



# **CLERK'S BOARD SUMMARY**

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
April 28, 2008**

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**10-08**

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**DS:ds**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, April 28, 2008, at 9:48 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Catherine M. Hudgins, Hunter Mill District, arrived at 10:27 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Jan L. Brody, Deputy County Attorney; Catherine A. Chianese, Assistant 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 MATTERS**1. **MOMENT OF SILENCE** (9:48 a.m.)

Supervisor Gross asked everyone to keep in thoughts Hilary W. "Bill" Jenkins, Jr., a retired police officer, who died recently at the age of 90. He was one of the first police officers hired in 1946, after the soldiers came home from war. He was an Onthank Award winner in 1971.

Supervisor Gross asked everyone to keep in thoughts Ms. Paula Grundset, who died recently. She was an Onthank Award winner in 1997, and was the former branch manager of George Mason Regional Library in Mason District.

2. **CONTAINERS OF HONEY** (9:50 a.m.)

Supervisor Hyland announced that he has taken up bee keeping, but can not collect honey from his bees until July. However, an individual from the Bee Keepers Association of Virginia gave him containers of honey which he distributed around the dais.

**AGENDA ITEMS**3. **RESOLUTION OF RECOGNITION PRESENTED TO THE BURKE VOLUNTEER FIRE DEPARTMENT** (9:51 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Burke Volunteer Fire Department for its sixtieth anniversary. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

4. **PROCLAMATION DESIGNATING MAY 2008 AS "FOSTER CARE AND FOSTER FAMILY RECOGNITION MONTH" IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Hyland moved approval of the Proclamation to designate May 2008 as "*Foster Care and Foster Family Recognition Month*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Heidi Behan, Co-President, Fairfax County Foster Care and Adoption Association, distributed a flyer around the dais regarding a 5-K walk to benefit children in foster care. She encouraged Board Members to attend. The event is scheduled for Saturday, May 17, 2008, at 8 a.m. until 1 p.m. at the Lake Accotink Park in Springfield.

5. **RESOLUTION OF RECOGNITION PRESENTED TO STOP CHILD ABUSE NOW OF NORTHERN VIRGINIA (SCAN)** (10:07 a.m.)

**ADDITIONAL BOARD MATTER**

**Absence of Hunter Mill District Supervisor Hudgins**  
(10:07 a.m.)

Chairman Connolly announced that Supervisor Hudgins was necessarily absent and hopefully would be arriving later in the meeting.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to SCAN for its twentieth anniversary. Supervisor Gross and Supervisor Smyth jointly seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION DESIGNATING MAY 2008 AS "ASIAN/PACIFIC-AMERICAN MONTH" IN FAIRFAX COUNTY** (10:14 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2008 as "*Asian/Pacific-American*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins not yet having arrived.

7. **PROCLAMATION DESIGNATING MAY 5-11, 2008, AS "BUILDING SAFETY WEEK" IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Frey moved approval of the Proclamation to designate May 5-11, 2008, as "*Building Safety Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McKay being out of the room.

8. **RESOLUTION OF RECOGNITION PRESENTED TO GUITARS NOT GUNS** (10:37 a.m.)

Supervisor Bulova moved approval of the Resolution of Recognition presented to Guitars Not Guns for its efforts to replace violence with music by providing guitar lessons to at-risk and underprivileged youth. Supervisor Gross seconded the motion and it carried by unanimous vote.

**ADDITIONAL BOARD MATTER**

9. **TREE CITY USA BALL CAP PRESENTED TO CHAIRMAN CONNOLLY**  
(10:44 a.m.)

Supervisor Gross said that on April 19, 2008, the Earth Day/Arbor Day celebration was held at the Northern Virginia Community College's Annandale campus. Supervisor Gross noted that she, Supervisor Bulova, and Supervisor Smyth attended the celebration. She said that the County received the Tree City USA banner award for having an excellent tree program. The banner was taken by the Urban Forestry Department to be displayed. However, Supervisor Gross brought back a ball cap labeled Tree City USA which she presented to Chairman Connolly, on behalf of Supervisor Bulova, Supervisor Smyth, and herself.

Chairman Connolly noted that he attended the Earth Day/Arbor Day celebration at George Mason University on April 19, 2008.

**AGENDA ITEMS**

10. **10 A.M. – BOARD DECISION ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSALS), TO REVISE THE SEWER SERVICE CHARGES AND THE AVAILABILITY FEES**

**AND****BOARD ADOPTION OF THE FISCAL YEAR (FY) 2009 BUDGET PLAN**  
(10:46 a.m.)

(O) (Rs)  
(FPR)

[NOTE: On March 31, 2008, the Board held a public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposals) and deferred decision until April 28, 2008.]

(NOTE: On March 31, April 1–2, 2008, the Board held public hearings on the proposed FY 2009 Budget Plan and deferred decision until April 28, 2008.)

Following an opening statement, Supervisor Bulova noted that the FY 2010 Lines of Business Review meeting schedule, regarding the County programs and services, was distributed around the dais.

Supervisor Gross noted that the meetings in Conference Rooms 9 and 10 are open to the public and County staff. She noted that it is difficult to hear from the back of the conference room. Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to review the sound system in the conference room to ensure that it is audible to all individuals wishing to hear the meeting.

Following a discussion regarding this issue, without objection it was so ordered.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the meeting schedule.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposals), Article 10, Subsection 2:

- Subsection (d) Service Charges to maintain the sewer service charges on a multi year basis as included in the ordinance amendment. The effect of this approval for FY 2009 is a sewer service charge rate of \$4.10 per 1,000 gallons. This is an increase from the FY 2008 service charge of \$3.74 per 1,000 gallons.
- Subsection (a) Availability Charges to maintain the availability charges on a multi year basis as included in the ordinance amendment. As a result of this motion, the availability fee for a single family residence increases to \$6,896 from \$6,506 in FY 2008.

Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Bulova moved that the Board set the real property tax rate at \$0.92 per \$100 of assessed value. As a result of this action, the real property tax rate for calendar year 2008 (FY 2009) will increase by \$0.03 over the real property tax rate for calendar year 2007 (FY 2008) of \$0.89 per \$100 of assessed value. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion .

Following a discussion regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Herrity voting "NAY."

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-10-5, regarding an additional real property tax rate of \$0.11 per \$100 of assessed value on commercial and industrial property for transportation purposes. Supervisor Hudgins seconded the motion.

Following discussion regarding the rate, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4 (Taxation and Finance), Section 4-26-1, Service Charge for Transport by County Emergency Medical Services Vehicle; Chapter 84.1 (Public Transportation), Section 84.1-3-5, relating to fees for applications for taxi cabs and to fees for the issuance and renewal of licenses for taxi cabs; and Chapter 61 (Building Provisions) and Chapter 62 (Fire Protection) regarding fire marshal fees. If adopted, the fee increases will become effective on and after July 1, 2008. Copies of the amended sections of the Code were included with the March 31, 2008, Board Agenda Item. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

Supervisor Bulova moved adoption of the FY 2009:

- Tax Rate Resolution Adopting Tax Rates for Fairfax County, as detailed in Attachment II of the Board Agenda Item dated April 24, 2008.
- Appropriation Resolution for County Agencies/Funds as set forth in Attachment III of the Board Agenda Item dated April 24, 2008.
- Appropriation Resolution for School Board Funds as set forth in Attachment IV of the Board Agenda Item dated April 24, 2008.
- Fiscal Planning Resolution as set forth in Attachment V of the Board Agenda Item dated April 24, 2008.

Supervisor Hyland seconded the motion.

Following a lengthy discussion regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Herrity voting "NAY."

EBE:ebe

11. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:27 a.m.)

(APPTS)

(BACs)

**AIRPORTS ADVISORY COMMITTEE**

The Board deferred the appointment of the Mason District Representative.

**ANIMAL SERVICES ADVISORY COMMISSION**

The Board deferred the appointment of the Springfield District Representative.

**ATHLETIC COUNCIL**

Chairman Connolly moved the appointment of Mr. Clement Chan as the At-Large Principal Representative. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor Herrity being out of the room.

Supervisor McKay moved the reappointment of Mr. Steven R. Saulnier as the Lee District Alternate Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Herrity being out of the room.

(NOTE: Following the meeting, Mr. Saulnier declined this appointment.)

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE**

The Board deferred the appointment of the Dranesville District Representative.

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

Supervisor McKay moved the appointment of Mr. Robert F. Kohm as the Design Professional #6 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Alternate #4 Representative.

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE**

Supervisor Gross moved the appointment of Mr. George L. McLennan as the Mason District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

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

**CHILD CARE ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**CITIZENS CORPS COUNCIL, FAIRFAX COUNTY**

The Board deferred the appointment of the Mason District Representative.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

Chairman Connolly moved the appointment of Ms. Lillian Heizer as the At-Large Minority Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the appointment of Ms. Jill Allen Murray as the Lee District Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Mason District, Mount Vernon District, and Religious Community Representatives.

