multiply seconded and it carried by unanimous vote.

4. **CERTIFICATES OF RECOGNITION PRESENTED TO THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068 AND STATION 40** (9:45 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, jointly with Supervisor McConnell, moved approval of the Certificates of Recognition presented to the International Association of Firefighters Local 2068 and Station 40 for their success in raising funds through the Fill the Boot Campaign to benefit the Muscular Dystrophy Association. Supervisor Gross seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING OCTOBER 2007 AS "PEDESTRIAN SAFETY MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Chairman Connolly moved approval of the Proclamation to designate October 2007 as "*Pedestrian Safety Month*" in Fairfax County. The motion was multiply seconded and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO STUDENTS AGAINST GLOBAL ABUSE FROM HERNDON HIGH SCHOOL**
(No Time)

This presentation was cancelled.

7. **PROCLAMATION DESIGNATING OCTOBER 2007 AS "DISABILITY EMPLOYMENT AWARENESS MONTH" IN FAIRFAX COUNTY**
(10:19 a.m.)

Supervisor Bulova moved approval of the Proclamation to designate October 2007 as "*Disability Employment Awareness Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

8. **PROCLAMATION DESIGNATING OCTOBER 2007 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:30 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate October 2007 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

Supervisor Frey asked unanimous consent that the Board direct staff to provide information regarding the 5K Canine Crawl being held on Saturday, October 20, at the Government Center to increase awareness to end cruelty in the home. Without objection, it was so ordered.

9. **PROCLAMATION DESIGNATING OCTOBER 2007 AS "LIBRARY FOUNDATION MONTH" IN FAIRFAX COUNTY** (10:42 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 2007 as "*Library Foundation Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **PROCLAMATION DESIGNATING OCTOBER 2007 AS "HEAD START AWARENESS MONTH" IN FAIRFAX COUNTY** (10:49 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2007 as "*Head Start Awareness Month*" in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Supervisor Hudgins recognized the presence of Ms. Ernestine Heastie, former Hunter Mill District Representative to the School Board, and warmly welcomed her to the Board Auditorium.

Chairman Connolly recognized the presence of Ms. Lillian Spero, an advocate for Head Start and other programs for young people in the County. He warmly welcomed her to the Board Auditorium.

11. **PROCLAMATION DESIGNATING OCTOBER 27, 2007, AS "VOLUNTEERFEST DAY 2007" IN FAIRFAX COUNTY** (10:59 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 27, 2007, as "*VolunteerFest Day 2007*" in Fairfax County. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **RESOLUTION OF RECOGNITION PRESENTED TO THE NORTHERN VIRGINIA AREA HEALTH EDUCATION CENTER** (11:09 a.m.)

Supervisor Hudgins moved approval of the Resolution of Recognition presented to the Northern Virginia Area Health Education Center for its service to the County and Northern Virginia. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

13. **PROCLAMATION DESIGNATING NOVEMBER 2007 AS "AMERICAN INDIAN HERITAGE MONTH" IN FAIRFAX COUNTY** (11:13 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 2007 as "*American Indian Heritage Month*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

14. **PRESENTATION OF THE BARBARA VARON AWARD** (11:32 a.m.)

(BACs) This annual award was established to recognize a Fairfax County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Electoral Board. The award's selection criteria states that nominees must reside in the County; demonstrate an appreciation for the diversity of the community's population; exhibit patriotism; show evidence of having a positive effect on the community; and be known for encouraging others to do the same.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval to present the Barbara Varon Volunteer Award to Ms. Nancy Portee for her contribution to the Department of Family Services' BeFriend-A-Child program. Supervisor McConnell seconded the motion and it carried by unanimous vote.

15. **11:36 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:36 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Mount Vernon District Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Chairman Connolly moved the reappointment of Mr. Darren Dickens as the At-Large #3 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Dave Sprague as the At-Large #5 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointment of Ms. Linda Rubinstein as the At-Large #6 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

The Board deferred the appointment of the At-Large Alternate Representative.

CONFIRMATION:

Chairman Connolly moved the confirmation of the following appointments:

- Mr. Jerry Carter as the Town of Herndon's Principal Representative
- Mr. Dennis "Butch" Baughan as the Town of Herndon's Alternative Representative

Supervisor DuBois seconded the motion, which carried by unanimous vote.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Alternate #3 and Alternate #4 Representatives.

CELEBRATE FAIRFAX INCORPORATED, BOARD OF DIRECTORS

Supervisor Kauffman moved the reappointment of Ms. Phyllis Ford as the At-Large #1 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor McConnell moved the reappointment of Mr. Scott Martin as the Springfield District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote

The Board deferred the appointments of the Hunter Mill, Lee, and Mason District Representatives.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointments of the Lee and Providence District Representatives.

CITIZENS CORPS COUNCIL, FAIRFAX COUNTY

The Board deferred the appointment of the Mason District Representative.

COMMISSION FOR WOMEN

Supervisor McConnell moved the appointment of Ms. Sook Kim as the At-Large Minority Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Ms. Keeshea Turner Roberts as the Providence District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Kathy Goggin as the Sully District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Gross moved the reappointment of Ms. Ligia Espinosa as the Mason District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Ms. Diana Shermeyer as the Mount Vernon District Representative. Supervisor Bulova seconded the motion which carried by unanimous vote.

The Board deferred the appointment of the Lee, Sully, and At-Large Chairman's Representatives.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointment of the Lee and Mount Vernon District Representatives.

COMMUNITY CRIMINAL JUSTICE BOARD

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

COMMUNITY REVITALIZATION AND REINVESTMENT ADVISORY GROUP

The Board deferred the appointment of the Sully District Representative.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment:

- Mr. William Lecos as the Fairfax County Chamber of Commerce Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote

CONSUMER PROTECTION COMMISSION

The Board deferred the appointment of the Fairfax County Resident #2 Representative.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Smyth moved the appointment of Ms. Marianne E. Floyd as the Providence District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the At-Large #2 Representative.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointment of the Sully District Representative.

HUMAN RIGHTS COMMISSION

Supervisor Hyland moved the appointment of Mr. Darin Simmons as the At-Large #10 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #4, #6, and #7 Representatives.

INDUSTRIAL DEVELOPMENT AUTHORITY

Chairman Connolly moved the reappointment of Mr. Joseph Heastie as the At-Large #6 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the At-Large #2 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Hunter Mill District Representative.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Chairman Connolly moved the reappointment of Ms. Jean Packard as the Fairfax County Representative #1. The motion was multiply seconded and carried by unanimous vote.

PARK AUTHORITY

Supervisor McConnell moved the appointment of Mr. Harold Pyon as the Springfield District Representative effective January 1, 2008. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative.

SMALL BUSINESS COMMISSION

Chairman Connolly moved the appointment of Ms. Silvia Patton as the At-Large #2 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #3 Chairman's, Providence, and Springfield District Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Tenant Member #1 and Citizen Member #3 Representatives.

TREE COMMISSION

Supervisor McConnell moved the reappointment of Ms. Sandy Logan as the Springfield District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Mason District Representative.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD**CONFIRMATIONS:**

Chairman Connolly moved the confirmation of the following appointments as listed on pages 14 and 15 of the attachment to the Board Agenda Item:

- Mr. E.J. Thomas as the Chairman and Vienna Youth Incorporated Representative
- Mr. Tom Moore as the Immediate Past Chairman Representative
- Mr. Adam Wilk as the Commissioner and David R. Pinn Recreation Center Alternate Representative

- Mr. Rob Barnard as the Member At-Large and the Springfield Youth Club Representative
- Mr. Fred McCarrick as the Treasurer and the Turnpike Basketball Club Representative
- Mr. Ray Cicale as the Boys Deputy Commissioner and the Lee District Basketball Representative
- Ms. Beth Eckert as the Girls Deputy Commissioner and the Great Falls Athletic Association Representative
- Ms. Aggie McCormick as the Parliamentarian
- Ms. Donna Troup as the Scheduler and League Administrator
- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Dr. Frank DeLatour as the Annandale Boys and Girls Club Representative
- Mr. Eric Legg as the Annandale Boys and Girls Club Alternate Representative
- Mr. David Green as the Arlington County Recreation Representative
- Mr. John Blevins as the Arlington County Recreation Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative
- Mr. Darryl Lucas as the Baileys Community Center Alternate Representative
- Mr. Jim Watson as the Braddock Road Youth Club Representative
- Mr. James Bosley as the Braddock Road Youth Club Alternate Representative
- Mr. Gordon Austin as the Burke Basketball Club Representative
- Mr. Dave Baciocco as the Burke Basketball Club Alternate Representative
- Ms. Lynne Nolan as the Chantilly Youth Association Representative

- Mr. Rick Shryock as the Chantilly Youth Association Alternate Representative
- Mr. Ned Barnes as the David R. Pinn Recreation Center Representative
- Mr. Kirk Intermill as the Fairfax Police Youth Club Representative
- Mr. Russ McClure as the Fairfax Police Youth Club Alternate Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Mr. Danny Schlitt as the Falls Church Parks and Recreation Alternate Representative
- Mr. Richard L. Herman as the Fort Belvoir Youth Services Representative
- Mr. Alton Greene as the Fort Belvoir Youth Services Alternate Representative
- Ms. Catherine Gorhan as the Fort Hunt Athletic Association Alternate Representative
- Mr. Dave Skaff as the Gainesville District Basketball Association Representative
- Mr. Stuart Dukeman as the Gainesville District Basketball Association Alternate Representative
- Mr. Jim Gallagher as the Great Falls Athletic Association Representative
- Mr. Dan Moon as the Gum Springs Community Center Representative
- Mr. Tom Benton as the Herndon Optimist Club Representative
- Mr. Charles Morris as the Herndon Optimist Club Alternate Representative
- Mr. Jimmy Bernadez as the James Lee Community Center Representative
- Mr. Tim Shouman as the Lee District Basketball Alternate Representative
- Mr. Art Murphy as the McLean Youth Incorporated Representative

- Mr. Gerry Megas as the McLean Youth Incorporated Alternate Representative
- Ms. Dianne Johnson as the Secretary and as the Mount Vernon Youth Association Representative
- Mr. Brian Judd as the Mount Vernon Youth Association Alternate Representative
- Mr. Irvin Greene as the Reston Youth Basketball League Association Representative
- Mr. Ronald Wiley as the Reston Youth Basketball League Association Alternate Representative
- Mr. Dave Vennergrund as the Southwestern Youth Association Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Chris Spera as the Springfield Youth Club Alternate Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Mr. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

Supervisor Gross seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES

2007 FALL BOND REFERENDUM CITIZEN COMMITTEE

The Board deferred the appointment of the Lee District Representative.

FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES

The Board deferred the appointments of the At-Large Chairman's #2, Hunter Mill District #2, Lee District #1 and #2, Mason District #2, Providence District #1, and Sully District #1 and #2 Representatives.

(NOTE: Later in the meeting, the Board confirmed appointments to the Reston Community Center Board. See Clerk's Summary Item #66.)

DS:ds

16. **ADMINISTRATIVE ITEMS** (11:45 a.m.)

Supervisor Gross moved approval of the Administrative Items. 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."

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE CREATION/ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE AND MASON DISTRICTS)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2007, at 3:30 p.m.** to consider the following changes to small and local sanitary districts for refuse, recycling, and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts. The actions listed below will result in a net increase of 22 refuse/recycling customers and 1 leaf customer:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A12 Within Small District 1 Within Dranesville District (1450 Kirby Road)	Enlarge 1 Unit	Refuse and Recycling	Approve
Small District 14 Within Dranesville District (Natahoa Court)	Create 20 Units	Refuse and Recycling	Approve
Small District 4 Within Mason District (6471 Overlook Drive)	Enlarge 1 Unit	Refuse/ Recycling and Leaf	Approve

ADMIN 2 – STREETS INTO THE SECONDARY SYSTEM (LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY DISTRICTS)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hooes Road Property	Lee	Clarkson Drive Hooes Road (Route 636) (Additional ROW Only)
Hybla Valley Farms	Mount Vernon	Woodlawn Trail (Route 10368)
Ridge Top Road, Phase II	Springfield	Ridge Top Road (Route 7224) Government Center Parkway (Route 7436)
H. Frank and Emman Entwisle	Sully	Lee Highway (Route 29) (Additional ROW Only)
St. Veronica's Catholic Church	Sully	Centreville Road (Route 657) (Additional ROW Only)
The Woods at Bull Run	Sully	Cedar Spring Road (Route 5405)

ADMIN 3 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 08051 FOR THE HEALTH DEPARTMENT TO ACCEPT GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE THROUGH THE VIRGINIA DEPARTMENT OF HEALTH FOR THE WOMEN, INFANTS, AND CHILDREN (WIC) GRANT

- (SAR) Approved SAR AS 08051 for the Health Department to accept funding from the US Department of Agriculture through the Virginia Department of Health in the amount of \$1,487,990 for the WIC Grant. No local cash match is required.

ADMIN 4 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITIES 2232 REVIEW APPLICATIONS (BRADDOCK, DRANESVILLE, HUNTER MILL, MASON, PROVIDENCE, AND SPRINGFIELD 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-S07-47	Verizon Wireless Antenna colocation on existing transmission pole Intersection of Fairfax County Parkway and Lee Chapel Road Springfield District	December 24, 2007
FSA-H00-97-1	Sprint/Nextel Communication Replace existing antennas, add antennas and equipment cabinet 13865 Sunrise Valley Drive Hunter Mill District	December 27, 2007
2232-S07-3	T-Mobile Northeast LLC 100-foot monopole (flagpole) 7320 Sydenstricker Road Springfield District	December 30, 2007
2232A-D05-14-1	Nextel Communications of the Mid-Atlantic, Incorporated Distributed Antenna System Beach Mill Road, River Bend Road, Seneca Road, Springvale Road, and Utterback Store Road Dranesville District	January 13, 2008
FS-B07-50	Verizon Wireless Antenna colocation on existing monopole 5035 Sideburn Drive (Robinson Secondary School) Braddock District	January 17, 2008

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
FS-S07-51	Verizon Wireless Antenna colocation on extension to existing transmission pole 1300 Block of Westbrook Drive Springfield District	January 17, 2008
2232-P06-12	Washington Metropolitan Area Transit Authority Parking structure 2900 Nutley Street Providence District	April 30, 2008
FS-M07-26	Fairfax County Department of Public Works and Environmental Services Renovation and expansion of Thomas Jefferson Library 7415 Arlington Boulevard Mason District	April 30, 2008

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE HUNTER MILL ROAD WALKWAY PROJECT (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2007, at 3:30 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project 4YP020 – Hunter Mill Walkway, in Fund 304, Transportation Improvements.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE KENMORE SUBDIVISION SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2007, at 3:30 p.m.** regarding the acquisition of certain land rights necessary for the construction of Project X00826 (E103) – Kenmore Subdivision Sanitary Sewer Extension and Improvement, Fund 402, Sewer Construction Improvements.

ADMIN 7 – PROPOSED STREET NAME CHANGE FROM LAURA SUE COURT TO FOX SPRING COURT (PROVIDENCE DISTRICT)

Approved the street name change from Laura Sue Court to Fox Spring Court effective 30 days following Board approval, in accordance with Section 102-1-9 of the Code of the County of Fairfax.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE OLD CENTREVILLE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 19, 2007, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Old Centreville CPD, in accordance with current CPD restrictions.

ADMIN 9 – APPROVAL OF “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (SPRINGFIELD DISTRICT)

- (Rs)
- Adopted the Resolution authorizing the installation of “Watch for Children” signs on the following streets:
 - Cross Chase Court (Springfield District)
 - Weatherly Way (Springfield District)
 - Oak Chase Circle (Springfield District)
 - Crosspointe Drive (Springfield District)
 - Waterline Drive (Springfield District)
 - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO IMPLEMENT CUT-THROUGH MEASURES ON MORNINGSIDE LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 3, 2007, at 3:30 p.m.** regarding a proposal to implement cut-through measures on Morningside Lane as part of R-TAP. The proposed cut-through plan includes the installation of one traffic calming device.

17. **A-1 – APPROVAL OF CONTRACT WITH SPRINT NEXTEL: REGIONAL 800 MHZ REBANDING - PLANNING FUNDING (PHASE I) AGREEMENT** (11:45 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Smyth, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the Regional Planning Funding (Phase I) Agreement with Sprint Nextel.
- Authorized the County Executive to execute the agreement.

18. **A-2 – AUTHORIZE THE COUNTY EXECUTIVE TO SIGN THE MEMORANDUM OF AGREEMENT (MOA) RELATIVE TO IMPROVEMENTS TO ROUTE 657, CENTREVILLE ROAD (HUNTER MILL DISTRICT)** (11:45 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor DuBois, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to sign the MOA among the Board, the Park Authority, the Virginia Department of Historic Resources, and the Virginia Department of Transportation relative to improvements to Route 657, Centreville Road, which are found to adversely affect the National Register-eligible Floris Historic District.

19. **A-3 – APPROVAL OF LICENSE AGREEMENT BETWEEN APPLE FEDERAL CREDIT UNION AND THE BOARD OF SUPERVISORS TO PROVIDE COMMUTER PARKING SPACES (LEE DISTRICT)** (11:46 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the license agreement between Apple Federal Credit Union and the Board to provide commuter parking spaces to encourage and support the use of carpools, vanpools, and public transportation.
- Authorized the Director of the Department of Transportation to execute the license agreement.

20. **A-4 – APPROVAL FOR THE ESTABLISHMENT AND ASSEMBLY OF THE FAIRFAX COUNTY DOMESTIC VIOLENCE FATALITY REVIEW TEAM** (11:46 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the establishment of a Fairfax County Domestic Violence Fatality Review Team to:

- Identify the circumstances leading up to intimate partner and family violence homicides and homicide-suicide and determine indicators that prompt early identification, intervention, education, and prevention efforts in similar cases.
- Improve communication in all systems that serve persons involved in domestic violence in an effort to diminish the likelihood of future intimate partner and family violence homicides.

21. **A-5 – APPEAL OF THE DECISION BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES APPLYING THE BOARD POLICY FOR TREATMENT OF APPROVED AND PENDING PLANS OF DEVELOPMENT FOR THE CHESAPEAKE BAY PRESERVATION ORDINANCE (SULLY DISTRICT)** (11:46 a.m.)

On motion of Supervisor Frey, jointly seconded by Supervisor Gross and Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and moved to uphold the July 2, 2007, decision of the Director of the Department of Public Works and Environmental Services that Michael T. Hall's proposed development plan for the property identified as Tax Map Number 034-2-01-0023-D does not qualify for treatment as a pending plan of development under the Board Policy.

22. **A-6 – BOARD APPROVAL OF AN ALLOCATION TO THE RESTON HISTORIC TRUST FOR COMMUNITY REVITALIZATION TO BE USED FOR RENOVATIONS TO THE RESTON MUSEUM (HUNTER MILL DISTRICT)** (11:47 a.m.)

On motion of Supervisor Hudgins, seconded by Chairman Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and allocated \$110,000 to the Reston Historic Trust for the renovation of the Reston Museum.

23. **A-7 – TESTIMONY FOR PUBLIC HEARING ON COMMONWEALTH OF VIRGINIA’S SIX-YEAR PROGRAM FOR HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEAR (FY) 2009 THROUGH FY 2014** (11:47 a.m.)

On motion of Supervisor Kauffman, seconded by Supervisor Bulova, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved a letter to Secretary Pierce Homer, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to interstate, primary, and transit projects, facilities, and services.

24. **A-8 – ENDORSEMENT OF DESIGN PLANS TO WIDEN STRINGFELLOW ROAD (ROUTE 645) FROM ROUTE 50 TO FAIR LAKES BOULEVARD (ROUTE 7735) (SULLY AND SPRINGFIELD DISTRICTS)** (11:48 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and endorse the Virginia Department of Transportation’s design plans, as presented at the June 12, 2007, public hearing, to widen Stringfellow Road (Route 645) from Route 50 to Fair Lakes Boulevard (Route 7735) to four lanes including two 12-foot inside travel lanes and two 14-foot wide curb lanes for on-road bicycle accommodations with curb and gutter, a raised median, a 6-foot sidewalk on the west side, and a 10-foot shared use path on the east side, with the following modifications:

- Shift the road alignment to the east to minimize the impact of the road widening on adjacent residential properties, and to better utilize existing right-of-way on the east side of Stringfellow Road. Continue to coordinate with the Poplar Tree Homeowners Association and others to reduce property impacts. Balance property impacts on both sides of the road with respect to utility relocation.
- Consider options to provide full access for school buses to Rocky Run Intermediate School from Stringfellow Road, and continue coordination of this issue with the school administration and Rocky Run Intermediate School Parent-Teachers’ Association (PTA) members.
- Incorporate an interparcel service road to consolidate access to Greenbriar Park and the Greenbriar Community Center as requested by the Park Authority.
- Continue coordination with the Public Library regarding signalized access to Chantilly Library.

- Evaluate options to minimize impacts to the existing stormwater management ponds on Poplar Tree Park and Chantilly Park properties and consider low impact design practices in reconstructing the existing ponds.
- Extend project limits to include dual left turn lanes from westbound Fair Lakes Boulevard to southbound Stringfellow Road.
- Consider landscaping to minimize the visual impact of the road widening on adjacent property owners.
- Reduce the design speed and use a higher (barrier) curb design to reduce impacts and improve safety.

With reference to bulleted item number two, Supervisor Frey amended the motion that Board approval is contingent upon providing full access to the school and if the design exception is not approved and the second option of moving it to further south cannot be achieved, that the issue will return to the Board for decision and resolution.

Supervisor McConnell seconded the motion.

Following discussion regarding the bicycle lanes, the question was called on the motion, as amended, and it carried by unanimous vote.

25.

A-9 – ENDORSEMENT OF COUNTY PROJECTS FOR FUNDING FROM THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVRTA) REVENUES AND THE COUNTY’S COMMERCIAL REAL ESTATE TAX FOR TRANSPORTATION PURPOSES FOR FISCAL YEAR (FY) 2008, FY 2009, AND FY 2010 (11:53 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and endorse the list of highway, transit, bicycle, and pedestrian projects for funding from Fiscal Year (FY) 2008, FY 2009, and FY 2010 NVRTA revenues and the County’s commercial real estate tax for transportation purposes, if adopted at a rate of at least \$0.08 per \$100 valuation. This endorsement will be subject to future refinement. Supervisor Bulova and Supervisor Gross jointly seconded the motion.

Following a lengthy discussion, with input from Katharine D. Ichter, Director, Department of Transportation, regarding the funding, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting “NAY.”

26. **A-10 – BOARD ENDORSEMENT OF THE NATURAL LANDSCAPING MANUAL AND THE IMPLEMENTATION PLAN** (12:10 p.m.)

Supervisor Gross moved that the Board concur in the recommendation of staff and endorse the Natural Landscaping Manual and the Implementation Plan. Supervisor McConnell and Supervisor Smyth jointly seconded the motion.

Chairman Connolly thanked Supervisor Smyth for helping to catalyze Fire Station 30 in terms of stormwater detention and noted that it was cited by the Environmental Protection Agency (EPA) of the US as an outstanding project.