**COMMUNITY ACTION ADVISORY BOARD (CAAB)****CONFIRMATIONS:**

Supervisor Hyland moved the confirmation of the following appointments:

- Ms. Jennifer Branch as the Head Start Principal Fairfax County Representative
- Ms. Shari Zamarra as the Faith Communities in Action Representative

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

The Board deferred the appointment of the At-Large Chairman's Representative.

**COMMUNITY CRIMINAL JUSTICE BOARD (CCJB)**

The Board deferred the appointment of the At-Large #3 Representative.

**CONSUMER PROTECTION COMMISSION**

The Board deferred the appointment of the Fairfax County Resident #3 Representative.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC)**

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

**FAIRFAX AREA DISABILITY SERVICES BOARD**

Chairman Connolly moved the appointment of Ms. Kelly Greenwood as the At-Large #1 Business Community Representative. Supervisor McKay seconded the motion, which carried by unanimous.

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

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)**

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

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointment of the Provider #1 Representative.

**HUMAN RIGHTS COMMISSION**

Chairman Connolly moved the appointment of Mr. Harry Salinas as the At-Large #4 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the #6 Representative.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

Supervisor Foust moved the appointment of Mr. Robert J. Marro as the Dranesville District Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative.

**PARK AUTHORITY**

Chairman Connolly moved the appointment of Ms. Marie Reinsdorf as the At-Large #1 Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

**REDEVELOPMENT AND HOUSING AUTHORITY**

Chairman Connolly moved the reappointment of Mr. Willard O. Jasper as the At-Large #1 Representative. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor McKay moved the reappointment of Mr. Albert J. McAloon as the Lee District Representative. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Conrad Egan as the Providence District Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey announced the resignation of Mr. John Litzenberger and moved the appointment of Mr. Robert C. Carlson to fill Mr. Litzenberger's unexpired term as the Sully District Representative. Supervisor McKay seconded the motion, which carried by unanimous vote.

**SMALL BUSINESS COMMISSION**

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

Chairman Connolly moved the appointment of Ms. Tracy Betts as the At-Large #3 Representative. Supervisor Gross seconded the motion which carried by unanimous vote.

The Board deferred the appointment of the Providence and Springfield District Representatives.

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

Supervisor Hudgins moved the reappointment of Ms. Janet Bradshaw as the Fairfax County #1 Representative. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the reappointments of:

- Mr. Rosevelt Calbert as the Fairfax County #3 Representative

- Mr. Ram Singh as the Fairfax County #6 Representative
- Ms. Mariam Awad as the Fairfax County #9 Representative

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

The Board deferred the appointment of the Fairfax County #5 Representative.

(NOTE: Later in the meeting the Board made additional appointments. See Clerk's Summary Item #55.)

#### **TENANT LANDLORD COMMISSION**

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

#### **TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointments of the At-Large Chairman's, Hunter Mill District, and Springfield District Representatives.

#### **TRANSPORTATION ADVISORY COMMISSION (TAC)**

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

#### **WETLANDS BOARD**

The Board deferred the appointment of the Springfield District Representative.

#### **AD HOC COMMITTEES**

#### **FAIRFAX COUNTY HISTORY MUSEUM SUBCOMMITTEES**

The Board deferred the appointment of the Lee #1 and #2, and Providence #1 District Representatives.

#### **TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE**

The Board deferred the appointment of the Tysons Neighborhood Westwood Representative.

**ADDITIONAL APPOINTMENT****ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD**

Supervisor Frey moved the appointment of Mr. William H. Keech, Jr. to fill the unexpired term of Mr. William H. Keech, Sr. as the Resident/Owner, Route 28 District #2 Representative. Chairman Connolly seconded the motion, which carried by unanimous vote.

(NOTE: Later in the meeting the Board made additional appointments. See Clerk's Summary Item #55.)

12. **ADMINISTRATIVE ITEMS** (11:36 a.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 3, which will be deferred until after closed session. Supervisor Hyland seconded the motion.

Anthony H. Griffin, County Executive, noted a correction to Admin 1 – Streets into the Secondary System (Mount Vernon, Providence, and Sully Districts). The third set of streets should be Springfield District, instead of Sully District.

Supervisor Smyth called the Board's attention to Admin 2 – Extension of 2232 Review Applications (Mason and Providence Districts), regarding the parking garage at the Vienna Metro Station which had been deferred indefinitely. Discussion ensued with input from David Marshall, staff, Planning Division, Department of Planning and Zoning, who indicated that a withdrawal letter has not been received from Washington Metropolitan Area Transit Authority (WMATA) to withdraw the application. Another request will be sent to the WMATA regarding the withdrawal letter.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 3, and it carried by a unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE."

**ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)**

(R) (NOTE: Earlier in the meeting, a correction was noted on this item. See above.)

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
8211 Terminal Road LLC	Mount Vernon	Fairfax County Parkway Route 7100) Additional Right-of-Way (ROW) only
Brittany Park at Tysons	Providence	Brittany Parc Drive Pimmit Drive, Route 2707  Brittany Parc Court  Idylwood Road Route 695 Additional ROW only
Leonard Property	Springfield	Idylwood Road Route 695 Additional ROW only North Lake Drive Route 7730  Tall Timbers Drive

**ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (MASON AND PROVIDENCE DISTRICTS)**

(NOTE: Earlier in the meeting the Board discussed this item. See page 12.)

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>
FSA-M00-106-3	Sprint-Nextel Add dish antennas to rooftop 3401 Washington Drive (Mason District)	June 28, 2008
2232-P06-12	Washington Metropolitan Area Transit Authority Parking structure 2900 Nutley Street (Vienna Metro Station) (Providence District)	October 20, 2008

**ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), REGARDING CLARIFICATION OF SIGNAGE REQUIREMENTS FOR LARGE AREA COMMUNITY PARKING DISTRICTS (CPD)**

(NOTE: Earlier in the meeting, the Board deferred action on this item. See page 12.)

(NOTE: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item #58.)

**ADMIN 4 – APPROVAL OF A MULTI-WAY STOP AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE AND MOUNT VERNON DISTRICTS)**

- (Rs)
- Approved multi-way stop at the following intersections:
    - Trotting Horse Lane and Locust Hill Drive (Dranesville District)
    - Camden Street and Cavendish Drive (Mount Vernon District)
  - Adopted the Resolution for a “Watch for Children” sign on the following street:
    - Hoes Road (Mount Vernon District)
  - Directed staff to request the Virginia Department of Transportation (VDOT) install the approved measures as soon as possible.

**ADMIN 5 – INSTALLATION OF NO PARKING FOR COMMERCIAL VEHICLES OVER 12,000 POUNDS SIGNS ON CINDER BED ROAD SOUTH SIDE FROM THE CUL-DE-SAC EAST TO BACKLICK ROAD (LEE DISTRICT)**

- (Rs)
- Adopted the Resolution restricting parking on the south side Cinder Bed Road from the cul-de-sac east to Backlick Road.
  - Directed staff to install these signs at the earliest possible date.

**ADMIN 6 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-053-4, SPRINGFIELD EAST LC (LEE DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 91-L-053-4 to October 28, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 7 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-054-3, SPRINGFIELD EAST LC (LEE DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Amendment Application SEA 91-L-054-3 to October 28, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 8 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-L-020, SPRINGFIELD EAST LC (LEE DISTRICT)**

- (AT) Approved the request for 12 months of additional time to commence construction for Special Exception Application SE 01-L-020 to October 28, 2008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 9 – AUTHORIZATION FOR THE DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS (DPSC) TO APPLY FOR AND ACCEPT FUNDING FROM THE COMMONWEALTH OF VIRGINIA, VIRGINIA WIRELESS E-911 SERVICES BOARD, FOR THE WIRELESS E-911 ENHANCEMENT PROGRAM**

Authorized DPSC to apply for and accept funding, if received, from the Virginia Wireless E-911 Services Board in the amount of \$180,000 for the Wireless E-911 Enhancement Program. A 20 percent local cash match of \$36,000 will be provided by Fund 120, E-911.

13. **A-1 – APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE DEPARTMENT AND THE NORTHERN VIRGINIA HIGH INTENSITY DRUG TRAFFIC AREAS (HIDTA) GANG TASK FORCE** (11:38 a.m.)

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

14. **A-2 – APPROVAL OF AN AGREEMENT BETWEEN THE POLICE DEPARTMENT AND THE US PARK POLICE** (11:39 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a unanimous vote, the Board concurred in the recommendation of staff and authorized the Chief of Police to sign the interagency agreement between the Police Department and the US Park Police.

15. **A-3 – APPROVAL OF A PROJECT AMENDMENT BETWEEN THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND THE COUNTY TO ADMINISTER COUNTYWIDE PEDESTRIAN SAFETY AND ACCESS IMPROVEMENTS; ENDORSEMENT OF THE LOCATIONS CHOSEN FOR IMPROVEMENTS; AND A RESOLUTION FOR STAFF TO EXECUTE THE PROJECT AMENDMENT** (11:39 a.m.)