Following a brief discussion regarding landscaping, Supervisor Gross called the Board's attention to handwritten page one, the last paragraph under introduction, and asked unanimous consent that the Board direct the Director of the Office of Public Affairs to disseminate information regarding maintenance practices that help reduce air pollution. Without objection, it was so ordered.

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

(NOTE: Later in the meeting, the Board acknowledged the EPA award. See Clerk's Summary Item #39.)

27. **C-1 – 2007 VIRGINIA ASSOCIATION OF COUNTIES' (VACo) ANNUAL MEETING** (12:13 p.m.)

The Board next considered an item contained in the Board Agenda dated October 15, 2007, requesting Board designation of a voting delegate and alternate voting delegate to represent the County at the VACo annual meeting to be held at the Homestead, Bath County, Virginia, on November 13, 2007.

Supervisor Hyland moved that the Board designate Chairman Connolly as the Voting Delegate.

Supervisor Gross seconded the motion.

Supervisor Gross asked to amend the motion that the Alternate Voting Delegates be the Members of the Board attending the meeting. This was accepted.

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

28. **I-1 – STATE CORPORATION COMMISSION’S (SCC) FINAL ORDER FOR WASHINGTON GAS LIGHT COMPANY PROPOSED RATE INCREASE RESULTS IN CUSTOMER REFUNDS AND SIGNIFICANTLY LOWER RATES THAN REQUESTED, SCC CASE NUMBER PUE-2006-00059** (12:14 p.m.)

The Board next considered an item contained in the Board Agenda dated October 15, 2007, regarding the SCC’s final order for Washington Gas Light Company’s proposed rate increase.

On behalf of the Board, Chairman Connolly congratulated and thanked staff in the Department of Cable Communications and Consumer Protection (DCCCP) for doing a great job and saving residents a lot of money.

Discussion ensued, with input from Steve Sinclair, Chief, Utilities Branch, DCCCP, regarding outsourcing of the complaint system.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information regarding the outsourcing. Without objection, it was so ordered.

29. **I-2 – CONTRACT AWARDS – INTEGRATED SEWER SYSTEM SPECIAL PROJECTS BASIC ORDERING AGREEMENTS** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated October 15, 2007, requesting authorization for staff to award contracts in the amount of \$1 million each for consultant services to the following firms:

- Camp Dresser and McKee
- Parsons
- CH2M Hill

The staff was directed administratively to proceed as proposed.

30. **I-3 – ANNUAL REPORT ON THE BOARD’S FOUR-YEAR TRANSPORTATION PROGRAM AND OTHER ACTIVE TRANSPORTATION PROJECTS** (12:18 p.m.)

The Board next considered an item contained in the Board Agenda dated October 15, 2007, regarding the annual report on the Board’s four-year transportation program and other transportation projects.

31. **I-4 – RECOGNITION OF COMPREHENSIVE ANNUAL FINANCIAL REPORTS (CAFR) AND THE ANNUAL BUDGET BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA); PERFORMANCE MEASUREMENT PROGRAM BY THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND INVESTMENT POLICY BY THE ASSOCIATION OF PUBLIC TREASURERS** (12:20 p.m.)

The Board next considered an item contained in the Board Agenda dated October 15, 2007, announcing that the County has been recognized by the GFOA for excellence in financial reporting and budgeting. For the twenty-second consecutive year the County received the Distinguished Budget Presentation Award for its annual budget for fiscal year (FY) 2008. GFOA also recognized the County's Integrated Sewer System for the Wastewater Management Program with the Certificate of Achievement for Excellence in Financial Reporting Award for its CAFR for FY 2006. For the ninth consecutive year, the County received the Association of Public Treasurers' Investment Policy Certificate of Excellence Award.

NV:nv

ADDITIONAL BOARD MATTERS

32. **ADOPTION AWARENESS MONTH** (12:21 p.m.)

Chairman Connolly noted that November is nationally recognized as National Adoption Month in an effort to raise awareness about adoption, adoptive families, and children who need adoptive homes. Therefore, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board proclaim November 2007 as "*Adoption Awareness Month*" in Fairfax County and direct staff to invite the appropriate representatives and families associated with the Department of Family Services to be presented with the proclamation at the November 19 Board meeting. Without objection, it was so ordered.

33. **FAIRFAX COUNTY EMPLOYEES CHARITABLE GIVING CAMPAIGN** (12:21 p.m.)

Chairman Connolly said that the residents of the County receive many benefits from programs provided by community health and human service organizations as well as those who champion environmental and other issues. Workplace giving provides vital support for this unique, quality of life work. October 22 marks the kickoff of this year's charitable campaign with the theme *Dare to Share*.

Therefore, Chairman Connolly asked unanimous consent that the Board urge all employees and residents to find ways to donate both financially, as well as with volunteer efforts, to the great work of those who provide services for seniors,

families, youth, and other worthy organizations during this year's Fairfax County Employees Charitable Campaign. Without objection, it was so ordered.

34. **INTERSTATE 495 HIGH OCCUPANCY TOLL (HOT) LANES PROJECT**
(12:22 p.m.)

Chairman Connolly said that the County's Department of Transportation (DOT) received draft Interchange Justification Reports (IJR) for the I-495 HOT Lanes project. DOT has been working closely for the past several weeks with the Virginia Department of Transportation (VDOT) and Federal Highway Administration (FHA) to review and prepare these IJR's for formal submission to FHA for its ultimate approval. VDOT has indicated that a pro forma "Letter of Commitment" will be required to complete the IJR's before they can be submitted to FHA.

Chairman Connolly asked unanimous consent that the Board direct staff to prepare a letter to VDOT confirming the Board's commitment to continue to work with VDOT and FHA to advance the HOT Lanes project. Without objection, it was so ordered.

35. **LETTER REQUESTING GOVERNOR Kaine TO EVALUATE IMPLICATIONS OF ADOPTING "CALIFORNIA" CAR STANDARDS**
(12:23 p.m.)

Chairman Connolly noted that the issue of preparing a letter requesting Governor Kaine to examine the California car standards pursuant to the Clean Air Act for benefit to the Commonwealth was discussed at the Board's last Legislative Committee meeting. He said that it would be consistent with the Governor's new energy initiative and the Board's Cool Counties initiative.

Therefore, Chairman Connolly moved that the Board endorse the letter to Governor Kaine urging him to evaluate the implementation of "California" car standards for its value to the Commonwealth and the County. Vice-Chairman Bulova seconded the motion, which carried by unanimous vote.

36. **LETTER REQUESTING GOVERNOR Kaine TO EVALUATE THE CREATION OF A CFL RECYCLING PROGRAM FOR VIRGINIA**
(12:23 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly said that given the growing popularity of the use of compact fluorescent light bulbs (CFLs), there is concern about disposal because of the mercury contained in each bulb.

During the October 12 meeting of the Legislative Committee, a draft letter to the Governor was recommended for approval at today's Board meeting. Chairman Connolly provided copies of the letter to the Board.

Therefore, Chairman Connolly moved that the Board endorse the referenced letter to Governor Kaine urging him to develop a study group to evaluate the creation of a Commonwealth CFL recycling program to examine best practices to meet the challenge. Supervisor Gross seconded the motion.

Following discussion regarding the possibility of federal legislation on this issue, the question was called on the motion, which carried by unanimous vote.

37. **FAIRFAX COUNTY SECONDARY ROAD PROGRAM FUNDING**
(12:24 p.m.)

In a joint matter with Vice-Chairman Bulova, Chairman Connolly reminded the Board that the Virginia Department of Transportation (VDOT) recently lost a case against Target Stores in front of the Supreme Court of Virginia. This decision upheld a lower court ruling awarding Target \$5.6 million in compensation from VDOT for damages done to property Target owns adjacent to the Roberts Parkway bridge project. He said that it came to his attention that this \$5.6 million is to come from the County's Secondary Road Program, which is a considerable percentage of what the County receives annually for this program. He asserted that it is not acceptable for the County to be penalized when a State agency loses a court case.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to prepare a letter for his signature to the Secretary of Transportation, protesting the decision to allocate Fairfax County Secondary Road Program money for this purpose and urging him to find another source of revenue to comply with the ruling of the Supreme Court of Virginia. Without objection, it was so ordered.

Discussion ensued, with input from Katharine D. Ichter, Director, Department of Transportation, regarding whether this was VDOT policy or sets precedence.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney, who stated that they would draft a letter, as well as analyze the issue, and propose a solution.

38. **STRIKE TEAM PUTS BOARDINGHOUSE OWNER IN JAIL** (12:30 p.m.)

Chairman Connolly announced that the Strike Team for Zoning and Code Enforcement has had tremendous success since its inception on June 1 by issuing over 1,700 Notices of Violation and Corrective Work Orders. He noted that the County is shutting down boardinghouses and restoring integrity to neighborhoods that were under assault. On October 12 the Strike Team met another milestone when Judge Jonathan C. Thatcher sent Ms. Rosita Chang to jail. Ms. Chang had been operating a boardinghouse at 10861 Santa Clara Drive, and she ignored the court's order to shut it down following a Strike Team investigation. Ms. Chang

will also be fined \$100 for every single day that she violated the Zoning Ordinance occupancy requirements since 2005, resulting in a cumulative fine of up to \$12,900.

Chairman Connolly said that the Strike Team has allowed the County to expedite enforcement of its laws and create a zero tolerance policy for illegal boardinghouses. He asserted that incarcerating Ms. Chang will not only ensure that this boardinghouse remains shuttered, but will also discourage other individuals in the County from operating illegal boardinghouses. He said that the Board has made it abundantly clear that it will take all steps within the law to shut down such enterprises in the County.

A brief discussion ensued about the penalties.

39. **FAIRFAX COUNTY WINS STORMWATER MANAGEMENT AWARD FROM THE ENVIRONMENTAL PROTECTION AGENCY (EPA)**
(12:31 p.m.)

(NOTE: Earlier in the meeting, the Board mentioned this award. See Clerk's Summary Item #26.)

Chairman Connolly said that on October 10 the EPA announced that it is recognizing the County under the Leadership in Low Impact Development (LID) Recognition Program. Donald Welsh, administrator for the EPA's mid Atlantic Region, said, "The stormwater retrofit project in Fairfax County (Fire Station 30 which also houses Supervisor Smyth's Office) serves as a great example of what municipalities and other organizations can do to protect the environment by controlling storm water runoff." Chairman Connolly congratulated staff in the Stormwater Planning Division and the Maintenance and Stormwater Management Division of the Department of Public Works and Environmental Services as well as Supervisor Smyth for their work and leadership on this LID project and others.

40. **POTOMAC HERITAGE NATIONAL SCENIC TRAIL (MOUNT VERNON DISTRICT)** (12:32 p.m.)

(BACs) Chairman Connolly noted that this item was presented jointly with Supervisor Hyland. The Potomac Heritage National Scenic Trail (PHT) is a Congressionally-designated trail following the Potomac River from Central Pennsylvania to Washington DC. The PHT runs along both the north and south banks of the Potomac. The PHT follows the C&O Canal, the George Washington Parkway Trail, and the Cross County Trail at different points. He said that they are trying to get the trail to cross Fort Belvoir without compromising security. He noted that other trails cross the installation.

Therefore, jointly with Supervisor Hyland, Chairman Connolly asked unanimous consent that the Board refer this issue to the Legislative Committee to seek support from the Congressional delegation for designation of a natural surface

section of the Potomac Heritage Trail along the Accotink Bay Wildlife Refuge portion of Fort Belvoir. Without objection, it was so ordered.

41. **A&N ELECTRIC COOPERATIVE ACQUISITION OF EASTERN SHORE TRANSMISSION INFRASTRUCTURE** (12:33 p.m.)