(R) On motion of Supervisor Bulova, seconded by Supervisor McKay, and carried by a unanimous vote, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and:

- Approved a project amendment, in substantial form, between VDOT and the County.
- Endorsed the updated list of Top Pedestrian Intersection Safety and Access Projects analyzed and reviewed by staff.
- Authorized staff to execute the project amendment.

16. **A-4 – APPROVAL OF PROPOSED CONSOLIDATED PLAN ONE-YEAR ACTION PLAN FOR FISCAL YEAR (FY) 2009** (11:39 a.m.)

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

- Adopted the Proposed Consolidated Plan One-Year Action Plan for FY 2009 as issued by the Consolidated Community Funding Advisory Committee with funding allocation outlined in the Board Agenda Item dated April 28, 2008.
- Authorized signature of the Consolidated Plan Certifications and Federal funding application forms required by the US Department of Housing and Urban Development.

17. **I-1 – MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NORTHERN VIRGINIA CRIMINAL JUSTICE ACADEMY (CJA), PRINCE WILLIAM COUNTY CJA, AND THE FAIRFAX COUNTY CJA** (11:40 a.m.)

The Board next considered an item contained in the Board Agenda dated April 28, 2008, requesting authorization for the Fairfax County CJA to enter into a MOU with the Northern Virginia CJA and the Prince William County CJA.

The staff was directed administratively to proceed as proposed.

18. **I-2 – CONTRACT AWARD – ENGINEERING SERVICES** (11:40 a.m.)

The Board next considered an item contained in the Board Agenda dated April 28, 2008, requesting authorization for staff to award contracts to the following:

- Gauthier, Alvarado and Associates
- Setty and Associates, LTD
- S3E Klingeman, Incorporated
- Shaffer, Wilson, Sarver and Gray, PC
- JVP Engineers PC
- Sebesta Blomberg and Associates, Incorporated

The initial period will be from date of award through November 30, 2009, with three one-year renewal options. The total estimated amount of this contract for all County departments will be over \$1 million, depending on funds budgeted for each project.

Discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the kind of analysis made at the end of contracts with automatic renewal options to ensure it is the best economic deal for the County, considering the current economic situation.

The staff was directed administratively to proceed as proposed.

19. **I-3 – INTERNATIONAL BUILDING SAFETY WEEK** (11:42 a.m.)

(NOTE: Earlier in the meeting, the Board recognized International Building Safety Week. See Clerk's Summary Item #7.)

The Board next considered an item contained in the Board Agenda dated April 28, 2008, announcing that, in observance of International Building Safety Week,

May 5–11, 2008, the Department of Public Works and Environmental Services is conducting a campaign to promote public awareness of building safety in the County.

The staff was directed administratively to proceed as proposed.

NV:nv

### **ADDITIONAL BOARD MATTERS**

20. **LETTER TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) NORTHERN VIRGINIA ADMINISTRATOR** (11:43 a.m.)

In a joint Board Matter with Supervisor Foust, Chairman Connolly stated that as part of the high-occupancy toll (HOT) lane project on the Capital Beltway, a staging area was required at the intersection of Balls Hill Road and Georgetown Pike. This three-acre site was cleared, with the action taking place without the Board's knowledge as to the action or location. This clearing removed a significant amount of trees and brush directly across from Cooper Middle School. The action was taken to provide a site for material storage, equipment storage, and office trailers for the duration of the HOT lane construction project.

Chairman Connolly noted that local officials and civic organizations only became aware of this staging area after the trees had been cut and the land cleared. He asserted that this lack of communication from VDOT and its private partner, Fluor-Transurban, to these affected individuals and organizations is unsatisfactory. All involved recognize that major improvements to the transportation network, particularly in developing infrastructure, might present short-term problems and inconveniences, but the lack of respect for those affected by no communication was such a dramatic action and is unacceptable.

Chairman Connolly said that the HOT lanes project will directly impact Dranesville, Providence, Braddock, Mason, and the Lee Districts as the lanes are being constructed. He asserted that it is imperative for VDOT to provide adequate communication to all of the elected Board officials and their constituents as the project progresses.

Accordingly, jointly with Supervisor Foust, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board endorse the letter to Mortenz Salehi, VDOT Administrator for Northern Virginia, a draft of which he distributed to the Board, for the Chairman's signature. Supervisor Foust seconded the motion.

Discussion ensued regarding notice, clear cutting, maintenance of replacement trees, permits in regard to State property, and the public facility (2232) process, with input from Anthony H. Griffin, County Executive, and David P. Bobzien, County Attorney.

Supervisor Foust asked to amend the motion to direct staff to also send copies of the letter to representatives of Fluor-Transurban, and this was accepted.

Chairman Connolly asked to amend the motion to direct staff to send copies of the letter to State Senator Janet Howell and Delegate Margaret Vanderhye, and this was accepted.

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

Supervisor Gross asked unanimous consent that the Board direct staff to provide copies of the letter to all members of the General Assembly whose districts encompass those areas that are along the Beltway and HOT lanes. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board took related action on this issue. See Clerk's Summary Items #21 and #37.)

21. **INVESTIGATION OF LEGAL RIGHTS OF THE BOARD TO REGULATE THE CONSTRUCTION ACTIVITIES OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) OR ITS CONTRACTOR** (12:04 p.m.)

(NOTE: Earlier in the meeting, the Board took action related to this issue. See Clerk's Summary Item #20.)

In a joint Board Matter with Chairman Connolly, Supervisor Foust referred to his written Board Matter on the subject of the high occupancy-toll (HOT) lanes project and stated that VDOT and the contractor take the position that their activities on VDOT property cannot be regulated by the County even though the property is being used for essentially a private purpose by Fluor-Transurban. He said that the problem at the Balls Hill Road staging area is one example of what is likely to happen all along the Capital Beltway's HOT lanes project if VDOT and the contractor are allowed to proceed in this manner.

Supervisor Foust said that VDOT has taken a similar position in the past when it argued that private enterprises like Fluor-Transurban are exempt from local zoning regulation when they build on VDOT property. In the prior situation, he said that VDOT leased its right-of-way to private cellular carriers and then argued that the private carriers were not subject to local zoning regulation because the County cannot regulate the use of VDOT land.

Supervisor Foust explained the outcome of the previous court case where the County prevailed and noted the importance of working cooperatively with VDOT and the contractor to make this public-private project a success.

Accordingly, jointly with Chairman Connolly, Supervisor Foust moved that the Board direct the County Attorney to investigate and report at the next meeting, or as soon thereafter as possible, on whether:

- Any or all of the planned HOT lanes construction activities are subject to the County's zoning authority under *Virginia Code* Section 15.2-2232.
- There are any other legal rights the Board might have to regulate the construction activities of VDOT and/or the contractor as the project proceeds.

Supervisor Smyth seconded the motion and discussion ensued with input from David P. Bobzien, County Attorney.

The question was called on the motion, which carried by a vote of nine, Supervisor McKay being out of the room.

(Later in the meeting, the Board discussed HOT lanes again. See Clerk's Summary Item #37.)

22. **SOLAR POWER PURCHASE ON COUNTY BUILDINGS** (12:16 p.m.)

With reference to his written Board Matter on the subject of solar power, Chairman Connolly said as part of the County's environmental initiatives it should investigate the possibility of solar power. He said that when he visited Berlin in November 2007, he was struck by the fact that Berlin has a policy of requiring solar panels on the roofs of all municipal buildings.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to investigate the feasibility of a solar power purchase for photovoltaic installations on County-owned facilities, including schools, and report with recommendations no later than August of this year so the Board's Environmental Committee can review them in September. Without objection, it was so ordered.

23. **ONLINE BICYCLE ROUTE FINDER** (12:17 p.m.)

Chairman Connolly noted the achievements of the Board's bicycle initiatives to date and moved that as part of the ongoing Comprehensive Bicycling Initiatives, the Board direct staff to create:

- An online cycling route finder to be located on the County's website under both the "Environment" and "Transportation" subject headings.
- A route finder that allows users to either include or exclude on road routes that do not have bike lanes, if technically feasible.

Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Foust and Supervisor Hudgins being out of the room.

24. **GREENHOUSE GAS EMISSION IMPACTS OF TRANSPORTATION PROJECTS** (12:18 p.m.)

Chairman Connolly said that as part of the County's environmental initiatives, the Board wants to better understand the potential impacts, positive or negative, on transportation projects of any greenhouse gas emissions that may be reduced or increased.

Accordingly, Chairman Connolly moved that the Board direct staff to conduct a pilot study to quantify projected greenhouse gas emission impacts on a major proposed transportation project contained in the Comprehensive Plan, assuming that the demand for jobs and housing in the region is nearly constant and taking into account induced sprawl.

Supervisor Gross asked to amend the motion to include any budgetary implications of the pilot study, and this was accepted.

Vice-Chairman Bulova seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Connolly amended the motion to direct staff to work with the Metropolitan Washington Council of Governments in a collaborative regional effort, and this was accepted.