Chairman Connolly noted that the Northern Virginia Electric Cooperative (NOVEC) serves over 28,000 customers in Fairfax. NOVEC is a member of the cooperative consortium Old Dominion Electric Cooperative (ODEC). ODEC has filed a joint application with A&N Electric Cooperative to purchase Delmarva Power and Light Company's power distribution infrastructure on the Eastern Shore for approximately \$50 million. This purchase would force NOVEC, which is a member of ODEC, to increase electric rates for Fairfax customers to recoup the \$505,000 cost that NOVEC would incur. He asserted that Fairfax rate payers should not be expected to subsidize electric rates for factory, farms, and residents on the Eastern Shore.

Therefore, Chairman Connolly moved that the Board approve the letter, copies of which were distributed to the Board, to the State Corporation Commission requesting that the SCC deny ODEC/A&N's application to purchase Delmarva's distribution infrastructure on the Eastern Shore. Supervisor Hyland seconded the motion, which carried by unanimous vote.

42. **COMPREHENSIVE BICYCLING INITIATIVE (CBI): BICYCLE MAP** (12:34 p.m.)

As noted in Chairman Connolly's written Board Matter, last year the Board approved the CBI, aimed at improving bicycling facilities and procedures in Fairfax County. A key component of the CBI is the inventory of the County's bicycle infrastructure, culminating in a map of bicycle facilities within Fairfax County.

Chairman Connolly announced that County staff, along with the consultant approved in the motion last year, and with input from Fairfax Advocates for Better Bicycling (FABB), has completed a draft of this map, copies of which he distributed to the Board. He expressed appreciation to DOT staff, especially Charlie Strunk, for moving this project forward. He also noted that he received a miniaturized version of the map for use when biking.

Discussion ensued, with input from Mr. Strunk, regarding what will be shown on the map.

43. **LETTER TO THE US ARMY STRESSING FAIRFAX COUNTY'S PREFERENCE FOR USE OF THE SPRINGFIELD GSA SITE IN FURTHER BASE REALIGNMENT AND CLOSURE (BRAC) ACTIONS**
(12:36 p.m.)

Chairman Connolly noted that this item is presented jointly with Supervisor Hyland and Supervisor Kauffman. It essentially acknowledges that the Army is reviewing an alternate site to the GSA and that the Board reasserts that the GSA site is preferable in that it is served by both Metro and the Virginia Railway Express (VRE). Moving to an alternate site will result in more workers driving.

Jointly with Supervisor Hyland and Supervisor Kauffman, Chairman Connolly moved that the Board approve the draft letter, copies of which were distributed to the Board, to again express its preference to have the GSA property utilized as apart of the ongoing BRAC process and approve the letter and comments expressing that position to the Army as it continues to evaluate locations for relocating the Washington Headquarters Service and other military personnel. Supervisor Hyland seconded the motion.

Following discussion regarding the history of the process and key issues, the question was called on the motion, which carried by unanimous vote.

44. **THE BOARD'S SECOND FOUR-YEAR TRANSPORTATION PLAN**
(12:40 p.m.)

Chairman Connolly noted that he circulated to the Board a couple of weeks ago a second Four-Year Transportation Plan. The plan is a work in progress and is flexible over the four-year period. He said that it builds on the current plan and was developed with staff .

Accordingly, Chairman Connolly moved that the Board adopt the Second Four-Year Transportation Plan as distributed to the Board. Supervisor Smyth seconded the motion.

Discussion ensued regarding the plan, with input from Katharine Ichter, Director, Department of Transportation.

Supervisor DuBois asked unanimous consent that the Board direct staff to determine how the more specific language of a single spot improvement on Tollston Road, adding a northbound left turn lane onto Route 7, was developed instead of less specific language that allowed for more flexibility for general spot improvement projects between Dranesville Road and Tysons Corner. Without objection, it was so ordered.

Following further discussion, with input from Ms. Ichter, the question was called on the motion, which **CARRIED** by a recorded vote of nine, Supervisor Frey voting “NAY.”

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

45. **AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR THE VACATION OF A SANITARY SEWER EASEMENT (MASON DISTRICT)** (12:58 p.m.)

- (A) Supervisor Gross said that it has come to her attention that staff has received a request that the County vacate a portion of a sanitary sewer easement fifty feet in width that crosses property located at 3717 Tollgate Terrace in Lake Barcroft. Because this particular easement was not originally established through the subdivision plat approval process, any vacation of a portion of the easement that might be granted would have to be approved by the Board after a public hearing.

For staff to proceed with the necessary steps to schedule this matter for a public hearing before the Board, hopefully at the next Board meeting scheduled for November 19, Supervisor Gross moved that the Board direct staff to schedule and advertise a public hearing for the Board's consideration of the sanitary sewer easement vacation request that has been submitted for property located at 3717 Tollgate Terrace [Tax Map Number 61-3 ((14)) lot 48], and that the public hearing be scheduled as soon as possible. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

46. **FIFTIETH ANNIVERSARY OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS (COG)** (12:59 p.m.)

Supervisor Gross announced that 2007 is the fiftieth year of COG, and the County has been a member since the beginning. She noted that there will be a gala celebration and tribute on November 15. Local governments are also doing tributes.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare a resolution from the Board to COG for presentation at the November 15 gala and that it include the signatures of each Board Member. Without objection, it was so ordered.

47. **COOL HUNTER MILL DISTRICT INITIATIVE** (1 p.m.)

Supervisor Hudgins said that on July 16, the County joined 19 counties, representing 25 million people, in the Cool Counties Initiative to reduce emissions and Global Warming. As highlighted in the background accompanying the initiative, the County has made significant contributions in support of combating global warming.

Supervisor Hudgins asserted that it is time to include the entire community in this initiative through education. Global warming is not just a problem for government, it is a problem for everyone to address. Therefore, she said that the Board must call on everyone in the County to be party to this initiative. If the County is to truly be a “Cool County” in reducing emissions to combat global warming, the community must do its part.

Supervisor Hudgins said that Hunter Mill District will start by establishing a “Cool Hunter Mill District Initiative.” The goal is to have residents, business communities, non-profits and faith communities, and schools embrace and promote the Fairfax County Cool Initiatives within the Hunter Mill District. It will create a committee of citizens, businesses, and organizations to establish and implement guidelines and procedures that will measure the success of the program and incorporate these accomplishments into the Cool County’s outcomes. She distributed some initial initiatives that will be considered by the committee.

Supervisor Hudgins invited the Board to join in this effort to ensure that each member will do its part to make the entire County a “Cool County.”

A brief discussion ensued regarding the initiative.

48. **NO BOARD MATTERS FOR SULLY DISTRICT SUPERVISOR MICHAEL FREY** (1:03 p.m.)

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

49. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR LINDA SMYTH** (1:03 p.m.)

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

PMH:pmh

50. **AUTHORITY TO REGULATE PAYDAY LENDING PRACTICES** (1:03 p.m.)

Supervisor Hyland said that the District of Columbia’s City Council passed legislation last month regulating payday lending institutions. Local governments in western Virginia are also weighing in on the issue. The Cities of Staunton, Harrisonburg, and Waynesboro all passed resolutions urging the General Assembly to prevent exploitative payday lending practices. Winchester is considering a similar resolution. Some of these institutions prey upon an economically vulnerable segment of the population, as well as the military.

Therefore, Supervisor Hyland asked unanimous consent that the Board:

- Direct the County Attorney to determine whether the County has the enabling legislation to adopt an ordinance to regulate payday lending institutions.
- Refer the Resolution contained in his written Board Matter to the Legislative Committee for further discussion.

Without objection, it was so ordered.

51. **VEGETABLE OIL EXCHANGE PROGRAM** (1:04 p.m.)

Supervisor Hyland said that Montgomery County, Maryland recently unveiled a web forum designed to link drivers whose automobiles can run on vegetable oil with restaurants looking to dispose of used oil. Restaurants and others who generate oil can post offers online and have it picked up free of charge, instead of paying for its disposal. Conversely, drivers can post oil requests and arrange to pick up the used oil. The website states that all exchanges must be free.

Many older model diesel engines can operate on straight vegetable oil or used filtered oil. Newer engines can operate on vegetable oil when mixed with diesel fuel or when the vegetable oil is heated to a proper viscosity. While burning vegetable oil does not reduce nitrous oxide emissions, some studies show that it reduces other air pollutants such as carbon monoxide and hydrocarbons. Users must also be forewarned that burning vegetable oil in their car may void the warranty on the engine and the Environmental Protection Agency does not permit the use of vegetable oil as a highway fuel.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the County Executive to review Montgomery County's vegetable oil exchange program and report with his recommendation for a similar page on Fairfax County's website. Without objection, it was so ordered.

52. **A LOOK BACK AT BRADDOCK – THE WEB SITE (BRADDOCK DISTRICT)** (1:06 p.m.)

Supervisor Bulova said that on Wednesday, October 24 at 7:30 p.m. in the Kings Park Library Community Room, her office will be hosting the exciting official debut of the "A Look Back at Braddock – The Web Site."

This web site was created through a collaboration between the Braddock District A Look Back at Braddock (ALBB) Task Force and George Mason University's (GMU) Center for History and New Media. A visitor to the site (<http://braddockheritage.org/>) is treated to a trip back in history starting in 1685 when most of what is now Braddock was part of the Ravensworth land grant purchased by William Fitzhugh. Stories, photographs, maps, and transcripts of

oral history interviews conducted during the making of the book *Braddock's True Gold* can be found at the site.

At this debut event, televised by Cable Channel 16, Dr. Jack Censer, Dean of the College of Humanities and Social Sciences, will discuss GMU's Center for History and New Media and its role in creating the site. Tom Scheinfeldt and Lee Ann Gbajar will describe how they moved the project from concept to reality. ALBB Map/Web Site Committee Chair, John Browne will conduct a virtual tour of Braddock History using this exciting new web location. She invited Board Members to join her for this event and asked unanimous consent that the Board direct the Office of Public Affairs to help with publicizing it. Without objection, it was so ordered.

53. **ATHLETIC FIELD LIGHTS FOR THE POLICE FIELD (DRANESVILLE DISTRICT)** (1:07 p.m.)

Supervisor DuBois said that over a year and a half ago, her office began work with McLean Youth Soccer (MYS), the Park Authority, and staff on a proposal to install lights and artificial turf at the Board controlled police field adjacent to the McLean Governmental Center. The Park Authority will be installing artificial turf on the field next year as part of a multi-field improvement program funded by MYS. The lights for this field, however, have gotten sidetracked between County agencies.

Supervisor DuBois explained that the work to prepare for a 2232 hearing on the lights was rerouted through legal, procurement, facilities, parks and back around again. In addition, the lease on this field is up for renewal this January, and the agreement needs to be completed to cover the new amenities on the field. She added that she has not seen any progress on completing the lights or the lease renewal.

Therefore, Supervisor DuBois moved that the Board direct staff to get this project moving forward once again with a goal of completing the lease before expiration in January and lights installed for the spring season. This motion, the second to which was inaudible, carried by unanimous vote.

54. **INTENT TO DEFER PUBLIC HEARINGS (DRANESVILLE, LEE, AND MASON DISTRICTS)** (1:09 p.m.)

Supervisor DuBois announced her intent, at the appropriate time, later in the meeting, to defer the public hearing on:

- Proffered Condition Amendment Application PCA 2003-DR-058

Supervisor Kauffman announced his intent, at the appropriate time, later in the meeting, to defer the public hearing on:

- Proffered Condition Amendment Application PCA 84-L-020-23

Supervisor Gross announced her intent, at the appropriate time, later in the meeting, to defer the public hearing on:

- Special Exception Amendment Application SEA 01-M-006-2

(NOTE: Later in the meeting, the public hearings were formally deferred. See Clerk's Summary Items #74, #75, and #92.)

55. **CURTIS FAMILY CEMETERY (SPRINGFIELD DISTRICT)** (1:10 p.m.)