Following further discussion regarding improved traffic flow on reducing greenhouse gas emissions, the question was called on the motion, as amended, which carried by a vote of eight, Supervisor Foust and Supervisor Hudgins being out of the room.

(NOTE: Later in the meeting, the Board took action regarding greenhouse gas emissions and climate change. See Clerk's Summary Item #26.)

25. **LEAVE NO CHILD INSIDE** (12:22 p.m.)

Chairman Connolly reported that he and Supervisor Hudgins recently attended an event with Richard Louv, the author of *Last Child in the Woods*. Mr. Louv talked about reduced time outdoors and how that is causing a rise in obesity and hyperactivity and a drop in various skills sets and creativity in children. Chairman Connolly noted that in January the Board initiated efforts to expand children's access to County parks and wild places.

Chairman Connolly asked unanimous consent that the Board direct staff to examine how access to recreational green infrastructure could be incorporated

into the County's land use planning process and report accordingly. Without objection, it was so ordered.

26. **ADAPTATION TO CLIMATE CHANGE** (12:23 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding a study on greenhouse gas emissions. See Clerk's Summary Item #24.)

Chairman Connolly said that the Board has made significant investments to reduce greenhouse gas emissions in accordance with recommendations from the world's leading scientists that government can take immediate and aggressive action to avert the worst consequences of climate change. However, despite best efforts, and even if the world was to reduce emissions to levels recommended by the International Panel on Climate Change and contained in Cool Counties, sea levels would probably still rise significantly along with global temperatures. While he said that there is still time to avert the worst consequences of global warming, all impacts cannot be avoided.

Accordingly, Chairman Connolly moved that the Board direct staff to create a plan to incorporate climate change into the County's long range planning, including, but not limited to, floodplain delineation and building requirements in areas that will be affected by sea level rise, and report to the Board's Environmental Committee at an appropriate time.

Supervisor Gross seconded the motion and, noting that she serves on the Governor's Commission on Climate Change, recounted a meeting she attended at the College of William and Mary that included a presentation that showed the dramatic effects of a rise in sea level on the Tidewater area.

Following discussion regarding the effect of sea level changes on the Potomac River, the question was called on the motion, which carried by unanimous vote.

27. **EXTENSION OF MEMORANDUM OF UNDERSTANDING (MOU) WITH CELEBRATE FAIRFAX INCORPORATED** (12:27 p.m.)

Chairman Connolly said that the County is in the process of renegotiating the MOU with Celebrate Fairfax Incorporated. In the interim, he asked unanimous consent that the Board extend the current MOU until it is ready to consider an updated MOU later in the year. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

28. **NAMING THE BURKE CENTER VIRGINIA RAILWAY EXPRESS (VRE) STATION TRAILS (BRADDOCK DISTRICT)** (12:28 p.m.)

Supervisor Bulova said that on May 10, at 11 a.m., the Braddock District and Burke Centre communities will cut the ribbons for and dedicate two new walking

and bicycle trails that connect the Burke Centre VRE Station and the communities of Berkshire Commons and Walnut Woods.

Supervisor Bulova explained that these trails are the result of significant community involvement in the design of the new VRE Burke Centre parking garage and the subject of access to the VRE station from the surrounding communities and that there will be a ribbon-cutting ceremony in late June for the garage. As part of the work of the Burke Centre VRE Garage Task Force, the Pedestrian/Bike Access Subcommittee considered a number of trail alternatives and, after much discussion, recommended the two trails that were built and will be dedicated on May 10. The Police Department supports the naming of the trails to avoid confusion and to be able to respond to the correct trail should an incident occur.

To recognize the work of both the task force and subcommittee, Supervisor Bulova asked unanimous consent that the Board approve the name of Berkshire Commons Trail (Trail #1) for the trail that goes south from the station to the community of Berkshire Commons, and Walnut Woods Trail (Trail #2) for the trail that goes east from the station to the community of Walnut Woods. Without objection, it was so ordered.

29. **HONORING MS. KAREN DICKERSON (BRADDOCK DISTRICT)**  
(12:28 p.m.)

Supervisor Bulova asserted that throughout her 20 years as Supervisor, the Braddock District has always been an area where residents both volunteer and lead. She referred to Ms. Karen Dickerson, who has been a tireless advocate for the Special Olympics, as well as a Virginia Special Olympian.

Hailing from the Kings Park area, Ms. Dickerson discovered at an early age her passion for long distance running while attending Thomas Edison High School. Her dedication led her to be part of Team USA and compete in the 2003 World Games in Dublin, Ireland. Despite stress fractures, she brought home the bronze medal for Virginia. Today she still continues to challenge herself by competing in numerous long distance races, including the Boston and Marine Corps Marathons, respectively.

However, Supervisor Bulova said that it is Ms. Dickerson's achievements both on and off the track that led her to be selected as one of the 11 Special Olympics Athletes to run the final leg for the 2007 Special Olympics World Games in China. As part of the experience, Ms. Dickerson was invited to the White House to carry the Flame of Hope to President Bush. The President commended her for her true Olympian spirit and her work as a role model outside of the games to other people who aspire to compete in the Special Olympics.

Therefore, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Ms. Dickerson and her family to appear before the Board on June 23 to

be recognized for her contributions and achievements as a Special Olympic Virginia athlete. Without objection, it was so ordered.

30. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR MR. VANCE ZAVELA (DRANESVILLE DISTRICT)** (12:31 p.m.)

Supervisor Foust said that McLean resident and County employee Vance Zavela is the Advisory Council Manager for the County Office of Partnerships. In addition to the work he does for the County, Mr. Zavela spends countless hours effectively volunteering in the community. Mr. Zavela has been a member of the Rotary Club of McLean for 14 years. He currently serves on the boards of the McLean Project for the Arts, Friends of McLean Central Park, Greater McLean Chamber of Commerce, and Friends of Claude Moore Colonial Park.

Supervisor Foust reported that Mr. Zavela was named Rotary International District 7610 Rotarian of the Year. The honor of Rotarian of the Year is awarded based on nominations from among the 51 northern, central, and eastern Virginia clubs. At the same time, he received the Citation for Meritorious Service from the Rotary Foundation, an honor that is given by the foundation to only one person per year in each of Rotary's 532 districts worldwide. Mr. Zavela's receipt of these two very prestigious awards from Rotary is an extraordinary personal accomplishment and says a lot about the County and the community.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite Mr. Zavela to appear before the Board to be recognized for his receipt of the Rotarian of the Year award and the Citation for Meritorious Service. Without objection, it was so ordered.

31. **FIRST ROBOTICS COMPETITION (FRC) (DRANESVILLE DISTRICT)** (12:33 p.m.)

Supervisor Foust said that FIRST Robotics Competition (FRC) is a unique varsity sport of the mind designed to help high-school-aged young people discover how interesting and rewarding the life of engineers and researchers can be.

The FIRST Robotics Competition challenges teams of young people and their mentors to solve a common problem in a six-week timeframe using a standard "kit of parts" and a common set of rules. Teams build robots from the parts and enter them in competitions designed by world-renowned inventor Dean Kamen and a committee of engineers and other professionals.

FIRST redefines winning for these students because they are rewarded for excellence in design, demonstrated team spirit, gracious professionalism and maturity, and the ability to overcome obstacles. Scoring the most points is a secondary goal. Winning means building partnerships that last.

Once again, the Herndon High School FIRST Robotics teams have had a highly successful year. Here are some of their many accomplishments:

- Vex Team 519 won the FIRST Tech Challenge competition at the Maryland FTC Championship Tournament and was invited to compete at the Championship event in Atlanta.
- Team 116's animation subgroup won the Autodesk Visualization Award for the seventh consecutive time at the Richmond NASA Virginia Commonwealth University Regional competition in March. The animation was chosen as one of five finalists to compete in Atlanta.
- Team 116 won the most prestigious award of FIRST, The Chairman's Award, awarded to the team that best embodies the spirit of FIRST, at the New York Regional Competition the first weekend of April. The team was, by virtue of this, invited to compete at the Championship event in Atlanta, April 17-19.

Therefore, Supervisor Foust asked unanimous consent that the Board direct staff to invite them to appear before the Board to be recognized for their accomplishments. Without objection, it was so ordered.

32. **CONVEYANCE OF CEMETERY PROPERTY TO THE PARK AUTHORITY (MASON DISTRICT)** (12:36 p.m.)

Supervisor Gross said that the Board owns an abandoned graveyard in Mason District that the Fairfax County Park Authority has been maintaining for many years. The graveyard is located on property that contains approximately 8,000 square feet, is zoned to the R-3 District, and is identified on the Tax Assessment Map as 72-2((7)) parcel 15A. This property is an integral part of two other parcels of property the Park Authority has been leasing for public park purposes, which parcels are identified on the Tax Assessment Map as 72-2((7)) parcels 1 and 15. The cemetery property also has historical significance because it was established in the eighteenth century, is registered as an archaeological site with the Virginia Department of Historic Resources, and a Revolutionary War soldier is buried there. Because of the cemetery's historical significance and because of its proximity to other property that is used for public park purposes, Supervisor Gross stated her belief that the cemetery property should be conveyed to the Park Authority for preservation and maintenance. She said that it was her understanding that the Park Authority Board would be willing to accept such a conveyance.

Therefore, Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held on May 19, 2008, to consider authorizing the County Executive to execute, on behalf of the Board, a deed of conveyance, acceptable to the County Attorney, that would convey the fee simple absolute title to the

cemetery property to the Fairfax County Park Authority. Supervisor Bulova seconded the motion and it carried by a unanimous vote.

Supervisor Gross expressed appreciation to the Mason District constituents who have been stewards of this location and brought to her attention that it was still owned by the Board and not the Park Authority.

33. **SCHEDULING OF A PRESENTATION REGARDING THE BACTERIA MONITORING PROGRAM AT THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY** (12:38 p.m.)

Supervisor Gross said that for the past three years (this year being the third,) the Stormwater Planning Division, Department of Public Works and Environmental Services, has mentored the bacteria monitoring program at Thomas Jefferson High School for Science and Technology. Though there are currently fewer students participating than last year, the projects have become more sophisticated in their breadth and scope: asking questions whose answers would benefit the residents of the County.

Therefore, Supervisor Gross moved that Board direct staff to invite the students and appropriate staff to make a brief presentation to the Board its May 19 meeting. Supervisor Hyland seconded the motion, which carried by unanimous vote.

34. **ENERGY CREDIT** (12:39 p.m.)

Supervisor Gross called the Board's attention to copies of an email she received where some constituents asked whether the County gives any property tax credit for renewable energy systems (solar energy, et cetera) installed on a residence. The constituents were told by the Governor's Office that 21 local jurisdictions in Virginia do provide property tax credit, but they could not find anything in the County. They said that if not, why not?

Accordingly, Supervisor Gross asked unanimous consent that the Board direct staff to examine the possibility of instituting such an energy credit program. Without objection, it was so ordered.

35. **WELLNESS PROGRAM** (12:39 p.m.)

Supervisor Gross noted that she presented a Board Matter at the Board's Budget Markup meeting April 21 on the subject of staff's wellness programs. She provided additional copies of the written Board Matter for the Board.

## DMS:dms

36. **NO BOARD MATTERS FOR PROVIDENCE DISTRICT SUPERVISOR SMYTH** (12:39 p.m.)

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

37. **DESIGN PLANS FOR HIGH OCCUPANCY TOLL (HOT) LANES AVAILABLE AT LUTHER JACKSON MIDDLE SCHOOL (PROVIDENCE DISTRICT)** (12:39 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the HOT Lanes Project. See Clerk's Summary Items #20 and #21.)

Supervisor Smyth stated that the 95 percent design plans for HOT Lanes will be available tomorrow April 29, 2008, at 7:30 p.m. at Luther Jackson Middle School. They will be available so that the public can view and comment on them at the public hearings for the Virginia Department of Transportation (VDOT) scheduled on May 20-21, 2008.

38. **ACCESS TO THE FAIRFAX INSPECTIONS DATABASE ONLINE (FIDO) (LEE DISTRICT)** (12:40 p.m.)

Supervisor McKay stated that recently he and Chairman Connolly had a discussion with the Strike Team and Zoning staff concerning the ways they believe that they can become more efficient. One idea that was discussed involved increased access to technology in the field. Inspectors (Strike Team, Zoning, Building Code, and Health) use FIDO to track complaints and cases. Currently inspectors do not have access to this database in the field. About a year ago, the County Attorney opined that remote access terminals could be installed in Board offices to allow inspectors access to valuable FIDO information in the field and save time.

Therefore, Supervisor McKay moved that the Board direct staff to

- Coordinate installation of FIDO for use by field inspection staff in those district offices that wish to have it installed.
- Report to the Board by June 1, 2008, with a timeline on installation.

Without objection, it was so ordered.

Supervisor Gross stated that she would volunteer the Mason District Office to be one of those locations installed with FIDO.

39. **FIRST SYNTHETIC TURF FIELD IN LEE DISTRICT** (12:41 p.m.)

Supervisor McKay thanked Chairman Connolly for coming to Lee District on Saturday, April 26 to break ground on the first synthetic turf field. The field is located at Franconia Park. Supervisor McKay extended his gratitude to the people of Lee and Mount Vernon Soccer and the Park Authority for coordinating the event.

PMH:pmh

40. **FRIENDS OF LITTLE ROCKY RUN POTOMAC WATERSHED CLEANUP (SPRINGFIELD DISTRICT)** (12:42 p.m.)

Supervisor Herrity recognized the outstanding work of 22 volunteers, who on April 5 took the time to participate in the Friends of Little Rocky Run's annual "Alice Ferguson Potomac Watershed Cleanup." The event took place at Willow Ponds Park, located by Route 29 and Stringfellow Road. This was the Friends of Little Rocky Run's largest clean up.

Supervisor Herrity referred to his written Board Matter and outlined the work performed by the volunteers.

Therefore, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the participants in this cleanup to appear before the Board to thank them and acknowledge their commitment to a cleaner environment and the contribution they have made in making the County a better place to live. Without objection, it was so ordered.

41. **RESOLUTION FOR THE FAIRFAX COUNTY FEDERAL CREDIT UNION (FCFCU) ON ITS FIFTIETH ANNIVERSARY** (12:43 p.m.)

Supervisor Hyland said that on April 10, 1958, the FCFCU was founded on the belief that a financial institution committed to provide high-quality service and competitive products to County residents will strengthen their finances and bolster the local economy. Fifty years later, that belief remains true as FCFCU celebrates its golden anniversary. With over 18,000 members and more than \$220 million in assets, the Credit Union has grown with the County and continues to enhance their financial products to meet the needs of their members.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Chairman to sign a resolution, on behalf of the Board, commending the FCFCU on its fiftieth anniversary. Without objection, it was so ordered.

42. **MOUNT VERNON COUNCIL TELECONFERENCING** (12:44 p.m.)

Supervisor Hyland said that the Mount Vernon Council, as well as Lee and Mount Vernon District residents, have been critical of the long commute to the County

Government Center to testify at public hearings. Recently, Supervisor McKay raised the question of whether the Virginia Freedom of Information Act (VFOIA) allowed the Boards, Authorities, and Commissions (BACs) to meet via a teleconference. While VFOIA currently prohibits this, Supervisor Hyland supports an amendment to allow BAC members to hold teleconferenced meetings.

While current VFOIA restricts the Board's ability to telework on Board Mondays, the prohibition is not extended to the residents. As the County promotes the Cool Counties initiative, advocates telework for employees, and encourages all residents to reduce the carbon footprint, Supervisor Hyland believes that it is important that this Board promote public participation in local government by establishing a pilot teleconference program for an upcoming public hearing.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Department of Cable Communications and Consumer Protection, the Department of Information Technology, and the Clerk to the Board, to create a pilot teleconference location to provide testimony at an upcoming Board hearing and report afterwards with their recommendations on future teleconferencing. Supervisor McKay seconded the motion.

Following discussion, with input from David P. Bobzien, County Attorney, regarding the pilot program, Supervisor Smyth asked unanimous consent that the test be something other than a public hearing before the Board, and this was accepted.

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

43. **RECOGNITION FOR MR. DALE RUMBERGER (MOUNT VERNON DISTRICT)** (12:48 p.m.)

Jointly with Supervisor Frey, Supervisor Hyland referred to his written Board Matter and outlined the accomplishments of Mr. Dale Rumberger. He said that over his 32 years of service to the County, Mr. Rumberger has repeatedly been thrown directly into the most challenging positions and consistently proven he can handle them with strength of character and adroit leadership.

Last year, Mr. Rumberger was named Principal of the Year and recipient of the *Washington Post's* Distinguished Educational Leadership Award. Mr. Rumberger planned and led the opening of two schools—Westfield High School and South County Secondary School all the while creating a cohesive school community, developing partnerships to benefit students and schools, and assembling a staff that takes ownership for the success of the school. Mr. Rumberger will retire at the end of the school year.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite Mr. Dale Rumberger to appear before the Board to be recognized for his

incredible 32 years of dedicated service to the County. Without objection, it was so ordered.

44. **COMMUNITY POLICING AT ITS BEST (MOUNT VERNON DISTRICT)**  
(12:50 p.m.)

Supervisor Hyland said that last month, officers were performing road checks on Richmond Highway in Hybla Valley and would ticket drivers who cut through commercial lots to get to Fordson Road or shops in Mount Vernon Plaza thinking they were avoiding a signalized intersection. The District Commander met with a local resident who complained about the enforcement action. Immediately, the District Commander and Lieutenant Commander drove to examine the scene. After consulting with supervisors, senior officers, and a magistrate, the Commander determined it was not a violation, established new guidelines for his officers, and nullified the summons.