Supervisor McConnell said that last week, Delegate Dave Marsden contacted her office regarding the condition of a small cemetery containing only one large monument in Burke, located on Real Estate Tax Map parcel 078-2 ((13)) D. There is no owner's name listed in the real estate record, though it is described as the "Curtis Family Cemetery," and the address listed for the owner does not exist. The monument was once completely enclosed by a fence, but the fence has been torn down on one side and the monument spray painted various colors by vandals. Numerous surrounding trees have also been spray painted and there is an enormous amount of litter in the area indicating it is considered a 'hangout' for young people who live in the area.

Brian Conley of the Virginia Room's *Cemeteries of Fairfax County* refers to this as the "Marshall Family Cemetery." Apparently, this cemetery has been overgrown and neglected since at least 1990.

Supervisor McConnell moved that the Board direct staff to:

- Investigate the true name of this cemetery, and if necessary, correct the corresponding tax record.
- Determine if any action can be taken to repair the fence, remove the graffiti from the monument, and have the litter removed from the surrounding area.

Chairman Connolly seconded the motion and it carried by unanimous vote.

56. **OPEN HOUSE FOR POLICE AND FIRE STATION AT WEST SPRINGFIELD (SPRINGFIELD DISTRICT)** (1:12 p.m.)

Supervisor McConnell said that she and Supervisor Bulova attended the open house for the police and fire station at West Springfield. She complimented the captain and his staff on the event.

57. **COMMITTEE ON AGING** (1:12 p.m.)

(BACs) Supervisor Kauffman referred to his written Board Matter which detailed the Board's work on the Committee on Aging.

Today, after many months of study and enlightening discussion, the Committee presented: *Anticipating the Future: Fairfax 50+, Action Plan 2007*.

Following this morning's session, the Committee will release its action plan at a press conference in Press Room 158 of the Government Center. *Anticipating the Future: Fairfax 50+, Action Plan 2007* includes key trends, highlights current and planned initiatives, and sets forth the agenda for the future. It is not the completion of the important work - it is the beginning and will provide a foundation for the momentum that was initiated.

On behalf of the Board, Supervisor Kauffman expressed his appreciation to:

- County staff members - Verdia Haywood, Dana Paige, Grace Starbird, Carolyn Carter, and Ursula Barretta
- Tena Bluhm, Chair of the Commission on Aging
- Lee District Commission Representative, Fred Hoffman, who was the catalyst for this whole effort
- Christina Manning, Aide, Supervisor Kauffman's office

Therefore, jointly with Chairman Connolly, Supervisor Kauffman moved that the Board accept the action plan of the Committee on Aging and request that an annual scorecard from the Commission on Aging be provided to the Board every fall to assess progress and advise the Board of new trends, challenges, and opportunities. Supervisor Bulova seconded the motion.

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

58. **COOPERATION NEEDED FROM FORT BELVOIR FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TELEGRAPH ROAD PROJECT (LEE DISTRICT)** (1:21 p.m.)

Supervisor Kauffman said that there are many critical road improvement projects needed to support the Army's plan to relocate thousands of jobs to Fort Belvoir and the Engineer Proving Ground as part of the BRAC project. One of these is the widening of Telegraph Road to four lanes in two segments from Beulah Street to Hayfield Road and from Hayfield Road to South Kings Highway. These are long-standing projects that after years of waiting were fully funded in VDOT's Six-Year Plan for Secondary Roads approved last July.

Although design plans for this project were previously developed and are now being updated, some questions have recently been raised about the planned road alignment, right-of-way, and easements needed from the Fort Belvoir property. The Telegraph Road project is required to support the federal BRAC action and Fort Belvoir. The Army's own studies identify Telegraph Road as a key link in the network. Despite the obvious need for the future of Fort Belvoir, Supervisor Kauffman said that the Army has taken the position that none of its land will be provided to support the improvement. It is unrealistic to expect that the road could possibly be widened entirely to the north without impact on Fort Belvoir when the road runs parallel to Fort Belvoir's northern boundary and directly serves access points into the Fort.

The Army, because of its limited financial commitment to mitigate the impacts to the surrounding transportation network as indicated in the BRAC Record of Decision, should at a minimum provide the required right-of-way to support the Telegraph Road project. This would represent a good faith effort to ease congestion and provide an in-kind contribution, since the Army is providing no financial support for this road improvement. To shift the project totally off Fort Belvoir would impact, if not require the taking of, several homes and impact local businesses. It would also add significant cost and put this project in jeopardy of ever being built.

Therefore, jointly with Chairman Connolly, Supervisor Kauffman moved the Board direct staff to prepare a letter to the Army requesting its cooperation in widening the Telegraph Road project by providing the required right-of-way and easements and by ensuring that this matter is handled at the highest level to expedite this project. Supervisor Hyland seconded the motion and it carried by unanimous vote.

59. **LEE DISTRICT NEIGHBORHOOD RESOURCE FAIR** (1:23 p.m.)

Supervisor Kauffman invited Board Members and the public to the Lee District Neighborhood Resource Fair on October 27 at the Franconia Governmental Center. All are invited to attend and get advice and assistance from County staff including representatives from the Strike Team and every department that provides services to neighborhoods. Experts will be on hand to help with issues including the following:

- Property maintenance and use
- Building without permits
- Parking issues on public streets
- Junk vehicles on streets and private property

- Trash
- Blighted properties
- Police and safety concerns
- Grass height enforcement
- Health concerns and hoarding
- Streetlight upgrades and new installations
- Traffic calming and street maintenance

This is an opportunity for information and assistance directly from staff charged with overseeing programs to address these issues.

Supervisor Kauffman asked unanimous consent that the Board direct the Office of Public Affairs to advertise this event as follows:

Neighborhood Resource Fair
Saturday, October 27, 2007
Franconia Governmental Center
6121 Franconia Road

9:30 a.m. until 11:30 a.m. - Visit Displays and Talk to County Experts

Without objection, it was so ordered.

60. **OUT-OF-TURN PLAN AMENDMENT FOR THE PALLONE AUTO DEALERSHIP (LEE DISTRICT)** (1:24 p.m.)

Supervisor Kauffman said that on January 22, 2007, the Board authorized an out-of-turn plan amendment for the Pallone Auto Dealership located at 7800 and 7722 Backlick Road to allow for office development. The motion included a requirement that, to secure the high end of the density range, primary access to the property must be provided by a street other than Backlick Road. In the intervening months, the property owner has entered into a contract with a potential developer. Based on the contemplated development of the property, and the progress that has been made to acquire adjacent properties, the contract purchaser has requested an amendment to the pending out-of-turn plan amendment. The proposed amendment will allow for consolidation of adjacent properties, which will facilitate alternative access to Backlick Road, and a reduction in the proposed floor area ratio (FAR) to be consistent with the site layouts prepared for the property. The staff is supportive of amending the pending out-of-turn plan amendment to accomplish these objectives.

Therefore, Supervisor Kauffman moved that the Board amend the pending out-of-turn plan amendment authorized on property identified as 99-1 ((1)) 22 and 23A. These properties may be allowed to develop with office use up to a 1.4 FAR. Additional office density up to a 1.6 FAR may be permitted with the consolidation of properties identified as 99-1 ((5)) 3 and 4, which will facilitate alternative access to Backlick Road. Supervisor Hyland seconded the motion and it carried by unanimous vote.

61. **REQUEST FOR CERTIFICATE OF RECOGNITION** (1:26 p.m.)

(BACs) Supervisor Kauffman announced that Gene Hull, Deputy Northern Virginia District Administrator for the Virginia Department of Transportation, will be retiring after 51 years of service.

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

- Prepare a Certificate of Recognition with all Board Members' signatures so that it may be presented at a dinner in his honor on November 10.
- Invite Mr. Hull to appear before the Board at its next meeting.

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

62. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MICHAEL CASH, EXECUTIVE DIRECTOR, HUMAN RIGHTS COMMISSION** (1:27 p.m.)

(BACs) Supervisor Gross announced the retirement of Michael Cash, Executive Director, Human Rights Commission, and asked unanimous consent that the Board direct staff to invite him to appear before the Board at its next meeting to be recognized for his service. Without objection, it was so ordered.

63. **RECESS/CLOSED SESSION** (1:27 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *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 (E.D. Va.)
 2. *David H. and Catherine M. Voorhees v. Board of Zoning Appeals of Fairfax County, et al.*, Case No. 07-383 (U.S. Sup. Ct.) (Mount Vernon District)
 3. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Record No. 070318 (Sup. Ct. of Va.) (Providence District)
 4. *Virginia Department of Labor and Industry v. Fairfax County Department of Public Works and Its Successors*, Inspection No. 309234789 (Springfield District)
 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosita Lim Ong Chang*, Case No. CL-2007-0010248 (Fx. Co. Cir. Ct.) (Braddock District)
 6. *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) (Strike Team Case)
 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Centrewood Drive Apartments, Inc.*, Case No. CL-2007-0007029 (Fx. Co. Cir. Ct.) (Sully District)
 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin D. Arrazola*, Case No.

CL-2007-0008622 (Fx. Co. Cir. Ct.) (Providence District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
10. *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)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leandro Villarroel, Agustin Jaime Ferrufino-Castro, and Silvio Beatriz Beza De Ferrufino*, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacinto Alcocer and Claudina Montano*, Case No. CL-2007-0011739 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Curtis A. Crabtree and Beulah M. Crabtree*, Case No. CL-2007-0011299 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Cuenca*, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Amanda R. Ercilla*, Case No. CL-2007-0012013 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. Ziegler and Deborah L. Ziegler*, Case No. CL-2007-0011234 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R.*

Fleck, Case No. CL-2007-0011235 (Fx. Co. Cir. Ct.) (Providence District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. William L. Stewart*, Case No. CL-2007-0011742 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marie Antoinieta Davila, et al.*, Case No. CL-2007-0011741 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sindia L. Johnston and Monticello Pump Service, Inc.*, Case No. CL-2007-0011606 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Mildred Valentini*, Case No. CL-2007-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin Cole and Cheryl Cole*, Case No. CL-2007-0011086 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean Manansala*, Case No. CL-2007-0011087 (Fx. Co. Cir. Ct.) (Lee District)
24. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0000814 (Fx. Co. Cir. Ct.) (Sully District)
25. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0001648 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Board of Supervisors v. Board of Zoning Appeals, et al., CL-2006-0010952 and CL-2006-0014988

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

DET:det

At 2:58 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

64. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (2:58 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."

65. **FAIRFAX COUNTY REDEVELOPMENT HOUSING AUTHORITY (FCRHA) BOND ANTICIPATION NOTES ISSUANCE** (2:58 p.m.)

(R) Supervisor Bulova moved:

- Adoption of a Resolution requesting the issuance by the FCRHA of its Bond Anticipation Notes in the amount not to exceed \$106.1 million for the purpose of providing interim financing for the purchase of the Wedgewood multi-family rental housing complex.
- That the Board authorize up to \$5 million from the Penny for Housing Fund for partial payment of the purchase price, contingencies, required reserves, and expenses for the purchase of the property.

Supervisor Gross seconded the motion.

Discussion ensued. Chairman Connolly noted that the purchase of the property brought the total number of affordable housing units purchased in a four-year time period to 2200 units.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth and Chairman Connolly voting "AYE," Supervisor McConnell abstaining.

ADDITIONAL BOARD MATTERS66. **RESTON COMMUNITY CENTER (RCC) PREFERENCE POLL**
(3:01 p.m.)

(APPTs) Supervisor Hudgins stated that on October 13, 2007, the RCC held its annual preference poll election for its Board of Governors and that the following individuals were elected to serve three-year terms on the Reston Community Center Board of Governors:

- Ms. Beverly Cosham
- Mr. William Keefe
- Ms. Claudine Varesi

Supervisor Hudgins moved that the Board confirm the appointment of the above individuals to serve on the RCC's Board of Governors so that they could be seated at the next Board of Governor's meeting. Supervisor Hyland seconded the motion and it carried by unanimous vote.

67. **AUDIT REPORT** (3:02 p.m.)

Supervisor Bulova moved acceptance of the *Quarterly Status Report on Operations as of October 1, 2007*, for the Office of Financial and Programs Auditor. Chairman Connolly seconded the motion, and it carried by a vote of eight, Supervisor Kauffman and Supervisor Smyth being out of the room.

AGENDA ITEMS68. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, TO ADD A NEW CHAPTER 120 (TREE CONSERVATION ORDINANCE), AND A NEW APPENDIX N, (HERITAGE, SPECIMEN, MEMORIAL, AND STREET TREES ORDINANCES)** (3:03 p.m.)

(Os) 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 September 27 and October 4, 2007.

Michael P. Knapp, Director, Urban Forest Management, Land Development Services (LDS), Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued concerning the sale of a property with input from Paul Emerick, Assistant County Attorney. Mr. Emerick stated that:

- The ordinance would run with the land.
- If an easement were recorded, it would be in the land records.
- The easement would also be recorded as an ordinance under Appendix N.

Discussion continued concerning ensuring how new property owners would be made aware of what restrictions exist on their properties with input from James W. Patteson, Director, LDS, DPWES, concerning recording the easement.

Supervisor Hyland addressed the issue of an affirmative disclosure upon the purchase of the property. Mr. Knapp stated that in the course of administering the ordinance, his staff would periodically conduct inspections of the trees to the degree that the volume does not become unmanageable. He added that his staff could issue status reports to property owners which could act as a periodic reminder that they owned a designated tree; if there had been a conveyance of property, the new property owners would have notification that a designated tree was on their property.

Discussion continued regarding the designation of trees in a by-right development. Mr. Knapp noted that the County intended to develop a geographic information systems (GIS) data base that would have a near exact location of designated trees.

Supervisor Hyland inquired as to whether the request for a building permit would automatically identify whether a designated tree existed on the property. Mr. Knapp stated that would not be the case, that it would require some vigilance, and that the County needed to work on a process to track that to ensure that it does not happen.

Following the public hearing, which included testimony by eight speakers, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, adding the following:

- New Chapter 120 (Tree Conservation Ordinance)
- New Appendix N (Heritage, Specimen, Memorial, and Street Trees Ordinances)

as set forth in the staff report dated September 24, 2007, and that these amendments become effectively immediately.

Supervisor Bulova, Supervisor DuBois, and Supervisor Hudgins jointly seconded the motion.

Supervisor Hyland noted that several speakers raised questions about the efficacy of the proposal and asked unanimous consent that the Board direct staff to:

- Monitor the effect of the ordinance.
- Determine the extent to which the County has the cooperation of property owners.
- Review the issue of in-fill.
- Provide a status report to determine if the Board needs to revisit it to make additional changes if the County is not getting the desired results.

Without objection, it was so ordered.

Supervisor Hudgins submitted an item for the record.

Discussion ensued concerning the definition of a “street tree” with further input from Mr. Knapp.

Discussion continued concerning the designation of heritage trees in Great Falls that were on Park Authority property, with input from Mr. Knapp and Mr. Emerick.

Supervisor DuBois asked unanimous consent that the Board direct staff to determine the liability of the County in the event that staff caused harm to any such trees that were on County property. Without objection, it was so ordered.

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

69. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE GREEN TRAILS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)**
(3:49 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 September 27 and October 4, 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 Green Trails CPD, in accordance with current CPD restrictions. The proposed district expansion includes the following:

- Coble Laskey Court, from La Petit Place to the cul-de-sac inclusive.
- La Petit Place to the west end.
- Darkwood Drive, from Centreville Road to La Petit Place.
- La Petit Place to the cul-de-sac inclusive.
- La Petit Place from Green Trails Boulevard to Darkwood Drive.

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

70. **3 P.M. – PH ON A PROPOSAL TO VACATE AND ABANDON A SEGMENT OF SCOTT'S RUN ROAD (ROUTE 1196) (DRANESVILLE DISTRICT)** (3:51 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 September 27 and October 4, 2007.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor DuBois moved adoption of the Ordinance and Order vacating and abandoning a segment of Scott's Run Road (Route 1196). Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor Smyth being out of the room.

71. **3 P.M. – PH ON REZONING APPLICATION RZ 2006-PR-028 (TYCON TOWER I LIMITED PARTNERSHIP, TOWERS CRESCENT LLC, AND TOWERS CRESCENT LAND, LLC) (PROVIDENCE DISTRICT)**
(3:53 p.m.)

(O) The application property is located on the north side of Towers Crescent Drive and in the northwest quadrant of the intersection of Leesburg Pike and I-495, Tax Map 39-2 ((29)) B, 1A1, 1E, and 1F.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth stated that she had submitted items for the record.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-PR-028, from the C-4, HC, and SC Districts to the PDC, HC, and SC Districts, subject to the proffers dated October 12, 2007.
- Waiver of the transitional screening yard and barrier requirements between uses within Towers Crescent.
- Waiver of the trail requirement within the I-495 right-of-way.
- Modification of Paragraph 5, Section 6-206 of the Zoning Ordinance to allow residential development as a secondary use to exceed 50 percent of the gross floor area of all principal uses.
- Approval of underground stormwater detention and water quality treatment, subject to the proposed development conditions dated April 19, 2007, in Attachment A of Appendix 11 of the staff report.

Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor

Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins being out of the room.

(NOTE: On October 3, 2007, the Planning Commission approved Final Development Plan Application FDP 2006-PR-028.)

72. **3 P.M. – PH ON REZONING APPLICATION RZ 2007-SU-005 (JOHN J. SCHLICK) (SULLY DISTRICT)** (4:01 p.m.)

- (O) The application property is located on the west side of West Ox Road approximately 700 feet north of its intersection with Franklin Farm Road. Tax Map 35 -2 ((1)) 38.

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

Supervisor DuBois disclosed the following campaign contribution which she received in excess of \$100:

- Sack, Harris and Martin, P.C. held a fundraiser for the Friends of Joan DuBois

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, William O’Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, 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-005, from the R-1 District to the PDH-2 District, subject to the proffers dated October 12, 2007.
- Waiver of the 10-foot wide trail requirement in favor of the existing 8-foot wide asphalt trail along West Ox Road.

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

(Note: On October 11, 2007, the Planning Commission approved Final Development Plan Application FDP 2007-SU-005.)

73. **3:30 PH ON REZONING APPLICATION RZ 2005-PR-041 (MERRIFIELD MIXED USE LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 99-P-008 (MERRIFIELD MIXED USE LLC) (PROVIDENCE DISTRICT) (4:08 p.m.)

- (O) The application property is located on the south side of Lee Highway approximately 500 feet west of its intersection with Gallows Road, at 3020 Gallows Road, Tax Map 49-4 ((1)) 14, Tax Map 49-3 ((1)) 80A, 80B, 80C, 81A, and 82A and portions of public rights-of-way for Hilltop Road, and Eskridge Road, to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Hilltop Road and Eskridge Road to proceed under Section 15.2-2272 (2) and 33.1-151 of the *Code of Virginia*.]

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

Supervisor DuBois disclosed the following campaign contribution that she had received in excess of \$100 from:

- Mr. Francis A. McDermott

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 introduce Steven C. Boyle, Vice President for Development, Evans and Avant, who presented his case.

Following the testimony of Ms. Maria Coakley David (Speaker 1), discussion ensued concerning the service drive portion of the application, with input from Angela Rodeheaver, Section Chief, Site Analysis Division, Department of Transportation.

Following the testimony of Ms. Ellen Coakley (Speaker 4), discussion ensued with input from Ms. Rodeheaver concerning safe access to the Coakley property.

During the testimony of Mr. Jim Coakley (Speaker 5), discussion ensued with input from Ms. Rodeheaver concerning the application as it applies to a portion of the service road. That discussion was deferred pending review of a development plan.

Following the testimony of Mr. Coakley, discussion ensued concerning the County's ability to condemn in circumstances like this with input from Scott Wynn, Senior Assistant County Attorney, concerning ramifications.

Following the testimony of Mr. John J. Hughes, III (Speaker 7), discussion ensued concerning the expansion of Eskrich Drive with clarification by Ms. Rodeheaver.

Following the testimony of Ms. Sandra L. Hughes (Speaker 8), discussion ensued concerning the floor-area-ratio (FAR) with input from Chris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning.

Following the public hearing, which included testimony by 15 speakers, discussion ensued concerning a spike strip, the estimated time frame for completion of the new theater and the town center, and future development in Merrifield.

Discussion continued concerning the service road and access to the Coakley property, with input from Ms. Rodeheaver.

Supervisor Smyth and Chairman Connolly submitted items for the record.

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

Following discussion, with input from Ms. Rodeheaver, regarding concerns raised by the Virginia Department of Transportation (VDOT), Mr. McDermott confirmed that a development condition regarding the right-of-way along the southern Lee Highway boundary was acceptable to the applicant.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-PR-041, from the I-4, I-5, and HC Districts to the PRM, PDC, and HC Districts, subject to the proffers dated October 15, 2007.
- Modification of the private street limitations of Section 11-302 of the Zoning Ordinance.
- Modification of the load space requirements for multi-family dwelling units and office space in favor of that depicted on the CDP/FDP.
- Modification of the transitional screening and waiver of the barrier requirements to the south, east, and internal to the site, in favor of the treatments depicted on the CDP/FDP.

- Waiver of the four-foot peripheral parking lot landscaping requirement north of parcel G, west of parcels C and E, and along the southerly and easterly property lines.
- Approval of the waiver to locate underground stormwater facilities in a residential development subject to Waiver #0561-WPFM-002-1 and the conditions dated November 30, 2006.
- Waiver of the service drive along the Lee Highway frontage.
- Direct the Director of the Department of Public Works and Environmental Services (DPWES) to approve a modification of the parking geometric standards to allow for 75-degree angled parking spaces within parking structures.
- Modification to allow residential as a secondary use consisting of up to 76 percent of the principal uses in the PDC District, pursuant to Section 6-206 of the Zoning Ordinance.
- Modification of Paragraph 3 of Section 18-201 of the Zoning Ordinance in favor of those interparcel access points indicated on the CDP/FDP.
- Modifications for Paragraph 4 of Section 17-201 of the Zoning Ordinance for dedication and construction of widening for existing roads, existing roads on new alignments, and proposed roads along Lee Highway, as indicated in the Comprehensive Plan or as required by the Director to that shown on the CDP/FDP and as proffered.
- Modification of the materials for the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on the CDP/FDP.
- Direct the Director of DPWES to approve a modification of the Public Facilities Manual (PFM) and Paragraph 12 of Section 11-102 of the Zoning Ordinance to allow for the projection, by no more than four percent of the stall area, of structural columns into parking stalls in parking structures.
- Approval of Special Exception Amendment Application SEA 99-P-008 subject to the development conditions dated October 5, 2007.
- Direct the Director of DPWES to waive the PFM on-site stormwater detention requirements associated with SEA-99-P-008

in favor of providing stormwater management off-site in the Merrifield Town Center vault.

- Modification of transitional screening and waiver of the barrier requirement along the property line where the proposed parking lot straddles the boundary line immediately adjacent to the proposed movie theatre.
- Waiver of the peripheral parking lot landscaping along the common boundary of both the SEA application and the Merrifield Town Center rezoning application.

Supervisor Hyland seconded the motion and discussion ensued regarding the issues raised by several of the speakers.

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

Supervisor Smyth moved approval of Conceptual Development Plan Application CDP 2005-PR-041, subject to the development condition dated October 15, 2007. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

(Note: On October 4, 2007, the Planning Commission approved Final Development Plan Application FDP 2005-PR-041.)