Supervisor Hyland asserted that these officers absolutely did the right thing to bring about a positive result. Their willingness to listen, thoroughly research a complaint, and quickly educate their patrol officers should be emulated by all of the County's finest. Supervisor Hyland expressed his congratulations to Captain Mike Kline and Lieutenant Dave Russell for their work.

45. **PLAN AMENDMENT FOR LIGHT GLOBAL MISSION (SULLY DISTRICT)** (12:54 p.m.)

Supervisor Frey said that Light Global Mission Church is the owner of the former Dominion Power property at the intersection of Route 50 and Fair Ridge Drive. The members want to build affordable elderly housing on a portion of their property that is currently approved for 90,000 square feet of office next to Atlantic Realty's retail project.

The Comprehensive Plan recommends mixed use, including retail, office, and institutional uses. Because this plan language was adopted in the last North Area Plans Review cycle, the property owner is barred from submitting a nomination in the cycle that opens in May. The proposal is consistent and compatible with surrounding uses, and in accordance with the County's goal of providing affordable housing opportunities. Furthermore, staff agrees that the request may have merit.

Therefore, Supervisor Frey moved that the Board authorize staff to accept and review a Plan amendment for Sub Unit A5 of the Fairfax Center Area to include affordable elderly housing as an option and to consider it concurrently with the 2008-2009 North County APR nominations. Supervisor Herrity seconded the motion and it carried by unanimous vote.

46. **UNITED AUTO GROUP, INCORPORATED (SULLY DISTRICT)**  
(12:56 p.m.)

Supervisor Frey said that United Auto Group, Incorporated is the applicant of Proffered Condition Amendment Application PCA 2004-SU-028 and Special Exception Amendment Application SEA 2004-SU-027 to modify the building footprint of an approved auto dealership in Stonecroft Auto Park. The application is currently under review by staff.

The applicant has met with members of the Sully District community, including the Sully District Council and the Western Fairfax Civic Association, to share its plans.

Site plans have been submitted or approved on the neighboring two parcels. To allow all construction in this development to proceed simultaneously, the applicant has requested that the Board grant concurrent processing of the zoning applications and site plans, and that the Board public hearing be heard prior the August 2008 recess.

Accordingly, Supervisor Frey moved that the Board authorize a public hearing to be held before the Board prior to the August recess for Proffered Condition Amendment Application PCA 2004-SU-028 and Special Exception Amendment Application SEA 2004-SU-027, as well as concurrent processing of the site plan with the zoning applications.

The applicant is aware that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

47. **FAIRFAX COUNTY GOVERNMENT EMPLOYEES UNION (FCGEU)**  
(12:57 p.m.)

Supervisor Frey said that as part of the Fiscal Year 2009 Budget process, he had the opportunity to meet with the newly formed FCGEU. Its mission is to improve the working conditions of County employees. As part of that meeting, it became apparent that FCGEU members are not provided many of the rights and opportunities which are extended to members of other County unions and organizations. Specifically, FCGEU members are seeking Political Action Committee fund deductions, establishment of a sick leave bank, access to County employees, and the opportunity to participate in the upcoming Lines of Business review.

Supervisor Frey moved that the FCGEU be afforded the same rights and opportunities as are granted to the Fire Fighters Union, Local 2068; the two police organizations; and the Employees Advisory Council. Supervisor Foust seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report with the rights and the criteria that apply. Without objection, it was so ordered.

A brief discussion ensued, regarding the rights and which employee groups apply, with input from Anthony H. Griffin, County Executive.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Gross asked unanimous consent that the Board direct staff to report with information regarding how the sick leave bank is set up. Without objection, it was so ordered.

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

48. **POLICE MEMORIAL WEEK** (1:04 p.m.)

Supervisor Frey asked unanimous consent that the Board proclaim the week of May 5, 2008, as "*Police Memorial Week*" in Fairfax County. Supervisor Gross seconded the motion and it carried by a unanimous vote.

49. **SULLY DISTRICT OPEN HOUSE** (1:05 p.m.)

Supervisor Frey announced that the Sully District open house is scheduled for Saturday, May 3, at the Sully District Police Station.

50. **WESTFIELD HIGH SCHOOL GRADUATE EDDIE ROYAL (SULLY DISTRICT)** (1:06 p.m.)

Supervisor Frey announced that Westfield High School and Virginia Tech graduate Eddie Royal was drafted number 42 by the Denver Broncos in the National Football League draft.

51. **ARROWBROOK CENTRE, LLC EXPEDITED AND CONCURRENT PROCESSING (HUNTER MILL DISTRICT)** (1:06 p.m.)

Supervisor Hudgins said that Rezoning Application RZ 2002-HM-043 and Special Exception Application SE 2002-HM-046 were approved by the Board on December 5, 2005. This action rezoned approximately 53.84 acres located at the Dulles Airport Access Road and Centreville Road to the PDC District. The approval was granted subject to proffers and development conditions including the development and dedication of a much needed park. Recently final development plan amendment and special exception amendment applications were filed to modify certain aspects of the design and uses on portions of the property. Given the nature of the request and the relatively minor impacts, the applicant has requested expedited and concurrent processing.

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

- Schedule an expedited public hearing for Final Development Plan Amendment Application FDPA 2002-HM-043 and Special Exception Amendment Application SEA 2002-HM-046.
- Accept for simultaneous and concurrent processing any site/building plans concurrent with Final Development Plan Amendment Application FDPA 2002-HM-043 and Special Exception Amendment Application SEA 2002-HM-046.

This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards in anyway. Supervisor Bulova seconded the motion and it carried by unanimous vote.

52. **BIKE TO WORK DAY PROCLAMATION** (1:08 p.m.)

In a joint Board Matter with the entire Board, Supervisor Hudgins said that on Friday, May 16, 2008, bicycle commuters in the Metropolitan Washington Area will celebrate Bike to Work Day. The County is participating in the event with rallies at Fairfax Corner, Reston, Springfield, Tysons Corner, and Vienna. Each of the rally sites will have free breakfast and prizes from 6:30 a.m. until 9:30 a.m. The events are being organized by the Washington Area Bicyclist Association (WABA), the Metropolitan Washington Council of Governments (MWCOG), Fairfax County Government, LINK of Reston, and others.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a proclamation designating Friday, May 16 as “*Bike to Work Day*” in Fairfax County and invite representatives of the Bike to Work Day committee to appear before the Board to accept the proclamation at a date to be designated. Without objection, it was so ordered.

53. **COMMUNITY ACTION ADVISORY BOARD (CAAB)** (1:09 p.m.)

(BACS) Supervisor Hudgins said that the Community Action Partnership, which is the national association of community action agencies, has declared May 2008 as National Community Action Month. National Community Action Month, a time to call attention to poverty-related problems. Community Action Month serves to inform all residents—many who are unaware of the poverty in their communities—of the struggles low-income families face and how much worse it would be without the presence of Community Action.

The Economic Opportunity Act of 1964 provided federal support to local community action efforts and initiated strong partnerships between federal agencies and grassroots programs. The United Planning Organization, the District of Columbia's designated community action agency, once administered the County's Community Action and Head Start Programs. In 1974, the Board created the County's own community action agency and in 1980, the Department of Community Action was created and integrated into the regular budget cycle for County agencies. In 1996 it was integrated into the Department of Family Services, with CAAB continuing to provide oversight of the Community Services Block Grant program. The CAAB broadened its focus to include all low-income residents of the County and took on a new role in reviewing and developing new policies and/or reallocation of resources.

Therefore, Supervisor Hudgins asked unanimous consent that the Board proclaim May as "*Community Action Month*," in Fairfax County and direct staff to invite members of the CAAB to appear before the Board on May 5 to be recognized for their dedication to helping people help themselves and each other.

A brief discussion ensued regarding the schedule, with input from Catherine A. Chianese, Assistant County Executive, and Merni Fitzgerald, Director, Office of Public Affairs.

Without objection, it was so ordered.

54. **RECOGNITION OF THE RESTON METRORAIL ACCESS GROUP (RMAG) (HUNTER MILL DISTRICT)** (1:12 p.m.)

Supervisor Hudgins said that for the last year and a half, members of the RMAG, composed of County and State staff, business, and civic organizations, have been meeting to provide oversight, review, and comment on the Wiehle and Reston Parkway Metrorail Stations Access Management Plan (Plan). The Plan is intended to identify traffic improvements that could enhance access within a one-mile radius of Reston's future Metrorail stations by mitigating traffic congestion and improving access to the station by all forms of transportation. The specific emphasis is on feeder bus services, pedestrian movements and bicycle access. Three public meetings also have been held during this time to provide opportunity for comment from the broader community. The fourth and final public meeting on the plan will be held tomorrow night. A program of projects will be developed from the recommendations of the study.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite members of the RMAG, including the consultant team of VHB and the Perspectives Group, to be recognized for the energy, expertise, work, and creativity that has been done on the Plan. Without objection, it was so ordered.

55. **APPOINTMENTS TO THE SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (HUNTER MILL DISTRICT)** (1:13 p.m.)

(APPTS) (NOTE: Earlier in the meeting, the Board made additional appointments to this council. See Clerk's Summary Item #11, page 10.)

Supervisor Hudgins moved the appointments of Ms. Ellen Graves and Ms. Letitia Holt to the Southgate Community Center Advisory Council. Chairman Connolly seconded the motion and it carried by unanimous vote.

56. **RECESS/CLOSED SESSION** (1:14 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. *Henry Penn v. Fairfax County*, Case No. 08-1405 (United States Court of Appeals for the Fourth Circuit)
  - 2. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Record No. 071395 (Sup. Ct. Va.)
  - 3. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
  - 4. *Lenir Richardson v. Zips Dry Cleaners and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)

5. *Irene Richardson and Lenir Richardson v. Andrew Lee Richardson, et al.*, Court No. 2007-0007994 (Fx. Co. Cir. Court)
6. *In Re: Grievance Appeal of Vicki Wood* (Civil Service Commission) (Providence District)
7. *Mary Parker v. Fairfax County Department of Family Services*, Record No. 080375 (Va. Supreme Court)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services v. Khoa Nguyen*, Case No. CL-2006-0014957 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC*, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Zamer*, Case No. CL-2006-0002331 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daisy Hernandez*, Case No. CL-2008-0000404 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Billy E. Del-Cid Solis, Moises Marquez Del-Cid, and Maria A. Marquez*, Case No. CL-2007-0014492 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Puckett and Martha E. Puckett*, Case No. CL-2007-0007807 (Fx. Co. Cir. Ct.) (Mount Vernon District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tom A. Rogers and Patricia A. Rogers*, Case No. CL-2007-0013123 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Norberto Diego Lopez Perez and Norma Rosa Fernandez*, Case No. CL-2007-0015311 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leslie M. Hood*, Case No. CL-2007-0015310 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
19. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor*, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco*, Case No. CL-2008-0004458 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rime Milton Rojas Salguero and Yola Nancy Foronda de Jaldin*, Case No. CL-2008-0004293 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator and Ronald L. Mastin, Fairfax County Fire Marshal v. Rudy Rolando Arispe Flores*, Case No. CL-2008-0004015 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Flores and Marco Flores*, Case No. CL-2008-0004292 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Segundo Paucar and Claudia Padillo*, Case No. CL-2008-0004103 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Karla Soriagalvarro*, Case No. CL-2008-0004726 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher*, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Francisca Ventura and Rudis Fuentes, a/k/a Rudis Vefuents*, Case No. CL-2008-0004424 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C.*

- Barrios*, Case No. CL-2008-0004626 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Somphone Aphayvong, Amalee Aphayvong, and Kay Aphayvong*, Case No. CL-2008-0004735 (Fx. Co. Cir. Ct.) (Lee District)
  33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Javier Nava and Ana S. Nava*, Case No. CL-2008-0004727 (Fx. Co. Cir. Ct.) (Lee District)
  34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Muzio B. Roberto and Mary K. Roberto*, Case No. CL-2008-0004184 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carion Lee Woodson and William Henry Woodson*, Case No. CL-2008-0004628 (Fx. Co. Cir. Ct.) (Springfield District)
  36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas A. Porrás*, Case No. CL-2008-0005010 (Fx. Co. Cir. Ct.) (Lee District)
  37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos A. Gonzalez and Ada I. Gonzalez*, Case No. CL-2008-0004630 (Fx. Co. Cir. Ct.) (Lee District)
  38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdeljaleel R. Shadid*, Case No. CL-2008-0004629 (Fx. Co. Cir. Ct.) (Lee District)
  39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steve Korfonta*, Case No. CL-2008-0005009 (Fx. Co. Cir. Ct.) (Providence District)
  40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Federal, Inc.*, Case No. CL-2008-0004974 (Fx. Co. Cir. Ct.) (Sully District)

41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yahya Feda, et al.*, Case No. CL-2008-0004973 (Fx. Co. Cir. Ct.) (Springfield District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sylvia Brookover*, Case No. CL-2008-0004633 (Fx. Co. Cir. Ct.) (Hunter Mill District)
43. *Michael Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bay National Bank*, Case No. CL-2008-0004181 (Fx. Co. Cir. Ct.) (Mason District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vivian A. Cross and Julio Cross*, Case No. CL-2008-0004936 (Fx. Co. Cir. Ct.) (Providence District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arnel B. Lis, et al.*, Case No. CL-2008-0004632 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Board of Supervisors v. NRM Investments, Inc.*, Case No. CL-2007-0002710 (Fx. Co. Cir. Ct.) (Dranesville District)
47. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
48. *Board of Supervisors v. McDonald's Corporation, et al.*, Case No. CL-2006-0014344 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- Complaint of L.T. Services, Incorporated
- Admin 3 – Clarification of Signage Requirement for Large Area Community Parking Districts

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

DMS:dms

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Hudgins, and with Chairman Connolly presiding.

### **ACTIONS FROM CLOSED SESSION**

57. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:37 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 Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

### **AGENDA ITEMS**

58. **ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), REGARDING CLARIFICATION OF SIGNAGE REQUIREMENTS FOR LARGE AREA COMMUNITY PARKING DISTRICTS (CPD)** (3:38 p.m.)

(A) (Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item #12.)

Supervisor Gross moved that the Board authorize the advertisement of a public hearing to be held before the Board on **May 19, 2008, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), to clarify the signage requirements for large area CPDs. Supervisor Hyland seconded the motion, and it carried by a vote of nine, Supervisor Hudgins being out of the room.

DET:det

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-010 (SKYLINE AMOCO, LLC TRADING AS DISCOUNT GAS) (MASON DISTRICT)** (3:38 p.m.)

The application property is located at 5842 Columbia Pike, Tax Map 61-2 ((17)) (A) 17A.

Mr. Bayan F. Abu-Jamous reaffirmed the validity of the affidavit for the record.

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

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 01-M-010, subject to the development conditions dated April 11, 2008.
- Waiver of the service drive requirement on Columbia Pike.
- Modification of the transitional screening requirement on the northern boundary in favor of that shown on the SE Plat, and as conditioned.

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

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-LE-030 (SPRINGFIELD POST 7327, VETERANS OF FOREIGN WARS OF THE UNITED STATES, INCORPORATED) (LEE DISTRICT)** (3:43 p.m.)

The application property is located at 7711, 7713, 7715, 7717 and 7719 Beulah Street, Tax Map 99-2 ((1)) 44-49.

Mr. Robert F. Flinn reaffirmed the validity of the affidavit for the record.

Mr. Flinn 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, Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McKay moved:

- Approval of Special Exception Application SE 2007-LE-030, subject to the development conditions dated April 7, 2008.
- Waiver of the barrier requirements along the southern and western boundaries of the site.
- Modification of the trail requirement set forth in the Comprehensive Plan in favor of the existing six-foot asphalt trail along the Beulah Street frontage.

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

61. **BOARD RECESS** (3:49 p.m.)

At 3:49 p.m. the Board recessed briefly, and at 3:58 p.m. reconvened in the Board Auditorium with all Board members present, with the exception of Supervisor Hudgins, and with Chairman Connolly presiding.

62. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2007-LE-012 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1996-LE-034-02 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-L-030-12 (LEE VILLAGE AT SILVER LAKE, LLC) (LEE DISTRICT)** (3:58 p.m.)

Supervisor McKay moved to defer the public hearing on Rezoning Application RZ 2007-LE-012 and Proffered Condition Amendment Applications PCA 1996-LE-034-02 and PCA 82-L-030-12 until **May 5, 2008, at 3:30 p.m.** Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

63. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-020-02 (OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY) (PROVIDENCE DISTRICT)** (4 p.m.)

Chairman Connolly announced that the public hearing on Proffered Condition Amendment Application PCA 87-P-020-02 would be deferred until later in the meeting.

(Note: Later in the meeting, the public hearing was held. See Clerk's Summary Item #65.)

64. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING TRASH AND RECYCLING, HIGH DENSITY POLYETHYLENE PIPE, INSPECTION REQUIREMENTS FOR STORM DRAIN PIPE, SHARED UTILITY EASEMENTS, SERVICE DRIVES, AND EDITORIAL CHANGES TO THE PFM** (4:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Jan Leavitt, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued concerning the comparative useful life span of HDPE (high density polyethylene pipe) with input from Michelle Brickner, Assistant Director, Land Development Services, DPWES, and Tim Edwards, Regional Engineer for Virginia, Advanced Drainage Systems, with additional comment concerning the warranty and orangeberg pipe.

Discussion continued on the County's use of HDPE with input from Jimmie Jenkins, Director, DPWES, and Jeff Smithberger, Director of Solid Waste Collection and Recycling, DPWES.

Discussion returned to the warranty with additional input from Mr. Jenkins and Mr. Smithberger.