ADDITIONAL BOARD MATTERS

74. **DEFERRAL OF PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-23 (KINGSTOWNE L LP, KINGSTOWNE PARCEL O LP; KINGSTOWNE M&N LP; BP KINGSTOWNE OFFICE BUILDING T LLC; KINGSTOWNE TOWNE CENTER LP; BP KINGSTOWNE OFFICE BUILDING K LLC; BP KINGSTOWNE THEATRE, LLC) (LEE DISTRICT) (6:06 p.m.)**

Supervisor Kauffman moved to defer the public hearing on Proffered Condition Amendment Application PCA 84-L-020-23 until **January 28, 2008, at 4 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

75. **DEFERRAL OF SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-006-2 (PUBLIC STORAGE) (MASON DISTRICT)** (6:07 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Amendment Application SEA 01-M-006-2 until **January 7, 2008, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

76. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/ DEVELOPMENT PLAN AMENDMENT APPLICATION PCA A-936-02/ DPA A-936-04 (2222 COLTS NECK ROAD LLC) (HUNTER MILL DISTRICT)**

AND

PH ON PLANNED RESIDENTIAL COMMUNITY APPLICATION PRC A-936 (2222 COLTS NECK ROAD LLC) (HUNTER MILL DISTRICT) (6:08 p.m.)

The application property is located at located on the west side of Colts Neck Road, east side of Reston Parkway, and approximately 1600 feet north of its intersection with Glade Drive, Tax Map 26-1 ((13)) 1.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Mr. Looney 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, John Thompson, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins submitted an item for the record.

Supervisor Hudgins moved:

- Approval of Proffered Condition Amendment Application PCA A-936-02, subject to the proffers dated October 15, 2007.
- Approval of Developed Plan Amendment Application DPA A-936-04.
- Approval of Planned Residential Community Application PRC A-936, subject to the development conditions dated October 3, 2007.

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

Supervisor Hudgins moved:

- Approval of the requested Public Facilities Manual waiver (2352-WPFM-002-1) to allow underground stormwater detention in a residential development, subject to the development conditions dated August 16, 2007, and contained in Appendix 17 of the Staff Report.
- Modification of the trail requirement along Colts Neck Road in favor of the approved Department of Public Works and Environmental Services Capital Project sidewalk proposed along the west side of Colts Neck Road, from South Lakes Drive to the south end of the subject property.
- Modification of the Additional Standards for Independent Living Facilities maximum building height standard to permit a maximum building height up to 55 feet, as shown on the PCA/DPA and PRC Plan.

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

77. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS, TO ESTABLISH APPLICATION AF 2007-SU-001 (LISA FINK-BUTLER – EXECUTOR OF ESTATE OF JUANITA F. SMITH) (SULLY DISTRICT)** (6:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 27 and October 4, 2007.

The application property is located at 15407, 15415, and 15511 Compton Road, Tax Map 64-3 ((1)) 13A, 14A, and 20A.

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 Frey moved approval of Agricultural and Forestal District Application AF 2007-SU-001 and adoption of the proposed amendments to the Code of the

County of Fairfax, Appendix F, establishing the Fink-Butler Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 3, 2007. 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."

78. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-PR-001 (DSF/LONG METRO II, LLC AND DSF/LONG METRO III, LLC) (PROVIDENCE DISTRICT)** (6:27 p.m.)

- (O) The application property is located in the southeast and southwest quadrants of the intersection of Prosperity Avenue and Merrilee Drive and west side of Gallows Road, Tax Map 49-1 ((16)) 14, 15, and 16; 49-1 ((29)) All Parcels; 49-1 ((30)) All Parcels; and 49-2 ((1)) 18 and 19.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record.

Ms. Baker 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.

Supervisor Smyth stated that she had submitted items for the record.

Following the public hearing, which included testimony by four speakers, Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, 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 2007-PR-001, from the PRM, I-4, and I-5 Districts to the PRM District, subject to the proffers dated October 12, 2007.
- Modification to allow the use of underground stormwater management in a residential development, subject to Waiver #24817-WPFM-001-3 with conditions dated October 2, 2007.
- Modification of the private street standards to allow private streets to provide access to adjacent properties and to allow private streets in excess of 600 feet in length.
- Modification of the transitional screening and barrier requirements in favor of that shown on the CDP/FDP.

- Modification of the loading requirements to allow eight loading spaces in Phase B and two loading spaces per building in Phase A.
- Modification of Public Facilities Manual (PFM) Standard 12-701.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDP/FDP and as described in the proffers.

Supervisor DuBois seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

79. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SP-009 (TRUSTEES OF CHRIST UNITED METHODIST CHURCH) (SPRINGFIELD DISTRICT)** (6:48 p.m.)

The application property is located at 7600 Ox Road, Tax Map 96-2 ((1)) 2, 4A, 4B, 4C, and 4D.

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

Supervisor McConnell disclosed that she has a business relationship with Land Design Consultants, Incorporated; however, it does not involve any party in the application.

Supervisor DuBois disclosed the following campaign contribution that she had received in excess of \$100:

- Mr. Francis A. McDermott

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.

Discussion ensued concerning fencing around the ball field, risk management and liability insurance, location of the nursery school playground, school hours of operation, and commercial enterprise.

Following the public hearing, which included testimony by 14 speakers, Greg Chase, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Special Exception Application SE 2007-SP-009, subject to the development conditions dated October 9, 2007.
- Waiver of the requirement to provide a sidewalk along the Ox Road (Route 123) frontage of the property, in accordance with Section 17-201 of the Zoning Ordinance.
- Waiver of the requirement for a five-foot wide on-road bicycle lane within the right-of-way of Ox Road.
- Modification of the transitional screening requirements along the eastern, southern, and western property boundaries, as depicted on the Special Exception Plat.
- Modification of the barrier requirement along the western portion of the north boundary (adjacent to parcels 10, 11, and 14B1), the western portion of the south boundary (adjacent to parcels 3A and 28), along the western boundary (adjacent to parcels 8 and 9), and the entirety of the east boundary (entire Ox Road frontage of the property).
- Waiver of the service drive requirement of Section 17-201 of the Zoning Ordinance in favor of the interparcel connections depicted on the Special Exception Plat.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Gross and Supervisor Smyth being out of the room.

DMS:dms

80. **4 P.M. – PH ON REZONING APPLICATION RZ 2006-SU-025 (COMMONWEALTH CENTRE INVESTORS, LLC AND COMMONWEALTH CENTRE INVESTORS II, LLC) (SULLY DISTRICT)**

AND

PH ON PROFFERED CONDITION APPLICATION PCA 78-S-063-5 (COMMONWEALTH CENTRE INVESTORS, LLC AND COMMONWEALTH CENTRE INVESTORS II, LLC) (SULLY DISTRICT) (7:56 p.m.)

(O) The application property is located in the northeast quadrant of Westfields Boulevard and north of the intersection of Sully Road and Westfields Boulevard,

Tax Map 44-1 ((1)) 6, 6B, 6C 6D, and Newbrook Drive public right-of-way to be vacated. (Approval of this application may enable the vacation of portions of the public right-of-way for Newbrook Drive to proceed under Section 15.2-2272 of the *Code of Virginia*.)

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Mr. Looney 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 Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, and Mr. Looney, regarding the:

- Amount of pavement, current environmental policy, and green space.
- Total acreage of the site, the reduction of the development allowed on the property, and the design of the site.
- Amount of area that is protected and green space.
- Percentage of the property that falls within the Environmental Quality Corridor (EQC).

Following the public hearing, Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Approval of Proffered Condition Amendment Application PCA 78-S-063-5.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2006-SU-025, from the I-3 and WS Districts to the WS District, subject to the proffers dated September 27, 2007, and the Conceptual Development Plan (CDP) conditions dated October 12, 2007.
- Waiver of the service drive requirement along Sully Road (Route 28).

Supervisor DuBois seconded the motion.

Discussion ensued, with input from Mr. Looney, regarding the amount of land to be donated to the Park Authority.

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

(NOTE: On October 3, 2007, the Planning Commission approved Final Development Plan Application FDP 2006-SU-025, subject to the conditions dated September 26, 2007.)

81. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICTS TO RENEW AGRICULTURAL ADDENDUM AA 83-S-004 (LEE J. VAZQUEZ, NADINE VAZQUEZ, JEFF WATERS) (SPRINGFIELD DISTRICT)** (8:20 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 September 27 and October 4, 2007.

The application property is located on the west side of Newman Road and south side of Popes Head Road, Tax Map 66-4 ((1)) 21Z; 75-2 ((1)) 5Z and 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 Addendum District Application AA 83-S-004 and adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F, renewing the Whitehall Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 3, 2007. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," and Supervisor Gross being out of the room.

82. **ORDERS OF THE DAY** (8:23 p.m.)

Vice-Chairman Bulova announced that the Board would call all of the public hearings for the applications pertaining to Fair Lakes Center Associates LP together, but have separate motions for the individual cases.

83. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-17 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)**

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-03-03 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT) (8:23 p.m.)

The application property is located on the north side of Fair Lakes Circle approximately 300 feet southwest of Fair Lakes Parkway, Tax Map 55-2 ((1)) 6A, 8A1 pt. and 8A2.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-19 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-03-02 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT) (8:23 p.m.)

The application property is located approximately 500 feet southwest of the intersection of Fair Lakes Circle and Fair Lakes Parkway, Tax Map 55-2 ((5)) A1, B, and D2 pt.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-20 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-01-01 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT) (8:23 p.m.)

The application property is located in the northeast quadrant of the intersection of Fair Lakes Parkway and the Fairfax County Parkway, Tax Map 45-4 ((1)) 25E1 pt. and 25E2 pt.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-15 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-03-01 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT) (8:24 p.m.)

The application property is located in the southeast quadrant of the intersection of Fair Lakes Parkway and Fairfax County Parkway and north side of Fair Lakes Circle, Tax Map 55-2 ((1)) 6B, 8A1 pt., 11A1 and 11B1.

4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-16 (FAIR LAKES CENTER ASSOCIATES LP) (SPRINGFIELD DISTRICT)

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-07-01 (FAIR LAKES CENTER ASSOCIATES, LP) (SPRINGFIELD DISTRICT) (8:24 p.m.)

The application property is located on the south side of Fair Lakes Circle approximately 800 feet east of Fairfax County Parkway, Tax Map 55-2 ((1)) 9A.

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

The disclosures for Proffered Condition Amendment Application PCA 82-P-069-17 and Conceptual Development Plan Amendment Application CDPA 82-P-069-03-03 are as follows:

Vice-Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor DuBois disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Francis A. McDermott

- Mr. James W. Todd

The disclosures for Proffered Condition Amendment Application PCA 82-P-069-19 and Conceptual Development Plan Amendment Application CDPA 82-P-069-03-02 are as follows:

Supervisor DuBois disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Francis A. McDermott
- Mr. James W. Todd

Vice-Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Jon M. Peterson

The disclosures for Proffered Condition Amendment Application PCA 82-P-069-20 and Conceptual Development Plan Amendment Application CDPA 82-P-069-01-01 are as follows:

Supervisor DuBois disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Francis A. McDermott
- Mr. James W. Todd
- Mr. James W. Hazel

Vice-Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Jon M. Peterson

The disclosures for Proffered Condition Amendment Application PCA 82-P-069-15 and Conceptual Development Plan Amendment Application CDPA 82-P-069-03-01 are as follows:

Supervisor DuBois disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Francis A. McDermott
- Mr. James W. Todd

Vice-Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Jon M. Peterson

The disclosures for Proffered Condition Amendment Application PCA 82-P-069-16 and Conceptual Development Plan Amendment Application CDPA 82-P-069-07-01 are as follows:

Supervisor DuBois disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. Francis A. McDermott
- Mr. James W. Todd

Vice-Chairman Bulova disclosed the following campaign contribution which she had received in excess of \$100 from:

- Mr. Jon M. Peterson

Supervisor Frey disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Jon M. Peterson

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the applications and site locations.