Discussion continued concerning the use of HDPE in commercial and industrial developments as well as inspection procedures and standards, with input from Craig Carinci, former Director, Environmental Facilities Inspections Division, and current Director, Stormwater Planning Division, DPWES, and Mr. Smithberger.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the PFM and the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), as set forth in the staff report dated February 25, 2008.
- That the amendments become effective at 12:01 a.m. on April 29, 2008.

Supervisor Bulova and Supervisor Gross jointly seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, and Chairman Connolly voting “AYE,” Supervisor Smyth abstaining, Supervisor Hudgins being out of the room.

65. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-020-02 (OAKTON GROVE LLC, AND DEBRA KNISLEY AND SCOTT KNISLEY) (PROVIDENCE DISTRICT)**  
(4:24 p.m.)

(Note: Earlier in the meeting, this public hearing was deferred. See Clerk’s Summary Item CL#\_.)

The application property is located at the terminus of Powdermill Lane, Tax Map 48-1 ((40)) 15 and 16.

Mr. Stephen K. Fox reaffirmed the validity of the affidavit for the record.

Mr. Fox 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, St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 87-P-020-02, subject to the proffers dated April 1, 2008. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

66. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING REGIONAL NON-RAIL TRANSIT FACILITIES** (4:28 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning, presented the staff report.

Following the public hearing, Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding Regional Non-Rail Transit Facilities as contained in the February 24, 2008 ,staff report.
- Changes to line 8 and line 9 of page 2 of the staff report as recommended by the Planning Commission.
- That the amendments become effective at 12:01 a.m. on April 29, 2008.

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

67. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE LANDSDOWNE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)** (4:31 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

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

Supervisor McKay submitted items for the record.

Following the public hearing, which included testimony by one speaker, Supervisor McKay moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, expanding the Landsdowne CPD, in

accordance with existing CPD restrictions. The proposed CPD expansion would encompass Morning View Lane from the north boundary of parcel 99-2((7))I to Tassia Drive. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

68. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SULLY STATION COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)** (4:36 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

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

Supervisor Frey stated that the Clerk's Office had received emails that would be submitted for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Frey moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Sully Station CPD, in accordance with existing CPD restrictions. The proposed CPD would encompass the following:

- Braywood Drive from Sequoia Farms Drive to cul-de-sac inclusive.
- Brookmere Drive from Sequoia Farms Drive to cul-de-sac inclusive.
- Cat Tail Court from Hunting Path Place to cul-de-sac inclusive.
- Glen Meadow Road from Sully Station Drive to Sully Station Drive.
- Harvest Court from Sully Station Drive to cul-de-sac inclusive.
- Honeysuckle Court from Sun Meadow Court to cul-de-sac inclusive.
- Hunting Path Place from Sully Station Drive to cul-de-sac inclusive.

- Kimanna Drive from Glen Meadow Road to the northern boundary of 44-3((03)) 0018.
- Lilva Drive from Glen Meadow Road to the northern boundary of 44-3((03)) 0011.
- Rabbit Run Court from Glen Meadow Road to cul-de-sac inclusive.
- South Hills Court from Glen Meadow Road to cul-de-sac inclusive.
- Sully Station Drive from Braddock Road to the intersection of Westfields Boulevard and Poplar Tree Road.
- Sun Meadow Court from Sully Station Drive to cul-de-sac inclusive.
- Wildflower Court from Glen Meadow Road to cul-de-sac inclusive.
- Windrift Court from Sully Station Drive to cul-de-sac inclusive.
- Woodleaf Court from Brookmere Drive to cul-de-sac inclusive.

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

69. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE SOMERSET COMMUNITY PARKING DISTRICT (CPD) (SPRINGFIELD DISTRICT)** (4:45 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

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

Supervisor Herrity submitted items for the record.

Following the public hearing, Supervisor Herrity moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Somerset CPD, in accordance with current CPD restrictions. The proposed CPD would encompass Valleyfield Drive from Hooes Road to Scott Street. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor Hyland being out of the room.

70. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 119 (GRASS OR LAWN AREA), REGARDING NOTICES OF VIOLATION AND THE APPEAL PROCESS**  
(4:47 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Penelope Rood, Chief, Code Enforcement Branch, Land Development Services, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued concerning foreclosures with input from John E. Foster, Assistant County Attorney. There was further discussion concerning available staff, with input from Ms. Rood.

Discussion continued concerning service cost with input from Randy Bartlett, Director, Stormwater Management, DPWES, and Mr. Foster.

Following the public hearing, Supervisor McKay moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 119 (Grass or Lawn Area), as set forth in the Staff Report dated March 31, 2008 (revised April 1, 2008) except for the provision in Section 119-3-3 relating to the method of mailing notices of violation solely by "registered mail."
- That that portion of current section 119-3-3 providing for mailing notices of violation by "certified or registered mail" be retained.
- That the amendments become effective at 12:01 a.m. on April 29, 2008.

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

71. **4:30 P.M. – PH FOR THE ENLARGEMENT/DE-CREATION/RE-CREATION OF SMALL AND LOCAL SANITARY DISTRICTS FOR REFUSE/RECYCLING AND/OR LEAF COLLECTION SERVICE (DRANESVILLE DISTRICT)** (5:06 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 April 10 and April 17, 2008.

Terry Czarney, Management Analyst II, Solid Waste Collection and Recycling Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved approval of the proposed petitions within Dranesville District, as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1E Within Small District 1 Within Dranesville District (701, 703, and 707 N. West Street)	Enlarge 3 Units	Refuse/ Recycling and Leaf	Approve
Local District 1A11 Within Small District 1 Within Dranesville District (Crescent Lane Area)	Enlarge 6 Units	Refuse/ Recycling and Leaf	Approve
Small District 14 Within Dranesville District (6450 Orland Street)	De-Create/ Re-Create 1 Unit	Refuse and Recycling	Approve
Small District 7 Within Dranesville District (6224, 6526, and 6528 Roosevelt Street)	Enlarge 3 Units	Refuse/ Recycling and Leaf	Approve

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

72. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING FIRE MARSHAL FEES** (5:07 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Keith Johnson, Battalion Chief, Office of Fire Prevention, Fire and Rescue Department, presented the staff report.

Following the public hearing, Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), regarding Fire Marshal fees. Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Herrity and Supervisor Hudgins being out of the room.

73. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 62 (FIRE PROTECTION), REGARDING FIREWORKS** (5:11 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Keith Johnson, Battalion Chief, Office of Fire Prevention, Fire and Rescue Department, presented the staff report.

Following the testimony of two speakers representing the industry, discussion ensued concerning the removal of “responsible adult” from Section 3308.11-1 of Chapter 62 and the interpretation of “readily accessible.” Discussion continued concerning inspections as well as storage and capacity requirements for indoor and outdoor vendors.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 62 (Fire Protection), regarding fireworks. Supervisor Smyth seconded the motion.

Supervisor Hyland noted that there was to be a meeting of the Fire Marshal with industry representatives and asked unanimous consent that the Board direct the Fire Marshal to provide a memorandum which include:

- The issues discussed

- A copy of the entire statute
- A summary of the discussion
- The results of the meeting

Without objection, it was so ordered.

Supervisor Gross asked unanimous consent that the Board direct the Fire Marshal to include in the dialogue of that meeting, discussion concerning the misuse of fireworks and the need for the industry to be more proactive in informing the public on the safe use of fireworks. Without objection it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

74. **5 P.M. – PH ON A PROPOSAL TO ABANDON AND VACATE PART OF THE RIGHT-OF-WAY OF POPLAR TREE ROAD (SULLY DISTRICT)**  
(5:43 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Donald Stephens, Transportation Planner, Site Analyst Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Frey moved adoption of the:

- Order for abandonment of Poplar Tree Road.
- Ordinance of vacation for Poplar Tree Road.

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

75. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 109.1 (SOLID WASTE MANAGEMENT)** (5:48 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 10 and April 17, 2008.

Joyce Doughty, Director, Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Discussion ensued concerning single stream, vehicle identification, and notification of proposed changes to affected haulers with input from Ms. Doughty and Jeff Smithberger, Director of Solid Waste Collection and Recycling, DPWES.

Discussion continued concerning changes to the disposal site designation relating to solid waste destined for out-of-state disposal with additional input from Ms. Doughty concerning US Supreme Court decisions in *Carbone* and *Oneida-Herkimer*.

There was additional discussion concerning the ramifications of deferring the decision on this matter, with input from Jimmie Jenkins, Director, DPWES, concerning the Board's Policy on flow control.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved to defer decision on proposed amendments to the Code of the County of Fairfax, Chapter 109.1 (Solid Waste) until **May 5, 2008, at 3:30 p.m.** Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

Supervisor Gross asked unanimous consent that the Board direct the County Attorney to recirculate his memorandum on the *Oneida-Herkimer* decision. Without objection, it was so ordered.

76. **5 P.M. – PUBLIC COMMENT FROM COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (6:11 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 April 10 and April 17, 2008.

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 there were no speakers.

77. **BOARD ADJOURNMENT** (6:11 p.m.)

The Board adjourned.

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