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.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations for all of the applications.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-17, subject to the proffers dated October 9, 2007.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-03-03.
- Modification of Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.
- Modification of the loading space requirement for residential use to permit two loading spaces, as depicted on the CDPA/FDPA.
- Waiver of the transitional screening and barrier requirements between the proposed residential and the existing non-residential uses.
- Modification of the PDC Standards to permit residential uses to exceed 50 percent of the gross floor area of principal uses.

Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hyland, and Chairman Connolly being out of the room.

(NOTE: On October 4, 2007, the Planning Commission approved Final Development Plan Amendment Application 82-P-069-8-5, subject to the development conditions dated October 3, 2007, with Condition 4 modified to read as follows: "The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.")

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-19, subject to the proffers dated September 28, 2007.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-03-02.
- Modification of the Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.

Vice-Chairman Bulova seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hyland, and Chairman Connolly being out of the room.

(NOTE: On October 4, 2007, the Planning Commission approved Final Development Plan Amendment FDPA 82-P-069-9-8, subject to the development conditions dated October 3, 2007, with Condition 4 modified to read as follows: “The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”)

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-20, subject to the proffers dated October 12, 2007.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-01-01.
- Modification of the PDC Standards to permit residential uses to exceed 50 percent of the gross floor area of principal uses.
- Modification of the Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.

- Waiver to locate underground facilities in the residential area for the Fair Lakes Land Bay VI-A Development of Public Facilities Manual Section 6-03038 subject to Waiver # 005727-WPFM-013-1, subject to the conditions dated October 15, 2007.

Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-15, subject to the proffers dated October 12, 2007.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-03-01.
- Modification of the Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.
- Modification of the loading space requirement in favor of the loading spaces provided on the CDPA/FDPA.

(NOTE: On October 4, 2007, the Planning Commission approved the following:

- Final Development Plan Amendment FDPA 82-P-069-1-14, subject to the development conditions dated October 3, 2007, with development condition 4 modified to read as follows: “The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”
- Final Development Plan Amendment FDPA 82-P-069-10-4, subject to the development conditions dated October 3, 2007, with development condition 4 modified to read as follows: “The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”)

Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

Supervisor McConnell moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-16, subject to the proffers dated September 28, 2007.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-07-01.
- Modification of the Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.
- Modification of the loading space requirement in favor of the loading spaces provided on the CDPA/FDPA.
- Modification of the transitional screening and barrier requirements on the south side of the property (adjacent to I-66), in favor of the existing and proposed landscaping.

Vice-Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

(NOTE: On October 4, 2007, the Planning Commission approved the following:

- Final Development Plan Amendment FDPA 82-P-069-11-5, subject to the development conditions dated October 3, 2007, with development condition 4 modified to read as follows: “The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”
- Final Development Plan Amendment FDPA 82-P-069-6-11, subject to the development conditions dated October 3, 2007, with development condition 4 modified to read as follows: “The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”)

84. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-SP-033 (CENTERPOINTE CHURCH AT FAIR OAKS FORMERLY KNOWN AS FAIRFAX ASSEMBLY OF GOD) (SPRINGFIELD DISTRICT)** (8:59 p.m.)

- (O) The application property is located at the southwest quadrant of the intersection of Legato Road and Legato Road, Tax Map 46-3 ((1)) 45 – 50 and a portion of the prescriptive right-of-way for Legato Road to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the prescriptive right-of-way for Legato Road to proceed under Section 33.1-151 and 15.2-2272 (2) of the *Code of Virginia*.)

Mr. Benjamin F. Tompkins 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. William H. Gordon and Associates, through 4501 Daly LP, which is not a party to this application.

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

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

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-SP-033, from the R-1, C-3, and HC Districts to the C-3 and HC Districts, subject to the proffers dated September 17, 2007.
- Modification of the loading space requirement for the office option only to allow tandem loading spaces.
- Modification of the transitional screening and barrier requirements on the western and southern property boundaries, in favor of that shown on the CDP.

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

85. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-006-2 (PUBLIC STORAGE) (MASON DISTRICT)** (No time)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #75.)

86. **4:30 P.M. – PH ON A PROPOSAL TO IMPLEMENT CUT-THROUGH MEASURES ON MORNINGSIDE LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)** (No time)

Supervisor Hyland moved that the Board defer the public hearing on a proposal to implement cut-through measures on Morningside Lane until **December 3, 2007, at 3:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

87. **4:30 P.M. – PH REGARDING THE CONVEYANCE OF COUNTY-OWNED PROPERTY TO THE FAIRFAX COUNTY PARK AUTHORITY AND AUTHORIZATION FOR THE COUNTY EXECUTIVE TO SIGN ON BEHALF OF THE BOARD A LAND BANK AGREEMENT** (9:07 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 September 27 and October 4, 2007.

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

Discussion ensued, with input from Ms. Verville, regarding the Dartmoor Woods property and the addition of a regional pond.

Supervisor Frey moved:

- Adoption of the Resolution authorizing the conveyance of County-owned property to the Park Authority.
- Authorization for the County Executive to sign the Land Bank Agreement, on behalf of the Board.

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

88. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX (CHAPTER 112), ZONING ORDINANCE, REGARDING THE WORKFORCE HOUSING PROGRAM** (9:12 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 September 27 and October 4, 2007.

Donna Pesto, Planner, Department of Planning and Zoning (DPZ), presented the staff report.

Discussion ensued, with input from Ms. Pesto and John Payne, Acting Deputy Director, Department of Housing and Community Development (HCD), regarding the definition, examples, the person responsible for the units, and the Affordable Dwelling Unit (ADU) Program in conjunction with the Workforce Housing Program.

Following the public hearing, which included testimony by five speakers, discussion ensued, with input from Mr. Payne and Ms. Pesto, regarding some distinctions between the ADU Program and the Workforce Housing Program.

Further discussion ensued, with input from Mr. Payne and Ms. Pesto, regarding government subsidies and who is being served by these programs.

Supervisor Hudgins moved:

- Adoption of the proposed Zoning Ordinance Amendment on Workforce Housing, as set forth in the memorandum dated October 4, 2007, as well as, set forth as Attachment 1 of the Board Agenda Item.
- Adoption of the Workforce Housing Policy, entitled “Board of Supervisors’ Workforce Dwelling Unit Administrative Policy Guidelines,” set forth as Attachment 2 of the Board Agenda Item.

Vice-Chairman Bulova seconded the motion and it **CARRIED** by a recorded vote of seven, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Vice-Chairman Bulova voting “**AYE**,” Supervisor McConnell voting “**NAY**,” Supervisor Gross and Chairman Connolly being out of the room.

89. **5 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-L-020-23 (KINGSTOWNE L LP, KINGSTOWNE PARCEL O LP; KINGSTOWNE M&N LP; BP KINGSTOWNE OFFICE BUILDING T, LLC; KINGSTOWNE TOWNE CENTER LP; BP KINGSTOWNE OFFICE BUILDING K LLC; BP KINGSTOWNE THEATRE, LLC) (LEE DISTRICT)** (No time)

(NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #74.)

90. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 97-D-020-02 (VERIZON VIRGINIA, INCORPORATED) (DRANESVILLE DISTRICT)** (10:01 p.m.)

The application property is located at 1701 Chain Bridge Road, Tax Map 30-3 ((1)) 46.

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

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

Mr. Fifer 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 five speakers, Mr. Braham presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. Braham; Kevin M. Farquhar, architect, Wisnewski Blair and Associates, Limited; Mr. Fifer; Sherri Hoy, Land Use Planner, McGuire Woods, LLP; and Barbara J. Nissel, architect, Verizon Virginia, Incorporated, regarding the location of the equipment, the size of the building, and the noise factor.

Further discussion ensued, with input from Mr. Braham, regarding the date of the last addition done to the building and the design of the building requested from the neighbors.

Supervisor DuBois moved:

- Approval of Special Exception Amendment Application SEA 97-D-020-02, subject to the development conditions dated October 10, 2007.

- Modification of the transitional screening yard requirements along all boundaries, as shown on the SEA Plat.
- Waiver of the barrier requirement along Chain Bridge Road, along the eastern boundary, and along portions of the southern and western boundaries where a fence is not shown on the SEA Plat.
- Approval of the request to allow an 8-foot tall board-on-board fence in the location shown on the SEA Plat, pursuant to the provisions of Sect. 10-104.
- Modification of the trail requirement in favor of the proposed Development Conditions.

Supervisor Kauffman and Supervisor Smyth jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor Gross, and Chairman Connolly being out of the room.

91. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE MEADOWS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (11:06 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 September 27 and October 4, 2007.

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

Supervisor Frey stated that he had an item for the record.

Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Meadows CPD, shown in Attachment I, in accordance with current CPD restrictions. The proposed district encompasses Saint Germain Drive from Machen Road to Field Encampment Road. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Supervisor Gross and Chairman Connolly being out of the room.

92. **5:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2003-DR-058 (NVR, INCORPORATED D/B/A RYAN HOMES) (DRANESVILLE DISTRICT)** (No time)

Supervisor DuBois moved that the Board defer the public hearing on Proffered Condition Amendment Application PCA 2003-DR-058 until **January 7, 2008, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

93. **5:30 P.M. – PH ON AMENDMENTS TO THE UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) RESTATED AND AMENDED SERVICE AGREEMENT** (11:10 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 September 13 and September 20, 2007.

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, presented the staff report.

Supervisor Kauffman moved adoption of the amendments establishing funding formulas for construction of nutrient reduction facilities, expansion of the UOSA Flat Branch delivery system from 54 million gallons per day (MGD) to 64 MGD, and hydraulic improvements at the plant. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Gross and Chairman Connolly being out of the room.

94. **5:30 P.M. – PH ON THE SALE OF A TOTAL OF THREE MILLION GALLONS PER DAY OF FAIRFAX COUNTY'S UNUSED CAPACITY AT THE UPPER OCCOQUAN SEWAGE AUTHORITY'S TREATMENT PLANT TO PRINCE WILLIAM COUNTY AND THE CITY OF MANASSAS** (11:11 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 September 13 and September 20, 2007.

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued, with input from Mr. Jenkins, regarding the future growth needs of the County, the payment for upgrades, and the usage of the unused capacity.

Further discussion ensued, with input from Mr. Jenkins, regarding the ability to ever take back the gallons sold and the amount of gallons the County uses.

Supervisor McConnell moved that the Board authorize the Chairman to execute the capacity sales agreements. Supervisor Frey seconded the motion.

Further discussion ensued, with input from Mr. Jenkins, regarding the existence of any barriers to the expansion of the treatment plant.

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

95. **5:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (11:20 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 September 27 and October 4, 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 individual:

- Mr. David Ensor regarding amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Section 61-1-2, Definitions.

Supervisor Hyland asked unanimous consent that the Board direct staff to review the issues raised by Mr. Ensor regarding the definition of addition within the Code of the County of Fairfax, Chapter 61 (Building Provisions), Section 61-1-2, Definitions and report with recommendations. Without objection, it was so ordered.

Supervisor DuBois asked unanimous consent that the Board direct staff to determine the number of appeals that have been submitted. Without objection, it was so ordered.

ADDITIONAL BOARD MATTER

96. **CHAIRMAN CONNOLLY OUT SICK** (11:26 a.m.)

Vice-Chairman Bulova informed the Board that Chairman Connolly left the meeting earlier because he was sick.

97. **BOARD ADJOURNMENT** (11:26 p.m.)

The Board adjourned.

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